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Assembly

# OFFICIAL REPORT

## (Hansard)

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# NORTHERN IRELAND ASSEMBLY

## Education Bill Second Stage

Monday 8 December 2008

*The Assembly met at 12.00 noon (Mr Deputy Speaker [Mr Molloy] in the Chair).*

*Members observed two minutes' silence.*

### SPEAKER'S BUSINESS

**Mr Deputy Speaker:** Order. The Speaker has asked me to advise the House that he will be absent from today's proceedings as he is attending a meeting of Presiding Officers in Cardiff.

### EXECUTIVE COMMITTEE BUSINESS

#### Suspension of Standing Orders

**The Minister of Education (Ms Ruane):** I beg to move

That Standing Orders 10(2) to 10(4), inclusive, be suspended for 8 December 2008.

**Mr Deputy Speaker:** Before I put the Question, I remind Members that this motion requires cross-community support.

*Question put and agreed to.*

*Resolved (with cross-community support):*

That Standing Orders 10(2) to 10(4), inclusive, be suspended for 8 December 2008.

**Mr Deputy Speaker:** As the motion has been agreed, today's sitting may go beyond 7.00 pm, if required.

**The Minister of Education (Ms Ruane):** Go raibh maith agat, a LeasCheann Comhairle. I beg to move

That the Second Stage of the Education Bill [NIA 3/08] be agreed.

Go raibh maith agat, a LeasCheann Comhairle. Is mian liom a thairiscint go gcomhaontaítear an Dara Céim den Bhille Oideachais 2008.

I welcome the opportunity to open the debate on the Education Bill. It is the first of two Bills that together comprise the most significant legislative programme in education for many years. I know that the Assembly will take a keen interest in the proposals, and I look forward to a stimulating debate.

Before outlining the scope and general principles of the Bill, I will set it in context by reminding Members of the underlying policy intentions. No one could doubt the fundamental importance of our education system, but it is worth reminding ourselves of its core purpose as set out in the Bill. Education is about more than schooling: its aim is to contribute to the spiritual, cultural, social, intellectual and physical development of children and young people, and of the community at large, and to build confident, creative citizens.

The education system embraces children and young people from birth to the age of 19 and beyond through the provision of services as diverse as Sure Start schemes, schools and youth clubs. As I said in the House last week, it is that public service, more than any other, which has the potential to shape and guide the development and life chances of young people, to build strong cohesive communities, to drive and fuel the economy, and to build respectful and active citizens.

Is í earnáil an oideachais an dara clár is mó caiteachais phoiblí atá againn anseo, le buiséad de bhreis agus £2 billiún gach uile bhliain. .

Education is the second largest public expenditure programme here, with a budget of more than £2 billion each year. It is delivered by nine statutory organisations, more than 1,050 schools, over 200 early-years providers, over 2,000 youth organisations, more than 50,000 staff, many non-governmental organisations, and thousands of volunteers who serve in a range of roles, from school governors to youth-group leaders.

The education system is not merely a significant public service, but a precious resource. It is right, therefore, that the proposed reforms will be scrutinised and debated thoroughly today. The starting point should be the purpose of those reforms.

My aim is not merely to streamline administration or to reduce bureaucracy, but to have a more effective education system, with effectiveness measured in the



terms that matter most to children and parents: a broad education system, educational attainment and the fulfillment of potential. In order to achieve that, we need better planning of the education estate and delivery of the curriculum; better support services for schools and other education providers; more local delivery of services, but within a consistent policy framework; and freedom for school leaders to manage and innovate with clear accountability for outcomes.

Two themes are central to achieving that, and which run throughout the Bill: new structures and new relationships. In reforming the structures, let me make it clear that the deficiencies are in the current roles and arrangement of the organisations, not the people who work in them. Over the past 35 years, many thousands of staff have served with dedication and distinction in the various education organisations, often in very difficult circumstances. They deserve recognition and appreciation for all that they have striven to achieve. However, the structures have become obsolete. Organisations, many of which were established as a temporary measure in the early 1970s, have been allowed to linger for far longer than they ought to have been. New organisations have been grafted onto the system, but not in a coherent way.

The educational challenges have changed beyond all recognition since then, as have the needs of children and young people. However, the education system is still largely based on a 35-year-old temporary solution. Devolution and the new institutions present an opportunity for a new approach that is fit for current needs.

Is léir go bhfuil géarghá le hathruithe san earnáil oideachais. Ar an 25ú lá de mhí na Samhna leag mé béim ar an ngá práinneach le hathchóiriú chun dul i ngleic le tearcghnóthachtáil oideachais agus neamhionannas, agus ba mhaith liom béim a leagan ar an bpointe sin arís eile.

The educational case for change is clear. On 25 November, I emphasised the urgent need for reform in order to tackle education underachievement and inequality, and I repeat that call today. The current fragmented system of education has manifestly failed to tackle those issues and cannot be allowed to continue.

How can we justify five different approaches to education delivery, in everything from special education to fees for music tuition? How can we accept the complex variety of relationships between schools and support bodies? How can we go forward when there is no clear focus on planning the estate or on ensuring that every school is a good school? How can staff work in a system in which accountability is confused and opaque? How can there be equality when the services that children and parents receive are determined by where they live, not by what they need?

When I spoke in the Assembly two weeks ago, I gave figures that showed clearly that our education system is failing many of our most vulnerable young people, such as those from working-class communities, Travellers, ethnic minorities, children with disabilities, school-age mothers and carers, looked-after children, victims of violence — particularly those who suffer as a result of violence inside and outside the home — and victims of homophobic and other forms of bullying.

I will not repeat all those figures, but one may illustrate better than any other the urgent need for reform. The most common measure of a school's performance is its pupils' achievement of five good GCSEs, which is the level of qualification that is a gateway to higher education and often to employment. The latest figures for non-grammar schools show that 45% — 6,844 children — achieved that goal. While some improvement is evident and welcome, that figure shows just how far we still need to go.

Too many young people do not get what they need from education, and every part of our education system needs to do better. Closer scrutiny of that headline figure reveals a variation of results across our fragmented education system, pointing to the need for change. In Catholic-managed, non-selective schools, almost 49% of pupils — 3,510 children — gained five good GCSEs. In controlled, non-selective schools that figure was 41%, which represents 3,334 children.

A gap of 8% is simply unacceptable and is clear evidence that the current system cannot deal effectively with underperformance. Why are schools in one sector consistently outperforming those in another? At this point, I reiterate that there is no room for complacency in any sector. The only possible conclusion that can be drawn is that good practice does not cross organisational and sectoral boundaries. We need a single organisation that is responsible for raising standards in every school in every sector, and in doing so, that organisation must be clearly accountable to me and to the Assembly. I therefore propose to create such an organisation.

Make no mistake: the educational case for change is paramount, but the financial case is also compelling. That is reflected in the business case for the reforms. I have asked for copies of that business case to be placed on my Department's website and in the Assembly Library. The business case shows clearly that by the third year in the first phase of the reform, it will be possible to redirect £20 million a year from administration to front-line services. That is not an insignificant amount. In subsequent phases, service delivery can be improved radically in a way that will release even further savings in order to enhance the quality of services that are available to schools, youth services and non-governmental organisations.



To put that in context, the overall quantum of savings would cover the cost of building three new primary schools and one new post-primary school every year. It would also cover the cost of around 700 newly qualified teachers every year or it would fund the Youth Service capital building programme four times over. I have said that our education system is a precious resource. It is incumbent on me and us all to do everything that we can to ensure that the most effective use is made of every penny that is available to education for the benefit of all our children and young people.

I am confident that the job reductions that will free up resources can be achieved through voluntary redundancies and early retirement in managerial and administrative posts. Every effort will be made to avoid compulsory redundancy. Front-line services will not be cut, and the majority of staff who wish to play a role in the new organisation will be able to do so.

A LeasCheann Comhairle, cé go bhfuil athrú eagraíochtúil iontach tábhachtach, caithfear caidrimh nua agus modhanna nua oibre laistigh d'earnáil an oideachais bheith ann freisin.

Although organisational change is important, it must be accompanied by new relationships and ways of working within education. Let me be absolutely clear: the education and skills authority (ESA) will not be a bigger education and library board — it will be a new and different type of organisation, with a new and different role.

Schools, other education providers and children will be at the heart of the new arrangements. The education and skills authority will be a single, decentralised organisation that is fit for purpose, equipped to help, support and, where necessary, challenge schools in the pursuit of improved standards and in closing the attainment gap.

12.15 pm

As part of my considerations on the establishment of the education and skills authority, I will take into account the Bain Report on decentralisation of public-sector jobs, and will seek to locate the education and skills authority's headquarters in line with those recommendations.

There is already plenty of evidence on the characteristics of successful schools. Those schools tend to have strong, effective leadership from their boards of governors and senior management teams; a strong sense of belonging and accountability in respect of the pupils, parents and communities that they serve; an ethos that pupils, parents, staff and governors support; and the autonomy and support that they need to manage their own day-to-day affairs.

The education and skills authority must foster and develop that approach for all schools. There must be a move away from the command-and-control approach that is all too prevalent in education. Instead, school leaders will be empowered to lead, manage and innovate; be supported to deliver; be held to account for their performance; and be challenged, where necessary.

Is iad seo na tréithe a bhaineann le córas oideachais atá nua-aimseartha agus éifeachtach, agus creidim gurb iad na tréithe seo na tréithe ar ceart do thuismitheoirí agus do dhaoine óga bheith ag dúil leo.

Those are the characteristics of a modern, effective education system. I believe that parents and young people have the right to expect those characteristics to prevail in schools.

A LeasCheann Comhairle. I turn now to the legislation. The Bill that is before the Assembly contains a range of provisions to make the vision that I have described a reality. I will explain the principal provisions in broad terms. First, the Bill captures in legislation the visions and values for education. It links them directly with general duties of my Department and the education and skills authority that are centred on children and young people's development.

Secondly, the Bill will establish the education and skills authority, with the following core functions: planning education; introducing, for the first time, a co-ordinated approach to the education estate and curriculum throughout all sectors and providers; supporting education, with clear statutory duties on the education and skills authority to support schools and boards of governors; challenging education, through setting out clear statutory responsibilities for my Department, the education and skills authority and boards of governors; and employing staff, through establishing the ESA as the employer of all staff in all grant-aided schools in order to allow for a better planned and co-ordinated education workforce.

As an organisation, the ESA will be founded on democratic accountability. The majority of its members will be local councillors. Its objective is effective, responsible local delivery of services within a consistent policy framework. The ESA must be a regional organisation and have a strong local presence and focus on local delivery. Local managers and delivery units will have the freedom to respond to specific local circumstances and need. They will be sensitive to and receive input from local committees that comprise, among others, several elected representatives.

The Bill also contains provisions to dissolve existing statutory organisations and to transfer their staff, assets and liabilities to the education and skills authority. Those provisions are consistent with guiding principles from the Public Service Commission and with the review of public administration in other areas.



Tugann an Bille foráil d'aistriú réimse feidhmeanna ó eagraíochtaí atá ann faoi láthair chuig an údaráis um oideachas agus scileanna; lena n-áirítear ceapadh ghobharnóirí scoile, soláthar sheirbhís leabharlainne na scoileanna agus araile.

The Bill also provides for the transfer of a range of functions from current organisations to the education and skills authority, including, for example, appointment of school governors; provision of the school library service; and raising standards. Building a broad curriculum is at the heart of the Bill, which places clear statutory duties on my Department, the ESA and schools. In addition, it provides for more effective education inspection arrangements in order to ensure that there will be a clear evidence base from which to celebrate success and challenge underachievement.

The Bill also seeks to strengthen and underpin child protection arrangements in education. That will ensure consistency and clarity of roles and responsibilities across the entire education sector and provide for strong powers to intervene, where necessary, to protect children. Further provisions will place the funding of early-years services in education on a formal statutory footing for the first time.

The Bill aims to maximise the autonomy of schools by, for example, giving them the authority to draw up the governance and employment arrangements that they will operate. In relation to the curriculum, the Bill will make my Department responsible for accrediting qualifications and approving courses of education.

A LeasCheann Comhairle, is é seo an chéad Bhille oideachais a cuireadh os comhair an Tionóil ó athbhunaíodh an cineachadh, agus is é an reachtaíocht oideachais is tábhachtaí é le glúin anuas.

This is the first education Bill to come before the Assembly since the restoration of devolution and the new institutions. It is the most important education legislation in a generation, and it will lay the foundations for a new approach to education. It is an approach that is based on the recognition of diversity, the promotion of equality and the achievement of high standards. It is an approach in which we aim to make every school a good school and support every learner to achieve her or his full potential. It is an approach in which every governor, principal, member of staff and child feels valued for what they do and empowered and supported to do it.

It is a system in which leadership and innovation is encouraged, success is celebrated and underperformance is challenged. It is an education system that will put the child at the centre. Molaim an Bille don Tionól. I commend the Bill to the Assembly.

**The Chairperson of the Committee for Education (Mr Storey):** I will speak first as the Chairperson of the Committee for Education, and then I will make some comments as the DUP's spokesman for education.

The Committee has carried out considerable scrutiny on the underlying policies of the Bill. On 26 November 2008, the Committee heard from senior departmental officials in respect of some of its outstanding concerns on a number of policy issues. Certain members of the Committee, including me, have significant concerns about several aspects of, what I will call, the first Education Bill. Some of those aspects will impact on the second education Bill, and I understand that the aspiration is for that Bill to be introduced to the Assembly before the summer of 2009.

The Committee considers it important for its concerns to be brought to Members' attention and be placed on the record at this stage. The first concern is the timing of the two Bills. The Minister regards them as a single legislative programme and as two Acts that are intimately linked. However, her proposed timescale for progressing the Bills through the Assembly places the first on the statute book before the 2009 summer recess and the second on the statute book by 1 January 2010, if possible, but certainly no later than 1 April 2010.

However, the Minister's plan is for the substantive provisions of the first Act to commence on 1 January 2010 and for the provisions of the second Act, if completed, to commence on that date also. The Committee will be questioning senior departmental officials on that and on other related matters on Wednesday.

One of the Committee's key concerns is whether the proposed education and skills authority will actually deliver local services to schools. The Committee needs clarity on the make-up, role and powers of proposed local committees and how those will relate to local managers of the education skills authority. The Committee also needs clarity on the functions of the new education and skills authority's sectoral non-statutory organisations. The Committee considers that their precise role and functions need to be clarified. In particular, the Committee needs to examine the body that will represent the controlled-schools sector, because it will contain a diverse range of interests.

The Committee received a paper on that topic recently, but no consultation has taken place with stakeholders to date. The Committee will scrutinise that matter carefully.

Area-based planning of the future schools estate is another key area. Based on the Committee's scrutiny to date, it appears that, despite the proposed legislation, the Department cannot — or will not — stop individual school sector development proposals, which are contrary to the principles of holistic area-based planning frameworks, for many years. That issue must be addressed.

The Bill makes the education and skills authority the single employing authority for teachers in grant-aided



schools. The Governing Bodies Association, which represents 52 voluntary grammar schools, opposes the proposals, which it believes diminish its autonomy and destroy the voluntary principle and the diversity of voluntary grammar schools. That issue must be addressed. The education and skills authority's single-employer status should facilitate wider redeployment of teachers than is the case at present. However, the exemption of teacher recruitment from fair employment legislation militates against that notion. The Committee has confirmed that the underlying policy on teachers' exemption rests with the Department of Education. That issue must be addressed sooner rather than later.

The Department's policy paper on the ownership of controlled schools has recently arrived with the Committee and will require consultation with relevant stakeholders. The Committee needs to scrutinise that important area carefully. Furthermore, all school sectors must address complex issues on the dispersal or disposal of schools and arrangements for the distribution and use of surplus funds and proceeds of the sales of assets. Again, the Committee will scrutinise that area in detail.

The Committee is awaiting information on the second-tier directorate structure proposed for the education and skills authority. Apart from the costs, that raises issues on the roles and responsibilities of each director. For example, the Committee sought clarity on the role of the director of children's services, queried how that post will complement the work of key partners in the Department of Health, Social Services and Public Safety, the Department for Social Development and the PSNI, and questioned how it will integrate children's services. The Minister referred to the fact that £50 million has been allocated to setting up the education and skills authority and outlined the projected savings of £20 million in year three. The Committee hopes to receive more detail on that matter and raise questions on those important issues.

I will now speak as a private Member and as the DUP education spokesperson, which will allow me more latitude and freedom. However, I am not constrained by the Tory Whip — I have stayed with the DUP Whip.

As I said in the House previously, the Bill should not be considered a blank cheque or a rubber-stamp exercise. During recent months, much has been said about the relevance of the Assembly and the relevance of devolution. If devolution is to be a success, it is essential that Committees take their responsibilities and scrutiny roles seriously.

The legislation must be scrutinised, rather than simply undergoing a rubber-stamping exercise.

12.30 pm

I wish to place on record, not only as Chairperson of the Committee for Education, but as a member of that Committee — and I believe that I can speak on behalf of all members of the Committee on this issue — that we will dedicate ourselves and our work to ensuring that the legislation does what it says on the tin: that it can deliver what the Minister says it can; and that it does deliver for our children and for the best of the education system.

There are a number of serious issues with which we wish to deal as the Bill is scrutinised by the Committee for Education. The single employing authority, for example, is an issue on which, I believe, the Minister has already received correspondence — and not from me, but from senior churchmen in Northern Ireland. The Minister has been very keen in recent days to take advice from leading churchmen — perhaps she will consider the advice of the bishop who wrote to her on the issue of a single employing authority. One of my colleagues will deal with that issue in more detail later.

With regard to an education advisory forum — do we really need a civic forum for education? Do we need a body that will produce reports and not have any power to deliver on those issues — as was the case with the Civic Forum? I think that the jury is out on that one, but our decision is, I believe, already very clear: that can add no value to the Bill.

On the subject of area-based planning, there is an issue about whether that should be coterminous with the new council boundaries, and what role there will be for local learning partnerships. Over recent weeks and months, we had the opportunity to see the value of learning communities — there are many in Northern Ireland that are already delivering good, tangible outcomes for education. There are concerns that there should be a holistic approach, that there should be coterminosity with the new council boundaries, and that the role of local learning partnerships is clearly identified.

The Bill proposes the establishment of sectoral support organisations. Assurances are needed that those organisations do not expand and develop and take on a life of their own. How often have we seen such an organisation going beyond the bounds of what it was originally intended to deliver, as was the case with one of the organisations that is to be dismantled. That is an issue on which we need to have a very clear view.

There must be clarity that there will be no dilution of the position of school governors, and I will come back to that issue in a moment. On the issue of the examinations function, there are concerns that there could be a conflict of interest if ESA was responsible for the preparation and the assessing of examinations. That issue will have to be considered seriously.



The DUP has always been concerned about the excessive amount of change that is being attempted simultaneously across so many elements of the education sector. As the Minister said this morning, the Bill represents another era of change. However, we need to ensure that it is a managed change, because far too often the system has been driven by directives from the Department, but not by direction from the Department. There is a challenge to us all — members of the Committee for Education, Members in the House, the Minister of Education, the Executive and the Assembly — to ensure that that is no longer the case.

ESA offers the potential for streamlined decision-making, reduced bureaucracy, and within a few years, hopefully, annual savings for reinvestment in frontline services. We have expressed concerns about how realistic are some of the short-term savings envisaged by the Minister. In order to maximise efficiency, it is essential that ESA is as lean a structure as possible, and is not top heavy, with too many senior management posts.

We will watch that space very closely. All too often in the past, the aspiration has not become the reality; we must ensure that that is not the case in this instance.

As a result of my party's perseverance, proposals that would have removed the statutory entitlement of the Protestant Churches to appoint transferors' representatives to school boards of governors have been overturned. I welcome that decision, which this House debated and can regard as a success. Representative bodies such as the Council for Catholic Maintained Schools (CCMS) are to be dissolved and replaced by advisory groups that have no statutory or service-delivery responsibilities. A new body will be created to represent the interests of the controlled schools. Many Members of this House will welcome that decision, to which we will give due consideration over the next few weeks and months.

We want, and support, greater autonomy for our schools. The ethos of individual schools should be preserved. As a regional body, the education and skills authority must have a high degree of accountability, with the Education Committee having a meaningful role.

The Governing Bodies Association (GBA) raised concern about the voluntary principle. If the representation that the Education Committee received from the Department last week — that we have a system in which autonomy is given to local schools so that they have the power to make decisions without having to go through a bureaucratic rubber-stamping exercise — is put in place, that will be welcomed by all sectors.

I should have declared an interest as a member of the board of governors of a controlled secondary school. We would relish the opportunity to have the power and authority that some voluntary grammar schools have. We welcome that proposal, but we need

to be careful in the way in which it is brought about. Those are issues that we will continue to pursue over the weeks and months.

Province-wide, consistent policies will now entitle all pupils to the same services regardless of where they live. It will remove the postcode lottery concerning issues such as special needs and home-to-school transport.

During the Committee's intense period of line-by-line consideration of the draft legislation, my party will be to the fore. As well as clarifying the exact detail of the matters that I have outlined, we will particularly be examining the ramifications of the education and skills authority as a single employing authority. A huge amount of work is required. As we come to the end of 2008, we envisage entering 2009 with the purpose of ensuring that the required work is done.

I lay down a warning. Concerns were raised about the Libraries Bill — but can anyone tell me how the Libraries Bill was changed as it progressed through this House? We must not make that same mistake. If this House, the Education Committee and the Minister are to be relevant in delivering the education of our children, this Bill must be scrutinised and amended. I trust that the work that we envisage will be done in a way that will benefit all the children in Northern Ireland.

**Mr O'Dowd:** Go raibh maith agat, a LeasCheann Comhairle. Listening to the remarks of the Chairperson of the Education Committee — and in his role as the DUP's education spokesperson — I find myself disagreeing with him on very little. However, I reserve the right to study the Hansard report in case he slipped something in that I did not pick up.

I have no difficulty with — indeed, I support — the Member's plea for the Assembly and the Committee for Education to closely and robustly scrutinise the Bill. In fact, the Committee has already played a positive role in developing the Bill, and anyone who examines the Minister's public announcements about her changes to the legislation will realise that she has listened to the Committee's opinion on many aspects of it.

For example, the matter concerning transferors, to which the Chairperson of the Committee for Education referred, was of serious concern to many people. It has been decided that there will be no change to the role of transferors on boards of governors, and that is the right decision. Transferors from the Protestant Churches have played a positive role in the education system, and they should be allowed to continue to do so. Therefore, I welcome that decision.

**Some Members:** Good.

**Mr O'Dowd:** I am being praised by the blue-rinse brigade from the Conservative Party. *[Laughter.]* Given that, and the fact that I am agreeing with the



Chairperson of the Committee for Education, perhaps I should sit down while I am ahead.

As the Minister said, the Bill is not an exercise in cost cutting; it is about improving educational outcomes for young people, and that is how it must be measured. Excellent educationalists are working in the education system — in classrooms and on boards — but we do not always have an excellent education system. That system must be refined and managed in a way that is accountable to local communities, the Assembly and broader society.

Another of the Minister's changes — namely that the majority of ESA members will be local councillors — is to be welcomed, because that will afford democratic accountability at the highest level. In addition, the local committees, with which local managers will work and to which they will refer when delivering services, will include locally elected representatives, and that is important. It must also be remembered that ESA representatives will appear before, and be held accountable by, the Committee for Education and the Minister. Therefore, the proposed structure will be subject to several layers of accountability.

I note that UNISON — a trade union for which I have a lot of respect — is concerned that possibly the largest quango in western Europe will be created. I do not believe that that will be the case, because the safety measures that the Minister has put in place with regard to the authority's membership and the membership of local committees, and those bodies' accountability to the Assembly, will ensure that the quango will not run off with public resources.

**Mr B McCrea:** The Member disagreed with UNISON — a trade union for which he has a lot of respect — that the proposals will create the largest quango in western Europe. UNISON also stated:

“there is no evidence that the proposals will produce improved educational outcomes on key indicators, such as numeracy and literacy... the size of the proposed bureaucracy is likely to militate against the local flexible support that schools need on these issues.”

Does the Member agree with that statement?

**Mr O'Dowd:** No, and there are several matters that have been raised by UNISON with which I will publicly disagree today. Nevertheless, in the near future, I will meet its representatives and I will debate those matters with them.

ESA's driving role must be educational improvement, and its failure in that role would mean that the Assembly and the local authorities would have failed hold it to account. However, we are not starting off by envisaging failure — ESA must succeed and educational attainment in the schools system must improve. Moreover, the support mechanism that ESA is legislated to provide for local boards of governors is better than the existing mechanism.

I have a lot of respect for UNISON — and for the trade union movement — but that does not mean that I cannot disagree or interact with it. This is the start of the debate about ESA, and in addition to people in this Building scrutinising and debating its future, the trade union movement will, quite correctly, debate and discuss its implications.

ESA's ability to deliver in the future will depend on resources, and that has not been fully debated. For many years, the education system received increased funding through various initiatives.

However, during future Budget considerations, the Assembly and the Executive will need to step back and look at the way in which education is funded and whether the sector is receiving enough finance to allow any authority to ensure that improvements can be made.

12.45 pm

I have heard Members from all Benches say — correctly — that primary education needs more resources. If that is to be achieved, the entire education sector will require more resources in order to direct the necessary funds into primary education and to allow the education and skills authority to ensure that the necessary changes to, and investment in, the education system will be successful.

I support the Bill for a variety of reasons, the most important of which is that it is not about cost cutting or trimming services and bureaucracy. The Bill must be about improving attainment in classrooms and schools, and ensuring that our young people can be everything that they wish to be. I welcome the fact that the Bill makes provision for the education and skills authority to look after not only children's educational welfare but their spiritual and pastoral welfare. Schools are not only about teaching the three Rs; they are creating young adults for our society. Through its support networks, the education and skills authority will be able to deliver that.

I support the Bill, and I welcome the fact that the Committee for Education will play a robust role in the system and that it will scrutinise the legislation, in the words of its Chairperson, “line by line”. There is nothing to fear from that scrutiny or from the proposal of positive amendments to the Bill. However, amendments must add to the Bill rather than detract from it. I hope that the Committee will not employ scrutiny as a delaying tactic but will use it to provide positive input to the Bill.

Education has been waiting for change for many years. The boards are losing staff at all levels, and, if we are to have a successful education system in future, we must move forward. We need to introduce, as speedily as possible, the review of public administration (RPA) changes that are happening across all sections of Government.



Finally, the Minister and the Department have listened to the concerns about the two Bills. The two Bills are inextricably linked, to use a catchphrase that I heard somewhere else. The first and second Bills are linked because the Committee was concerned that it would be signing up to the first Bill without knowing what the second Bill contained.

The commencement Orders that were outlined at last week's Committee meeting should reassure Committee members who may be concerned about signing up to a second Bill that they know nothing about. The Assembly will be involved at all stages of the process, and, therefore, Members can feel safe in their convictions that they are doing the right thing with regard to the Bill. Go raibh maith agat, a LeasCheann Comhairle.

**Mr B McCrea:** I am somewhat confused by the debate. It was interesting that the Lord Morrow felt the need to intervene. I note that he was sitting on the Front Bench but has moved to the Back Bench. He is just checking out which way his party will go in the debate.

I was struck by the question about what was actually agreed. I heard Mr O'Dowd say that he disagreed with very little of what Mr Storey said. However, if I heard Mr Storey correctly, he gave two separate speeches — one on behalf of the Committee and the second on behalf of the DUP — in which he gave a long list of things about which he was unhappy and which he did not think were right — *[Interruption.]*

If the Lord Morrow wishes to intervene, I will be happy to let him. He does not need to speak from a sedentary position. He need only indicate, in the normal manner, that he wishes to speak.

I considered the comments from DUP Members. I asked Mr Storey whether a deal had been done. He assured me categorically that no deal has been done on the Bill, and I believe him; he is an honourable man.

I will be listening to the debate, as it progresses, and watching to see how Members vote during any Division.

I was struck also by the comments of other leading members of the DUP. When Sammy Wilson was Chairperson of the Committee for Education, for instance, he said:

"The proposal seems to be to move everything into the centre in the longer run and put it into a grand regional education and skills authority that will be remote, inaccessible and unaware of local concerns." — *[Official Report, Bound Volume 28, p214, col 2].*

He was talking about the Youth Service, of course.

I did not detect any great enthusiasm for the Bill from that Member, and neither do I expect any from Miss McIlveen. On the proposal to move the Youth Service into ESA, she said:

"Youth services would have greater long-term security if they were administered by local councils... We must ask ourselves

whether youth services would be better served under potentially the largest education body in Europe. Would that reflect the current situation ...?" — *[Official Report, Bound Volume 28, p219, col 1].*

The Member makes some very good points, and I look forward to hearing her develop them as the debate progresses.

I am not sure whether we have reached agreement on the way forward, despite what Mr O'Dowd says. It seems that we have a great Civil Service response — and I notice that that caused a few heads to pop up. In the absence of policy, we have process. As Mr Storey said, we receive a lot of directives from the Department, but not much direction. The wheels are spinning, but there is no forward motion. We have not tackled any of the core problems in our education system; we have not reached any agreement. Furthermore, we have not found a way to deal with the transfer arrangements from primary to post primary, with whether 14 is the appropriate age for the consideration of those things, and we have not explored what we can do about — *[Interruption.]*

**Mr O'Dowd:** The Member is clearly confused, because his comments do not relate to the objectives of the Bill, or to ESA, which is concerned about restructuring the education delivery system and improving delivery services for education and support services.

Basil McCrea said that I had disagreed with little of what was said by Mervyn Storey, the Chairperson of the Committee for Education and his party's spokesperson on education. Mr Storey read a list of issues that he wants to scrutinise at a Committee meeting. Why would I disagree with his wanting scrutiny to take place at a scrutiny Committee?

**Mr B McCrea:** There are many things that the honourable Member does that I cannot understand, that being one of them. The Assembly is supposed to be trying to find consensus, but that is not happening. Some people are bulling on blindly and saying that they will do it their own way. That is an assault on democracy. Proper debate is not being allowed to happen, because the outcome has been decided already.

**Mr Storey:** I missed the beginning of the Member's contribution in which he referred to me. I do not think that he made any accusations about me, because he said that I was an honourable man. Perhaps, he had too much to drink over the weekend, and his vision is blurred.

If the Member believes that a deal has been done, why would I come to the House and raise my concerns? One must remember what I said. This is a litmus test for the Committee for Education, of which Basil McCrea is a member. Will he assure the House that he, along with his colleagues and the rest of the Committee, will suggest and consider meaningful amendments that will, if necessary, ensure that the Bill is moulded in



such a way that will make it acceptable to Members, instead of saying merely what should be done?

**Mr Cobain:** How can that be done?

**Mr Storey:** There is a legislative process. The Member is a Member of the Legislative Assembly, or, perhaps, he has become a member of the Tory Party.

**Mr B McCrea:** I understand the Member's difficulty. It is difficult for one to reply to a statement that was made when one was not in the Chamber. Had the Member been in the Chamber, he would understand that I was not attacking him; he has jumped to a conclusion. I have heard what he has had to say in the Committee, I have heard his personal opinion, and I know that he has grave reservations about many aspects of the Bill.

If I am not correct, he can say so. I have asked the Member personally, and he will confirm it; I have asked the appropriate people whether a deal has been done. I have been given an absolute assurance that no deal has been done.

**Mr Storey:** Will the Member specify what he means by a deal being done? What does he believe that the trade-off has been?

**Mr B McCrea:** I am only making the position clear, Mr Deputy Speaker, that I have received an assurance that no deal has been done: no deal on the 11-plus; no deal on transfer; no deal on age 14; no deal on anything. In response, Mr O'Dowd said that I was not talking about the right thing. I am talking about the general principles. I heard the Minister say clearly that the whole idea of ESA was to tackle the underachievement in our society and to tackle issues of underperformance. All those issues have been raised and will be looked at. My comments are relevant.

We are fiddling while Rome burns. We are not dealing with the real issues. The Bill is to make life easy for the Civil Service. The origins of the issue started during direct rule when a Minister would fly in, make a few decisions and fly out again. That is not the case now. We have a Minister of Education — allegedly. That —

**Mr O'Dowd:** We definitely have a Minister of Education.

**Mr B McCrea:** I was just checking. Is it you or her?

**Mr O'Dowd:** It is definitely her.

**Mr Deputy Speaker:** I remind Members to make their remarks through the Chair. Mr McCrea has the Floor.

**Mr B McCrea:** Thank you, Mr Deputy Speaker.

We want to tackle the underachievement in our society, and we want to find a more efficient way of organising our education system. I understand what the Member opposite said when he referred to budgets and increasing funding in primary, nursery and other

schools. The Minister told us what she thought was the answer to the question that she had posed. She asked why the underperformance was taking place. However, there is no real answer to, or logical analysis of, why underperformance is taking place. The proposed solution — while not being sure what the problem is — is to look at good schools operating in difficult areas that produce good results, schools with strong and effective leadership, schools wedded to the community, schools with a strong ethos, and schools that have the appropriate level of autonomy so that they can make decisions at a local level.

The Education Bill will destroy all that and it will take away from our schools — our most successful schools — the level of autonomy that they need to make the right decisions for their community. It will not provide them with any additional resources. It will burden them with an overarching bureaucratic system that will take away from the effective education that they provide. Therefore, I am extremely uncomfortable with the direction of the Bill.

It is easy for the Department to issue directives — directives come out in multitudes. Our school leaders and practitioners are overburdened with the amount of direction that they are given. However, they do not receive the resources to implement those directions. We must find a system that will provide some form of local accountability that lets practitioners — leaders in their schools — do what is right for our children.

It struck me when speaking recently on the Health and Social Care (Reform) Bill, brought forward by Minister McGimpsey, that Members opposite supported the idea of creating a huge quango for health. They understood why it is right, with regard to health issues, to have a certain element to look after financial controls, or computer systems, or to deal with certain matters on a regional basis, but they reject the notion that we should have one super quango that handles everything for education. If it is good enough for health, it is good enough for education. It is exactly the same argument.

One thing that really worries me is that the Minister said, if I heard her correctly, that the Bill would introduce clear accountability to me — I do not think that she meant me; I think that she meant her, the Minister of Education.

The truth is that we are witnessing the introduction of politburo politics. There is an absence of democratic accountability. Mr O'Dowd suggested that the Committee would somehow have an overarching view on the matter. I do not see that provided for in the Bill. I see that the matter will be passed on to another quango. Some unpopular decisions will be made. When we are discussing other topics, some Members normally say that the Minister of Education has the support of the



unions, the educationalists, the stakeholders, and of this, that and the other. The truth is that the Minister of Education does not enjoy unilateral support. In fact, by uniting most of Northern Ireland against her proposals, she has managed to achieve the near impossible. Had she adopted a different approach, it might have been possible to consider the Bill in a particular light. However, we cannot support a Bill that will give unfettered control to a Minister of Education who does not listen to democratically elected Members or to the teachers, parents, and, above all, the pupils.

1.00 pm

The proposals in the Bill appear to be the Minister's attempt to gobble up the entire education system. Under the Bill, early-years provision will also be put in the pot. There is a real danger that the authority will take on too much, and that, like so many oversized bureaucracies, it will strain under its own weight. Again, I know that the DUP shared that view, or at least it did previously. No doubt, we will get confirmation of that. The proposals for area planning were also a major concern. Much of the content of the Bill will be greatly influenced by the guiding principles by which area-based planning is conducted. That is an issue of fundamental concern. If one does not know the rules by which the process has been conducted, how can one have any confidence in the outcome?

An equal concern exists that the education and skills authority, being a single employing authority, will further reduce the independence of schools and their ability to manage their own affairs, promote their own ethos and maintain standards. Many teachers and educational professionals are starting to question seriously what this Bill and its sister Bill will mean for them.

There is further confusion over the education advisory forum. No definitive policies have been developed. I am extremely disappointed that the forum has not been included in the Bill, as it will have serious ramifications for the ESA and its workings. The forum will advise not only the Department of Education but the Department for Employment and Learning. It is crucial that we gain full understanding of what that forum will entail as quickly as possible.

The Bill, in its current form, leaves as many questions unanswered as it answers. However, we know that, when the Minister concludes the review of public administration (RPA) process, we will be left with a top-down, centralised education system that will not address many of the most pressing problems in education. It will not allow our excellent educational professionals to flourish, and that will impact on our children. The Bill offers a broad-stroke, ideological approach to definitive and real problems, which may ultimately result in the removal of the best parts of our education system across the board. The Ulster Unionist Party will

not stand back and let that happen. I urge all other parties to reflect seriously on the practical, democratic and inclusive ramifications that the Bill will have for our entire educational system and for our society.

The Ulster Unionist Party's goal is to deliver an education system that provides an excellent education for everyone in Northern Ireland. The party also believes in encouraging education professionals, local communities, councils and children to invest in, and engage with, the system and its development. The Bill does not allow for such input. Moreover, the party does not believe in destroying the parts of our education system that are doing well in order to improve those areas that are not — that is misguided, ideological thinking. As UNISON said — we have discussed this point before — the Bill before the Assembly fails the classic principle of form following function. I do not support the Bill in its current form, but I look forward to scrutinising it further at Committee Stage.

I trust that all the Members who are here today will understand that our concerns are legitimate and serious and that we are asking for —

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

**Mr B McCrea:** I was one word away from finishing.

**Dr Farry:** As the Member knows, timing is everything. He alleged that the Bill is ideological. However, his party — which has joined forces with the Conservative Party — is opposed to the Bill, and, on the left wing, UNISON also has reservations about it. Therefore, in what sense is the Bill ideological?

**Mr B McCrea:** For a minute, I was worried that Dr Farry was not going to intervene, but he was fortunately able to come up with something. As usual, his erudite and incisive brain has picked up on something. He probably saw it on the TV — that is very good.

The Ulster Unionist Party is a party of Northern Ireland — strong within the Union, dedicated to the education of our people, and dedicated to ensuring that society improves for all of us. Dr Farry should, in the words of our leader, Sir Reg Empey, join us.

**Mr D Bradley:** Go raibh maith agat, a LeasCheann Comhairle. Tá áthas orm labhairt ar an Bhille Oideachais inniu agus ar an údarás um oideachas agus scileanna. As an objective witness, I can verify that Mr Basil McCrea called Mr Storey an “honourable man” while he was out of the Chamber. That is the good news. The bad news is that some Members shouted from the Back Benches “so was Brutus”. *[Laughter.]*

When she introduced the Bill, the Minister said that she was:

“not interested in rearranging bureaucratic deckchairs.” — *[Official Report, Bound Volume 35, p256, col 1].*



However, if the transfer issue is not resolved, many people — especially parents and teachers — will see the advancement of the Bill as the Minister ignoring the looming iceberg and proceeding full steam ahead. We must recognise that there is still confusion, anxiety and uncertainty among those who are affected most by the transfer issue. As we face a possible situation of unregulation, the general public may view today's proceedings as a rearrangement of deckchairs as we lurch towards a disastrous situation.

Church leaders suggested recently that academic selection at age 14 could be an area of agreement. The SDLP welcomed that possibility, but alas, little progress has been made on it. We cannot afford to spurn that opportunity — the public demand more than that from us.

For an area that is as small as Northern Ireland, the ESA will be a huge organisation. That smacks of what is known as democratic centralism, which is the way that Gerry Adams runs Sinn Féin. Regardless of how the education and library boards were viewed, there was a perception that there was local access to executives at the highest level and speedy responses to issues that were raised.

A main issue that many people have about the ESA concerns its local interface with schools and youth clubs. Although the Bill does not detail such arrangements, it is worth putting down a marker that we expect easy access to the ESA's services at a local level throughout the North. Access to services and responses from the ESA must be a vast improvement on current services; we do not want schools telling us that the level of access to — and provision of — services is not serving their needs and is not of sufficient quality.

The lofty ideals of legislation can appear laudable on paper, but we need to ensure that their practical outworkings best serve schools and pupils. Although we all agree with the aims of the Bill, especially in relation to raising standards in education, standards cannot be raised on fresh air alone. That requires considerable investment in resources.

We were promised constantly that the ESA would deliver savings of around £20 million per annum, which would be reinvested in front-line services. However, recent statements from the Minister are putting less emphasis on those savings, which makes one doubt whether they will be realised.

If we are to support the Bill, we need solid assurances that the projected savings are still an important element in the establishment of the ESA. Schools will want to know that the promised savings are still achievable and that they will be available to them for front-line services. We need to ensure that the ESA delivers the promised

savings and that it is monitored and reported on annually to ensure that that happens.

We share the reservations of other Members, particularly with regard to the examinations council. We believe that it should remain independent, but it is difficult to see how that will happen if it is placed under the control of the ESA. We need to give fresh consideration to that area.

As I said, standards are a very important part of the education system. We need to ensure that there are effective benchmarks at all stages of the system. There is also a need for an accurate system of measuring value-added data. The SDLP will ensure that the Bill —

**Mr K Robinson:** I am very glad that the Member raised the added-value factor. Will he agree that it is that added value in the classroom and the relationships that have built up over the years between the teacher and the children, the teacher and the parents, the school and the community, the school and its local education board, that have helped the existing system — badly framed as it might be, as the Minister said — to succeed over the past 35 years?

**Mr D Bradley:** I thank the Member for his intervention. Given that many schools have achieved a degree of value added, which is not always reflected in dry examination data, we need a system that will reflect both that and examination outcomes. That is the point that I wanted to make

The SDLP intends to scrutinise the Bill closely, and our support for it is not a given. Unless we can be sure that the Bill will deliver on its stated aims, our support will not be forthcoming. We want assurances on all the points that I raised. Gabhaim buíochas leat, a LeasCheann Comhairle.

**Mr Lunn:** We welcome the fact that the Bill has been introduced at last. It is good to see a substantial piece of legislation in the education field being brought before the Assembly. I do not wish to repeat what the Minister said, but the broad thrust of the Bill relates to raising standards across the board, to the fact that the financial case indicates major savings from year three onwards, and to the fact that we are not looking at a rehashed education board. Although we are quite happy about that, that is not to say that we do not have some reservations, to which I will come in due course.

In broad terms, however, my party welcomes the proposals. We like the idea of a regional organisation with a strong emphasis on local delivery and maximum autonomy for schools. Those concepts have been talked about for months — years, even — and now that there is a possibility that they will come to fruition, we will run with it.



1.15 pm

I also welcome the fact that the Chairperson of the Committee for Education — he has disappeared, and I wanted to compliment him — has said that the Committee will take a constructive view and try to achieve a consensus. I believe him; I think that he means it, and I believe that his view is shared by a majority of the members of the Committee.

Basil McCrea asked whether a deal had been done. I do not know — he has disappeared as well. However, he talked about the two parties doing it their way; I think he used the phrase “bulling ahead”. I do not see it that way. Over the past few weeks and months, I have witnessed a convergence of thinking among most of the parties on the requirement for an ESA Bill. Now that it is before us, I wish it a fair wind. Like other parties, however, we have some concerns that we will develop during the Bill’s Committee Stage and Consideration Stage.

Mervyn Storey raised the issue of sectoral interests being allowed to carry on with major developments in advance of the Bill becoming law. My party has a major concern about that. There is a situation in Larne which is causing great concern. I do not see why some of those developments could not be put on hold in the meantime. Mervyn is back now, but I will not repeat my compliment.

Our most serious concern is around the representation at the top level of ESA, and the requirement that a majority of its board — if I can call it that — be composed of local councillors. I am not declaring an interest; I am a local councillor, so I feel that I can speak freely about those matters. I will not repeat the comment that was made during a meeting of the Committee, but let us just say that there is a possibility that only a minority of members of that board will have the required expertise, while the majority are there purely because they are local councillors, and to make up the numbers. It may be that there will be enough local councillors with sufficient expertise — I do not know. However, having taken note of the performance of local councillors on the existing education and library boards, I am filled with dread. The South Eastern Education and Library Board is in suspension, and the Belfast Education and Library Board is in limbo; that does not bode well for the future.

Why is the ESA board to be composed mainly of local councillors? What have we done to offend the system? Schedule 1(19) of the Bill states that Assembly Members cannot be members of the ESA board. The starting point for all of that was the former Minister’s view that there should not be any democratic representation on the ESA board. We have gone from that position to having a majority of local councillors. That is incredible; there must be a sensible compromise

between those two positions that allows for local democratic —

**Mr K Robinson:** The Member may or may not know that the Libraries Bill, which was scrutinised by the Committee for Culture, Arts and Leisure, was, in its early stages, designed to render the proposed new libraries authority absolutely bereft of any local political or community involvement. The Members of that Committee saw that as a difficulty that would reflect what had happened in the health boards over many years, and they were determined not to allow that to happen to the new Library Authority. I am glad that the Minister of Education has accepted that local councillors, in their new post-2011 format, will have some influence in the running of ESA.

**Mr Lunn:** I accept the Member’s point. He used the phrase “some influence”. I do not believe that it has to be a majority influence — that is the point that my party will pursue as the Bill makes it way through its Committee Stage.

**Mr Storey:** I wish to generate a bit of debate, just in case people have gone to sleep. Just for clarity, will the Member give his definition of “democratic accountability”?

I hear the concerns of Mr Lunn, but can he tell us how we move from a situation where civil servants control all the matters about which Basil McCrea said he is worried? How do we ensure that organisations such as ESA and other bodies that deliver for the community are democratically accountable?

**Mr Lunn:** Democratic accountability will come from the House and from the Committee for Education. However, democratic accountability need not involve a majority of elected representatives on such a board. The ESA will require a certain level of expertise, and I am simply not convinced that a majority of local councillors can provide that expertise or that there is any need for a majority of the board’s members to be elected representatives.

If would be fair enough if, instead of six out of 11 or seven out of 12, that there were three or four elected representatives on the board, as long they brought the required expertise to the job. The ESA is to be the biggest education body in western Europe — on what basis that claim is made I am not sure — but it will be massive and it will need expert leadership. There has been a change of mind, because some Members who wanted no democratic accountability at all on the board now want a majority.

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

**Mr Lunn:** Aye, why not. *[Laughter.]*

**Mr B McCrea:** I share the Member’s concern about the reasons for excluding MLAs from the process, and I am interested to hear his thoughts and suggestions on



that matter. Will he expand on how he thinks Members might be more properly brought into the oversight?

**Mr Lunn:** No; I do not wish to expand on how MLAs can be brought into the oversight, as Basil puts it; however, I see no good reason for excluding them.

**Mr D Bradley:** Will the Member give way?

**Mr Lunn:** Aye, certainly. *[Laughter.]*

**Mr D Bradley:** If MLAs were members of the board of ESA and were also charged with overseeing the work of that board, would there not be a clash of interests?

**Mr Lunn:** That is possible. Surely by now, however, Members know how to deal with conflicts of interest. If a conflict of interest arises, there is a protocol to deal with it: MLAs can withdraw or not take part in a particular discussion. A conflict of interest is not an insurmountable problem; the same thing happens in councils. Surely, there is room at the lower levels of the ESA structure for plenty of local councillors to provide input on their areas, which is perhaps where their influence will be most valued.

I share Basil McCrea's concern about the future of the Youth Service and where it naturally lies, and I agree with him that there is a good argument for involving the new local councils in the control of those services. We have concerns about the accountability of ESA generally. However, that said, the Bill is a document for negotiation.

I get the impression that parties in the Assembly have had a considerable change of view about the future of the ESA and whether it can succeed. I listened to Dominic Bradley's point about the looming iceberg of transfer issues —

**Mr D Bradley:** And regulation.

**Mr Lunn:** And regulation. Six months ago, I thought that ESA was a looming iceberg; suddenly, it is not. A consensus is developing. Who is to say that, with good will and a fair wind, we cannot develop a consensus on the other pressing major issues? I would not like to say that a deal might have been done, but it is possible that there are understandings.

**Mr B McCrea:** There has been no deal.

**Mr Lunn:** No, there has been no deal, but understandings might have been developed. Who knows? However, the matter will involve all Members. Today, we are taking a step forward, which I welcome. I look forward to working with the Committee on taking the matter forward.

**Miss McIlveen:** The Education Bill, together with the Bill that is to be introduced in 2009, could mark what is probably the most important and fundamental rationalisation of education in Northern Ireland. However, if it is handled incorrectly, it could lead to

one of the biggest tragedies in education, which could ruin a generation of pupils. The legislation is an opportunity for the Assembly and the Minister to demonstrate a capability to put aside party politics and sectarian policies and to take a step towards creating the framework for an education system that is fit for purpose, cost-efficient and non-discriminatory.

It is important that the Minister does not adopt her now-familiar approach of digging in her heels but that she takes time to listen, digest, rationally consider and, I hope, adopt any reasonable suggestions that the Committee for Education and Members may make about the legislation. The Minister's way cannot be the only way, and I ask her to approach the subject in a more reasonable manner than she has approached the issues of academic selection or Irish-medium education. By now, she must surely realise that being aggressive and dogmatic achieves nothing but an aggressive and dogmatic response.

I do not wish to repeat much of what has already been said. Unlike Basil McCrea, who took 20 minutes to get to the point of outlining some of his concerns with the Bill, I will deal with my concerns more directly. My colleague Mr Storey has already listed areas that need further attention, and I intend to focus on a few of the issues that need further clarification and which must be urgently addressed by the Minister if the Bill is to be a workable and acceptable piece of legislation.

The first issue is that of the single employing authority, with which clauses 3 to 12 of the Bill deal. It is a centrepiece provision that will result in the establishment of employment schemes in which the education and skills authority will issue employment policies for staff and guidelines for the appointment of staff in grant-aided schools. The intention for the education and skills authority to become the single employing authority is not only to ensure that common employment policies apply throughout the grant-aided teaching profession but to facilitate easier sideways movement between the sectors for staff.

Therefore, why have the Minister and her Department not made any approach to OFMDFM to seek an amendment to the Fair Employment and Treatment (Northern Ireland) Order 1998, given that employment as a teacher in a school falls outside the scope of that Order? The Minister repeatedly tells us about equality of opportunity, partnership and fairness. I want her to step up to the mark in that regard and request that the 1998 Order be amended in order to facilitate true equality of opportunity to all teachers.

Does the Minister really believe that it is fair to continue the practice of requiring a Catholic teacher-training certificate to teach in a particular sector? Is it not time that the Minister showed in deeds, rather than



in empty words, that equality is her primary objective? In order for her to do that and to bring to fruition the spirit and intention of the Bill by creating a single employment authority, she must address that gross discrimination. If the Minister fails with that, there is no point in the single employing authority provision being enacted.

Despite the promises of her Department from a year ago to approach the Office of the First Minister and deputy First Minister (OFMDFM), I understand that nothing has been done. It is not good enough that the Minister and the Department continue to sit on their hands over the issue. Will she undertake to the Assembly today that she will petition OFMDFM to introduce legislation to ensure that that hurdle to fair and equal employment is removed?

Under clause 21, the education and library boards and the Council for Catholic Maintained Schools are to be dissolved. The Northern Ireland Council for Integrated Education and the Irish-medium representative body are not statutory organisations, and, therefore, they do not have to be dissolved through legislation. However, the Bill intends to create sectoral support organisations for Catholic maintained schools, integrated schools and Irish-medium schools. The Minister must clearly confirm that a similar organisation will be created for the controlled sector.

What role will those organisations play? Why are they being retained? What will the existence of such organisations cost the taxpayer? What limitations will the Minister place on those organisations to ensure that they do not seek to extend their influence beyond that which is intended by the Assembly? All those questions are quite reasonable, and we should quite reasonably expect an answer from the Minister. When considering the establishment of a body such as the education and skills authority, which is intended to make efficiency savings, the taxpayer is entitled to know whether there is good reason for retaining other bodies that will be a drain on resources.

*1.30 pm*

Equally, the taxpayer is entitled to know the extent of that drain. Furthermore, if we are serious about having an education and skills authority, we must be extremely wary of creating or retaining organisations that will seek to erode and undermine that authority, otherwise, what is the point of ESA? It is only natural for a sectoral support organisation to seek to expand its influence and to create a role for itself. We need only look at how CCMS expanded its role without further legislation. Therefore, it is vital that the Minister clarifies the position about the issue at the earliest possible opportunity.

The Minister has expressed her intention to begin recruiting for ESA. My party colleagues and I feel that

that is potentially an abuse of the system. At present, there is no legislative status for recruitment to that body, and to begin a major recruitment at this juncture could have a considerable negative impact on the education system. I understand that there is a need to hit the ground running, if and when ESA takes control, but where will the staff to fill those ESA positions come from? The obvious answer is that they will come from the existing education and library boards. Existing vacancy control restrictions, while intended to reduce the possible need for compulsory redundancies, have left holes in the system, which will grow at a fast rate as more staff move to the embryonic ESA or leave the system altogether.

**Mr Storey:** Does the Member agree that we have already had experience of that with regard to the education and library boards? A convergence followed from that legislation. Does the Member agree that it is vital that, in the interim arrangements, the staff and expertise of existing boards converge with the needs of the new body? In that way, we can avoid losing that expertise because employees have decided that their interest and input are not wanted.

**Ms McIlveen:** I agree with my colleague absolutely. The problems that this may create are twofold: there could be an experience deficit in ESA, but more pressingly, all this may present problems for existing organisations and, in particular, for boards discharging their duties in the final lap of their existence. The net result would be a detrimental impact on the education of children.

The Minister must tread carefully and explain to the Assembly how she intends to ensure a smooth transition while maintaining high standards of administration delivery to the education system.

There must be continuity of service, and the current organisations must maintain their capability to function up to, and including, the final day of their existence. Until they cease to exist, those organisations — not ESA — will deliver the huge volume of essential front-line education services. The continuing need and entitlement of young people to education services will be as great today as it will in six months' time, or in the final weeks of the boards' existence. It is for the Minister to ensure continuity.

The boards cannot afford to be winding down while they are winding up, and to avoid that, the Minister must not allow ESA to asset-strip the boards of talent, or to diminish morale within those organisations by recruitment to ESA before a legislative basis exists for it. To do so would disregard due process and the rightful role of the Assembly in ensuring proper scrutiny of legislation. Members would be faced with a fait accompli, in the form of appointments that would be costly to freeze or reverse; and such a reversal



would waste public funds and cause embarrassment to the Minister and her Department.

Moreover, while there must be some movement of high-level staff into ESA in advance of the takeover date, that will not be necessary until the autumn of next year, and, even then, it should be subject to the first Bill having completed its passage, and the second having been brought to the Floor of the House. Any other arrangement would put the operational cart before the legislative horse.

The Minister must also ensure that all her energies are not focused on establishing ESA; she must also support and sustain the existing structures to ensure maximum delivery. For the sake of young people, it is vital that she does not take her eye of the ball.

It is also vital that the Minister does not simply employ outside staff at ESA; were she to do that, ESA, when it becomes functional, would not have the benefit of the valuable skills and experience of those who currently work in the boards.

**Mr B McCrea:** Will the Member comment on the issue of the Youth Service in the new system, which is a matter that she has previously raised in the House. Does the Member still believe that the Youth Service will inevitably become:

“the Cinderella service of the Department of Education” — [*Official Report, Bound Volume 28, p219, col 1*].

— if kept within the ESA? Does she still support moving the Youth Service to the councils?

**Miss McIlveen:** Obviously, the Member has digressed from the point that I was making. However, I have previously placed those beliefs on record, and I still hold them. I will bring that view to the Committee when we examine the Bill.

Returning to the point about employment within the ESA, it is vital that such skills and experience be harnessed, not ignored. It must be made clear that there will be a transfer of staff into the ESA. Clearly, there are very committed staff at all levels in education, and they will continue to work hard to deliver the best possible services, as they have until now.

It is hard to be fully enthused about something until one knows whether one will have a part to play, and what that part will be. Furthermore, it is natural that questions are being asked by education staff in respect of whether they will still have a job, what that job will be, and where they will be working.

It is essential that the Minister and the Department keep morale high throughout that period of uncertainty, and the only way that that can be achieved is through full disclosure and consultation. If morale deteriorates, so will the service that is provided, and that will ultimately affect the education of children. The Minister and her Department must avoid that situation.

As for area-based planning — an issue that is mentioned in passing in the Bill — that process must be carried out based on the proposed new council boundaries. I ask the Minister — as the Chairperson of the Committee for Education has already — to clarify what role local learning partnerships will have. The Committee believes that those partnerships have a valuable role to play.

I wish to highlight several matters — which other Members have already mentioned — for which the Committee deserves a great deal of credit. Much has been said about opposition to the ESA in the past, but the Committee has fought hard on a number of issues and has achieved vital concessions that have allayed a number of its fears. More still needs to be done, particularly in relation to teacher employment and equality, but the Committee is mindful of the concessions that have been achieved so far. That is particularly the case in respect of the retention of the transferors on boards of governors, the removal of whom would have caused greater inequality in our schools than currently exists.

A further concession that has been gained by the Committee is an assurance that a second Bill that deals with the ESA will be presented to the Assembly before the Final Stage of the Education Bill. That means that the House will be able to ensure that the promises that have been made in respect of the new authority are realised in legislation, and that there will be local delivery of services — which the Committee felt would have been lost in a huge, centralised quango. Such safeguards for education have been established as a result of the hard work of the Committee and these devolved institutions.

In conclusion, I agree with the concerns that were highlighted by the Chairperson of the Education Committee. The matters to which I have referred are not an exhaustive list of concerns in respect of the Bill — clear guidance must be provided by the Minister and her officials. We have an opportunity to make a significant change in the schooling of our children and young people, and that opportunity should not be missed or incorrectly implemented. I ask the Minister to carefully consider the issues that I have raised and to respond appropriately.

**Mr McCausland:** Education is one of most important elements in any society. It is particularly important that we get matters right in respect of the administration of our education system.

Back in the early 1970s, the education and library boards were introduced. Those boards replaced the previous system, and have been with us for 35 years or so. Therefore, it is important that we get any new system absolutely right, because that is of primary



importance in delivering a good-quality education system in Northern Ireland.

Over the years, there have been several attempts and various proposals to reorganise the administration of education. For example, there were proposals to reduce the number of boards, but that initiative fell by the wayside.

We now seem to be on the way to change, but it is important that it be the right change. Change in itself is not necessarily a good thing — it can be change for the better, or change for the worse. It is important that we make sure that it is change for the better.

The Minister spoke about a system that is effective and efficient. Those are hopes and aspirations with which everyone concurs. I will add a third “e” to that list: the system should be equitable as well as being effective and efficient. It should also be fair to all the different sectors so that none is advantaged and none disadvantaged — as has, unfortunately, been the case in the past. It is clear that there are deficiencies in the current system.

The Minister went on to say that the current system is failing certain groups, and she listed some of them. It is true that certain groups in our society are not achieving the educational success that they should be achieving. However, many factors militate against academic and educational achievement; the structure — the architecture — is but one of them.

I hope that in the process that we are about to start in the new year, the role of the Committee will be properly recognised and that every opportunity will be taken by, and given to, the Committee to scrutinise and amend the Bill as appropriate. It is absolutely imperative that we have enough time to do that job thoroughly. The issue is complex, and there are many aspects to it. We need to get it right.

The Minister spoke about harmonisation across the different areas of the Province. It is understandable that there is criticism when a youth club in one area, and under one system, receives funding, while, in a different board area and under a different system, another youth club does not. It is important that there is equity across the Province.

In speaking of equity, I return to my earlier point: primary equity must be between the different education sectors. As my colleague Michelle McIlveen said, some progress has been made. A number of issues have been addressed; but more needs to be done. I hope that we have the time to make those changes in order to get a good result from the process. I welcome the fact that the second Bill will be introduced so that we can see it before the first Bill completes its course.

A number of specific issues will emerge over the coming months. There is certainly an issue regarding

the single employing authority, about which two of my party colleagues have already spoken. There is the issue of the Roman Catholic teacher training certificate, which is something that has been discriminatory. That is not just an issue for Catholic schools, it is an issue for integrated schools in which some teachers have been required to have the certificate in order to teach in that sector. People from both Protestant and Roman Catholic communities have come into my constituency office to express concern about that matter. Some of them have taught in Catholic schools and in integrated schools in England but were not able to gain employment in Northern Ireland.

There is also an issue concerning the working environment. Some years ago, the education and library boards drew up a protocol with the trade unions about the working environment in schools and what constituted an appropriate working environment for staff. That protocol did not apply to all teachers, because the boards did not employ teachers in the Catholic sector — they simply employed ancillary staff in the Roman Catholic sector. However, that will become an issue, because it is not just about the recruitment of teachers, as regards the Roman Catholic teacher training certificate; it is also an issue about the nature of the environment in which those teachers work. During the course of the year, we will need to tease out the implications of that very thoroughly.

There are also issues around the architecture as regards the sectoral support organisations. That has been touched on already by my colleagues, and I will not repeat what has been said, but it is one of the most obvious areas of inequality and unfairness in the current system, and has been a major source of grievance.

Sectoral bodies already exist, such as the Council for Catholic Maintained Schools, and in a different form as regards integrated and Irish-medium schools. However, the rights and interests of the controlled sector have hitherto not been adequately or properly represented. In the future, equality must be ensured.

*1.45 pm*

The Minister has a love and deep affection for the word “equality”; she talks about it constantly. Meeting that equality will be one of the most fundamental tests of what emerges from this process. The current system has given distinct advantages and preferential treatment to some sectors over others. The DUP, and I as an individual Member of the Assembly, will ensure that that equality test is applied fully, thoroughly and fundamentally throughout the process. We will not sign up to anything that does not deliver equality.

As a member of an education and library board, I am concerned about the impact that the recruitment of staff will have on boards during the interim period. We have already seen a negative impact on the library



authority, with staff disappearing into the new body or simply disappearing into early retirement. I am concerned that there might, in the coming year, be a situation whereby the embryonic authority, in shadow form, would strip away senior staff from the boards. That could have a detrimental effect on the education service delivered to schools in that interim period.

I have a concern, too, about membership of the board. I understand, and I may be wrong, that to become board members, candidates will have to apply and be interviewed. I do not know whether the Minister will set an 11-plus-style test for them. Perhaps it should be a 40-plus test, but there should be some type of test. I do not know how the Minister will do that because she is obviously very much against testing. However, whatever board emerges, it must be truly representative of all Northern Ireland and all sectors, and be a board on which there are the requisite skills to provide a good service to schools.

My colleagues spoke about autonomy for schools. It is clear from presentations that were made to the Committee for Education that local schools want to have maximum control over their own affairs. That is something for which schools made a strong case. How will the Bill affect that autonomy?

What will be its impact on area-based planning, and on local issues such as procurement processes? Will there be some sort of subregional structure to carry out procurement processes in different areas? What will be the nature of any subregional structure, as was proposed for the library authority, and how will it be brought into effect? That which is appropriate for Belfast may be more than slightly different from what is appropriate for the north-west, or for Fermanagh or Tyrone. It is important, therefore, that we get the whole package before making any final decisions.

I share the concerns of my colleague Michelle McIlveen about the Youth Service. As a result of experience in, and involvement with, the Youth Service, I know that the Youth Service often has a very close relationship with community services, and with services that are delivered through local councils. Therefore, I am not fully convinced about proposals that the Bill should incorporate the Youth Service. The Youth Service is already poorly treated, with a single Department dealing with education and youth. In the past year, the Youth Service has been seriously underfunded because the Minister decided to deprioritise it.

I fear that having a single authority to deal with all those things might be a temptation for another deprioritising of youth. If the Department and the Minister are doing it, what is to stop ESA doing it? That leads to the series of caveats, concerns and reservations that we have outlined. Nevertheless, there is a strong case for having a single, overarching

authority. I hope that, over the next year, the Department gives the Committee the opportunity to ensure that all that is required is done in order to produce a good result.

**Mr K Robinson:** I declare an interest as a governor in two controlled primary schools.

Many Members have drawn attention to the equality issue that the Minister must address. No longer should we have a one-way street that allows teachers to move from controlled schools into maintained schools, but not the opposite way because of the certification requirement. I hope that the Minister will address that; it is a fundamental issue of concern to the Committee.

Nelson McCausland reminded us of previous attempts to reorganise education. At one stage, the five boards were to be reduced to three; however, a decision was not reached on whether it should be east, west and Belfast or north, south and Belfast. A political balance was required but could not be struck, and, therefore, the five boards remain.

I am concerned about the potentially draconian powers that will be assigned to the ESA as a central body. Those powers are most worrying, and it is difficult to understand how anyone in their right mind would approve them without the most careful consideration. I am glad to hear that my colleagues on the Education Committee have decided to treat the proposal with utmost caution.

In their current form, the proposals are unacceptable, and will make it difficult for schools to attract and keep governors. At a meeting last night, I was speaking with governors who are already expressing fears that their current duties are much more than when they took up their posts. The duties that may be imposed by this legislation frighten them quite considerably.

We have also heard that the proposed reorganisation will lead to difficulty in dealing with the myriad local issues that schools face daily, and to which the education and library boards respond quite effectively and in an understanding and professional manner.

The Minister's inability to establish clarity about the transfer arrangements leaves the whole landscape of education reform somewhat unclear. What is the point of creating structures for the sake of doing so, without the transfer procedure being agreed in advance? The Minister's approach to the issue of transfer means that it is not unreasonable to say that the Ulster Unionist Party is concerned about the proposals that she has indicated will be in the Bill. Members are also aware that waiting in the wings is the second, unseen Bill, which is another cause for concern.

Indeed, there seems to be some confusion about the statement made recently by the Minister on this subject. At that time, my colleagues and I were given



inadequate time in which to consider the statement that she made to the House. We were not sure which of the two scripts that eventually emerged was the one on which the Minister should be questioned.

If the Minister of Education moves the Bill forward, there is the risk that the ESA will grow like Topsy — becoming uncontrollable in size. The ESA will become too remote to deal with individuals or schools on smaller, day-to-day, absolutely fundamental issues. The manner in which the boards have responded to them in the past, although not perfect, has been understanding, and the boards have built up a reservoir of interpersonal skills that have been most useful in many difficult situations that never reach the media or the white ivory tower of the Department of Education headquarters in Bangor. Officers on the ground who are trusted by schools' principals and staff dealt with those situations.

Ulster Unionists are also concerned that the legislation is proceeding in two parts. That means that we are not seeing it in its totality. Therefore, the ultimate, rather than the intended, outcome is just not known. If the first Bill is agreed without the maximum amount of scrutiny, who is to say what will be introduced in the second Bill? Those are some questions that, unfortunately, remain unanswered.

Given the Minister's declared intentions, and her approach thus far, it would be naive and foolish not to give the most detailed and rigorous scrutiny to any move that she makes on this or any other issue.

Some people have referred to the curriculum, as proposed, as a "Trojan Horse" that would be used as a vehicle to effect significant change. That is the sort of disturbing sentiment that implies the wholesale destruction of, rather than building on and expanding, what is currently best in the system. Many people see an ideological agenda at work, which is directed by the Education Minister and implemented through a large quango, namely the ESA. Many people also suspect that that agenda will, ultimately, dismantle existing good practice in schools, instead of building on it and extending it across the wide range of abilities and interests with a far greater and more sensible emphasis on the key basic skills of reading, writing and mathematics.

I refer back to the Minister's opening statement comments about underachievement. How many times must it be reinforced that all those widespread, wholesale changes for the sake of change are not needed? Many problems that concern the Minister and the other Members in the Chamber could be tackled simply by investing properly and systematically in early-years and primary education.

The Minister must talk to her colleagues in secondary education, grammar schools and further education. She must talk to whatever stakeholders of

whom she cares to think. They will all tell her the same thing: without basic foundations, the house will fall down.

The world is a difficult place. It gets more difficult by the day due to the credit crunch and the economic downturn. The Assembly will do children no favours if they are thrown into a woolly curriculum instead of being prepared for real life. That is why the education debate must be based on firm educational grounds, rather than on some woolly agenda. That is why the direction that education will take must be decided upon before a big bureaucracy is created to drive forward something that is as yet undecided. Surely, cause must predate effect.

I refer to another comment about a new and different type of body. It has been said that Members do not understand what the new ESA is all about. We fear that we do understand. In the debate, the Minister said that the new body will drive forward and challenge schools. I ask who will challenge schools. From where will the necessary expertise and experience come? Where will the credibility of those persons be established?

Will it be in the educational world, which, for the past 30 years, has wrestled with civil unrest, yet created an oasis of peace and tranquillity in schools and maintained educational abilities and attainments? Or will someone be drafted, or parachuted, in who has no experience or interpersonal skills in dealing with schools as corporate bodies and with the communities that they represent as cohesive units? There is, therefore, much about which I am concerned.

I loved the little tête-à-tête across the Floor of the House between John O'Dowd and Mervyn Storey, in which John would not disagree too much with Mervyn —

**Mr B McCrea:** And Mervyn would not disagree too much with John.

**Mr K Robinson:** Oh, I do not know about that. Mervyn, being an honourable man, will, of course, speak for himself.

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

An awful vision of 'Blue Peter' flashed across my mind: it was a "Here is one that I made earlier" scenario. John O'Dowd said that the education system must be refined. If it simply needs to be refined, why must it be smashed down and built back up again? If a vehicle exists that delivers something that merely needs to be refined, surely only the mechanic is needed to work at it? The scrapyards man does not need to arrive on the scene.

The boards are losing staff. That is a serious issue, with which I want to deal. The ESA implementation team is out there talking to board members and different sections of the boards' staff. Presumably, that exercise is meant to reassure people and to focus



reform. However, one piece of writing that came before me asked how local is local? There will be regional delivery and local area support teams. I envisage labels going up on doors along corridors throughout the country. We have seen all that before.

One might ask what a local area support team is. It is a multidisciplinary team that works directly with schools in youth-work settings to provide all the support and advice that they require on a day-to-day basis — and here comes the punchline — within an agreed regional framework. Therefore, those local area support teams will do all those wonderful things, which we all wish for and applaud, but they will do it within a regional framework that will be pushed right down from the top.

2.00 pm

What is the change going to be? What impact will the new system have? How local is local? Are we talking about the new council boundaries or the existing education and library board boundaries, or will there be a blurring of both? Local groups have worked well in Limavady, Craigavon, Strabane, and elsewhere. What will happen to the hard work that those professionals have undertaken to ascertain and address the real problems and to produce an agreed solution?

Some questions remain, and the jury is still out. However, we will scrutinise the Bill firmly and fairly. As has been said, we cannot afford to get this one wrong.

**Mr Poots:** I broadly welcome the fact that we are examining this piece of legislation and moving the process forward. The review of public administration — which was started by the previous Member to speak's party — commenced a long time ago, and progress has been limited. Education is one key area where change needs to be made.

I do not have a great deal of affection for the multiplicity and tiers in the current system, in which five boards and numerous other bodies oversee education. Different boards have different standards and priorities, which means that there is not the consistency that there should be across Northern Ireland. We broadly welcome the Bill and the opportunity to examine the legislation, but that does not mean that we going to give the Minister carte blanche by endorsing every aspect of the Bill. There are aspects of this piece of legislation that the Committee and Members of the House will seek to change. I urge the Minister to demonstrate a willingness to co-operate on the sensible and rational proposals that Members and the Committee will make.

I require much more clarification on the role of the subregional bodies. I am concerned that they will create more layers of bureaucracy than are necessary. The information that we have been given about those bodies is light, and more is needed. I also have

concerns about the intervention powers that the ESA will have to challenge the autonomy of local governing bodies. It has been indicated that the ESA will not micromanage, but the legislation needs to outline that clearly. The ESA must allow some autonomy at local level, particularly in local schools.

I am also concerned that the Council for the Curriculum, Examinations and Assessment (CCEA) will lose its independence, and that the legislation will make it part of the ESA. It may be beneficial — in order to sell our education process outside Northern Ireland and for young people who wish to attend universities outside Northern Ireland — to have an examinations body that is clearly and wholly independent of the education process. It may be in the wider interest to ensure that CCEA is clearly identifiable as an independent arbitrator.

**Mr K Robinson:** Does the Member agree that it is vital that our education system's qualifications are recognised across the UK and throughout the world? The Member has firmly and fairly made the point that our high standards must be recognised and must correlate with high standards elsewhere.

**Mr Poots:** I agree; it is crucial that qualifications gained in Northern Ireland are independently credible. That is why I put down that marker.

Some Members mentioned the Youth Service. Many of those services are community-led and would be better managed by councils in association with education bodies. There is a clear linkage, and both sectors should work together, with one taking a lead role. Councils are, probably, better placed to take the lead role and to work closely with the education and skills authority to ensure delivery. I look forward to scrutinising the legislation during the Committee Stage.

**Dr Farry:** I support the Bill's Second Stage and welcome the progress to date. I am pleased to see detailed legislation, particularly in the field of education, on the Floor of the Assembly.

I concur with the broad rationale and the aims and objectives of the education and skills authority. Educational administration in Northern Ireland is inappropriate for a region of its size and population, and there are too many strands of bureaucracy. It is more important to release funds to invest in front-line services that will benefit pupils and equip them with resources such as IT and books. Moreover, that investment will allow teachers, and the classroom assistants who ably support them, to continue to provide that service. That is how resources should be deployed.

The Bill identifies that delivery of the proposals will, potentially, cost more than £40 million. Although I appreciate that this exercise will incur reorganisation costs, I am slightly concerned — from a Finance Committee rather than an Education Committee



perspective — by the degree of that commitment. However, the potential savings of £19 million a year are attractive. It will be interesting to see whether the reorganisation costs can be recovered within two years or whether that process will take longer. All Members will have an interest in that matter.

**Mr D Bradley:** Does the Member agree that we need to have more than “interest”? We need to ensure that the predicted savings are realised.

**Dr Farry:** I agree. The issue of savings does not lie directly with administration — as important as that is — but lies in the functioning and delivery of area planning and sustainable schools. Those areas are closely linked to the creation of the education and skills authority.

There is massive duplication in the Northern Ireland schools system that is caused by bureaucracy and the provision of buildings. Area planning is important in order to make progress on providing a modern schools estate that is fit for purpose and that enhances the opportunity for pupils from different sectors and backgrounds to interact and avail themselves of various courses in different settings. The major challenge is how the education and skills authority will facilitate the robust progression of that area-planning process. If that process is successful, the potential savings to the system — which will be available for reinvestment — should dwarf the potential £19 million saving on bureaucracy. Although it is a work in progress, it is an exciting opportunity that will, potentially, benefit the public purse and the welfare of children in Northern Ireland.

**Mr B McCrea:** I am pleased to hear that the Member considers it an exciting opportunity and that he is only “slightly” concerned about the financial implications. Has the Alliance Party given up its role of official opposition? Does it now fully endorse all proposals introduced by the DUP and Sinn Féin, or will it play its part in the democratic process?

**Dr Farry:** The Alliance Party, since its formation, has always played its part in the democratic process in Northern Ireland; we are not in the Assembly to provide opposition for opposition’s sake — as some have accused us of doing. We are here to judge each proposal on its merits; we back DUP proposals if we feel that they are the correct way forward —

**Mr Storey:** When?

**Dr Farry:** Rare as that may be, before Mervyn gets too excited. At times, we will favour Sinn Féin proposals. That is what the electorate of Northern Ireland expects of all in the Assembly: that we judge issues on their merits rather than playing party politics and judging proposals according to the party proposing them. We are here to focus on the issues and the good of the

people of Northern Ireland rather than engage in point-scoring.

The Alliance Party is here as a constructive opposition, and where we find that things are failing, either through the content of proposals or the absence of progress on particular issues, we will not be shy in raising those issues, as we have done over the past 18 months of the Assembly. We look forward to continuing in that role. Of course, there will be details in the Bill that will have to be addressed at Committee Stage, and I have full confidence in my colleague Mr Lunn to address them.

On the issue of the level of elected representation on the board of ESA, we must accept that the context of democracy in Northern Ireland has changed significantly since ESA was first envisaged. We now have full proper devolution at a regional level through this Assembly — I hesitate to use the term “stable democracy”, but I hope that the system that we have will be durable and that we will not be subject to the stop/start politics of the past. It was appropriate for people to advert to the problems of bureaucracy in Northern Ireland before devolution, given that locally elected representatives did not have much say over decisions that were taken — in fact, few people in Northern Ireland had much say over how decisions were made.

**Mr K Robinson:** Does the Member agree that one of the reasons that people in Northern Ireland did not have an input to democracy was that there were so many quangos in operation during that period? Perhaps his party had some experience of those quangos.

**Mr B McCrea:** Given that it chaired most of them.

**Dr Farry:** The reason that we did not have democracy in Northern Ireland was not a matter of quangos; they were a response to the inability to sustain a form of power sharing at a regional level in this place. Several factors contributed to that, but it is not constructive to go into history in any greater detail.

As for local accountability, the primary body to hold ESA to account should be the Assembly — specifically the Committee for Education. I am not convinced that six or seven councillors from across Northern Ireland can provide the missing link of democratic accountability. First, they will not represent each of the 11 new council areas — some areas will not be represented. Secondly, it is unclear how those representatives and the makeup of that representation will be chosen. On the other hand, it is worth stressing that the complexity of education and the background of the different sectors that will be brought together in ESA should place greater emphasis on the range of professional expertise that we have in the system; it should ensure that all perspectives are properly catered for and that no aspect is left out. We do not need so much emphasis on local



representation as perhaps there was in the absence of a regional Assembly. Things have moved on.

A point was made about the Libraries Bill. With the benefit of hindsight, I think that we might have made a mistake by focusing so much on one particular issue. My party called for the issue of the transferors to be addressed, and we are glad to see that that has been done. It was not an issue for one side of the House only. We take the issue of equity very seriously.

Although I look forward to our system becoming more secular over time, if one constituency is represented spiritually, we need to ensure that there is a proper balance across the board. That has been achieved in the system.

2.15 pm

My other point is in reference to the two different Bills, which is an area about which I have some reservations. It is difficult to take a fully rounded perspective on this piece of legislation without being able to make a judgement on the second piece of legislation. I appreciate that some efforts were made to try to streamline the process.

The second piece of legislation will be critical; it is important that the long title of that Bill will be flexible enough to ensure that any gaps that arise between the two Bills can be addressed at the Second Stage. If we see the other Bill only as this Bill reaches Final Stage, there will not be any appetite to go backwards to try to undo some of the matters that have already been discussed during the Committee Stage. It is important that the second piece of legislation is sufficiently flexible to address concerns.

I particularly look forward to proposals that will place area planning and sustainable schools on a much firmer statutory footing, because those are critical to the future vision of education. Alongside the creation of the education and skills authority, it is important that that type of approach is used so that we have a proper rounded approach to what is a very progressive way forward. It will assist the public purse and — more importantly — it will provide a better solution for the children of Northern Ireland. I support the Second Stage of the Bill.

**Mr Deputy Speaker:** As Question Time commences at 2.30 pm, I suggest that the House takes its ease until that time. This debate will continue after Question Time, when the next Member to speak will be the Minister of Education, Ms Caitríona Ruane.

**Mr B McCrea:** On a point of order, Mr Deputy Speaker. We understand that several ministerial statements will be made at 4.00 pm. Will you advise what precedence takes place? When will we be likely to rejoin this debate?

**Mr Deputy Speaker:** This debate will continue after Question Time. The statements will follow in due course.

*The debate stood suspended.*



2.30 pm

## Oral Answers to Questions

### OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

**Mr Deputy Speaker:** It is time for questions to the Office of the First Minister and deputy First Minister. I remind Members that the Speaker advised Whips recently that the practice of reading out supplementary questions should cease. I remind Members, therefore, that supplementary questions should be concise and should not be read out.

### Policing and Justice Powers

1. **Mr Kennedy** asked the Office of the First Minister and deputy First Minister to outline the stages for the devolution of policing and justice powers; and which of these stages have specified timeframes.

(AQO 1476/09)

5. **Mr McKay** asked the Office of the First Minister and deputy First Minister for an update on the proposed transfer of policing and justice powers. (AQO 1607/09)

**The deputy First Minister (Mr M McGuinness):** With your permission, a LeasCheann Comhairle, I will answer questions one and five together. Following discussions, the First Minister and I have reached agreement on a number of arrangements relating to how the devolution of policing and justice functions will be legislated for until May 2012.

On 18 November 2008, the First Minister and I attended a meeting of the Assembly and Executive Review Committee to offer advice on those agreed arrangements in the context of the Committee's work on the devolution of policing and justice. Our letter to the Chairperson of the Committee, which set out those arrangements, and a paper on an agreed process in relation to the devolution of policing and justice, were made public also.

Since that time, we have held preliminary discussions with the Secretary of State on the funding allocation for a new Department of justice, and we have briefed the Executive on developments to date. The agreements that were reached include a series of 36 steps to bring about the transfer of policing and justice powers. That process should proceed without undue delay. We are determined to work faithfully through those steps in order to build the necessary

community confidence, and we will consult throughout the process.

The Assembly and Executive Review Committee is preparing a report on the modalities of devolution, which were informed by the agreements that we have reached. When the modalities are agreed by the Assembly, the way will be open for the preparation of the necessary consequential legislation that will be enacted at Westminster and by the Assembly.

There are other practical and structural issues to be addressed, and we look forward to further work from the Assembly and Executive Review Committee on those.

Finance will be a key issue, and the First Minister and I have held discussions already with the Secretary of State, which will lead quickly to a process of engagement with relevant British Government Departments.

It will be for the First Minister and me to table a motion requesting the devolution of policing and justice powers, which, when passed — and following the appropriate motion at Westminster — will give effect to the transfer of functions, election of a justice Minister and the formal appointment of an Attorney General.

I am sure that Members will appreciate the complexity of the process that I have described. However, the First Minister and I want devolution to happen without undue delay.

**Mr Kennedy:** I am grateful to the deputy First Minister for his answer. Does he agree with the sentiments that were expressed by the Prime Minister in the House of Commons last week that the devolution of policing and justice to Northern Ireland will occur in the next few months? I would be grateful for a yes or no answer.

**The deputy First Minister:** In my lengthy answer, I described the process that has been agreed between us. Members will know that we are seeking to allow the Assembly and Executive Review Committee to complete its work to agree the modalities, and we have said that *ad infinitum* during the past number of weeks. We have given a strong lead with regard to how we see the issue developing. Ultimately, legislation will have to be enacted at Westminster and at the Assembly.

There is also the very important element of building community confidence. The First Minister and I have said repeatedly that we are determined to lead from the front on the issue.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the immense progress that has been made on the issue. Will the deputy First Minister inform the House of the time frame for the completion of the Assembly and Executive Review Committee's report? Following the completion of the report, what will be the next steps of the Committee and the Assembly?



**The deputy First Minister:** Following the Committee's earlier inquiry into the devolution of policing and justice, which concluded in March 2008, and in response to our joint letter of 20 July inviting it to undertake further work, the Committee has been mandated by the Assembly to review progress on the implementation and resolution of outstanding issues that were identified in the March report and to consider any other matters that are related to the devolution of policing and justice.

The Committee has taken forward a work programme to address those matters. The First Minister and I have offered the Committee advice to inform its consideration of the issues, and we met the Committee and wrote to the Chairperson on that basis on 18 November. I understand that the Committee has agreed to finalise its first report before the Christmas recess.

**Mr G Robinson:** Does the deputy First Minister agree that the devolution of policing and justice is a matter that must be taken cautiously?

**The deputy First Minister:** I agree that the approach that we have taken forward, in conjunction with that of the Assembly and Executive Review Committee, tends to suggest that we are being very thorough in how we deal with the issue. We are conscious that the issue must be well handled. It is an important issue for the people that we represent and, therefore, it does not allow us the luxury of being slipshod. We will conduct the business of ensuring the transfer of powers on policing and justice in an orderly fashion. The programme that we have agreed will deliver that, and it will be delivered in conjunction with the programme that I have outlined.

**Dr Farry:** I also welcome the progress that has been made. Will the deputy First Minister outline to the House in a little more detail the discussions that he and the First Minister have had with the Treasury in relation to the funding of devolution? Does he agree that it would be unreasonable to expect the people of Northern Ireland to pick up the tab for the cost of dealing with the past?

**The deputy First Minister:** The issue of funding is important. The devolution of policing and justice powers should be accompanied with adequate resources to meet the challenge of the new responsibilities and to deal with future pressures. The First Minister and I have met the Secretary of State and discussed a process for engaging on budget issues. We may also meet directly with key stakeholders in the criminal justice field to discuss finance.

The Member has raised legitimate concerns. In dealing with the British Government and the different Departments, we are conscious of our responsibility to address what is seen by many in policing and justice as a considerable shortfall. The Member has also identified

added pressures, and all of those matters will be discussed during the course of the next few weeks.

**Mr Deputy Speaker:** Questions 2 and 3 have been withdrawn.

## Age Equality Issues

4. **Rev Dr Robert Coulter** asked the Office of the First Minister and deputy First Minister for its assessment of the key age equality issues and what policy initiatives it has formulated to address these.  
(AQO 1486/09)

**The deputy First Minister:** Under public service agreement (PSA) 7 in the Programme for Government, we are committed to delivering a strong, independent voice for older people. The recent appointment of Dame Joan Harbison as the Older People's Advocate is an indication of how seriously we take that commitment. We are aware of the wide range of issues that impact on older people, such as the recent increases in the cost of living. The Executive are introducing a range of measures in order to alleviate the burden on vulnerable groups, including older people. These measures include action on benefit uptake, free public transport and, as I have mentioned already, the appointment of the advocate.

The Department for Work and Pensions announced recently that its age strategy is to be reviewed and refreshed. In the near future, we also intend to review our older people's strategy 'Ageing in an Inclusive Society' to identify areas where it might be improved and strengthened. We will, of course, take the views of key stakeholders and the departmental Committee as part of that process. We also continue to keep equality legislation under review and monitor developments on age and other legislation in Europe and elsewhere.

**Rev Dr Robert Coulter:** Will the deputy First Minister give an undertaking to introduce age-proofing of all Government-sponsored legislation and administrative Orders coming before the Assembly in order to protect the interests of older people?

**The deputy First Minister:** We will give great consideration to the Member's point. It is important to recognise the incredible contribution that older people make to society. It has been interesting to note over the past months — year, even — that the rights of older people have come to the fore in all sorts of discussions all over the world. We have a duty and a responsibility to ensure that we put in place processes that protect the rights of our older citizens, who have, in effect, built the society in which we live today.

**Mrs D Kelly:** Given the interest in equality, when might we expect the single equality legislation to be introduced? The deputy First Minister has already



mentioned the need to tackle fuel poverty, so will Minister Ritchie's paper on fuel poverty now be approved by the Executive?

**The deputy First Minister:** The single equality legislation will be introduced as quickly as possible. The warm homes scheme is Government's primary tool to tackle fuel poverty. It offers a range of insulation and heating measures to eligible householders. The scheme is oversubscribed and applications are being prioritised. Applicants with no central heating, solid-fuel or Economy 7 heating will be treated as a priority. The Department for Social Development is consulting on proposed changes to the scheme, and the consultation exercise will run until 19 December. As the Member said, Minister Ritchie established a fuel poverty task force in May 2008. She has prepared an Executive paper, which the Executive will consider at the earliest opportunity.

Winter fuel payments are intended to help to combat fuel poverty among older people, who are specifically targeted for help as they are particularly vulnerable to the effects of cold weather and are more likely to be on fixed incomes. For 2008-09, payments of £250 will be made to people over 60 years of age, and those over 80 years of age will receive £400.

**Mr Deputy Speaker:** Question 5 has already been grouped with question 1.

### West Belfast and Greater Shankill Task Forces Report 2002

6. **Ms J McCann** asked the Office of the First Minister and deputy First Minister to outline how the recommendations of the West Belfast and Greater Shankill Task Forces Report 2002 compares with other anti-poverty initiatives in the Department.

(AQO 1590/09)

**The deputy First Minister:** As an Executive, we are committed, under PSA 7, to drive a programme across Government to reduce poverty and address inequality and disadvantage wherever it exists. In addition, PSA 12 commits to delivering the agreed overall objectives of the West Belfast and Greater Shankill Task Forces within the Programme for Government period. We recognise the parallel between some of the recommendations of the joint task forces for west Belfast and the greater Shankill area and some of the work that the Office of the First Minister and deputy First Minister (OFMDFM) is progressing to tackle poverty and social inclusion, in so far as they relate to improving employability and job creation. Both approaches recognise that the best route out of poverty is to have a good job with a decent wage.

The policy on poverty and social inclusion that OFMDFM is advancing covers a broad spectrum of

need. That need will change at different times in people's lives and will vary from one vulnerable group to another, and also across different geographical areas. For that reason, the Executive recently adopted Lifetime Opportunities as their overarching strategy for tackling poverty and social exclusion. We remain committed to the full implementation of the Programme for Government's PSAs and action plans, including those related to tackling poverty and implementing the recommendations of the West Belfast and Greater Shankill Task Forces. Given the nature of poverty and disadvantage, many actions will undoubtedly cross departmental boundaries, and it is my intention that my Department will co-ordinate those cross-cutting actions through a ministerial subcommittee of the Executive.

**Ms J McCann:** The Minister has already gone some way towards answering my supplementary question. Given the PSA commitment on the West Belfast and Greater Shankill Task Forces Report 2002, are the Executive committed to meeting their obligations in the Programme for Government?

**The deputy First Minister:** The inclusion of the task forces' objectives in the Programme for Government is a clear indication of the importance that Government attach to the work.

By including the objectives of the task force in the Programme for Government, the normal apparatus for monitoring, reviewing and reporting on PSA targets will apply. Like all aspects of the Programme for Government, we are committed to meeting all the targets in our PSAs and work plans. The overarching goals of the Programme for Government complement those of the task force.

2.45 pm

Although the task forces are critical of the lack of specific area initiatives, that does not mean that the needs of west Belfast and the greater Shankill will be lost in the Programme for Government. It should be welcomed when Departments can meet community needs through their mainstream activities, which are ultimately more sustainable than short-term initiatives.

**Mr McCausland:** Will the deputy First Minister agree that there was much more buy-in to the task-force process in the west Belfast area than there was in the greater Shankill area, and that the reasons for that differential provide lessons that can be learned for future initiatives? Will he also agree that the task force process has been somewhat overtaken by the emerging strategic regeneration frameworks for west Belfast and the greater Shankill?

**The deputy First Minister:** People will have their own views about the differential in the buy-in to the task force process between west Belfast and the greater Shankill. As an MLA who represents the area, the



Member will be more aware than most as to whether the level of interest towards the task force process in the greater Shankill area was appropriate. There is a duty and responsibility on all of us to ensure that every section of our community benefits from the work that will — hopefully — flow from the task force and the implementation of our public service agreements.

The Executive are conscious of the need to ensure that the work that we are involved in, and the programmes and processes that we implement, make a difference to people on the ground. Without fear or favour to any section of our community, if people are under pressure in any area, it is our responsibility to do all that we can to ensure that they benefit from the work of Government. We are very determined to ensure that the people of the greater Shankill and west Belfast benefit from the work of Government and the Executive.

**Mr K Robinson:** My question has already been answered, to some degree.

**Mr Deputy Speaker:** Mr Basil McCrea is not in his place for question 7.

### Integrated Development Fund

8. **Mr McCartney** asked the Office of the First Minister and deputy First Minister to outline the achievements of the Integrated Development Fund in the regeneration of (i) Derry/Londonderry; (ii) North Belfast; and (iii) West Belfast. (AQO 1604/09)

**The deputy First Minister:** The integrated development fund (IDF) has been successful in promoting social and economic regeneration in both the north-west and the west Belfast/greater Shankill areas through the extensive range of projects that it has supported. To date, eight north-west IDF projects have been formally approved, and £11.2 million from the IDF has been made available. The total cost of those projects is £40.1 million. Those projects include the development of a world-class research centre of excellence at the Magee campus of the University of Ulster, which will cost £6 million, and the construction and development of the Skeoge Enterprise Park, which will cost £1.1 million.

In west Belfast/greater Shankill, 15 projects have been formally approved, with £17.7 million made available from the IDF towards the total cost of £51.1 million. The funding that has been made available includes £1.5 million towards the Suffolk social economy project to provide retail units and commercial office space. Funding of £4 million has also been made available for the arterial routes improvement project to help regenerate key arterial routes into the city centre. A further £7 million was made available for the task force education initiative to

support delivery of a key work programme that focuses on educational achievement and employability.

I am happy to provide the Member with more details of projects on request. Although north Belfast was not one of the pilot areas selected, some of the west Belfast/greater Shankill projects have impacted on the North Belfast constituency area. For example, as the workforce and economic development centre, which received £1.2 million from the IDF, provides outreach programmes to ensure that training opportunities are widely known in both the west Belfast/greater Shankill and north Belfast areas.

The arterial routes project, which receives £4 million from the fund, is designed to undertake an environmental improvement scheme in several arterial routes, including the Crumlin Road and the upper Shankill. In addition, the task force education initiative benefited areas of north Belfast. That remains an Executive priority, and they have made additional funding available to agencies there that are helping to improve the social and economic situation for the local community.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra. I thank the Minister for his answer and for his offer to send me further information. Will any of the current projects be affected by the closure of the IDF?

**The deputy First Minister:** All the approved IDF projects will be entitled to funding over timescales agreed by Ministers. The projects that remain to be submitted for approval will, subject to the provision and approval of the required economic appraisals, be considered for funding support on their merits.

**Mr Durkan:** I thank the deputy First Minister for his answer and for comprehensively showing the good work of many projects that are supported by the integrated development fund, including the centre of excellence in intelligent systems at Magee campus in Derry, significant public-realm schemes, the walled city signature tourism —

**Mr Deputy Speaker:** Order. It is Question Time, Mr Durkan.

**Mr Durkan:** Will the Minister assure us that those approved projects will not be affected by the closure? Will he also explain how the ending of the integrated development fund is justified when it has enabled funding to projects across sectors and Departments that would otherwise not have gained it?

**The deputy First Minister:** The work of further supporting the IDF projects will continue and further submissions that have been made will be considered on their merits. We must recognise that there is a huge job of work to be done and there are outstanding



projects that have to be tackled. We believe that the Executive can tackle them comprehensively.

I do not believe that any area will suffer unduly because of the ending of the IDF. However, it places additional responsibility and burden on all Departments and on the Executive to ensure that good viable projects that help in the regeneration of communities throughout the North will be supported. Of course, that is all subject to available funding.

### Executive Backlog

9. **Mrs Long** asked the Office of the First Minister and deputy First Minister when it is expected that the Executive will have cleared the backlog of papers that arose from the failure of the Executive to meet for five months. (AQO 1574/09)

**The deputy First Minister:** The First Minister and I made a commitment that additional meetings of the Executive will take place over and above their regular schedule to ensure that all outstanding business is dealt with as soon as possible. We will therefore have held at least two scheduled meetings, two additional meetings and a meeting of an Executive subgroup before Christmas. We made excellent progress at our meetings of 20 November and 27 November on agreeing a total of 28 papers that were awaiting Executive decision. We have also taken forward the development of a strategy to support the local economy against the effects of the global economic downturn.

Executive business is a continuous process of consultation and agreement on draft papers submitted by Ministers. There will always be Executive papers at various stages of consideration, but I am confident that we are reaching the stage where each agreed draft paper will proceed routinely to the next meeting of the Executive.

**Mrs Long:** When the Executive were in their period of non-operation, there was a discussion that priority would be given to tackling issues of fuel poverty when the Executive returned to normal business. What stage is that process at, and when are we likely to hear announcements from the Executive?

**The deputy First Minister:** During that difficult and unacceptable period Ministers continued with their work. The economic downturn, the credit crunch, and the fuel poverty to which citizens are now being subjected are the subject of ongoing deliberations and discussions at the Executive.

The Executive are treating those matters as a top priority. When the Assembly adjourns today, the Executive will meet around teatime in order to continue the work that we have been engaged in, and we will meet again next Thursday. At the end of that

process, we hope to be able to announce a package that will make a difference.

**Mr Burnside:** During the five months in which no official meetings of the Executive took place, how many meetings did the deputy First Minister have with the First Minister in order to discuss the transfer of policing and justice powers to the Assembly and the Executive? When did those meetings conclude with a sign from 10 Downing Street that policing and justice powers were to be transferred within a couple of months? Will the deputy First Minister outline the sequence of meetings and events between him and the First Minister and 10 Downing Street that culminated in that decision?

**The deputy First Minister:** In those five months, the First Minister and I met regularly. I cannot give the Member a figure off the top of my head, but we discussed many issues, not only the transfer of policing and justice powers. We did our job in our joint office — the Office of the First Minister and deputy First Minister. Regardless of how difficult the issues were that we had to deal with, neither of us ran into a corner and huffed. We did not get into a situation in which we did not speak to each other.

I know that a situation arose during the first Administration in which the First Minister and the deputy First Minister were not speaking to each other. That has never happened to us, because we have shown ourselves to be mature politicians. *[Interruption.]* I will not identify any Member who has just laughed. We have shown ourselves to be mature politicians who recognised that solutions had to be found to the difficult issues that we faced. We did that; we met regularly and consistently, and we finally found a way forward.

There will be other challenges, on other issues, in the time ahead. Our job, as leaders in the Assembly, in the Executive and in the country is to be solution-seekers to problems. That is the mode in which the First Minister and I will find ourselves. We should be happy that we have found a way forward, and we should now ensure that the transfer of policing and justice powers will happen in line with the programme that is laid before us.

**Dr McDonnell:** I thank the deputy First Minister for his answer. Will he tell the House what other items of business, having cleared all the earlier preparatory processes, have yet to be decided on by OFMDFM for the Executive's consideration?

**The deputy First Minister:** The work of the Executive continues. There will always be issues to resolve during the lifetime of this Executive and this Assembly; there is an almost never-ending list. When we leave the House today, Ministers will meet to deal with issues that are relevant to the people whom we



represent. For example, the Assembly has discussed the economic downturn, the credit crunch and fuel poverty, having recognised that we must deal with those issues in the context of a global economic storm. There is a range of issues to discuss. If I were to go into the detail of every single one, I would be here for another 30 minutes. I will write to the Member and give him the details of those issues if he so wishes.

### Children's Champions

10. **Mr O'Loan** asked the Office of the First Minister and deputy First Minister to outline the roles of the junior Ministers as "Children's Champions" and how they have carried out this role. (AQO 1521/09)

**The deputy First Minister:** The junior Ministers have responsibility for the co-ordination of policy that has an impact on the lives of children and young people. Their role is to ensure that those issues remain high on the Government's agenda. To achieve that aim, the junior Ministers jointly chair the ministerial subcommittee on children and young people, which the Executive established.

3.00 pm

The subcommittee has identified and is progressing six key priority areas for action and has agreed that hearing the voice of young people will underpin its work and that of the subgroups. The junior Ministers are also driving forward with the implementation of the 10-year strategy for children and young people. They chair a strategy planning and review group, which includes key statutory, voluntary and community sector representatives and is advising them on a three-year draft strategy action plan.

The junior Ministers have a 12-month work plan, integral to which is continued engagement with young people and children. As part of that, recently, the junior Ministers and the Speaker jointly hosted a youth debate in the Assembly Chamber. The topic for the debate focused on the causes and effects of young people being drawn into antisocial behaviour, including underage drinking and drug-taking. It was attended by approximately 140 young people, and the junior Ministers have undertaken to relay the points that were raised back to the ministerial subcommittee. The junior Ministers continue to examine, and have taken into account, other ways of engaging with children and young people to ensure that they have the opportunity to put forward their views on the key issues affecting their lives.

**Mr Deputy Speaker:** I remind the Members who were not in their places at 2.30 pm that the Speaker has recently spoken to Whips and has asked that the practice of reading supplementary questions cease.

Therefore, I ask that Members put forward concise supplementary questions.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

**Mr Deputy Speaker:** Mrs O'Neill is not her place for question 1.

### Efficiency Savings

2. **Dr Farry** asked the Minister of Health, Social Services and Public Safety for an update on the delivery of efficiency savings under his Department's current budget. (AQO 1582/09)

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** My Department is monitoring the achievement of efficiencies on a quarterly basis. Against a target of £118 million for 2008-09, the assessment of savings achieved as at 30 September is £48 million. I anticipate delivery of the full £118 million for 2008-09, and I am working closely with trusts on their proposals for years two and three.

**Dr Farry:** I thank the Minister for his answer. I know that he has a flawed budget with which to work. However, no doubt he is aware of the major concern across the community about efficiency savings. Therefore, what steps is the Minister taking to police how the trusts deliver efficiency savings to ensure that what we have is changes to policies and practices, rather than simple cuts?

**The Minister of Health, Social Services and Public Safety:** The Department monitors savings quarterly. That is an exercise that we undertake. As I said, I am determined that those savings will not be cuts, but efficiencies. The efficiencies are not a target that I set; rather, all the parties in the Executive agreed to them.

Regarding the concern that the Member raised, the trusts have undertaken a series of consultations about their proposals. I encourage Dr Farry, and anyone else, to come forward with their concerns. Nothing is settled as yet. By early in the new year, the results of those consultations will be given to me. If there is consensus, I do not have a decision to make. If there is not consensus, I have a decision to make. I am keen to hear the views of others on the matter, and I am particularly keen to hear from Members who do not think that this is a good idea. They must tell me what their good idea is and how that will be evaluated against financial efficiencies.



**Mr McCallister:** Does the Minister agree that there has been a certain amount of scaremongering about 700 nurses being sacked and that that story is totally false and ridiculous? Does he also agree that some Members of the DUP have been opportunistic in the way in which they have portrayed that story, especially as it was them who demanded efficiency savings and voted against increases in the budget that the Minister secured last year?

**Some Members:** Hear, hear.

**The Minister of Health, Social Services and Public Safety:** The proposals are for a reduction of just over 700 nursing posts. It should be borne in mind that that is over a three-year period and that over the same period, there will be natural wastage from more than 2,000 nurses either retiring or moving job.

Therefore, such a proposal will easily be accommodated, and I am confident that compulsory redundancies can be avoided. Those issues are out for consultation, and if anyone has better ideas, I am listening, as long as those are serious ideas that show me where the savings will come from, rather than opportunistic proposals.

I agree with the Member. When Peter Robinson was Finance Minister, he talked about efficiencies; now Members from his party talk about cuts. Given the performance of some DUP Members during last week's debate on the proposal for a public health agency, and the fact that the same Mr Robinson was happy to agree at the Executive to the establishment of a public health agency, it seems that one or two members of the DUP have gone more than a little astray from their party leader's position.

**Mr Durkan:** Does the Minister believe that reducing total nursing numbers, removing maternity beds and reducing psychiatric intensive care unit beds at Altnagelvin Hospital are acceptable efficiency savings? How do those and the other cuts and closures that are being proposed square with the promises that were made at the time of the Programme for Government, which, we were told, was as good as it gets?

**The Minister of Health, Social Services and Public Safety:** Those specific proposals have been made as part of a consultation process and given that the Member has strong views on the matter, I encourage him to contribute to the consultation. I remind him that the Bamford proposals include a 10% reduction in mental-health admissions. Consequently, the number of beds will be reduced.

The proposals on the numbers of nursing posts are concerned with the way in which services are delivered, with alternative delivery and with having less reliance on acute services and more reliance on services in the community. Patients tell us that they want domiciliary-based care, particularly with wrap-

around care packages, and they do better from such care. Elderly people in particular want to avoid residential homes and nursing homes for as long as possible, and they want to be maintained in their own homes. All the proposals have a consequence for staffing, and staff may move from one area of provision to another.

The proposals are out for consultation, and I will listen hard to anyone who has better ideas and better ways of providing savings. I made a deal that every penny of the £700 million of health efficiency savings would go back into health. Those moneys are already earmarked and are being spent on the delivery of new services, and I do not want to have to cut the new services in order to fund the efficiencies.

### **Mental-Health Facility: Craigavon Area Hospital**

3. **Mr W Clarke** asked the Minister of Health, Social Services and Public Safety for his assessment of the ability of the new mental-health facility on the Craigavon Area Hospital site to cater for the projected number of people with mental-health problems in the Southern Health and Social Care Trust area.

(AQO 1622/09)

**The Minister of Health, Social Services and Public Safety:** Major investment in community infrastructure is planned to support the new Bluestone unit at Craigavon Area Hospital, which is to consist of 74 beds, in order to ensure that the facility can cater for the projected number of people with mental-health problems. That will include the opening, in February 2009, of two resource centres in Craigavon and Dungannon. Together with an existing day hospital in Newry, those will offer 56 places a day, which will prevent inappropriate admissions to hospital and facilitate early discharge from hospital.

Enhancement of the existing home-treatment team is planned to include patients with functional mental illness who are over 65 and are treated at home. Over the next three years, the trust is also investing in primary mental-healthcare services, which will substantially reduce demand for inpatient beds at the Bluestone unit. Services will still be based at St Luke's Hospital. Those developments are in line with the Bamford vision, which advocates that community care is preferable to inpatient treatment.

**Mr W Clarke:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. What level of provision for mental health will be available at the new Downe Hospital?

**The Minister of Health, Social Services and Public Safety:** I would have needed warning of the question in order to provide precise details of the



facilities for mental-health services in the new Downe Hospital. It is a new, enhanced local hospital, but, because of the tradition of mental-health provision in Downpatrick, there will be in-patient provision there. I cannot give the Member the number of beds, although it is on record; however, I cannot carry all those numbers in my head. If the Member is keen, I will write to him about that.

**Lord Morrow:** I am sure that the House will be reassured by what the Minister has said today; in particular about the provision of 74 beds at Craigavon Area Hospital. Does the Minister agree with me that, regrettably, a stigma is attached to mental ill health? It should not be so, but, unfortunately, it is. Will the Minister detail for the House what steps he will take to break that stigma down?

**The Minister of Health, Social Services and Public Safety:** Lord Morrow makes an important point about stigma being attached to mental ill health. Mental-health needs in Northern Ireland are commensurably much higher than in the rest of the United Kingdom. One of the paradoxes that I have inherited is that, historically, our expenditure on mental health is much lower than in the rest of the United Kingdom.

Our vision for the future is based on the Bamford Review and its recommendations. It involves sending out key messages aimed at the prevention of mental ill health and it includes new mental-health and incapacity legislation; a shift from hospital-based to community-based services; the development of specialist services for children and young people; and the provision of an adequately trained workforce. Those are some of the messages in the Bamford Review, and we are implementing them to address mental ill health, learning disability and dementia.

Those provisions will help to address the stigma attached to mental ill health. One of our biggest problems is the denial of mental-health problems. Mental ill health is as important as physical ill health. If one is physically unwell, one will go to a doctor; people must be prepared to do the same when they are mentally unwell.

**Mrs Hanna:** I thank the Minister for his responses and acknowledge the excellence of the facility at Craigavon. Does he agree with me that, as part of the Bamford vision, there is a need for more supported accommodation for patients who may never be able to live independently?

**The Minister of Health, Social Services and Public Safety:** I agree fully. We are examining the provision of residential homes, nursing homes and specialist homes, but there is also a need for supported-living facilities. That is a crucial factor that will allow us to re-settle those with learning disabilities who have

had a hospital address for a long period in a community setting. It affects other areas as well.

### Mid-Ulster Hospital: Acute Services

4. **Mr I McCrea** asked the Minister of Health, Social Services and Public Safety what action he is taking to ensure that acute services are retained at the Mid-Ulster Hospital. (AQO 1478/09)

**The Minister of Health, Social Services and Public Safety:** The Mid-Ulster Hospital will be developed as a local hospital as set out in 'Developing Better Services: Modernising Hospitals and Reforming Structures'. Acute services for the people of the Northern Health and Social Services Board area will be provided largely at the Antrim Area and Causeway Hospitals. That remains my position. However, I am committed to the provision of safe, high-quality services for all the people of Northern Ireland, and changes to the services provided at the Mid-Ulster Hospital should be made only when robust, alternative arrangements are in place at other hospitals.

**Mr I McCrea:** I am disappointed that the Minister has already made up his mind on the downgrading of services at the Mid-Ulster Hospital. Our neighbouring hospital, the South Tyrone, has no acute services —

**Mr Deputy Speaker:** Order. This is Question Time, Mr McCrea. Please ask a question.

**Mr I McCrea:** If the Minister has not taken a final decision, will he commit to retaining acute services at the Mid-Ulster Hospital?

3.15 pm

**The Minister of Health, Social Services and Public Safety:** Mr McCrea should acquaint himself with the document 'Developing Better Services' because it is one of the overarching strategies that the Department has been following for a number of years. The strategy does not simply suggest the downgrading of services, but, instead, suggests the changing of services. Substantial investment will go into the Mid-Ulster Hospital, and I will be able to talk about that in due course.

However, as far as acute services are concerned, because they are so specialised, and due to the attendant risks involved, they must be provided in an acute hospital setting. There are nine acute hospitals in Northern Ireland, two of which are in the Northern Board area — the Causeway Hospital and the Antrim Area Hospital. Those hospitals will provide acute services for Mid Ulster, meaning that the vast majority of those living in that area will be within 45 minutes of an acute hospital and all residents will be within one hour's journey. As far as the Mid-Ulster Hospital is concerned, there will be consultation, but as far as Mr



McCrea and everyone else are concerned, the direction in which the Department is heading in relation to hospital services is clear.

**Mr Molloy:** I thank the Minister for his answer. However, I remind him that the Ulster Unionist Party had a policy of rebuilding hospital services, and gave a commitment to the Mid-Ulster Hospital. Where does that commitment sit now?

I question whether the residents of towns such as Pomeroy are within 45 minutes of Antrim Area Hospital. Given the failure of that hospital to provide safe services, is the Minister sure that he is providing quality of service to the people of Mid Ulster?

**The Minister of Health, Social Services and Public Safety:** That last remark about Antrim Area Hospital not providing safe services demonstrates a lack of perception on Mr Molloy's behalf. It is a disgraceful remark for him to make and it is disgraceful that he is scaremongering in that manner.

We cannot have acute hospitals in every town and village in Northern Ireland. We have nine acute hospitals in addition to the Mater Hospital in Belfast, which also provides acute services. That is well beyond the recommended provision for the size of our population.

Furthermore, the Member is aware that I have received demand after demand to make the Health Service efficient; that is what I am doing, and in doing so, tough choices have to be made. There is an important future for the Mid-Ulster Hospital, but it will not be in delivering acute services. It will deliver services in areas such as day-case surgery; diagnostics; care for the elderly; inpatient care; rehabilitation and assessment; and palliative care for inpatients. The hospital will also be collocated with a health and care centre, which is a major investment that will provide — for example — a nurse-led minor injuries unit. That will represent an important service provision for the people of that area.

However, in relation to acute services, Antrim Area Hospital is the closest hospital. I say to Mr Molloy that it is safer to provide acute services in a hospital such as Antrim Area Hospital than it is in a small hospital such as the Mid-Ulster Hospital. Although the staff in the Mid-Ulster Hospital are very professional and dedicated, it would be better to make the full service available in a larger hospital given the throughput.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. Will the Minister assure the House that the level of acute-service provision at the Mid-Ulster Hospital will be retained until a viable alternative is available elsewhere?

**The Minister of Health, Social Services and Public Safety:** I remind Mr McGlone of my previous answer, when I said that changes to the services

provided at the Mid-Ulster Hospital should only be made when robust alternative arrangements are in place at other hospitals.

## CSR: Impact on Western Health and Social Care Trust Area

5. **Mr Gallagher** asked the Minister of Health, Social Services and Public Safety for his assessment of the impact of the Comprehensive Spending Review on services in the Western Health and Social Care Trust Area. (AQO 1543/09)

**The Minister of Health, Social Services and Public Safety:** The comprehensive spending review (CSR) will secure real improvements in services for patients and clients across the Western Health and Social Care Trust, in addition to other major regional initiatives. Those improvements include the roll-out of the human papillomavirus vaccination; remote monitoring for people with long-term conditions; enhanced child protection arrangements; and improved ambulance response times.

By 2010-11, the Western Trust will benefit from an additional £9 million each year for mental-health learning disability and long-term conditions; £3.3 million for children services; £6 million to address demographic pressures; and £4.8 million for new drug therapies. Other provision will include £3 million for acute renal, cardio-vascular and stroke services; £4.3 million for elective-care access; £1.2 million for disability services; and £4.4 million for service improvements and quality and safety.

As well as benefiting from £17 million of capital investment in ambulance services, I am committed to providing the Western Health and Social Care Trust with substantial capital investment over the next three years.

**Mr Gallagher:** I acknowledge the Minister's comments and his work in capital investment, particularly at the Omagh and Enniskillen hospitals. Does the Minister accept that, as a result of the comprehensive spending review, severe cuts have been made across all trusts, but that those cuts are having an extremely severe impact on the Western Health and Social Care Trust because that is the only trust that inherited a legacy of debt? Furthermore, will the Minister outline any steps that he can take, in his Department or in the Executive, to remove that millstone of debt from the shoulders of the people in the Western Health and Social Care Trust?

**The Minister of Health, Social Services and Public Safety:** I am not aware of a deficit of the order of which Tommy Gallagher appears to be aware. The annual operating budget of the Western Health and Social Care Trust rises every year throughout the CSR period. The spending power uplift totals will cumulatively



be 20·8% at the end of the three years. Therefore, the Western Health and Social Care Trust is, in fact, not going backwards — there are not cuts; the spending power is rising.

Certainly, changes have been proposed as part of the efficiency requirement of 3% per annum over three years. I have to find some £700 million in efficiency savings over the next three years. I would rather not have to do that — it is much nicer to have a quiet life — but I do not hold the purse strings. I am not in charge of finance; that is the DUP together with Sinn Féin, who actually operate this Government. They make the decisions on where the money goes, and this is where I am.

The health budget is down by £300 million this year, and by the end of the three-year period, our deficit will be about £600 million in spending power in comparison with the average in England. If Members such as Mr Ian McCrea want money spent and services maintained in Mid Ulster or anywhere else, it is not me to whom they need to talk: it is the Finance Minister.

**Mrs McGill:** Go raibh maith agat, a LeasCheann Comhairle. Given what the Minister just said about services in the Western Health and Social Care Trust, if the responses to the consultation on the proposed closure of Greenfield residential care home in Strabane are that the home should remain open, will the Western Health and Social Care Trust accept that, and keep the home open? Go raibh maith agat.

**The Minister of Health, Social Services and Public Safety:** As far as any proposals and consultations in any trust area are concerned, the trust will, of course, have to listen to the proposals. However, those proposals will have to be based on sound provision of health and social care services in that particular area. They will also have to be able to demonstrate an alternative, because there is no way out of this unless the Member can persuade the DUP to put their hands in their pockets. The Member will, therefore, have to show me an alternative. However, no hard and fast decisions have been made.

We are in a consultation process and listening to all the feedback from that consultation, but each of those proposals has a financial tag that has to be met. Otherwise, all the other provisions about which I talked to Mr Gallagher — such as £3·3 million in children's services, £4·8 million for new drug therapies, £4·3 million for elective care access, money for disability services, service developments, and so on — will have to be cut.

**Dr Deeny:** I thank the Minister for his commitment to financial investment in the Western Health and Social Care Trust. Does that investment include the proposed midwifery-led maternity unit for Omagh on which we were promised that the Minister would make a decision at the start of the year?

In Downpatrick, similar proposals got a positive response, which was good for the mothers of east Down. What now for the mothers of Tyrone?

**The Minister of Health, Social Services and Public Safety:** I welcome Dr Deeny back to Question Time. There has been a consultation on the proposal for a midwifery unit in Omagh. The recommendations are with me, and I am deliberating on them. Other issues around Omagh hospital have to be settled, and that is what I am doing at the moment.

### Respite Care: People with Learning Difficulties

6. **Mrs Long** asked the Minister of Health, Social Services and Public Safety to report on respite care for people with learning difficulties. (AQO 1581/09)

**The Minister of Health, Social Services and Public Safety:** Respite care can take various forms to meet the needs of individuals with a learning disability, or the needs of carers and families. It offers carers, and clients, independent time and the opportunity for a change of environment and stimulus. Under the comprehensive spending review, the total budget secured for children and adults with learning disabilities in Northern Ireland was £33 million — £17 million recurrent — over the next three years.

That will benefit children and adults with disabilities, and, among other things, will enable health and social care trusts to provide an additional 200 new or enhanced respite care packages over the next three years for people with learning disabilities and for their families and carers. It is anticipated that by 31 March 2011, those additional packages will have benefited 800 people.

**Mrs Long:** I thank the Minister for his answer. Has any thought been given to the particular needs of childlike adults, an increasing number of whom are seeking respite? Currently, when those individuals reach adulthood, they are included in adult respite units, which are not always best suited to their needs.

**The Minister of Health, Social Services and Public Safety:** I assure Mrs Long that I am actively considering that. One of the difficulties is assessing the need. As she knows, need is assessed and then addressed. However, working out that need is, frankly, extremely difficult and vexing.

For example, this year, we have invested in an extra 2,000 weeks of dementia respite care; it is not enough, and we are not clear how much more is necessary. Similarly, there are an extra 200 respite care packages for people with learning disabilities, which will benefit 800 people. However, other types of respite have to be considered as well.



The picture is confused, and I have asked my Department's statistics branch to focus on it. I have to establish what the need is, so that it can be addressed. Respite care is one of the crucial areas that we provide for, and there is a strategy in place: Caring for Carers. However, unless we are providing adequate respite care, we are not truly caring for carers.

**Mr Craig:** Is there a strategy to deal with those people with learning disabilities who are taken care of by their parents in the community, when their parents unfortunately pass on?

**The Minister of Health, Social Services and Public Safety:** That is one of the vexing questions that we have addressed through the Bamford vision for mental health, learning disability and dementia. There are no easy answers and there is no cheap solution. Carers care for their children all their lives, but, because health and social care is becoming more efficient, we are reaching a point where, thankfully, a number of those individuals are outliving their parents. That means that they need to be taken care of.

That is one of the recurring themes arising in discussions with carer groups. What will happen to those children when their parents pass on? Who is going to look after them? Parents require reassurance, and that is what I seek to give them.

**Mr McNarry:** I am sure that the Minister will acknowledge that the other star turns on Saturday were the carers who participated in the panel at our very successful conference.

Will the Minister ensure that respite care will be considered fully by the joint review that is being undertaken by him and the Department for Social Development (DSD)?

**The Minister of Health, Social Services and Public Safety:** An important piece of work that I have undertaken with DSD, as Mr McNarry said, is to look into areas such as benefits. The Department also considers areas such as flexible, short-term respite provision; day activities; residential respite care; and domiciliary support. Those areas must be addressed in order to provide comfort to carers who have, as Mr Craig said, real concerns about the future.

3.30 pm

### Hospital Acquired Infections

7. **Mr Ford** asked the Minister of Health, Social Services and Public Safety for an update on his Department's attempts to combat hospital acquired infections. (AQO 1584/09)

**The Minister of Health, Social Services and Public Safety:** On 14 October, I advised the Assembly that I had accepted all the recommendations contained

in the reports of the Regulation and Quality Improvement Authority (RQIA) review of the outbreak of clostridium difficile in the Northern Health and Social Care Trust hospitals. The Department's service delivery unit and the its cleaner hospitals team have now met with all trusts and their healthcare-associated infection lead staff, and they have dedicated bespoke support for each trust. The cleaner hospitals team is now on the ground and work is in hand on developing trust-specific action plans, and on ensuring that the RQIA recommendations are being implemented and monitored.

The Department has taken forward several initiatives centrally, including the regional hand-hygiene campaign that I launched in June, the hand-hygiene "five moments" card for healthcare workers that was issued in October, and the regional infection and prevention control manual, which is now online. In the next few weeks, I will launch a patient information leaflet on clostridium difficile.

Furthermore, primary antimicrobial prescribing guidelines were published in November, and all five trusts have now appointed antimicrobial pharmacists to work on antibiotic use and antimicrobial resistance.

**Mr Deputy Speaker:** Before moving to questions to the Minister for Social Development, I remind Members that, after speaking to party Whips, the Speaker has ruled that the practice of reading supplementary questions must cease. Therefore, Members must keep their supplementary questions concise.

## SOCIAL DEVELOPMENT

### Protocols

1. **Mr A Maskey** asked the Minister for Social Development what protocols she follows in responding to representations from, or questions raised, by Assembly Members. (AQO 1482/09)

**The Minister for Social Development (Ms Ritchie):** Ministers, including me, apply a straightforward principle to representations, questions, suggestions and other matters raised by Members. I take such representations seriously, consider them fully, and respond as quickly as the subject matter allows.

I make every effort to meet specific targets for response times when they apply, such as is the case with Assembly questions. I assure Mr Maskey that I approach his representations on behalf of his constituents in precisely the same objective manner as I approach those from other Members.



Members must appreciate that that does not mean that they will agree with, or be happy about, every position that I take, every response that they receive, or every decision that I make. However, that is the nature of Government and of democracy.

**Mr A Maskey:** Go raibh maith agat, a LeasCheann Comhairle. My question was not related to whether or not the Minister would agree with me. I understand and fully acknowledge that the Minister will not always agree, or wish to agree, with points or representations that are made by Members. Those are matters that must be considered on merit.

**Mr Deputy Speaker:** Order. It is Question Time, Mr Maskey. Please ask a question.

**Mr A Maskey:** I appreciate that, Mr Deputy Speaker. I wanted to get to the heart of this matter with the Minister. For example, I never received a response from the Minister to a question that I asked during a recent Adjournment debate.

**Mr Deputy Speaker:** Order. It is Question Time, Mr Maskey; I must hear a question.

**Mr A Maskey:** Thank you, Mr Deputy Speaker. When should I have expected to receive a response from the Minister in respect of the Adjournment debate that I secured, and which the Minister commented on at that time? I never received a response from the Minister. I received a telephone call from a member of the local Housing Executive management team some weeks later. I had no communication on that matter from the Minister until I met her last week.

**The Minister for Social Development:** Methinks Mr Maskey protests too much. I will set the record straight: Mr Maskey has asked 29 Assembly Questions of me since May 2007, and I am currently answering the twenty-ninth of those.

He has written to me on seven occasions to raise matters of concern, and I have responded to each letter. Two of those letters requested meetings with me. As a result, Mr Maskey and I met on both occasions.

The most recent of those meetings took place on 24 November 2008, when he and I had dialogue on environmental improvements in the Markets. In fact, subsequent to that meeting, Mr Maskey tabled certain Assembly questions, which I have already covered, that dealt with the detail of that particular meeting and the reasons for various steps that I have taken, with special reference to environmental improvements.

Therefore, I think that my answer explains clearly that I have dealt with all the issues that Mr Maskey raised with me.

**Mr McCallister:** Does the Minister agree that all Members must respect parliamentary protocol and language? Does she also agree that some people's

oversensitivity on those matters makes the Assembly look as though it lives in fantasy and make-believe?

**The Minister for Social Development:** Mr McCallister knows me well, so I assure him that I seek to respond fairly and courteously to Members' questions and to the issues that they raise.

**Mr D Bradley:** Go raibh maith agat, a LeasCheann Comhairle. Does the Minister recall her visit to Ardcarne Park in Newry, where she met me and local residents in the home of a community leader in the area? Does she agree that that was a productive meeting and an excellent example of how to bring democracy literally into the front rooms of local people?

Can the Minister tell the House how frequently she meets constituency MLAs, and can she describe the quality of those interactions?

**The Minister for Social Development:** I recall well that visit to Ardcarne Park, which was at Mr Bradley's request. I also recall well local residents' concerns about the housing programme and the courteous way in which I was met. I was happy to assist them.

To get to the meat of Mr Bradley's question, I have considerable interaction with Members in their capacity as constituency MLAs. I believe that an important benefit of devolution and a sign of the strength of local democracy is Members' ability to have quality access to Ministers in order that their constituents' interests can be represented. My record shows that whenever Members request meetings with me to discuss constituency issues, I am open to engagement and I am predisposed to agree to a meeting unless there is a clear reason why such a meeting would be inappropriate or unproductive.

I have met Members in their capacity as constituency MLAs in the House, in my Department's headquarters, on site visits, and at many events. My experience of engagement with Members, whether in formal meetings or informally on the margins of meetings that occur in the Building or on site visits has, I must say, been overwhelmingly positive.

## Illegal Gambling

2. **Mr I McCrea** asked the Minister for Social Development what steps she is taking to tackle illegal gambling. (AQO 1481/09)

**The Minister for Social Development:** I am aware that the Member has an active interest in tackling illegal gambling and has tabled previous Assembly questions for written answer on the matter.

Gambling activity in Northern Ireland is regulated by the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985. Enforcement of the law, including the detection and prosecution of persons



who have been engaged in illegal gambling, is the Police Service's responsibility. My Department is responsible for the development of policy and for the promotion of law on gambling other than the National Lottery. Enforcement of the law on gambling, including the operational priority that the police attach to it and the resources that are allocated, are matters for the Chief Constable and his senior commanders.

I note with concern that enforcement of gambling law is not shown as a priority for the Police Service in its annual policing plan, which has been approved by the Policing Board.

However, the Police Service has assured the Department for Social Development that it will respond to any legitimate complaint that it receives in relation to alleged illegal gambling, whether that report comes from the general public or Members of the House.

**Mr I McCrea:** I thank the Minister for her answer. Will she advise the House how many meetings she has had with the Police Service to discuss illegal gambling? People have lost their cars and their houses because of gambling. It is a major concern, and I welcome the fact that the Minister views it as a priority.

**The Minister for Social Development:** I thank the Member for his question. Over the past year, I have had several meetings with the Police Service of Northern Ireland on a wide range of issues. Some of those meetings concerned gambling. I hope to talk to the Police Service in the not-too-distant future about a range of issues. I will raise the Member's particular concerns, of which I am well aware from his correspondence and his questions for oral and written answer.

### Impact of the Credit Crunch on the Housing Market and the Construction Industry

3. **Dr McDonnell** asked the Minister for Social Development for her assessment of the impact of the credit crunch on the housing market. (AQO 1525/09)

9. **Mr W Clarke** asked the Minister for Social Development what measures her Department has taken to reduce the impact of the credit crunch on the construction industry. (AQO 1614/09)

20. **Mr Brolly** asked the Minister for Social Development what action she is taking to respond to the difficulties being faced by the construction industry. (AQO 1620/09)

**The Minister for Social Development:** With your permission, Mr Deputy Speaker, I will answer questions 3, 9 and 20 together, because of their similarity.

There has been considerable discussion of what the Executive can do about the credit crunch. If we are being honest, the truth is "not much". The credit

crunch is the result of global economic forces over which we have little control. However, the Executive can do things that will help to counter the effects of the credit crunch and its attendant economic recession.

There can be no doubt that the economic downturn is beginning to bite in Northern Ireland. The evidence of a slowdown — bordering on a collapse — of the private housing sector is quite stark. For example, the total number of new-dwelling starts has reduced by almost 40% in the past year. A house-building employment survey of 202 house builders found that 3,000 jobs were lost from those companies alone in the 12 months to June 2008. A further 1,500 jobs are forecast to be lost soon if market conditions do not improve. The credit crunch and recession are having a devastating effect on the housing market. Therefore, it is vital that, as a minimum, we build the 5,250 new social houses that the Executive signed up for over the next three years.

Members — particularly Willie Clarke and Francie Brolly, who submitted the other two questions that I am answering in this group — will be pleased to know that I have a proposal for an expanded social housing newbuild programme before the Executive. I have made that proposal because I believe that increased investment in social housing at this time can have a profoundly beneficial effect on the economy in a relatively short time. The economic benefits of increased investment in social housing can help the construction industry on the one hand and meet housing need on the other. I have circulated the paper to my Executive colleagues, and it outlines in detail how I can deliver the programme. I await their consideration.

**Dr McDonnell:** I thank the Minister for her answer. The Minister has given us a broad outline of how a social housing programme might boost the economy. Will she give more detail on the effect that a stronger social housing programme would have on jobs, for example?

**The Minister for Social Development:** I submitted a paper to my Executive colleagues, which outlines in detail just how beneficial an increase in the social housing development programme could be at this time. My primary interest is to meet housing need, but building more new homes to meet that need can directly help many people in the construction industry. In turn, that will boost the local economy during these very difficult times.

3.45 pm

It is not only me who thinks that increased investment in social housing is the best short-term measure to boost our economy. The First Trust quarterly economic review was published last week, and, therein, Professor Mike Smyth of the University of Ulster's school of economics said:



“There is a strong case for revising the priorities set out in the NI Executive January 2008 Budget. For instance if capital expenditure could be redirected towards social housing, it would help to offset the collapse in private sector housebuilding.”

That was the first Budget change that he highlighted.

**Mr W Clarke:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her answer. As the Minister undoubtedly knows, large numbers of people in south Down are registered homeless and are in housing stress, particularly in Newcastle, Castlewella and Downpatrick. People on the street are asking me when those houses will be built —

**Mr Deputy Speaker:** Order. The Member must ask a question.

**Mr W Clarke:** I was getting to the question.

**Mr Deputy Speaker:** I know that the Member was getting to the question. However, during Question Time, each Minister has only half an hour to take and answer questions.

**Mr W Clarke:** The people on the street are asking when houses will be built —

**Mr Deputy Speaker:** Irrespective of what the people in the street are saying, I am saying that the Member must ask a question.

**Mr W Clarke:** That was a question.

**The Minister for Social Development:** In case Mr Clarke is under any misconception, I have agreed, and I am determined, to deliver 5,250 new homes in the next three years. As I have said repeatedly, that target is non-negotiable. Although the construction industry is enduring challenging times, it has a tremendous opportunity to work with me to deliver those new social homes.

I have met the people who are homeless and on waiting lists in Downpatrick, Newcastle and Castlewella, and Mr Clarke will, perhaps, mention other areas in south Down. Furthermore, many people come to my constituency office every week. I say to Mr Clarke and to the people of south Down that I, as the Minister with responsibility for housing, will not leave them untouched. I will ensure that south Down receives its fair and adequate share of new houses. If Mr Clarke wants to discuss a particular issue, he could, perhaps, raise that with me directly in a letter, rather than through the pages of the ‘Mourne Observer’.

**Mr Brolly:** Go raibh maith agat, a LeasCheann Comhairle. Is the Minister aware that the amount of money allocated for the construction of social housing per unit is insufficient to meet the new demands of energy saving and environmental issues?

**The Minister for Social Development:** As the Member will be aware, from April 2008, developers

are obliged to ensure that all newly constructed homes adhere to the code for sustainable homes.

The Department and I are keen to ensure that best value for money is secured. For that reason, I instructed the Housing Executive some weeks ago to ensure that housing associations — who are the providers — have the full supply of Housing Executive land and know the details and lists of available land. That will enable those associations to build on Housing Executive land, which will, I hope, be cheaper.

**Mr Cree:** In light of the decreasing construction costs, will the Minister confirm that her budget makes savings? Will she indicate how many more social houses will be provided and how it will compare with existing targets?

**The Minister for Social Development:** As Mr Cree will be aware, I am determined, and I have agreed, to construct 5,250 houses in the next three years.

If savings are made I hope that I will have permission to use them in my Department. The reason that I put the paper to my Executive colleagues was to show the value of a social housing development programme and to demonstrate that, on the one hand, we can boost the economy and act as a catalyst — not only for economic development but also for job creation — and can kick-start the suppliers and others involved in social housing. The carpenters supplying the wood, for example, the plumbers, and all those involved in the sector can be brought back into work. It also provides the valuable asset of houses to meet housing need. I want to meet the Member’s objective, which I hope is shared by everybody in the House, particularly by my Executive colleagues.

**Mr Craig:** Will the Minister outline what actions she has taken or pressures she has put on cash-rich housing associations to deliver additional social housing, given the depressed market and the fact that they could purchase land at a reasonable price?

**The Minister for Social Development:** Housing associations, like the rest of us, live in challenging times. I have set them a target, and I hope that they will deliver on it. I hoped that instructing the Housing Executive to supply housing associations with a list of the lands that it owns would enable them to build houses much more cheaply. However, the important thing is that we build good-quality houses that meet the standards required and in which people can live. I hope that, with the support of everybody in the House and of my colleagues in the Executive — and, naturally, the Minister of Finance and Personnel — we will be able to deliver all those houses. We have increased the number of houses built, compared with the number built under direct rule.



## Housing Budget

4. **Mr Attwood** asked the Minister for Social Development for her assessment of the impact of the collapse in the land and property market on her Department's housing budget. (AQO 1533/09)

**The Minister for Social Development:** There can be no doubt that the economic downturn is biting in Northern Ireland. Although it is generally recognised that the local economy was always going to have to cope with a correction of the housing market, the correction has coincided with the global credit squeeze and the loss of confidence worldwide by lenders and investors. Public-sector house building accounts for about 10% to 15% of the total housing output and is increasing year on year; but the collapse has occurred in private-sector house building.

In the wider departmental context, indications are that residential land values have fallen dramatically since the peak of 2007. Although that could lead to opportunities for the Department to acquire land at significantly lower costs than anticipated, it has also been reflected in the much lower receipts generated through disposals. There has been a complete drying up of the Northern Ireland Housing Executive house-sales scheme, and that has contributed to a substantial revenue shortfall.

In summary, with regard to the collapse of the land and property market, the Housing Executive started the year with a potential shortfall of £60.4 million in capital receipts. Bids submitted in the June and September monitoring rounds have been partially met. The Department was also permitted to re-direct funding from other business areas — such as social security and urban regeneration — in the first two monitoring rounds to address wider difficulties. A bid for £36.2 million, which is the remaining capital receipts shortfall, has been submitted to the December monitoring round, and I hope that it will be supported by the Minister of Finance and Personnel.

**Mr Attwood:** I thank the Minister for her answer. Does she agree that one measure of every party's commitment to social housing — including that of Sinn Féin Members, who speak, quite properly, about housing in Downpatrick, Newcastle and Castlewella — would be for all Executive parties, including Sinn Féin, to agree to the proposals that the Minister tabled for an enhanced budget for the Department?

**The Minister for Social Development:** I thank Mr Attwood for his question, and I, of course, agree with what he said. There needs to be consensus around the Executive table; there needs to be collective responsibility; and there should be no shying away from any proposals that I submit, because those will

effect a change in the downturn and will help people on the ground.

If Sinn Féin is serious about helping people, it should not cry crocodile tears and blame others. It should try to work with its colleagues in the Executive and support such proposals.

**Several Members:** Hear, hear.

**Mr Shannon:** I thank the Minister for her response. An advantage of the downturn in sales — if there is one — is the fact that land can be acquired from the Executive, from councils, from Northern Ireland Water and from the Department for Regional Development at a much cheaper rate. Is the cost factor therefore to the Minister's advantage?

**The Minister for Social Development:** I thank Mr Shannon for his question. I do not disagree with him, although we will have to see the outworking of the situation. Naturally, there must be collective agreement around the Executive table on the proposals in the December monitoring round, given that those can effect that change. I hope that the Member will use his good offices with the Finance Minister to obtain support for proposals on the matter.

I also hope that the Member's colleagues in the Executive will support the proposals that are in the paper on housing. Social housing is one way of contributing to providing for housing need, and it is a necessary and valuable asset to people. Furthermore, it will help those who have been affected by the downturn in the construction industry.

**Mr McFarland:** Given the present situation, does the Minister believe that a new budgetary process at the end of each financial year would allow her Department to assess more readily and, indeed, access finance in order to support her agreed targets?

**The Minister for Social Development:** I take on board what Professor Mike Smith said in that consideration needs to be given to that issue and the social housing development programme should be focused on. If it could be increased, it would help the construction industry and housing need would be met. As well as dealing with the great economic and social impacts, a valuable multiplier would be provided to the economy.

## Regeneration of Omagh

5. **Mr Gallagher** asked the Minister for Social Development to outline her Department's plans for the regeneration of Omagh. (AQO 1537/09)

**The Minister for Social Development:** Omagh has experienced a substantial amount of regeneration in recent years, and my Department seeks to continue that process through the publication of a new town-centre



master plan in January 2009, which is just a few weeks away. That will be followed by a number of initiatives to facilitate the redevelopment of land that is currently in public ownership.

Officials from the Department for Social Development are working closely with officials in the Planning Service and Omagh District Council to develop those plans. In addition, DSD continues to work with the Ministry of Defence, the Department of Education and the Strategic Investment Board to pursue the acquisition and subsequent redevelopment of the former military sites at Lisanelly and St Lucia. However, I must say that the reluctance of the British Government to gift those and other military sites is a major obstacle to their being redeveloped in a manner that will benefit the people of Northern Ireland.

**Mr Gallagher:** I thank the Minister for that encouraging news about the publication of the master plan in the new year. I am sure that every Member agrees that Omagh is a town that deserves a significant peace dividend. Will the Minister outline how that master plan will relate to the Lisanelly and St Lucia sites and to the Opportunity Omagh initiative?

**The Minister for Social Development:** The draft master plan takes into account the potential that is offered by the redevelopment of the two former military sites. It considers possible uses, including the potential to create a shared educational campus at Lisanelly. I have also agreed recently that my Department will carry out further detailed work on the redevelopment of the historic buildings on the St Lucia site in order to facilitate any future use.

Although an outline business case for the future use of the St Lucia and Lisanelly sites is being considered by the Department of Finance and Personnel, affordability continues to be a major issue for the Executive, particularly in the absence of any commitment from the British Government to gift those or other military sites to them.

4.00 pm

With regard to the Opportunity Omagh project, although the Department for Social Development welcomes new investment in Omagh — particularly in the new bridge that the developer may provide as part of that project — it is important to ensure that any development complements and enhances the town, and that retail, office and business developments respect the town centre's position.

Nonetheless, I am in favour of creating a positive investment environment, and my Department will not be found wanting in that regard. Furthermore, although the draft master plan identifies every considerable opportunity for new development in the town centre over coming years, it leaves the way open for a range

of developments at the Opportunity Omagh site, including several of the currently proposed anchor uses.

**Mr Bresland:** Can the Minister assure Members that any future development of the St Lucia site will respect its rich military history?

**The Minister for Social Development:** Last year, I visited the St Lucia and Lisanelly sites, so I understand the Member's point. Nevertheless, I am sure that his point will be taken on board by his colleague the Minister of the Environment, who, along with planning officials, will have direct responsibility for approving any developments on the sites and for ensuring that such developments respect the heritage and history of those areas. I am anxious to ensure that any developments and investments in Omagh provide economic opportunities for all its citizens, and I am sure that all Members would concur with that wish.

**Mr Deputy Speaker:** That concludes Question Time. I propose that Members take their ease until we resume the debate on the Second Stage of the Education Bill.



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

## EXECUTIVE COMMITTEE BUSINESS

### Education Bill

#### Second Stage

*Debate resumed on motion:*

That the Second Stage of the Education Bill (NIA 3/08) be agreed. — [*The Minister of Education (Ms Ruane).*]

**Mr P J Bradley:** On a point of order, Mr Deputy Speaker. I understood that there was to be a ministerial statement from the Minister of Agriculture and Rural Development at 4.00 pm. Given that another business day has gone by, and considering the questions that exist, surely such a statement should have been prioritised. In fact, I thought that the statement would have been made at noon, but it appears that it continues to be postponed. Many businesses are waiting to hear what is happening.

**Mr Deputy Speaker:** I am happy to inform the Member that the Minister of Agriculture and Rural Development will address Members immediately after this debate.

**The Minister of Education (Ms Ruane):** Go raibh maith agat, a LeasCheann Comhairle. Ba díospóireacht shuimiúil bhríomhar í seo, agus cuirim fáilte roimh an spéis a léiríodh ar gach taobh den Teach inti. Gabhaim buíochas leis na Comhaltaí sin a bhí pairteach inti. Ardaíodh cuid mhór sainphointí le linn na díospóireachta, agus tabharfaidh mé aghaidh ar oiread acu agus is féidir agus mé ag labhairt. Ar ndóigh, scríobhfaidh mé chuig Comhaltaí i dtaca le haon cheisteanna nach mbíonn deis agam a phlé anois.

It has been an interesting and lively debate. I welcome the interest that has been shown on all sides of the House, and I thank those Members who contributed. Many specific points were raised, and I shall address as many of them as possible. I shall, of course, write to Members on any issues that I am unable to cover now.

I will begin by addressing some of the comments that were raised by DUP Members Mervyn Storey, Michele McIlveen and Edwin Poots. I will respond first to the issues that were raised by Mr Storey, as Chairperson of the Committee for Education, and I hope that I have my responses in the correct order.

The Chairperson and several other Members mentioned the exemption in fair employment and treatment legislation on teacher employment. As Members will know, that legislation is the responsibility of the Office of the First Minister and

deputy First Minister, and I consider that any change to it would require careful consideration, public consultation and the advice of the Equality Commission. I recognise the importance of that issue, which will be a priority for my Department. A review will be conducted by my officials, working closely with, and involving, key stakeholders. The review will be completed by January 2010. Terms of reference are being finalised, and my aim is to review opportunities for teacher employment throughout the education system and to consider how best to promote equality of opportunity.

The Bill addresses issues that several Members raised about examinations and conflicts of interest. The functions of approving courses and accrediting qualifications will rest with the Department, not with the education and skills authority (ESA). I agree with Members' points about the importance of the portability of qualifications. It is important that qualifications are portable. Young people must be able to access universities and further education colleges throughout the island of Ireland, in England, Scotland and Wales, and, indeed, throughout Europe.

Several Members mentioned an education advisory forum. I am about to publish proposals on that for consultation, and I look forward to hearing the views of the Committee and other stakeholders on that.

Mervyn Storey mentioned the content of the first and second Bills. The first Bill could be on the statute books before 1 January 2010. The powers to establish the ESA could not be commenced before that date. Therefore, the timetables for the preparation and passage of the two Bills will overlap. The normal arrangements for Committee, Executive and Assembly control will ensure that the two Bills will remain synchronised.

Mervyn Storey also mentioned local bodies and committees. The legislation includes provision for the establishment of local committees, and I look forward to working with the Committee for Education to develop their makeup. As for the controlled schools body and the role of sectoral bodies, no sectoral body will have statutory functions. All will have representation and advisory roles on an equitable basis. The Committee has received the Department's proposals, and I welcome its intention to work closely with the Department and stakeholders on developing them. My Department will, of course, also engage with stakeholders. A range of other concerns was raised, and my officials will liaise, and continue to work, with the Committee on those.

Michele McIlveen, Mervyn Storey, Basil McCrea and other Members commented on the single employing authority. The review of public administration (RPA) is not about taking autonomy away from any particular group of schools; it is about giving all schools



autonomy in their own day-to-day affairs, including, for example, controlled schools, which currently have too little say in staffing matters. The ESA must be the single employing authority for all schools, so that we can reap the benefits of a better planned and better co-ordinated education workforce and greater consistency of employment practice for staff.

Voluntary schools, like all grant-aided schools, are funded by the taxpayer to deliver education to children. It is right that they, like all schools, come under the new arrangements to ensure proper stewardship and accountability for their use of public funds.

Voluntary schools have nothing to fear from the arrangements. Their boards of governors will continue to be in charge of the day-to-day running of the schools, and they will make employment decisions relating to the setting of staff complements, the recruitment, management and promotion of staff and their disciplining and dismissal. Furthermore — and for the first time — those benefits will extend to all schools, including those in the controlled sector.

Several Members spoke about coterminosity. The education and skills authority will have a subregional structure that will maximise coterminosity with other service providers, including local councils. The fact that the structure is not being specified in legislation gives greater flexibility in that regard. The objective is to have effective and responsive local delivery of services within a consistent policy framework.

The education and skills authority must be a regional organisation with a strong local presence and a focus on local delivery. Local managers and delivery units will have the freedom to respond to local need. They will be sensitive to, and receive input from, a committee from that area comprising, among others, a number of local representatives. Provisions for the establishment of some committees have been included in the first Bill.

Michelle McIlveen said that I should listen to the Committee for Education and to its suggestions. I always do that; I have listened to the Committee on such issues as the right to nominate governors, the timing of the two Bills and the membership of the committee. I look forward to the Committee's further consideration, and my Department and I will continue to work closely with the Committee. However, it is a two-way process, and our relationship needs to be based on respect.

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

**The Minister of Education:** I will not give way. Members had the opportunity to speak during the debate. I sat and listened carefully for two hours. We have been engaging on many of the issues.

I also listened to the familiar and oft-repeated comments from Miss McIlveen about Irish-medium education. It is hoped that the word "equality" will be to the forefront as the education and skills authority develops. I welcome the comments on equality that were made by Members on the Benches opposite, and I look forward to a time when children who are taught in the Irish medium receive the equality that they deserve, along with other children who learn through English and other languages.

I do not view the outcomes of the factors relating to the transferors, the timing of the two Bills or the membership of the education and skills authority as concessions: they are the outcome of democratic accountability and engagement with the Committee, which was useful. Go raibh maith agat as sin.

Michelle McIlveen asked about the rationale for sectoral support. We will continue to have a pluralist system of school types, each with its own distinctive character and ethos. It is right that each sector has a modest amount of professional capacity to represent its interests. That will be of particular value in equipping the sectors to engage with the education and skills authority and one another to build the collaboration that will be necessary to meet the challenges of delivering the new curriculum and modernising the schools estate. That role will complement, without overlapping, the role of the education and skills authority.

Sectoral representation is a key component of the RPA programme. It will provide the means by which a number of non-statutory organisations can discharge advisory representation and advocacy roles in respect of schools of a particular character or ethos, including the controlled sector. That will include participation in the education advisory forum and the education and skills authority's area-based planning arrangements.

Support for sectoral organisations can be provided by using existing grant-making powers, and it will not require new legislation. A number of key principles must be reflected in those arrangements, as is the case with area-based planning.

No representative group will have statutory functions. They will have advisory representation and advocacy roles, and their front-line service provision functions will be transferred to the education and skills authority.

With regard to the transition of staff to the education and skills authority, the implementation team has compiled a database of the workforce in existing organisations. It is also in the early stages of designing new service delivery arrangements and modelling the workforce for the new organisation. That will take some time to complete. Every effort will be made to avoid compulsory redundancies and to reduce voluntary redundancies, and the current vacancy-control policy will be important in facilitating that.



A number of Members asked for clarification on the administrative savings that will result from the reforms.

As I said earlier, I am releasing today the business case for the reforms, which sets out a detailed and rigorous analysis. There will be a reduction of around 460 posts at senior and middle management level. Around half of those posts are already vacant, and I am confident that the remaining reductions can be achieved through voluntary redundancy and early retirement. Every effort will be made to avoid compulsory redundancy. I remind Members that those resources could be used at the front line for 700 newly qualified teachers each year, three new primary schools and one post-primary school every year, or funding the youth capital programme four times over.

4.15 pm

Comments were made about the importance of the convergence programme. I am chairing a high-level group in the sector, which includes the cathaoirleach — the chairpersons — of all the affected organisations. That group meets regularly across the North, and it has been functioning well. I pay public tribute to the chairpersons for the work that they are doing. The group discusses all of the issues and concerns that the chairpersons have for their organisations about any aspect of the RPA. I am working in a hands-on manner in the process, and those meetings are also attended by my permanent secretary, deputy permanent secretary and Gavin Boyd, who is the chief executive designate of the education and skills authority.

Questions were asked about the legality of appointing the second-tier structure before the legislation was passed. We are looking at the most fundamental reforms of education in a generation. They involve the transformation of staff, assets and functions in 11 organisations to deliver a vital public service. Change of that magnitude requires careful planning and leadership; therefore, it is important to have senior staff in place as early as possible. The chief executive designate has been appointed, and it is important that we appoint several key second-tier officers to build and maintain momentum. I draw the attention of the Members who asked that question to the fact that a similar approach has been taken by the Library Authority and the regional health and social services authority. I am sure that if the Members who raised the question consult their own Ministers overseeing those authorities, they will be reassured.

I welcome Nelson McCausland's support for equality and the issue of targeting social need. I assure Members that we will take our statutory duties seriously as regards targeting social need and genuinely get money to the front line and to some of our most vulnerable young people. I welcome the fact that we are having a debate and that equality is at its core.

Comment was made on representation for controlled schools. In taking this matter forward, I am keen to ensure that there is an effective voice for publicly owned schools — they will no longer be known as controlled schools — and for the transferors representative council. I recognise that education here remains pluralist and that there is a strong desire on the part of the various sectors to continue to play a significant role. I have agreed that sectors will require sufficient professional capacity in order to discharge a representation advocacy role under the new arrangements.

My Department will provide grant aid for a sectoral representative body for the publicly owned sector on the basis of a robust business case for funding, in the same way as grant aid for sectoral support is to be provided to the other sectoral interests. The establishment of a sectoral support body for publicly owned schools will place those schools on the same footing as schools in other sectors and, therefore, will also assist in promoting equality between all schools, irrespective of management type.

I see that Nelson McCausland has joined us. I am delighted that equality is at the core of the debate. I absolutely reject the notion that the Department is discriminating against youth in any way. In fact, I have put forward proposals to the Member's colleague the Minister of Finance and Personnel for further funding for the youth sector, and I look forward to Nelson McCausland's active support, advocacy and representation as regards extra funding for youth. I share his desire for further funding for the youth sector. I hope that everyone in the House will join me in my efforts to secure more funding for our youth.

Edwin Poots mentioned the recognition of qualifications. As I said, the function of the accreditation of qualifications will rest with the Department of Education, not the education and skills authority. The Department will continue to liaise with authorities in the South and in Britain to ensure that there is a consistent approach to the matter, with recognition of our local qualifications. We are all in the European Union, and I am sure that Members will agree that it is important that our young people can use their qualifications across the length and breadth of Europe.

I welcome the comments made by my colleague John O'Dowd. I also welcome the support from all sides of the Assembly for the transferors' role. In particular, I agree with John's positive comment that the transferors have played an important role in education. I want that role to continue in three key areas: in schools — on boards of governors; in the sectoral body — representing the needs of those schools and communities; and in the education advisory forum — contributing to policy.



I support John O'Dowd's comments about UNISON, and I absolutely share his respect for the union. I also have huge respect for the tremendous work that it does. I hope that Members will bear with me as I answer some of the questions that UNISON has asked. Those questions dovetail with many of the questions that Members have asked.

The education and skills authority will not be a super-quango. The majority of its members will be local councillors. In addition, I will ensure that members of the authority have the skills and experience to lead the education and skills authority; I completely take on board Trevor Lunn's comments on the matter. I will also ensure that the democratic accountability of that key public service is ensured.

UNISON also raised other issues. I must point out that clause 44(1) outlines a general duty:

"It is the duty of ESA to ensure that its functions are exercised with a view to safeguarding and promoting the welfare of children and young persons."

Thus, the education and skills authority will strengthen that role rather than dilute it. I hope that UNISON and Members are reassured on that point.

Many people, including UNISON members, raised the issue of savings. I want to be clear about this matter, because it is obvious from some comments that there is a lack of clarity. The Department of Education has secured a budget of £50 million on an invest-to-save basis for education reforms. It is intended that, by year three, the proposed reforms will release £20 million per annum from education administrative services to front-line education services, where the funding will make the most difference to our children's lives

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

**The Minister of Education:** No, I will not, Basil; I listened to your comments all morning. I will come to the Member's questions next.

In contrast, the Department is not aware of any detailed proposals to back up the claim that savings could be made under the existing arrangements and questions how they might be achieved without reducing the existing administrative structures or cutting key education services.

John O'Dowd made other comments, which I welcome. Again, I look forward to having the support of every Member when I introduce proposals to secure money for primary schools and early-years provision. If we are to do that, we need more resources in the education system. I welcome the fact that every party supports those efforts. I thank Members in advance for that support. *[Interruption.]* I am sorry; I do not speak Ulster Scots, but if Basil McCrea can tell me how to say "thank you" in Ulster Scots, I will take an intervention from him.

I will deal now with Mr McCrea's questions. He mentioned the origins of the RPA. I want to remind the Member that the RPA was not invented by the Civil Service or by direct rule Ministers; in fact, it was introduced and launched, under devolution, by the Office of the First Minister and deputy First Minister (OFMDFM). Who was in OFMDFM at the time? David Trimble was the First Minister.

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

*[Interruption.]*

**The Minister of Education:** No, Basil, I have heard your comments. The Member should do his homework, before he says that it was his colleagues in the Tories or in the Labour party who launched it.

In his comments on early years, Basil McCrea misunderstood the Bill. Early years are already the responsibility of my Department. That change was made by the previous Administration, but the law was not changed. It is time to change the law and to put those key services on a firm legislative basis.

Basil McCrea feels that the Bill may reduce autonomy — on the contrary, autonomy for schools is a theme that runs throughout the RPA policy and the Bill. For example, the Bill includes provision to ensure that all schools are empowered to set their own governance arrangements. In addition, the ESA will be the employing authority; schools will set the day-to-day employment arrangements and decide how much responsibility that they wish to take on. Some schools may want to be responsible for all employment matters, including the setting of staff complements, recruitment, management, promotion, and the disciplining and dismissal of staff. Other schools may want to pass some of those responsibilities to the ESA, but the key point is that the choice will be for the schools to make, not the ESA.

When Basil McCrea runs out of arguments about the Bill, he reverts to ideological arguments. We are not discussing the transfer arrangements from primary to post-primary education — he seemed a little bit confused about that. The Bill is about the establishment of the ESA.

Area-based planning is not a substitute for new post-primary transfer arrangements — it is required because the current ad hoc arrangements have failed. They have failed because there is adversarial competition that focuses on the needs of schools rather than on the needs of pupils; an inefficient use of scarce resources, with 50,000 surplus places; limited choices for some pupils; and inequality of access to the curriculum. No public service can be delivered effectively without proper strategic planning, and education is no exception.

I welcome the important scrutiny role of the Committee, and I look forward to engaging further with



it. I am glad that Basil McCrea put on the record his recognition that there is a link between underachievement and transfer. He said that I was “allegedly” the Minister of Education — I am the Minister of Education. Some people in his party might have difficulty — *[Interruption.]*

**Mr Deputy Speaker:** Order. There are too many conversations going on for the Minister to be heard, and there is too much shouting across the Floor. As it is coming up to Christmas, will Members respect the Chair for once?

**The Minister of Education:** Go raibh maith agat as sin. I am the Minister of Education — that will become clear from reading Assembly documents. Thankfully, we no longer have direct rule Ministers, from either the Tories or from the Labour Party, coming over to Ireland and telling us how to run anything.

Basil McCrea asked me about the transfer of responsibility for the Youth Service to local councils, so I hope that he listens to my answer. My policy on the RPA is founded on a recognition of the value of youth services in education — they have particular importance for young people who are at risk of marginalisation and exclusion. During an extensive consultation, I did not hear any convincing argument that the needs of children and young people would be better met by the transfer of responsibility for the Youth Service to local government. The ESA will provide local services at the point of contact, which would suit youth services in the same way that it suits all education provision.

Basil McCrea was also worried that the ESA and the Bill would be about accountability to me. I ask him to read my speech again, and I have no doubt that he will do so — it will make nice bedtime reading. What I said was that it should be

“accountable to me and to the Assembly”.

4.30 pm

**Mr B McCrea:** Will the Minister take an intervention on that point?

**The Minister of Education:** I have loads of questions from Basil McCrea, which I am trying to answer, but it is very difficult because he keeps interrupting me.

In relation to the Department being ineffective, every part of the education system, including the Department of Education, needs to do better and needs to refocus on the things that matter most — raising standards and addressing inequality in education.

Under RPA, every part of the system will change, including my Department. The Department needs to be better at making evidence-based policy and at communicating it clearly to stakeholders. It needs to be better at challenging and holding the education system to account for its performance on educational

attainment. It needs to be less focused on the needs of institutions and more focused on the needs of children and young people, particularly those who are most at risk of dropping out of education.

I have already answered the question on the education advisory forum.

In relation to Ken Robinson’s comments, I have already responded to the point about quangos.

Again, I must make the point that this debate is not about transfer — it is about the education and skills authority. I make the same comment to Ken Robinson that I made to Basil McCrea — when they run out of arguments, they come on to accusations of ideology.

Ken Robinson, like his colleague Basil McCrea, appears to have difficulty with Sinn Féin holding ministerial positions. However, we are in our positions; we respect our positions; and we respect all the other parties and the portfolios that they hold.

I am concerned about the use of language such as “woolly curriculum”. We have a revised curriculum and an entitlement framework, and we now have probably one of the best curriculums in Europe. People know that I criticise where I feel that criticism is necessary but that I give credit where credit is due. The curriculum has changed enormously, and it is much better and much broader than it was before.

In relation to the question about whether the ESA will be too powerful, the legislation places key duties on the education and skills authority and gives it the necessary powers to discharge its responsibilities with appropriate checks and balances. The strongest powers in areas such as school development, school closure, removing governors and directing schools are contained in existing legislation, and Members will be glad to know that those will continue to be exercisable by me as the Minister, and not by the education and skills authority.

The draft legislation includes only one such new power for the education and skills authority, and that is the power to direct grant-aided schools in relation to the discharge of their child protection functions, and I am sure that no one in the House will argue against that.

The ESA will be fully accountable to me, as Minister, and amenable to scrutiny by the Committee for Education. It is similar in that regard to the Housing Executive and to the forthcoming library authority and the regional health and social care board.

In relation to Ken Robinson’s question about the relationship between the first and second Bill, I have listened to the Committee on the matter, and the Executive’s decision was that both Bills will be taken forward. Both are essential, and the Committee will be fully involved in the development of the policy and in



the legislative provisions for the second Bill before the first is implemented.

Ken Robinson also asked how schools will be challenged and by whom. The challenge will be evidence based. The education and skills authority and the boards of governors will make challenges that are based on the evidence of results and on inspections by the Education and Training Inspectorate.

Ken Robinson asked: "how local is local?" The ESA will have a subregional structure that will maximise coterminosity with other service providers, including local councils. The fact that the structure is not specified in legislation gives greater flexibility in that regard. The objective is effective, responsible, local delivery of services within a consistent policy framework, and the education and skills authority must be a regional organisation with a strong local presence and a real focus on local delivery. Local managers and delivery units will have the freedom to respond to specific local need.

They will be sensitive to the requirements of, and receive input from, a committee from that area, comprising, among others, a number of local representatives. I have studied carefully Sir George Bain's recommendations; it is important to take those into account, and I will do so.

Dominic Bradley began by talking about my housework. In case he is wondering, I do my own housework, and I am very good at it. I welcome Dominic's concern about housework, and I hope that all Members do their housework on the basis of equality. I note that Fred Cobain definitely does. I remind Dominic Bradley that the debate is not about transfer arrangements or academic selection, although it would be good to hear publicly —

**Mr Deputy Speaker:** Order. I know that Members are anxious to please the Minister by shouting out the answers, but they will lose their gold stars eventually. Please carry on, Minister.

**The Minister of Education:** Go raibh maith agat. The debate was never about transfer arrangements or academic selection. I hope that we will have a debate in the House on those matters. I look forward to the SDLP's stating its position loudly and clearly, because I have read its party manifesto, and sometimes its voice is very quiet on the issue of post-primary transfer. Enough of that, however; today's debate is about the education and skills authority. Sin díospóireacht do lá eile. That is a debate for another day.

Dominic Bradley made a disparaging comment about Gerry Adams and democracy. My party conducts democratic discussions on many aspects. That is one of the reasons why I like being in the party, because those discussions take place at every level. It is important that those discussions happen in all political parties.

I have already answered Dominic Bradley's question about savings. He also asked about local access and interfaces. I can reassure him that back-office functions will be centralised, but front-line support will not. In fact, that support will be decentralised, moved closer to schools and provided by local management units, which local committees will oversee. Mr Bradley will be glad to hear that the ESA will consider carefully the location of its headquarters, in line with Sir George Bain's recommendations.

Dominic Bradley also asked about the cost of establishing the ESA, and I have answered that question. He also made a point about underachievement, and I look forward to working with him, and all Members, on that issue. I reassure Members that the business case for the ESA will be available today. It clearly demonstrates that savings are achievable. However, I have always said that this is not about savings but about educational achievement, setting standards and achieving equality for our young people.

I welcome Trevor Lunn's thoughtful comments, and I support his constructive views on regional organisation and local delivery points. He raised the issue of local councillors' involvement and expressed his concerns. I understand why he has those concerns, but we are in a new era. I agree with the point that Ken Robinson made about that issue. Under the new arrangements, councillors will play a major role, and it will be important for them to have experience in financial management, human resources and other important areas. My Department will ensure that adequate training is provided for those councillors.

Trevor Lunn also raised the issue of MLAs sitting on the board of the ESA. It would be undemocratic for an MLA to be a member of the new education and skills authority. There would be a clear conflict of interest, because the ESA must be accountable to me and to the Assembly — to me and the Assembly, Basil.

Trevor Lunn spoke about the different tone of today's debate. I agree with him, and I welcome that fact. I hope that we can reach agreement on the transfer of children from primary education to post-primary education. Trevor Lunn also spoke about the important issue of democratic accountability. The ESA is too important to be left to a non-democratic body. The Committee expressed its concerns, to which I listened. The education and skills authority will be a more effective champion if it is democratically accountable. I am sure that —

**Mr Deputy Speaker:** Order. Some Members cannot hear the Minister's reply. Members must be quiet and patient. Thank you.

**The Minister of Education:** Thank you. I appreciate that, Mr Deputy Speaker, because my voice has had to



get louder and louder, and I still have an Executive meeting to attend today.

I listened to the concerns that the Committee expressed. I will ensure that the ESA's members have the necessary skills and competence. I wish to consider further the precise method of appointment, in order to ensure that the promotion of equality and recognition of diversity are reflected in the organisation.

In conclusion —

**Some Members:** Hear, hear.

**The Minister of Education:** In conclusion, let us remember that we all became Members of the Assembly because we want to make a positive difference to our fellow citizens' lives. Today, we have an opportunity to do just that. For every young person, effective education is the key to knowledge and skills, to employment and prosperity, and to health and well-being. For all of us together, education is the key to a vibrant, cohesive community and to a thriving economy. We have the opportunity to improve the life chances of today's children and of the generations who will succeed them.

Is é an t-oideachas éifeachtach an rud is tábhachtaí do gach uile dhuine óg, nó osclaíonn sé doirse ar eolas agus scileanna, ar fhostaíocht agus rath, ar shláinte agus leas. Is é an t-oideachas an rud is tábhachtaí dúinne agus sinn ag cruthú pobail fhuinniúla chomhtháite agus geilleagar atá faoi bhláth. Tá deis againn inniu seansanna saoil pháistí an lae inniu agus seansanna saoil na nglúnta atá le teacht a fheabhsú.

As I said, we have an opportunity today to improve the life chances of every one of our children. Let us take that opportunity. Molaim an Bille don Tionól.

*Question put.*

*The Assembly divided: Ayes 72; Noes 12.*

#### AYES

*Mr Adams, Mr Attwood, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Bresland, Mr Brolly, Lord Browne, Mr Buchanan, Mr Burns, Mr Butler, Mr Campbell, Mr T Clarke, Mr W Clarke, Mr Craig, Mr Dodds, Mr Doherty, Mr Donaldson, Mr Durkan, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Gallagher, Ms Gildernew, Mr Hamilton, Mrs Hanna, Mr Hilditch, Mr Irwin, Mrs D Kelly, Mr G Kelly, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Mr McCausland, Mr I McCrea, Dr W McCrea, Dr McDonnell, Mrs McGill, Mr McGlone, Mr M McGuinness, Miss McIlveen, Mr McKay, Mr McLaughlin, Lord Morrow, Mr Moutray, Mr Murphy, Mr Neeson, Mr Newton, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mr Paisley Jnr, Mr Poots, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Mr G Robinson,*

*Mr P Robinson, Ms Ruane, Mr Shannon, Mr Spratt, Mr Storey, Mr Weir, Mr B Wilson, Mr S Wilson.*

*Tellers for the Ayes: Mr Brady and Mr F McCann.*

#### NOES

*Mr Beggs, Mr Cobain, Rev Dr Robert Coulter, Mr Cree, Mr Elliott, Mr Kennedy, Mr McCallister, Mr B McCrea, Mr McFarland, Mr McNarry, Mr K Robinson, Mr Savage.*

*Tellers for the Noes: Mr McCallister and Mr B McCrea.*

*Question accordingly agreed to.*

*Resolved:*

That the Second Stage of the Education Bill [NIA 3/08] be agreed.

**Mr Deputy Speaker:** That concludes the Second Stage of the Education Bill. The Bill stands referred to the Committee for Education.



## EXECUTIVE COMMITTEE BUSINESS

### Pensions (No. 2) Bill Further Consideration Stage

**Mr Deputy Speaker:** Before we consider the statements from the Minister of Health, Social Services and Public Safety and the Minister of Agriculture and Rural Development, we will move to the Further Consideration Stage of the Pensions (No. 2) Bill. I recognise that some Members wish to hear the planned statements as soon as possible, and I assure Members that we will move to those statements immediately after what we expect to be a very brief Further Consideration Stage.

**Mr Paisley Jnr:** On a point of order, Mr Deputy Speaker. Will you advise the House whether copies of those statements are available for Members yet?

**Mr Deputy Speaker:** It has been pointed out to me that that is not a point of order.

5.00 pm

**Dr W McCrea:** On a point of order, Mr Deputy Speaker, this debate is on a very serious matter, and people have been waiting for it all day. Why, at the end of the day, are we still waiting for the Ministers to come to the House to report on a matter that could have catastrophic implications for our farming industry?

**Mr Deputy Speaker:** We will consider the statements immediately after we deal with a very brief piece of Assembly business, which is, of course, very important: it is the Pensions Bill.

I remind Members that under Standing Order 37(2), the Further Consideration Stage of a Bill is restricted to debating any further amendments that are tabled to the Bill. As no amendments have been tabled, there is no opportunity to discuss the Pensions (No. 2) Bill today. Members will, of course, be able to have a full debate at the Bill's Final Stage. The Further Consideration Stage of the Bill is, therefore, concluded. The Bill stands referred to the Speaker.

**Dr W McCrea:** On a point of order, Mr Deputy Speaker: is there a reason why we are waiting for the commencement of statements or debate?

**Mr Deputy Speaker:** I do not think that that is a point of order.

**Dr W McCrea:** It is a point of order.

**Mr Deputy Speaker:** We will not argue. We are waiting for the Ministers who, I am assured, will be here. I have the first statement, from the Minister of Health, Social Services and Public Safety, and that will be made available to Members. The other statement, from the Minister of Agriculture and Rural Development, will follow.

## MINISTERIAL STATEMENT

### Incident of Dioxins in Pork and Pork Products Originating from the Republic of Ireland

**Mr Deputy Speaker:** I have received notice from the Minister of Health, Social Services and Public Safety that he wishes to make a statement regarding the incident of dioxins in pork and pork products originating from the Republic of Ireland.

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** I want to reassure the public that the risk to health from eating potentially contaminated pork and pork products from Northern Ireland or the Republic of Ireland is extremely low. Since I was made aware of this matter over the weekend, I have had frequent discussions with the Agriculture Minister, Michelle Gildernew; the Chief Medical Officer, Dr Michael McBride; and the Food Standards Agency (FSA). The Food Standards Agency has advised me that, based on the information that it has at present, any adverse effects to health would require high levels of exposure to those products for long periods.

The FSA is an independent Government Department set up to protect the public's health and consumer interests in relation to food. The health of the public is a major priority for me, and is something that I take very seriously. I want to ensure that no one has any concerns about the quality or safety of their food. However, I realise that there has been a lack of clarity about advice on the consumption of pork and pork products.

In the Republic of Ireland, all pork products originating from the Republic and from Northern Ireland have been removed from retailers' shelves. In Northern Ireland, however, initial advice from the FSA to the public here has been not to eat those products, but no formal recall notice has been sent to retailers. Despite that advice, a number of retailers have already taken the decision to remove products from their shelves until they are certain that none of them is contaminated. The FSA and the Department of Agriculture and Rural Development are continuing to investigate whether any of those products contaminated by dioxins have been distributed in the UK. Although I fully accept that the health risk to the public is low, I also feel that the public are confused about the messages that they are receiving.

Indeed, rather than take the risk of buying potentially contaminated pork, it is more likely that they will be deterred from eating any pork products at all. That is why I have requested that the FSA issues urgent advice to retailers to temporarily remove from shelves any pork, or pork products, that have been processed in Northern Ireland. As soon as the relevant agencies have determined which products, if any, are contaminated,



products can safely be returned to shelves. The public can then have confidence that any pork products on the shelves in supermarkets and butchers' shops are not contaminated.

On account of taking that step, I believe that consumers will not be deterred from eating pork products and, when investigations are complete, will be content to purchase pork from local producers.

It is important that confidence in the pork industry be restored as quickly as possible — not just for consumers, but for local farmers and producers. This is the busiest time of year for them and the Agriculture Minister, Michelle Gildernew, and I, want to ensure that the impact on the industry is minimised. I hope that the investigations will be completed as quickly as possible and that local, quality pork products will be back on the shelves.

**Mr Easton:** I thank the Minister for his statement and for his quick reaction to the situation. As he has outlined, there is a lot of confusion among the public about pork products. For the benefit of anybody who bought pork products at the weekend, can the Minister confirm whether or not those should be eaten? Can he outline how long dioxins have been in animal feeds, and when the matter was first brought to his attention?

**The Minister of Health, Social Services and Public Safety:** The Food Standards Agency in Northern Ireland has told me that its first indication of this matter was received at 10.30 pm on Saturday, when it was contacted by its counterpart in the Irish Republic. The FSA spent Sunday investigating, and I had conversations with them and others, including the Agriculture Minister.

This is a rapidly evolving situation, which is changing continually. Initially, the Food Standards Agency, which is a UK-wide body, moved to advise consumers not to eat pork products labelled as produced in the Irish Republic or Northern Ireland. That was its first piece of advice, and that advice stands.

If customers who purchased pork products over the weekend are concerned, the advice is not to consume it, but not to destroy it either, as it is almost certainly safe. An investigation process must be carried out to ensure that we can stand up and say that pork is safe.

**Mrs McGill:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. Mr Easton touched on the question that I wished to ask: when was the Minister informed about the situation? In unexpected situations such as this, is there a dedicated officer within the Department of Health who contacts the Minister? Go raibh maith agat.

**The Minister of Health, Social Services and Public Safety:** As I said, the Food Standards Agency became aware of the situation at 10.30 pm on

Saturday. I was contacted, and messages were left on my answering machine. On Sunday morning, I was at church, and I did not hear those messages until 2.30 pm. At that point, I had conversations with the relevant officer who looks after emergency planning in the Department, with the Chief Medical Officer and with other individuals concerned.

As for contamination, the Minister of Agriculture and Rural Development will make a statement in due course regarding animal husbandry and related matters. I am taking a view purely from a health standpoint.

The information that I have indicates that at the moment there is no emergency. It is important that calm is maintained. The situation is changing rapidly. I am advised that the level of dioxins present in pork produce is so low that it would take consumption over a long time for them to prove harmful. However, action is being taken on the advice of the Food Standards Agency, which upholds the highest standards.

**Mrs Hanna:** I thank the Minister for his statement, which helps to clarify the position. It is reassuring to know that the risk to health is extremely low. On the other hand, there is some risk; therefore, there is obvious concern. Clear direction is essential, particularly for people who want to know whether to throw out or use the bacon in their fridge. It is important that very clear leadership is provided, and I appreciate what the Minister has said.

The question may be more relevant for the Minister of Agriculture and Rural Development, but does the Minister of Health, Social Services and Public Safety have any information on whether there is a legal level of dioxins in pigs?

**The Minister of Health, Social Services and Public Safety:** There is a safe level about which I am not familiar. However, scientists say there is a safe level. In the Irish Republic, 80 to 200 times that recommended safe level of dioxins has been detected in pork. My information is that pork products that are labelled "Northern Ireland" are not in that situation. The Minister of Agriculture will be more specific, but I understand that a tiny amount of product from Northern Ireland is affected.

Therefore, the advice is that if people have pork products labelled "Northern Ireland", they should not destroy them; rather, they should keep them in the fridge, and further advice will be issued in due course. The situation is changing rapidly, and I look forward to getting more advice in due course with the support of the director of the Food Standards Agency in Northern Ireland, Mr Gerry McCurdy. I assure Members that he and his officials have worked constantly since they got the information late on Saturday night in order to be absolutely certain that their advice prevents any consumer in Northern Ireland being put at risk of harm.



**Dr Farry:** I also thank the Minister for his statement. I notice that there has been a different reaction in the North and the South about whether to keep product on shelves. Given the extent to which there is a shared media market, what is being done to co-ordinate the media message and action, both North and South? Given the proximity of Christmas — a time when people consume a lot of pork — how quickly does the Minister believe that the all-clear will be given and that confidence will be restored to the market in a way that enables people to buy and butchers and supermarkets to sell pork at what is their busiest season of the year?

**The Minister of Health, Social Services and Public Safety:** I cannot be definitive about a date. However, the FSA is considering the safety of Northern Ireland pork very closely. It is a changing situation. My current information indicates that there is a very, very low risk. I hope to be able to clarify that further in due course. My request of the Food Standards Agency is that they advise retailers to temporarily remove from their shelves any pork or pork products processed in Northern Ireland. I stress “temporarily”. At present, the measure in respect of Northern Ireland pork products is temporary. As soon as the relevant agencies establish their concern about which, if any, products are affected, safe products may be returned to the shelves.

5.15 pm

**Mr Buchanan:** I thank the Minister for his brief statement to the House. The lack of clarity on the matter from relevant Departments at the weekend beggars belief. I note, however, that the Minister has requested the FSA to issue urgent advice to retailers to remove temporarily from their shelves pork and pork products that have been processed in Northern Ireland.

Although, on the one hand, the Minister has made that request, on the other hand, he has stated clearly that the situation is not an emergency and that any adverse effects to health would require prolonged high levels of exposure to contaminated products. Therefore, there is ambiguity on the matter: although it would take large consumption of those products to cause any adverse effects to health, retailers have been advised to remove products from their shelves.

**Mr Deputy Speaker:** The Member must ask a question.

**Mr Buchanan:** If it can be proven definitively that dioxins in pork products is not a problem in Northern Ireland because none of its produce has been found to be contaminated, will that information be released to the public as soon as possible in order to restore confidence among Northern Ireland’s consumers? How long will the temporary period last?

**The Minister of Health, Social Services and Public Safety:** I have already answered the second part of Mr Buchanan’s question in my response to Dr

Farry. As far as I am concerned, speed is of the essence in the provision of that information.

I have broad responsibility for public health. However, the FSA was set up as an independent Government body specifically to advise on matters that pertain to food safety and, therefore, to examine issues such as that which is being discussed. Consumer confidence is an important concern. This is not simply a scientific exercise: because the matter has arisen, it is important that it is dealt with proactively pending the results of the scientific investigation, which I hope — and I am optimistic — will, within a short period, bring the situation to the point at which pork products that are labelled as being from Northern Ireland do not pose a risk.

As I have said, the situation is changing rapidly. On the basis of my current information, I do not regard the situation as an emergency. However, the fact is that a belt-and-braces approach must be taken. That is why I have asked the FSA to issue that advice. It has agreed to fulfil my request. Produce must be withdrawn, but only temporarily.

**Mr O’Dowd:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Health Minister for his statement. He has said that his current information is that the risk is extremely low. Is that information based on scientifically tested results that have been obtained from a laboratory? Does he await any further test results that will allow him to either give the all-clear or to take further action if necessary? If that is the case, when does he expect those test results to be returned?

**The Minister of Health, Social Services and Public Safety:** It is a scientific exercise. The Food Standards Agency applies a great deal of expertise to the matter. The Minister of Agriculture is in a better position than I am to discuss how many farms purchased feed from the supplier in question. However, I am aware that the number keeps reducing; therefore, the risk keeps reducing. The scientific basis of the advice that I get from the Food Standards Agency is firmly grounded in the discipline.

Other Members have asked about the time frame. I cannot be definitive about the precise time that it will take to resolve the situation; however, it will absolutely be done as quickly as possible. I have emphasised and reinforced the message, over and over again, that the matter must be resolved as quickly as possible.

**Dr W McCrea:** As the vast majority of pig farmers in Northern Ireland have never used feed from that particular mill, and it is also possible to trace and isolate any product that may have come from animals that have been fed with suspect feed, why is the produce of pig farmers in Northern Ireland being kept off shelves here and in Great Britain?

**The Minister of Health, Social Services and Public Safety:** The Minister of Agriculture and Rural



Development is better able than me to answer that question. I am not entirely sure whether the origins of pork can be determined after it has been processed in a factory. I believe that there is a question mark about that and, therefore, we have taken this step. The Irish Republic has deemed it appropriate to take its pork products off the shelves. We are taking Northern Irish pork products off the shelves temporarily to allow us to go through this process. I anticipate that pork will be allowed to go back on the shelves after that, but my broad responsibility for public health means that we must undertake that exercise.

That is why we have the Food Standards Agency, which is a standalone organisation. It is entirely independent of the Department of Health, and it provides independent advice. The FSA emerged as a result of the BSE crisis some 20 years ago, when expert advice was not readily available. Perhaps rightly, there was a commensurate adverse public reaction against the entire industry at that time. However, things are different now. The expertise is available, and as the Minister, it is my responsibility to act on the expert advice.

**Mr McCallister:** I agree with the Minister that the Food Standards Agency was set up to deal with exactly this type of situation and to build public confidence. The advice that FSA gives must be clear. The Minister also mentioned that this is an evolving situation. If the developments are positive, will the Minister make officials available to brief the Health Committee later this week?

**The Minister of Health, Social Services and Public Safety:** I will be happy to do that. However, just at the moment, I do not want to take officials away from the immediate issue that they are dealing with. The Health Committee will have a strong interest in this matter and, no doubt, they will want to talk to departmental officials, particularly those from the Food Standards Agency.

**Mr Attwood:** I welcome the Minister's statement. There are clearly issues about how the matter has been managed, both within Government and between Governments, North and South. The Minister has advised the House that his officials became aware of the problem late on Saturday night. However, it was brought to the attention of the Minister of Agriculture, or at least to her Department, on Friday.

I want the Minister to create some certainty and avoid doubt. Can he reassure the House that the problem — which we assume is not of an emergency nature — affects only pork and does not extend to feed that has been given to other animals? When did the Minister issue urgent advice to the FSA asking that pork products be temporarily removed from the shops? Will the Minister confirm that the FSA has accepted his advice and issued that instruction to all shops?

**The Minister of Health, Social Services and Public Safety:**

I am not in a position to comment on when other people received the information. The FSA received the information at 10.30 pm on Saturday. The matter was then investigated, and attempts were made to contact me on Sunday morning. Those attempts were successful early on Sunday afternoon.

I am also not in a position to answer the Member's question about the effects on other animals. I assume that the Minister of Agriculture will be able to address that matter.

Will the Member repeat his final question?

**Mr Attwood:** When did the Minister issue urgent advice to the FSA? Will he confirm whether it accepted that advice?

**The Minister of Health, Social Services and Public Safety:**

The FSA has agreed to my request, and produce will be temporarily withdrawn. That request was sent to the FSA at lunchtime today, around noon or 12.30 pm.

**Mr Paisley Jnr:** What message does the Minister have for the hundreds of workers in Stevenson and Company at Cullybackey and for the 630 workers in Grampian Country Pork at Cookstown? What general message does he have for consumers in Northern Ireland? Is he issuing a clear clarion call that our pork produce is safe and is safe to eat, or is he issuing a message that we must wait and see temporarily?

The country has encountered enough problems with a lack of confidence in commerce and banking, and the Minister must accept that we cannot afford a lack of confidence in agriculture. How long will that temporary measure last? Why is our produce being withdrawn, by order, from shelves in Northern Ireland, whereas in the Republic of Ireland — where the problem originated — the retailer can decide whether to remove produce from the shelves? Will the Minister outline a clear and distinct action plan, or do we have a case of over-reaction fever?

**The Minister of Health, Social Services and Public Safety:**

As I have indicated, the Food Standards Agency was established, and operates, for good reasons. It ensures safety in the food industry, which is an important part of the Northern Ireland economy. In my opinion, it operates to the highest standards.

The Member asked about factory workers in Cullybackey and Cookstown. Although I am optimistic that the Department will take the next step and declare the all-clear, the Food Standards Agency must adhere to steps in order to reach that point. Those steps will be taken as quickly as possible.

The Member mentioned the differential between here and the Irish Republic. The Food Standards Agency advised that any product that is labelled Irish



Republic will be withdrawn from the shelves and destroyed, whereas Northern Ireland produce will be recalled and held before it is returned to the shelves. There is a handling difference. Some feed has been purchased from a supplier in the Irish Republic, and that fact poses questions for our industry. I am not in a position to sweep that issue under the carpet. However, I must go through steps, I am aware of what hangs on this matter, and I am aware of the dangers of over-reaction, and I want to avoid that. As I said, it is not an emergency; it is a rapidly changing situation, and I am optimistic that we can reach the desired point.

**Mr Poots:** The Minister's statement provides no clarity and, therefore, I want to probe further. The statement says that Northern Ireland pork will be removed from the shelves. However, it does not mention Republic of Ireland pork. Although I think that I understand the message, will the Minister make it absolutely clear what is happening to pork from the Republic of Ireland, where the problem originated?

Will the Minister indicate whether he has received any evidence that pigs produced in Northern Ireland have consumed the contaminated product?

5.30 pm

**The Minister of Health, Social Services and Public Safety:** I will read the Member the communication that I have received from the Food Standards Agency:

"The agency is to initiate a product recall of all pork and pork products that have been sourced from the Republic of Ireland, which are to be removed from the food chain and destroyed."

That is the answer to the Member's question. As far as Northern Ireland is concerned, products will be recalled, but I anticipate that that will be temporary — to allow this exercise to be completed so that the products can go back on the shelves. On the issue of the sourcing of feed, the Minister of Agriculture is in a better position to answer questions than I am.

**Mr B McCrea:** There has been some concern among Members about the delay in bringing this matter before the House, but I am sure that the Minister has been working on it throughout the day. Will he advise us what communications he has been able to have, either with the public or with the appropriate authorities, to tackle the matter with alacrity? There has also, obviously, been some concern about the long-term implications. How does the Minister intend to communicate the all-clear to the public, if that all-clear is given? Will it be communicated by his office, by the media, or by the FSA? Where should we look for the most up-to-date information?

**The Minister of Health, Social Services and Public Safety:** When advice is given, I am sure that there will be no shortage of media outlets anxious to carry that news. I will certainly consider it at the time, but general advice and information will be provided,

and I am sure that no one who has an interest in either producing, processing, purchasing or consuming pork products will miss that advice. Retailers will also play an important role in that.

As for working with alacrity, I can only repeat that the Food Standards Agency was communicated with for the first time at 10.30 pm on Saturday; it worked away, and then communicated with me on Sunday morning, and we have been in communication ever since. I have had several meetings and conversations with the Minister of Agriculture, with my officials, with the Food Standards Agency — and with the First and deputy First Ministers at a meeting around an hour ago. We all recognise the seriousness of the situation, and are looking for a way to get out of it. On the basis of the information that I currently have — and I await further advice and guidance — I do not regard this as an emergency. We must not talk ourselves into a crisis when there is no crisis.

**Mr Shannon:** I declare an interest as a pork retailer. The Minister has stated that the risk from eating any contaminated pork or pork products from Northern Ireland is extremely low. He has also drawn a comparison between the treatment of products from the Republic of Ireland and that of products from Northern Ireland.

Yesterday, on the 24-hour news, a scientist clearly stated that there would be no detrimental effect from this product, were one to eat it for breakfast, lunch, dinner and supper for a year. If that is the sort of scientific evidence that has been presented, how on earth can the Minister make a decision today to ensure that Northern Ireland products have to be taken off the shelf and then stored? I am sure he is aware of the perishable nature of any goods that are taken off the shelf. Unless the situation is turned around within a couple of days, there will be a problem with those products as well. Clearly, there is a need for some direction from the Minister in relation to this matter. I respect his position and —

**Mr Deputy Speaker:** The Member must ask a question.

**Mr Shannon:** The question is how come the Minister has made this decision, when the scientific evidence from the experts is that there is no problem.

**The Minister of Health, Social Services and Public Safety:** I can only repeat what I have said already: I have expert advice, and I act on such advice. The situation is changing rapidly. There is a difference between us and the Republic of Ireland in that we can speak authoritatively about our own product in our jurisdiction, but we cannot speak authoritatively about that in the Irish Republic.

I believe that if someone were to eat the product for breakfast, lunch, dinner and supper for 365 days of the year they would be safe as far as dioxins are concerned, but I would fear for that person's cholesterol.



## MINISTERIAL STATEMENT

### Current Animal Feed Contamination

**Mr Deputy Speaker:** I have received notice from the Minister of Agriculture and Rural Development that she wishes to make a statement regarding the current animal-feed contamination.

**The Minister of Agriculture and Rural Development (Ms Gildernew):** Go raibh maith agat, a LeasCheann Comhairle. I am very grateful to have the opportunity to bring information to the House about the developing difficulty that pig producers in the North face.

I listened to the Health Minister's statement and to the questions that came from that. It is worth reminding people that this is an evolving situation. We are getting information as we speak, and we have been working closely together on this matter. I accept that several questions that were directed to the Health Minister will probably also be directed at me. We want to get as much information as possible to Members and to be open and transparent about the issue.

On Friday 5 December 2008, the authorities in the South advised us that potentially contaminated animal-feed material had been exported to nine premises in the North. We took action to identify the relevant premises, and we placed immediate restrictions on the movement of animals and, where appropriate, products in order to ensure that no further potentially contaminated meat could enter the food chain. That remains the position.

My inspectors from the Department followed up the potentially contaminated feed to identify what happened to it. They visited all nine businesses today and took samples of feed from the identified supplier. The situation is evolving, but I want to supply the Assembly with the information that has been gathered so far. More information will potentially be available over the next number of hours and days, and we will continue to keep the Assembly updated.

I reassure the Assembly that the Executive are taking prompt, effective and joined-up action to deal with this matter. We take our joint responsibility for food safety very seriously. Primary responsibility rests with the Food Standards Agency, which is a non-governmental organisation that is tasked with regulating food standards and which is a body that is outside my remit. From the outset, I have kept in close contact with the Health Minister, Michael McGimpsey, to offer him advice from the perspective of the Department of Agriculture and Rural Development and to ensure that he is fully apprised of the information that my Department received from its counterparts in Dublin. We have also ensured good links with the Dublin authorities, and I spoke to the Minister for Agriculture, Fisheries and

Food, Brendan Smith, on Sunday. He updated me on the rationale for the decision that the Dublin authorities made.

At official level, staff have been liaising closely with officials in the Food Standards Agency, Invest NI, the Department of Health, Social Services and Public Safety, and the Department of Enterprise, Trade and Investment. There was also frequent contact with representatives of the farming and meat-processing industries over the weekend.

It may be helpful if I explain to the House in more detail what we have been doing as regards the implications of this matter for producers and processors. As soon as we were informed about the potential contamination, we restricted six affected herds that are on APHIS (animal and public health information system) Online, which is the Department's animal traceability system. We also put a marker on APHIS to alert meat-inspection staff if animals from those affected herds were presented for slaughter. Furthermore, we spoke to the Food Standards Agency to share information and advice.

During Saturday night and Sunday, I had a number of discussions with my Chief Veterinary Officer and senior DARD officials to take advice and gather further information as events developed. On Sunday, veterinary staff spoke to the Northern Ireland Meat Exporters Association (NIMEA) about the implications for its members. We undertook to notify NIMEA if we discovered that its members had slaughtered any animals from the affected premises.

Today, we carried out tracings on animals that were being sent to slaughter, and we notified affected meat plants. The Department is liaising closely with slaughter premises to identify whether any animals from the identified premises in the South may have been slaughtered here since 1 September 2008.

The Department took samples from those premises to check whether there has been any contamination. My permanent secretary is chairing a group of senior officials, including the chief veterinary officer, to oversee our response to the situation. We take the matter very seriously, and I believe that we are responding proactively and proportionately to it.

The FSA's advice is to recall and destroy pork products from the South and to take products from the North off shelves, hold them and investigate further until more information becomes available. The advice to consumers remains not to consume pork produced here or in the South. Retailers and wholesalers should, for the moment, retain any pork products, thus not allowing product to enter the food chain until the Food Standards Agency determines the way forward.

I am conscious of, and concerned about, the implications for producers and processors. Inevitably, processors will not wish to slaughter animals when it is



unclear whether that meat can be allowed to enter the food chain or what consumer demand will be. Moreover, there are serious issues about producers keeping animals beyond the point at which they expected to send them to market. Therefore, there may be welfare implications, so the Department and the Executive must urgently consider how to help the industry through this difficult time.

In the South, the authorities have taken pre-emptive measures to remove potentially contaminated product from the food chain.

I recognise that all this is a severe blow to the industry, especially, as Members have said, during these difficult economic times, and at Christmas, when the demand for products such as ham and bacon is normally high. Nevertheless, I assure Members that I will do everything that I can to support the FSA and to restore consumer confidence in our food sector. Ultimately, ensuring consumer confidence in pork and bacon products and ensuring that the pig industry does not suffer any further blows is what drives all those measures.

This is an evolving situation to which we must respond, and it represents a huge challenge to an important industry. Therefore, it is vital that we all work together. Later today, I will meet Executive colleagues again to discuss the issue, and, as the Minister of Health said, we met the First Minister, the deputy First Minister and the Minister of Enterprise, Trade and Investment in order to apprise them of the situation. Furthermore, in the next day or two, I expect to call a meeting to further brief, and to discuss the way forward with, industry representatives.

Although I hope that that clarifies some of the matters about which Members asked, I accept that people are anxious for information, so I will attempt to be as open and as transparent as possible. Go raibh maith agat.

**The Chairperson of the Committee for Agriculture and Rural Development (Dr W McCrea):** Veterinary officials from throughout Europe are due to meet tomorrow, and, no doubt, this is one of the matters that will be discussed. Will the Minister assure the House that Northern Ireland pig farmers are not included in any potential blanket restrictions that the EU may apply?

Moreover, given that the Minister's counterparts in the Irish Republic were aware of the matter last Monday, will she explain to the House why officials in her Department were made aware of it only on Friday afternoon? What happened between Monday and Friday, and, given the supposed consultation and co-operation between the relevant office in the Irish Republic and the Minister's office, why did she have to wait until Sunday to speak to the Minister in the Irish Republic, from where the problem comes?

Furthermore, will the Minister and her Department send a clear message to farmers, processors and consumers that pig meat can continue to be processed and eaten safely? She acknowledged that there are welfare implications if animals must stay on farms. What are the implications for farmers who have lost, and are losing, their entire source of income, and what will the Department of Agriculture and Rural Development (DARD) do about that?

**The Minister for Agriculture and Rural Development:** On the Chairperson's first question, the FSA in Britain is already discussing with the EU the way forward for producers here. Nevertheless, I hope that our immediate action will prevent further restrictions being placed on pig products from the North.

The timeline of events is as follows: on Friday afternoon, six affected herds were restricted on the Department's traceability system. Divisional veterinary officers then began to contact keepers of affected herds to discuss that restriction, and the Department adjusted the status on APHIS in order to alert meat-inspection staff if animals from affected herds were presented for slaughter. Moreover, we alerted the Department's quality-assurance branch, which is responsible for animal feed.

5.45 pm

Senior officials in my Department spoke to the FSA to share information and advice on the potential risks to consumers and the restrictions that DARD would put in place. That was a precautionary approach, as the scale of the contamination was not known, as that result was not yet available.

To answer the Chairperson's question, the Southern officials did not know the seriousness of the matter until Friday, when test results came back. They were aware that there was a problem, and they had carried out tests, but it takes three days for test results to come back. It was Friday afternoon before they realised that this was an issue of which we needed to be made aware, and they notified my Department on Friday afternoon.

I was notified of the matter on Saturday, and I spoke to the chief veterinary officer and senior officials on Saturday. I spoke to the Minister for Agriculture, Fisheries and Food in the South on Sunday morning. I spoke again to my chief veterinary officer on Sunday morning, and I spoke to the Minister of Health, Social Services and Public Safety early on Sunday afternoon.

The situation was evolving, and we were finding out information as it developed. We wanted to act proportionately. We did not want to overreact, but, equally, we did not want to under-react and face possible European Commission questions about how we dealt with the situation.

We all remember previous food scares, particularly those that occurred across the water, when Ministers



gave assurances that products were safe but had to go back on those assurances and inform the public of a different position. We wanted to err on the side of caution and, as the Health Minister said, to take a belt-and-braces approach to the issue and ensure that we were able to protect our consumers. Equally importantly, we wanted to protect our pig industry and to show that we had taken decisive action in order to protect it from further difficulties.

**Mr Doherty:** Go raibh maith agat, a LeasCheann Comhairle. Will the Minister clarify references that she made in the early part of her statement to nine premises and businesses, and her later references to six affected herds? Did her officials and the FSA have any indications of the problem from their own surveillance of the industry, or did the first indication of the problem come from the Southern authorities last Friday?

**The Minister of Agriculture and Rural**

**Development:** First, as the Member rightly pointed out, I said that nine businesses were flagged. Two of those are non-farming businesses — one of them is a haulage company, and the other is a feed company. Six herds were involved, but several non-farming businesses were affected, which explains the difference in the figures.

Secondly, no dioxin testing was carried out here. Pork fat was tested in the South and was flagged as a potential problem. Southern officials then came to us and said that there was a possible problem with pork products. The issue was, therefore, first identified in the South and relayed to us.

**Mr Savage:** I thank the Minister for her explanation. What action will she take to protect the Northern Ireland pork industry, and what further measures will be required to protect the large number of pig farmers who have not used that contaminated food?

**The Minister of Agriculture and Rural**

**Development:** We must show that we have acted quickly to inform ourselves fully of whether contamination exists and how widespread it might be. At present, there are 350 to 400 commercial pig farms in the North and about 35,500 breeding sows. About 30,000 pigs are slaughtered each week in the North, about 30% of which come from the South.

We responded in the way that we did because we wanted to be sure that no contaminated produce reached supermarket shelves and to ensure that consumers did not feel that we had not acted decisively and quickly. We want to take a joint approach to the matter. As I said, we had discussions with the Health Minister over the weekend. We also spoke to the Minister of Enterprise, Trade and Investment today about the ongoing implications for the industry. For example, Invest NI is considering ways to mitigate potential future impacts on the export of pork products.

We have visited the nine businesses that have been affected, and we have taken away samples of feed, which will be tested. If results show that there are no contaminants in the feed and we can be sure that animals in the North were not fed contaminated feed, we will know that we took the action over the weekend that was necessary to protect consumer confidence. It is an evolving situation. On completion of the tests, receipt of the results and release of the relevant information, it is hoped that we will be able to allay any public fears and concerns and that the public will know that we took the action that was necessary to provide full confidence in pork products, such as bacon and ham.

The Department wants to have things back on an even keel as quickly as possible. We need to show that we were on top of things over the weekend and that we wanted consumers to have full confidence in all our products and to continue to buy our high-quality local produce.

**Mr P J Bradley:** I thank the Minister for her statement, although, as I said earlier, I would have preferred it if she had made it six hours earlier, because another working day has passed, and producers, processors and retailers are waiting to hear of developments from the Assembly. Information was scarce over the weekend. However, I am thankful to the Minister's officials for the useful update that I received around lunchtime.

The Minister said that she spoke to the Minister of Agriculture, Fisheries and Food, Brendan Smith, on Sunday. At what time on Sunday did the Minister speak to the Republic's Minister? Was that the first time that the Minister had spoken to Brendan Smith since the news of the contamination was announced?

What is the Minister's assessment of a similar threat to other farming industries, such as beef, dairy production and poultry?

**The Minister of Agriculture and Rural**

**Development:** If I had made this statement six hours ago, it would have been a lot lighter, because we have been out on farms all day and trying to ascertain information that would help us provide as much detail as possible to the Assembly.

I spoke to Brendan Smith at 10.30 am on Sunday. I had spoken to the Chief Veterinary Officer late on Saturday evening and was unable to get in contact with Brendan Smith on Saturday night. I spoke to him first thing on Sunday morning, and I have been working on the issue all through Sunday and all day today.

We have robust traceability systems, and APHIS contributes to those. Once an animal goes for processing, there are different ways of identifying exactly from where it came — especially with red meat. We are seeking to find out to what farms the contaminated feed was sent. First, we need to ascertain whether any of the contam-



inated feed ended up in farms in the North. After that, we will take proportionate action. However, we have to wait for the results of the testing to come through. The farms are flagged; they are restricted. If the animals have been fed with contaminated feed, the product will not be allowed to enter the food chain.

Secondly, we want to ensure that we are doing everything we can to alleviate consumers' concerns. That is why people were advised not to eat pork products. The Department has been proportionate and measured in its response. We have been responsible; we have not overreacted or under-reacted. We do not want to create a situation in which it will seem as if we are closing the stable door after the horse has bolted. We do not want that to happen; we want consumers to be confident that we acted quickly and proportionately to the situation as soon as we heard about it.

**Mr Ford:** I thank the Minister of Agriculture and Rural Development and the Minister of Health for their statements. It is clear that the majority of Members accept that a precautionary approach was needed over the weekend, but I was concerned when the Minister started to talk about such things as the future welfare implications of keeping animals beyond the point at which they would, normally, have been slaughtered. If APHIS is working properly, surely it should be possible to determine speedily that a large proportion of pigs in Northern Ireland are free from any possible threat of contamination.

At what stage will the Minister be able to tell officials in Brussels that despite the fact that our cattle and sheep were Irish at the time of the foot-and-mouth disease outbreak, our pigs are British?

#### **The Minister of Agriculture and Rural**

**Development:** I think that I will be able to concur with the Member and come back in a few days' time to say that pigs reared here are safe for consumption and that there are no food safety issues. However, we must wait for the results of the tests on the meal samples that officials took away from the farms that they visited today. That feed will be tested, we will find out whether it is contaminated, and we will take whatever appropriate steps are necessary. However, in the first instance, we must find out whether, and to what extent, contaminated feed was fed to animals here.

As the Minister of Health, Social Services and Public Safety already pointed out, the situation is evolving, and we will act proportionately as the information is received. However, Members must understand that the situation will be rolled out over the next few days, and although it is frustrating that we do not have all the information, we cannot have it all now. APHIS will be a tool, and it will help us to give consumers confidence. However, the tests must be carried out, and it will take a few days for the results to come through.

**Mr T Clarke:** The Minister said that she realises that the matter will be a severe blow to the industry with Christmas looming, because it is one of its busiest times. We have heard on the radio today that consumers are being encouraged to take their products back, and, if there is a threat to health, that is the correct procedure. However, that will have a knock-on effect on the industry. Has the Minister any plans for a package of support for those farmers who will be affected, and will she put forward a better business case for them than she did for those farmers who were affected by the flooding?

#### **The Minister of Agriculture and Rural**

**Development:** As the Member pointed out, I said that this is a severe blow to the industry. To be honest, anything that has a detrimental impact on the pig industry is severe. Our pig farmers are the most resilient people; they have been through so much, and they have kept going and continued in business. I have a great deal of respect for pig farmers. We do not want anything to happen that would impact on their businesses. We want to help them to continue in business.

I believe that we will be able to give the green light to many of the pigs here and that they will be able to go for slaughter and be available for the Christmas market. I will have to talk to Executive colleagues about a package. As I already said to members of the Committee for Agriculture and Rural Development and others, the business case on the flooding to which Mr Clarke referred had to be based on figures, and it was a straightforward economic decision, whereas I went to the Executive and made a social hardship case for those farmers who had been affected. They are two very different matters. In this case, it will be a mixture of both, with decisions being based more on social issues than economic ones.

Invest NI is responsible for working with food-processing companies that export our pig products and for improving productivity by becoming more internationally competitive. It is considering several measures to reassure buyers; for example, it is targeting British pork and bacon buyers with a view to visiting the North in order to meet the industry's producers and processors. If necessary, Invest NI suggests mailing all buyers and reassuring them of the safety of pork and bacon from the North. We will also use the trade press to put forward a positive message.

All the agencies must work together — including me, as Minister of Agriculture and Rural Development, the Minister of Health, Social Services and Public Safety and the Minister of Enterprise, Trade and Investment. We are all working to ensure that our pig sector does not have any further difficulties in these challenging times. I assure the House that the sector has my full support and confidence, and I want to do all that I can to help to keep it in business.



**Mr W Clarke:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the Minister's quick response to this serious issue. The release of dioxins into the food chain can have a devastating impact on the agriculture sector, which is one of the main reasons that I am totally opposed to incineration. What will be the knock-on effect for processors and for jobs in the processing sector?

6.00 pm

**The Minister of Agriculture and Rural**

**Development:** I hope that as the testing evolves, the situation will be short-lived and the industry can soon get back to normal. I hope that there will be no impact on jobs. Obviously, I am concerned about the sector, and I want those processing jobs to remain. The sooner the necessary information is available, the better for everybody. That is one of the reasons why there is such a sense of urgency about the matter — we want people to continue in their jobs. The processors will be told when they can go back to slaughtering and processing pigs as soon as possible.

**Mr Irwin:** I thank the Minister for her statement. I have spoken to a number of pig processors today, and there is a lot of concern about what the coming days hold for them. It is important that the issue is dealt with speedily. The Minister has told us that six farms are under restriction at the moment. Of those six farms, how many are pig farms, and how many pigs are involved?

**The Minister of Agriculture and Rural**

**Development:** As I said, six herds have been restricted. At this stage, I do not have the information that the Member seeks. The farms have been visited today and samples of meal have been taken. However, I do not have the numbers that the Member is asking for — unless I am being handed them now. We have taken samples, and we will forward that information to the Food Standards Agency, which will respond to any risks identified. The situation is evolving. The officials are on farms today, and I hope to have the necessary information tomorrow.

**Mr Elliott:** I thank the Minister and her officials for their response and the progress that they have made. Obviously, public health must be a key priority. The Minister has alluded to the timescale involved, and I want to press her further on that. Tests are being carried out on farms and within other units that have been mentioned. If on-farm contamination is found not to be a factor, what is the realistic timescale for getting food products back into the marketplace and on to the shelves? I would like a ballpark figure.

**The Minister of Agriculture and Rural**

**Development:** The results of the tests should be back mid-week, and if they are clear, we will be able to resume business straight away, I imagine, or as soon as

possible. If they show that contaminated feed has been fed to animals, we will have to make a different response.

The situation is very much evolving. We will provide the information to the Food Standards Agency, as we get it, and we will continue to keep it apprised of the situation. It will take three days to get the relevant information, so it will be the middle of the week before we know the exact level of contamination. After that, we will take the appropriate and necessary action.

**Mr Burns:** I do not need to tell the Minister that the scare has been devastating for local pig farmers and that there is a tremendous loss of public confidence in all pork products. It was only a few months ago that I really started to understand about dioxins in food, when I heard the presentations about the proposed incinerator in Glenavy and the great dangers of incineration and toxins. I ask the Minister to reassure the public that we are not at serious risk from toxins in any other foods.

**The Minister of Agriculture and Rural**

**Development:** I do not need to tell the Member that if we had not acted while the South of Ireland was taking decisive action, that would have been a bigger blow to consumer confidence and the pig sector. Some 30% of pigs slaughtered here each week are from the South, and if we had not taken action, a question mark would have hung over pork products from the North for some time. We took action to sustain and support the pig sector here.

Feedstuffs in the feed mills here are tested routinely — there are approximately 12 tests for dioxins in feed mills every year. There are other tests with respect to animal health and with respect to identifying what is contained in food. Therefore, there is a robust testing regime, and it is important that tests on feedstuffs continue so that we are assured that no contaminants can get into the food chain.

There are other issues, such as how environmental contaminants can affect food, but I will not be discussing those today. We are doing everything possible to protect, enhance and guarantee the safety of our produce, whether it is pork, beef or milk. We are doing everything possible to ensure that our animals, and the feedstuffs that they live on, are fit for consumption.

**Mr O'Dowd:** Go raibh maith agat. A number of pork processing plants across the North have been mentioned, and there are several in my constituency. Who is responsible for liaising with pork processors at this stage to keep them in the loop and to provide them with as much up-to-date information as possible? Is it the FSA or the Department?

**The Minister of Agriculture and Rural**

**Development:** There are four pork processors in the North, of which Grampian Country Pork in mid-Ulster is the biggest, slaughtering 20,000 pigs per week. As other Members mentioned, we also have William



Grant and Co, Stevenson and Company, and Foyle Meats. We have been in touch with the pig processors and discussed the situation with them over the weekend and today, and the FSA will also be in contact with them. We need to work together to ensure that information is passed on and decisions are taken. Processors are being kept apprised of the situation as it develops.

**Mr Poots:** Will the Minister confirm that no pig or pork produce from Northern Ireland has been identified as having dioxin levels over the safe limit? Will she also confirm that no other animal product from Northern Ireland has been identified as having dioxin levels over the safe limit? Is there any evidence that pigs in Northern Ireland have been given any of the feed that the contaminated pigs in the South of Ireland were fed? Does the Minister recognise that she has 48 hours to turn this situation around and to get pork back on the shelves, or, instead of boosting consumer confidence, the actions taken today will be hugely detrimental to consumer confidence?

#### **The Minister of Agriculture and Rural**

**Development:** As I said in answer to previous questions, it is too early to be definitive. We need to know whether contaminated feed has been given to animals here. Further tests will be carried out post mortem, so we will be in a situation in which we are culling animals. We want to be proportionate and measured in what we do and be sure that that does not have a detrimental impact on consumer confidence.

There have not been any positive tests for dioxins to date, so I am content that we have done everything that we can to ensure the safety of our food. We are doing everything that we can to ensure that the issue is dealt with as speedily as possible, but in a proportionate and measured way so that we are not seen to be overreacting. I do not like to repeat myself, but we do not want to overreact to any situation, but, equally, we want to be seen to be taking action and taking all the necessary precautions to ensure consumer confidence.

**Mr Paisley Jnr:** I thank the Minister for her statement. Twice, she has mentioned the six herds. Will she confirm that those are pig herds only? The Minister said that she will do everything that she can to restore consumer confidence, and I have no doubt that that is what she wants to do. However, will she confirm that pig meat that is produced and processed in Northern Ireland is safe to eat?

That is all that the public need to hear in order for confidence to be boosted. The public must be assured that pig meat is safe to eat because it has been produced and processed in Northern Ireland.

#### **The Minister of Agriculture and Rural**

**Development:** I said already that it is too early to determine whether other farm animals have been fed contaminated feed. We have taken samples, but we do

not yet know whether any feed is contaminated, and if so, whether such feed has been used. I hope that the results of that sampling exercise will show that there is no contaminated feed in the North.

My officials are engaging fully with the farms in question. The FSA is tasked with defining the level of risk to consumers, but we are responsible for what happens on farms. We pass information on to the FSA, and it makes decisions that are based on that information.

**Mr A Maginness:** I thank the Minister for her statement. The public is greatly lacking confidence about the matter, and there is a great deal of uncertainty and confusion. I am not certain that the Minister's statement will restore confidence. I hope that it does, but I am not certain.

I also wish to highlight the lack of mention of the European institutions in the Minister's statement. I wonder why mention of those bodies is absent. Will the Minister reassure the House that she has communicated with the EU, at whatever appropriate level, in order to clarify the position and to avoid any blanket ban on pork products from Northern Ireland?

#### **The Minister of Agriculture and Rural**

**Development:** The European Commission is aware of the situation as it evolves. Its concern is that prompt and effective action is taken in order to address any potential risk. If I were to tell the House today that we had not taken any action and that the FSA had not made any recommendations, the European Commission would take a very dim view of our lack of response. The FSA in the UK is the authoritative body on matters such as this, and it liaises with the EU. The European Commission has been in contact with the FSA, but it is important that we give any available information to the Minister of Health, Social Services and Public Safety and the FSA and that the European Commission is aware of the situation as it evolves.

**Mr I McCrea:** As other Members said, there is no doubt that the situation is causing great concern in the pig industry. The Minister mentioned that Grampian Country Pork, which is based in my constituency, processes about 20,000 pigs a week, 11,000 of which come from Northern Ireland, while the remaining 9,000 come from the Irish Republic. Will the fact that there are now few or no pigs coming from the Irish Republic to Northern Ireland have an impact on jobs, given that not enough pork will be processed for retail? Time is of the essence, and I am sure that the Minister will do as much as she can to ensure that the situation is resolved in the short term, because that is what the industry needs to hear.

#### **The Minister of Agriculture and Rural**

**Development:** I agree that time is of the essence. My officials have been in constant contact with Grampian Country Pork over the weekend in order to assist it. I



visited the Grampian factory this time last year. About 30% of our processing capacity comes from the South, and if pigs are not being processed here in the North, there is a potential knock-on impact on jobs. I am keen to ensure that that does not happen.

6.15 pm

The processing sector across the island has quite a small capacity, and we have witnessed the sharp decline of the pig sector over the past decade or two. About one third of the pigs that are processed here are from the South. Given those figures, if we had not taken decisive action this weekend, people would have asked whether we were sure that the pigs that were processed in the North had not come from the affected farms in the South, and there would have been question marks over the safety of our pork. From a consumers' point of view, we have to be seen to be taking action on the matter.

**Mr Molloy:** Go raibh maith agat. I thank the Minister for her statement. I also congratulate her on taking swift action in dealing with the matter, which is the best way in which to build confidence with the industry. Does the Minister agree that if Minister Smith had taken swifter action in informing her of the situation in the South, that would have led to a speedier reaction and an opportunity to test the pig feed at an earlier stage?

**The Minister of Agriculture and Rural Development:** As I said, officials from the South corresponded with my departmental officials on Friday, enabling my Department to restrict those herds as soon as it received that information. This is an evolving situation. It was late on Friday afternoon before officials in the South realised the severity of the situation. I suppose that it would have been useful to have had earlier correspondence from the Minister in the South. However, from past experience, I know that when we had to deal with a situation, we thought first about contacting the people who were directly involved.

I suppose, from that point of view, officials were engaging at that level, but the Minister had not been in touch with me. However, the important thing is that we got the information in time for my Department to take decisive action in restricting those herds on Friday. The fact that officials were liaising with one another meant that we were able to act quickly.

**Mr Shannon:** I also thank the Minister for her response. I declare an interest as a pork retailer. I represent an area where four people are in the business of manufacturing pork products: two businesses produce and manufacture sausages; and the other two businesses produce and manufacture cooked meats. I am sure that the Minister is well aware that it is at this time of the year that producers sell gammon and people sit down to turkey-and-ham dinners. That was

the situation before the lull today. How are we now to deliver those products?

With respect, will the Minister explain why her officials were not contactable over the weekend? The Minister's statement says that the Northern Ireland Meat Exporters' Association had met veterinary staff on Sunday. I am not sure whether they met behind closed doors, but the people who are involved in pork production — be it cooked ham or sausages — could not talk —

**Mr Deputy Speaker:** The Member must ask the Minister a question.

**Mr Shannon:** My question is: why were the Minister's officials not available to meet the people who are involved in the pork industry? I know that some of her officials visited abattoirs and pork produce manufacturers. Will the Minister indicate what the initial response from those visits has been? Will the Minister explain what scientists have told her about dioxin contamination during her discussions with them? Has the Minister been convinced by some scientists who have said that the pork has not been contaminated. Is she also convinced that a person would need to eat the contaminated pork four times a day for a whole year to become ill? Those are questions that I want answered.

**Mr Deputy Speaker:** I must call the Member to order.

**Mr Shannon:** I appreciate that, Mr Deputy Speaker. I have asked my questions, and I look forward to those being answered.

**Mr Deputy Speaker:** Minister, you have a choice of questions.

**The Minister of Agriculture and Rural Development:** Go raibh maith agat. Over the weekend, my officials were in constant contact with many organisations. As I pointed out, NIMEA was one of those organisations. They were also in contact with processors such as the Grampian Country Food Group and other industry bodies. It was not possible to contact every cooked-meat producer, every retail outlet and every butcher. However, people were contacted. It is unfortunate that people were missed out, and I am sorry about that. However, we try to be as accessible to everyone as we can, whether it be the weekend or not.

Officials also discussed the position with the Agri-Food and Biosciences Institute (AFBI), but the risk to human health is an issue for FSA scientists, and I cannot comment on that. The Member asked the same question to the Health Minister. We have to take scientific advice, but we also have to be seen to be responding on the basis of consumer confidence. In six months' time, it will be no good to say that we should have done x, y or z in December 2008. It would be too late then, and that



would dent consumer confidence in our product. None of us was prepared to take that risk.

**Mr Attwood:** There are 16 shopping days until Christmas, and everyone agrees that no stone should be left unturned. Therefore, will the Minister explain to the House why it is only today that the inspectors have gone on to the potentially affected premises to remove potentially affected foodstuffs? Should the Minister not have directed the inspectors to go on site and remove that material on Friday or Saturday?

If that had been done, the Minister could have come to the House today and been definitive about whether affected foodstuffs had been used. If definitive information could not have been provided today, we might have had it tomorrow, and we certainly would have had the information earlier than the few days from today that the Minister mentioned in her statement. If the inspectors had been directed to go on site on Friday or Saturday, we would now know more than the Minister is able to tell us.

#### **The Minister of Agriculture and Rural**

**Development:** The main action that the Department took on Friday was to identify, and to put a restriction on, the farms and the herds that were affected. We flagged those up with the factories, and we ensured that those products could not get into the food chain. The action that we took on Friday was proportionate and measured.

Since then, the meal has been sampled and tests are being carried out. Over the weekend, we took action to try to ensure that consumer confidence was not dented. I am not sure whether AFBI would have been in a position to carry out testing over the weekend; that is outside of my legislative authority. The Department acted as quickly as possible, and neither the Department nor I were found wanting when it came to taking decisive action. We were not aware of the position, so we could not advise the FSA, but we did everything that we could in that regard.

## **EXECUTIVE COMMITTEE BUSINESS**

### **Draft Institutions of Further Education (Public Sector Audit) Order (Northern Ireland) 2008**

**The Minister of Finance and Personnel (Mr Dodds):** I beg to move

That the draft Institutions of Further Education (Public Sector Audit) Order (Northern Ireland) 2008 be approved.

The Order is intended to enable the Comptroller and Auditor General in Northern Ireland to become the external auditor of the institutions of further education. In response to a number of financial issues that have arisen in further education colleges in the past two years, the Minister for Employment and Learning has proposed that the Comptroller and Auditor General in Northern Ireland should become the external auditor to institutions of further education. That has been agreed in consultation with the chairpersons of the college governing bodies and the Northern Ireland Audit Office.

In line with the requirements of the Audit and Accountability (Northern Ireland) Order 2003, my Department has sought and received the agreement of the Public Accounts Committee to the making of the Order. The Order has been agreed by the Executive and considered by the Committee for Finance and Personnel. No objections have been raised. The passage of the Order will ensure that audit and accountability arrangements for the institutions are strengthened by being subject to the public sector audit by the Comptroller and Auditor General. I commend the Order to the Assembly.

**The Chairperson of the Committee for Finance and Personnel (Mr McLaughlin):** Go raibh maith agat. As the Minister of Finance and Personnel has explained, the draft Order will enable the Comptroller and Auditor General to audit the accounts of the Northern Ireland further education colleges with effect from 2007-08. The Committee agrees that the involvement of the Comptroller and Auditor General will strengthen accountability arrangements in the sector, providing stronger assurances on the management, oversight, audit processes and value for money of public expenditure.

The Committee for Finance and Personnel considered the proposals for this subordinate legislation at its meeting on 19 November, and subsequently was content with the policy implications of the legislation. On 26 November, the Committee gave further consideration to the Statutory Rule and noted that the Examiner of Statutory Rules had reported no issues from his technical scrutiny of the draft Order. At that same meeting, the Committee unanimously agreed to



recommend to the Assembly that the draft Institutions of Further Education (Public Sector Audit) Order (Northern Ireland) 2008 be affirmed, and I therefore support the motion.

**The Minister of Finance and Personnel:** I thank the members of the Finance and Personnel Committee, and also those of the Public Accounts Committee, for their scrutiny of the draft Order. If the Assembly's approval is given, the Order will come into operation from 9 December.

*Question put and agreed to.*

*Resolved:*

That the draft Institutions of Further Education (Public Sector Audit) Order (Northern Ireland) 2008 be approved.

## ASSEMBLY BUSINESS

**Mr Paisley Jnr:** On a point of order, Mr Deputy Speaker. Will you ask the Speaker to comment, and make a ruling tomorrow, as to whether Standing Order 18(2) can be breached by a Member of the House?

Standing Order 18(2) states that ministerial statements should not be reported in advance by the news media. Any breach of that Standing Order is a gross discourtesy to the House. However, does it also apply to Members who make statements to the media, claiming that they have spoken in the House in debates that have not yet taken place? I refer specifically to a press release made this evening and reported by the Press Association, claiming that Mr O'Loan, a Member for North Antrim, has already spoken in the debate that we are about to have. Will you ask the Speaker to make a ruling on that tomorrow?

**Mr Deputy Speaker:** I will refer your remarks to the Speaker.



## PRIVATE MEMBERS' BUSINESS

### Current Economic Downturn

**Mr Deputy Speaker:** I have been advised that the Executive's response will be provided by the Minister of Enterprise, Trade and Investment.

In accordance with the Business Committee's agreement to allocate additional time where two or more amendments have been selected, up to one hour and 45 minutes will be allowed for this debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. Two amendments have been selected and published on the Marshalled List. The proposer of each amendment will have 10 minutes in which to propose and five minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

**Mr McNarry:** I beg to move

That this Assembly calls on the Minister of Finance and Personnel to recognise fully the significant potential for job losses due to the current economic downturn; to detail what assistance he can draw on from the Treasury; and to produce urgently an action plan to assist small businesses, especially with regard to cash flow relief, and the level of assistance his Department can initiate locally.

Members cannot behave as though we did not see the economic downturn heading our way. That makes it all the more inexcusable that, for five months, the two larger parties in this House squabbled over the image rights of who blinked first on concessions. Those were five months of inactive, ineffective government, during which the running of the Executive lay not with Ministers, but with unelected officials. The concessions have been banked and, depending on whom you believe, the result was not a draw. One party did better than the other.

Going to Downing Street and returning with £500 million, much of it tied up in deferment of water charges and civil servants' back pay — did that register big time in the homes of families worried about the credit crunch? Did it bring cheers of relief from the factory floor, from the builder or from suppliers? Did it bring cheers of relief from the fisherman, the farmer, the retailer, the wholesaler or the shopkeeper? The answer is, unfortunately, a resounding no.

6.30 pm

Furthermore, has it done anything to instil confidence? A couple — typical of many who are up against it in my Strangford constituency, and, I suspect, compatible with every other constituency — recently emailed me. They are hard-working people, who have invested in their business and created employment for more than 25 staff. They emailed me to request urgent financial assistance to help them to maintain and sustain their business in the current climate. That couple said that

they were receiving little or no help from the banks, were up against a brick wall and would very much appreciate any help, advice or assistance that I could provide.

I ask the Minister how we can help that couple. What advice or assistance can she provide me with to pass on to them? They, in their own words:

“are up against a brick wall.”

That couple, like so many others, expects answers. It is not good enough for the Assembly to say that we can do little about global recessions or that the Prime Minister has said this and the Chancellor has said that. That is not good enough when people are hurting or when yesterday's pound is worth 20% less today. That is not good enough when prices are rising and when there is unbounded uncertainty. It is businesses — particularly small businesses — that are at risk, and they expect the Executive to be on their side.

Do we not need to review urgently our current commitment to public spending? Do we not need to become flexible in our ability to fund projects across the board that will have an immediate impact, and that will inject our local employers with confidence, thus helping them to stay in business? Do we not need to have a long look at reprioritising the distribution of funding in order to keep people in work and to maintain competitiveness? Is it not irresponsible to allow those who are solvent today to slip into insolvency tomorrow?

It is difficult for a small business to find itself in the predicament of having continuity of work — perhaps at a reduced profit but, nevertheless, maintaining a solvent balance sheet. It is also difficult for a small business to win an order, which will enable it to keep people in work, only to be confronted with a “no can do” attitude from a bank — from the very bosses who used the money market as their own gambling casino, while paying themselves exorbitant salaries and bonuses.

Cash flow is crucial, but cash circulation, through wages earned and money spent, is critical. Job losses or cutbacks could wipe out a local community's economy overnight. There is a dependency on cash circulation simply to keep businesses afloat and, therefore, important jobs in place.

The Chancellor of the Exchequer, Mr Darling, wants people who are struggling to make ends meet and people who are out of work, with their access to credit curtailed, if not cut off, to get out there and spend, spend, spend. If a person is broke, how can he or she spend? He is the author of a deferred economy, and we are meant to feel better, because he has deferred — to another day — the hammer blow that he intends to deliver when the deferment period expires.

We must take notice, not only of Darling's deferments on VAT, and so on, but of the fact that we will be paying



for the cost of water-charge deferments. When that particular burden comes, people will find it very hard to deal with. If that is a prize, it is a booby prize, because deferment is a booby trap. Where has all the talk of scrapping the water charges gone? The tap tax has not been turned off. All that has occurred is a postponement until the floodgates of water charges are opened around 2010.

Small businesses are the backbone of our economy. They generate wages, and their entrepreneurial skills circumnavigate the risks that they are taking. They have not relied on either handouts or massive cash-injected bail-outs, nor do they receive employment grants extending to thousands of pounds per job created.

In today's circumstances, deserved recognition of the importance of small businesses is confronted by a culture of bureaucracy that advises our local Ministers with dubious forecasts and inept attitudes. The attitudes underlying the thinking of such people are not empowering, but disempowering. They focus on what a devolved Administration cannot do or does not have the power to do, rather than on being innovative and imaginative in the face of this economic crisis.

Last Monday, the headline that hit the newspapers read: "25 days to rescue our construction industry".

The article cited a letter signed by high-profile players in the construction industry, and that letter was backed by the editors of the 'Belfast Telegraph', the 'News Letter', 'The Irish Times', and 'The Mirror'. It called on the Executive to insure against underspend in any area and for local firms to get a fair crack of procurement routes to departmental spending. The article wins my full support in proclaiming that Northern Ireland needs a Northern Ireland solution for Northern Ireland's needs. So what about it, Minister? With 17 days left to rescue our construction industry, what is being done to provide a Northern Ireland solution for Northern Ireland's needs?

I am surprised that the Executive have not gone into semi-permanent session given the situation that we are in. I believe that a rewriting of the Administration's entire economic policy is required in order to reflect the changed economic circumstances. Businesses are craving leadership and a greater sense of urgency and action commensurate with the depth and seriousness of the recession that we are in. They deserve to be told that we can or that we cannot make a difference for them.

Current circumstances are vastly different, and the idea that the Finance Minister's introduction of a strategic stocktaking process has created a financial panacea to see us through these rough times is, I am afraid, no longer acceptable in the situation. I believe that that view is reflected in the Committee for Finance and Personnel's submission on the strategic stocktake,

which the Executive have in front of them for consideration at their next meeting.

That Finance Committee report, unanimously agreed in its strategic considerations, highlighted the following: doubt as to the reliability of information in departmental submissions to the stocktake, and thus, the evidence upon which Executive decisions may be based; failure by Departments to fully address the stocktake terms of reference in identifying significantly increased requirements without setting out how those requirements will be addressed; the Budget implications of not achieving previously planned asset realisations; doubt as to the Departments' capacity to deliver accelerated capital expenditure in the circumstances in which they are required to raise their standard of financial management and performance; and the need for clarity on the departmental budgets regarding the Chancellor's pre-Budget report. The Committee's report also highlights a general concern at the range and quantum of new and emerging pressures on existing budget allocations that remain to be addressed.

I could almost rest my case. I have put to the Minister the full import of what the public expects. Will the Minister to whom I tabled this motion — he is not in the House, and I regret that, but I still make my remarks to him — accept the realities of the consequences of the recession that businesses are facing? Will he move to stabilise the current pressures on business, and tell us how he is going to do that? Will he act to minimise the impact of job losses, and tell us how? Will he encourage his Executive colleagues to go into semi-permanent session? If he cannot do these things, will he tell us why? I await his response.

**Dr Farry:** I beg to move amendment No 1: At end insert

"; and furthermore, to set out what steps are being taken to accelerate investment and to re-direct resources to both boost the level of economic activity and to re-balance the economy."

I thank the proposers for tabling the motion for debate. It is vital that the Assembly be fully seized of the economic downturn and, in particular, its effects upon Northern Ireland. We are all conscious of its effect on households and businesses alike. It is important that we ensure that the Executive do everything that they can to address the situation.

In some respects, this debate may be the overture to the main performance of next week's take-note debate on the Executive's action plan. I hope that this evening's discussions will serve an important function in shaping the deliberations of the Executive even at this, the eleventh hour. I stress again that those deliberations are long overdue.

It is important to put what the Executive can and should be doing into perspective. It is acknowledged that there is a global economic crisis, albeit with



national and regional dimensions, and that action is needed at various governance levels.

Northern Ireland will benefit from global actions through the G20's improved co-ordination and regulation of the global economy. Monetary action, such as the Bank of England's reduction of interest rates, the rescue of the banking system, and the recent £20 billion fiscal stimulus from the British Government, will benefit the entire United Kingdom, including Northern Ireland.

Although not necessarily agreeing with the rationale or likely effectiveness of each of the incentives, one must acknowledge the sheer scale of the intervention.

As a percentage of GDP, however, the relative scale of the British Government's intervention is overshadowed by the interventions of other Governments, including the possible plans of the incoming Obama administration.

The Executive do not have access to significant tax-varying powers or borrowing rights; nevertheless, the Executive could take action on two broad fronts. First, they can take steps to address the situation in Northern Ireland. However, they have not acted in a decisive, effective or timely manner. Recently, the Alliance Party called for the introduction of a 10-day pledge for the prompt payment of invoices by Departments and agencies. Good cash flow is critical for businesses, particularly in the current climate. I welcome the Finance Minister's decision to introduce that pledge for Northern Ireland at the end of November. However, that was at least six weeks after the same commitment was made by Lord Mandelson on behalf of the British Government.

An even greater problem lies with the actions that the British Government took at the start of September in relation to a package of measures on fuel poverty and energy efficiency. Much of that did not directly apply to Northern Ireland; with devolution, we have our own responsibilities. However, three months on, Northern Ireland is still waiting for its own package.

Secondly, the Executive can use their spending power to make a difference. It is a matter of regret that in the current Budget, populism was placed ahead of prudence, leaving little room for manoeuvre. Priority is given to plugging holes rather than to investing for the common good and for recovery.

The forthcoming Budget stocktake will be more about covering the gaps than about shifting priorities to encourage investment to grow the economy out of recession. If better plans had been in place, a better range of opportunities would be available to make a difference.

The Executive have some Barnett consequentials coming their way and an enhanced ability to bring forward investment. The great challenge for the Executive lies in their capital investment programme.

In this economic context, all Governments should be looking to accelerate investment.

For example, the UK Government are investing a further £1 billion in social housing. The question in Northern Ireland is whether this year's capital Budget will even be spent; we have a damaging culture of underspend. This year, some Departments, notably Health and Education, are dragging their feet over investment delivery plans. Reaching the end of March with considerable capital underspend would signify a massive failure across Government.

The challenge is to rebalance and modernise the economy to be better prepared for recovery and to take full advantage of new opportunities.

6.45 pm

There must be no complacency about the problem that is posed by the relative size of the public sector in Northern Ireland — it is a major structural weakness. In the short term, however, that may ensure that the recession in Northern Ireland is not quite as deep as in other parts of the UK or in the Republic of Ireland.

I fear that the structural weaknesses in Northern Ireland and its poor performance in investing for recovery will mean that the recession lasts longer. The onset of recession must embolden and accelerate efforts to deliver economic change. However, at present, there is no overarching economic strategy for Northern Ireland beyond the loose framework within the Programme for Government. The process of putting in place a regional economic strategy has stalled and may even be downgraded.

There is a particular question about which sectors are potential targets for growth. I am thinking about the potential for following the example of other nations in seeking to invest in the green economy. The potential of the "green new deal" in the United States is an example. There are also works such as 'Hot, Flat and Crowded' by Thomas L Friedman that give wider popular recognition of opportunities offered by the green economy.

I had the opportunity, by coincidence, to raise the issue of the green economy with two DUP Ministers last Monday. The Minister of Enterprise, Trade and Investment, Arlene Foster, who is in the House this evening, said:

"There are tremendous opportunities for us in manufacturing, research and development and innovation. In fact, we could be leaders in the green economy in all those areas". — [*Official Report, Bound Volume 35, p309, col 2*].

That was a very positive statement. However, later that same afternoon, the Minister of the Environment, Sammy Wilson, said:

"That is a bit like saying that, if one broke all the windows in one's house and spent money replacing them, there would be some sort of net benefit to the economy, because one would have bought



all that glass. One would be no better off; one would still have window panes but would have spent money on them.” — [*Official Report, Bound Volume 35, p344, col 1*].

He went on to call that “voodoo economics”.

I suggest that the Minister of the Environment does not seem to grasp the economic logic of replacing single-pane windows with double glazing. Members are used to hearing contradictory messages from different parties on the Executive, but those statements constitute a major difference between two DUP Ministers. I hope that the Minister of Enterprise, Trade and Investment clarifies the Executive’s position in that regard.

I am critical of many aspects of the UK’s fiscal stimulus efforts, including its failure to invest sufficiently in the green economy. It is, nevertheless, worth recognising that the UK is set to spend another £535 million on that green economy.

The Alliance Party agrees with the sentiments of the UUP/Conservative Party motion; it certainly notes that the UUP has been a little more interventionist in its approach than its Conservative partners have been at Westminster. I hope that that is not the first split in their marriage. The purpose of the Alliance Party amendment is to take the very welcome motion a little further.

My party’s amendment adds two important points. First, the Executive must not only ensure that the current capital budgets are spent, but resources should be shifted in order to accelerate investment. Secondly, the amendment argues that measures to address the downturn, plan for recovery and restructure the economy must go hand in hand; they reinforce each other and must be carried through at the same time.

We can also support the SDLP amendment, because the two are not mutually exclusive; they complement each other. In particular, the SDLP amendment goes into greater detail on immediate steps that might be taken in relation to capital spending and the construction industry. The issue of prompt payments, of course, has been addressed by the Executive.

Unfortunately, the debate is at a late hour in what has been a busy day for the Assembly. However, it is important that a collective, positive and strong message is sent out that all Members are taking the issue of the economic downturn extremely seriously. I am conscious of the effects that it is having on my constituents and the business people whom I represent. I am sure that every Member could say the same thing. The response of the Executive has not been strong enough to date. I hope that that situation will be rectified in the weeks to come.

**Mr O’Loan:** I beg to move amendment No 2: At end insert

“; and further calls on the Executive to commit all Departments and public bodies to making prompt payments to suppliers, within

ten days at the latest; expedite their capital investment programme; make representations to Treasury for further measures to stimulate the economy; and exert influence on banks and Revenue and Customs to show proper consideration, support and sensitivity for local businesses and their workforces.”

I support the motion and the Alliance Party amendment, and I believe the SDLP amendment adds to the motion in a useful way. It is important for the Assembly to react in an appropriate way. Not just now, but for some time to come, the news on the economic front is not going to be good.

Serious commentators suggest that 2009 will be more difficult — perhaps considerably more so — than matters are at present. The Assembly cannot debate every piece of bad news, but there is a need for it to say meaningful things in a strategic manner at crucial moments. The present can be regarded as one such moment.

I listened to the words of incoming US President, Barack Obama, at the weekend. He said that the situation will get worse before it gets better. He also said that there is a need to jumpstart the economy, not only for the short term, but for the long term, in order to achieve sustainable economic growth. The same message applies to Northern Ireland. This is not the occasion or the time for easy rhetoric — it is the time to show that the Assembly is a serious place where meaningful things are said.

The news on jobs is certainly not good. There is a significant loss of confidence in many sectors. Retail has been affected badly. Above all, there have been dramatic job losses in house construction. I had hoped to say that the story on manufacturing is somewhat better; however, today, I heard the news that there is a noticeable downturn in that sector. That should not blind us to the fact that the manufacturing sector has, in recent years, increased its output well ahead of the UK rate. Although Northern Ireland’s manufacturing base is, indeed, too small, it is solid and must be built upon.

I want to express my support for Northern Ireland Manufacturing and to congratulate it on its new name and new policy document ‘Manufacturing Counts’. It is an important body, with some 500 members. I support its call for a new concordat between manufacturers and Government. I welcome its initiative with the Carbon Trust to save energy in production and to develop new products in the green sector. I welcome what it calls its “4 Cs”, particularly its reference to:

“changing our Culture by changing our own view of our potential.”

It is absolutely true that many barriers to success are inside our own heads.

I welcome the Enterprise Minister to the debate and I appreciate her attendance. I welcome her development of a blueprint on further exploitation of science and R&D capabilities. I also welcome her independent



review of economic development policy. If I have any question on that, it is, perhaps, why it did not come into being sooner.

That will feed into the Department of Finance and Personnel's (DFP) revised regional economic strategy. I note that, this week, it will tell the Committee about its plans for a replacement paper for delivery of economic growth in Northern Ireland. I have noted the reference to action by both the Finance Minister and the Enterprise Minister. After 18 months, people want to see action.

As for construction, there are clear indications of serious trouble in Government procurement. Delivery plans in health and education have been delayed. Work on 28 new schools is seriously behind schedule, and so, too, is the maintenance programme. Money that has already been agreed has not come through. The Assembly ought to be as shocked as I am that no less than 42% of all departmental capital spend is scheduled for the last three months of the current financial year.

There are two significant issues with that: first, far from capital spend being brought forward, which is what everyone has called for to deal with the crisis in construction, that capital spend has been delayed. Secondly, as Stephen Farry has mentioned, there is now serious danger of underspend, and that money will disappear into an end-year flexibility black hole, from which it may or may not return.

I draw the conclusion that there are serious problems with the procurement system. It is not surprising that the Committee for Finance and Personnel is conducting an inquiry into public procurement. Legal findings against DFP and the Department of Education indicate those concerns. There are serious questions about the framework approach — for example, what opportunity does it give small and medium-sized enterprises (SMEs)? Reform of procurement must make it less bureaucratic and more open to SMEs.

What use is the power to bring forward spend? The Assembly has been permitted to bring forward £86 million of spend from future years. I support that. However, what use is that provision if, at present, the Assembly cannot spend the money in the current year's Budget? That is the situation.

I wish to discuss action that has been taken by banks. I support the remarks of the Federation of Small Businesses in that regard. I regret a point that has been made elsewhere that local banks have not come forward themselves, nor rapidly enough, to speak to the Finance Committee.

The banks have been recapitalised by Government, but that money must get to the businesses that want it. The Government must either make the banks do that or take them over. People in higher places than me — or, indeed, anyone in the Assembly — have made that

point. The base-rate cuts must be passed on to businesses fully and at once. Rates of interest should be based on the Bank of England base rate rather than the — London interbank offered rate — LIBOR rate, which is a higher rate that changes weekly and gives no confidence or certainty to businesses to allow them to plan.

The Assembly and the banks must support businesses that have cash-flow problems due to unpaid bills. The SDLP amendment includes an instruction to public bodies to pay bills within 10 days. Stephen Farry mentioned that that had already been implemented, but we added the reference to public bodies and Departments. The small business finance scheme — which was introduced by the Chancellor in the pre-Budget statement — was designed to guarantee loans. Local businesses need clarity on how that scheme will operate here.

I look forward to the introduction of a small business relief scheme. A scheme such as the one that is in operation in Wales would cost only £6 million, and it would be a big psychological boost for small business. The rating of vacant business premises was brought in not long ago, when times were good. It was introduced to encourage the productive use of resources — a perfectly good reason. However, it has now become a significant burden on many businesses who cannot dispose of their property through lease or sale. I ask for that significant issue to be reviewed.

I also make a proposal in respect of social housing. The Minister for Social Development made particular reference to the proposal when answering several questions during today's Question Time. This is not special pleading on behalf of DSD, and I would be only too happy for the Executive to take collective credit. The proposal is simply for substantially more money to be provided for social housing. For example, social housing could be promised first call in future monitoring rounds. If further dedicated funds could be obtained for social housing, so much the better.

There is no measure that would give more help to our house-building sector, and it would also help to solve a huge social problem. It is the single initiative that comes to mind by which money could be injected into the system quickly. It would have a dramatic impact on unemployment and the crisis facing the construction industry. It is the single most tangible thing that the Assembly could do, and it would be a useful outcome of the debate.

**Mr Weir:** The DUP supports Dr Farry's reference to sending out a collective message of recognition about the seriousness of the economic downturn. The DUP is also happy to support the amendments that have been tabled by the Alliance Party and the SDLP, and the initial motion that was proposed by the Conservative/ Ulster Unionist Party.



The Ulster Unionist Party spent much of the weekend castigating the DUP as being the “little Ulster” party. Therefore, I was somewhat taken aback when the proposer of the motion seemed to advocate some sort of economic Unilateral Declaration of Independence (UDI), where everything has to be within the prism of Northern Ireland. There must be recognition that the economic downturn is a global situation. What we do locally has to complement national policy and global economics.

The proposer of the motion showed much more of the true spirit of Conservative commitment when he seemed to distance himself from his Executive colleagues by deriding the securing of £900 million from the Treasury and the deferment of water charges. Perhaps, the proposer of the motion would have preferred for that money to have been cast back to the Treasury, for £900 million worth of cuts to have been made, and for water charges to have been imposed. That seems to be the logic of his position.

The proposer of the Alliance Party's amendment indicated that we are part of a global situation. The FSB and others have highlighted the problems in respect of local banks.

Issues such as the difficulty in obtaining additional lending, problems with withdrawing overdrafts, the imposition of exorbitant charges, some banks' uncooperative attitudes, and the cancellation of business Visa cards are, perhaps, reasons why banks are, as Mr O'Loan mentioned, reluctant to subject themselves to scrutiny. Indeed, the banks seem to be, at best, stand-offish. Given the level of public investment in banks — particularly from national Government — banks cannot expect, on one hand, to be bailed out while, on the other hand, they make life difficult for SMEs.

7.00 pm

I share other Members' reservations about some of the economic packages that have been established by national Government. It would be churlish of the Assembly not to realise that the pre-Budget report included several measures that should benefit SMEs, including more generous tax relief for businesses that are experiencing losses by allowing additional carry-back of up to £50,000 of losses to be set against taxable profits from the previous three years. Other measures include HM Revenue and Customs business payment support service — which will allow tax bills to be spread — and the new small-business finance scheme. All those measures are welcome and will benefit businesses in Northern Ireland.

In the context of the global economy and national policy, we must investigate how to increase additional value. Although some action has already been taken, the Executive will introduce more initiatives. It was important to send out a signal about prompt payments, and the Minister of Finance and Personnel, Nigel

Dodds, made an announcement on ensuring, from a Government point of view, that payment was made to businesses to ensure that credit did not accrue. That practical measure can be established.

The Department of Enterprise, Trade and Investment will roll out a roadshow to deal with the credit crunch in Northern Ireland; it will extend beyond Invest NI companies and will benefit the small-business sector. All Members will acknowledge that the small-business sector is the backbone of the economy in Northern Ireland, and we must ensure that we do not over-regulate, over-bureaucratise or overtax it. There have been moves in the right direction on that issue. The Assembly's initial Budget focused on providing regional financial support. There will be challenges in the future, but with the goodwill and co-operation of all parties in the Executive — and those outside it — the Assembly can encourage businesses to focus and can provide support during difficult times.

**Mr McLaughlin:** Go raibh maith agat, a LeasCheann Comhairle. Sinn Féin supports the motion and is content with both amendments, which add value to it.

The motion anticipates or pre-empts — and that was perhaps the original intention — the Executive response, but I am sure that the Minister of Enterprise, Trade and Investment will consider that in her response. Members have said that businesses and the Assembly are experiencing communication problems with the four main banks. The banks must declare what practical measures they are prepared to consider to help businesses and the local economy.

Although the regulation of banks and the response to those broad policies are not transferred matters, the Assembly is concerned about that issue. However, we must address issues such as the passing on of base-rate cuts to mortgage clients, the costs of loans and overdrafts, the level of fees and charges, the calling in of loans to business, and mortgage difficulties and repossessions, which have, inevitably, arisen.

I hope that the banks will clarify any additional steps that they are prepared to consider, because it is important to tease out the extent to which businesses and customers are benefiting from the measures that Alistair Darling and the Treasury announced.

For example, there is emerging evidence that banks are compensating themselves for any reduction in interest rates by simultaneously increasing loan and mortgage arrangement fees. That is an issue about which the Assembly would have particular concern.

I welcome the attendance of the Minister of Enterprise, Trade and Investment. There has been reference, particularly from Declan O'Loan, to the issue of underspend. I have welcomed and supported the consistent commentary of the First Minister and the Minister of Finance and Personnel on that issue,



warning Departments of the reaction that there would be, at this time of economic downturn, if declarations are made so late that the Executive would have no opportunity to respond, or bring forward re-allocation or re-prioritisation proposals.

Given the track record — which, unfortunately, shows a history of late declarations and underspend on an annual basis, and which is often thrown back in our face by the Treasury when Ministers are attempting to negotiate support and relief measures for the work of the Executive and its Departments — I ask that the Executive consider contingency arrangements. There is a need to have a prudent position in relation to late declarations, as well as applying, quite properly, the oversight and accountability to warn Departments that that is an issue which the public will — rightly — criticise if it emerges that money is, in effect, being handed back to the centre. We have been told that there will be much more restricted access in the current circumstances to the end-year flexibility.

In addition, it must be recognised that the Executive is very limited indeed in its ability to respond to the economic crisis. Perhaps all of the parties in the Assembly could consider revisiting the proposition that we should, perhaps, seek more powers over fiscal issues, which would allow us to develop the home-grown solutions that the situation demands. Go raibh maith agat.

**Mr Paisley Jnr:** I welcome the debate, as I do the motion and amendments. However, I was a little taken aback by the comments — indeed, the criticism — of the mover of the substantive motion, when he seemed to suggest that the Executive did not foresee the economic crisis. The fact of the matter is that the Bank of England did not foresee the economic crisis, and nor did the Chancellor of the Exchequer or the Prime Minister. I do not know how the Member thinks the Executive in Northern Ireland would be given extra gifts and powers to foretell what was going to happen. This House should be interested in how we react to the crisis, and deal with it, in order to get Ulster out of the economic downturn that is, unfortunately, upon us.

The motion, rightly, calls for the production of an action plan. There is an action plan: it is the Programme for Government and the investment strategy for Northern Ireland, in which there are numerous milestones identified, which could — if people, and this House, put their shoulder to the wheel — be delivered, thus making significant progress for all the people of Northern Ireland.

In moving the second amendment, Mr O'Loan warned about underspend. That warning is correct, and will probably be most critical for the Department for Social Development, where there appear to have been huge problems with mismanagement of land sales. The house sales-scheme — which has been consulted on

since February of this year — is now in place, and does not appear to have been taken up with the drive and momentum that is required to make it work. That Department needs to move from foot-dragging on house sales, and get on with a measure that will work.

How can significant progress take place? My colleague the Member for North Down Peter Weir was right to identify the banks. That is where we have to see some movement. The latest statement from the British Bankers' Association (BBA) explains that recession may turn to depression. We have moved from boom to depression with no discernable period of recession in between. We must take stock of what stage the recession is at before we start talking it down even further into an economic depression. The banks have some responsibility for that.

This House and the banks must create consumer confidence. Businesses have to be encouraged that there is confidence, otherwise the 34-year low in house sales will continue to be driven into an economic depression. The media have a responsibility for that and this House has a responsibility for building — not busting — economic confidence. The woe is me stuff that we often get from some politicians and media circles must cease, otherwise this crisis will become a depression.

There are some very identifiable measures. Mr O'Loan identified the derating of vacant business property. I wish that that proposal would have been included in the amendment. The Executive have also identified £3 billion of capital spend to urgently release planning approvals. The Department has £2 billion worth of planning approvals for Belfast alone, which I hope are released urgently. Fast-tracking the investment strategy for Northern Ireland could help to ramp up investment in social housing so that the Minister for Social Development can meet the need of 5,000 social homes as urgently as possible.

Most importantly, the banks should be encouraged to lend money to the public. It is ridiculous that banks have not made themselves available to the Finance Committee. That should have happened, and I hope that that happens urgently because banks are practically civil servants who are holding our money. They are only able to function because they have a subvention from the Government.

**Mr Deputy Speaker:** The Member should draw his remarks to a close.

**Mr Paisley Jnr:** They must urgently make that money available to the public and help the world of commerce go round.

**Ms J McCann:** Go raibh míle maith agat. I welcome the opportunity to take part in this very timely debate. During the current economic downturn, it is clear that there has been a rise in unemployment, a rise in economic inactivity and a sharp decline in the housing market,



which has led to devastating effects in the construction sector and a huge rise in fuel prices and the cost of living. It is painful for people to lose jobs at any time, but it is much worse when fuel prices are higher, borrowing is curtailed and the cost of living in general means that an average family has to find at least £29 more each week than they did this time last year.

Businesses have also been hit. Employee levels have decreased as more people are paid off because of an overall downward trend in business turnovers. In addition, company liquidation has increased by 50% when compared to statistics this time last year. There is a total lack of consumer confidence, which is evident in the downturn as people are buying fewer items for the home and are not replacing items such as cars and other family items. The construction industry has been one of the worst hit as a result of a decline in the housing market. Unemployment in the industry is currently at its peak. Some from the sector have forecast a loss of 10,000 jobs by March next year.

My colleague Mitchel McLaughlin commented on some of the initiatives that could be taken by the British Government. I will concentrate on what I feel that the Executive could do here to offset some of the unemployment difficulties that are associated with the current economic downturn and, in particular, to support smaller businesses. As has already been mentioned by several people, it is imperative that the British Government and local Ministers challenge banks and other lending institutions about their current lending practices.

The recent injection of public money in order to steady the banks has not cascaded down to local businesses or customers. Furthermore, although some banks are now under public ownership and many others are being supported by millions of pounds of public money, money is still not readily available for business or ordinary consumers, who are facing new mortgage arrangements that will put them further into debt.

7.15 pm

Banks are still charging high rates of interest for borrowing, and are calling in credit from businesses that simply do not have the necessary cash flow to cope. Consequently, many of those businesses are being forced to close or to go into receivership. The present circumstances also affect retail giants such as Woolworths, which recently had to close, causing more unemployment — it is becoming a vicious circle. Banks have a social responsibility, and they must pass the good will that they received on to businesses and customers.

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

**Ms J McCann:** I do not have much time, and I have a lot to say.

The way in which the Executive deliver the investment strategy and the Programme for Government could also help to offset the social and financial difficulties caused by the economic downturn. The Executive have already set out their commitment to maximise social and employment opportunities for everyone through the public-procurement process, which, although an essential part of the investment strategy, is even more important now. We must grasp that opportunity to secure jobs and create employment opportunities. Almost £20 billion has been earmarked by the Executive over the next 10 years for the public procurement of works, services and goods. Considering the all-island context, almost €16 billion is spent on public procurement each year, and most of that goes to overseas companies.

Small and medium-sized enterprises (SMEs) account for a large percentage of businesses in the North, yet almost three quarters of them, including those from the social-economy sector, do not even apply for public-procurement contracts because they think that the tendering process is stacked against them and firmly weighted in favour of larger companies, most of which are from overseas.

By working closely with organisations such as InterTradeIreland, Invest NI, the IDA (Industrial Development Agency) and the enterprise councils, North and South, we have an excellent opportunity to develop SMEs on this island and to encourage them to secure contracts through public procurement. Businesses in the North should have the equal access to public-procurement contracts in the South and, likewise, those based in the South should have access to contracts in the North. As things stand, because of the way in which procurement process is weighted in favour of larger companies, SMEs do not have equal access to either market.

Planning is another area that could be developed in order to create employment opportunities. Last month, it was estimated that approximately seven planning applications for large-scale investment proposals were sitting in the planning system. For example, the John Lewis site at Sprucefield, which does not even require public money, has been held up at the planning stage for long periods —

**Mr Deputy Speaker:** The Member should bring her remarks to a close, please.

**Ms J McCann:** I have not nearly finished. Although the debate is focused on offsetting job losses —

**Mr Deputy Speaker:** The Member's time is up.

**Ms J McCann:** It is important that we also recognise that many people have already lost their jobs, and many more are living with the uncertainty of knowing where to find money for food or to keep warm. That, too, is a responsibility —



**Mr Deputy Speaker:** Order.

**Mr Newton:** Like my party colleagues, I support the motion and both amendments. In addition, I wish to express my disappointment with Mr McNarry's attitude when proposing the motion. The present circumstances are not, as Mr McNarry alluded, the fault of the Executive, and, even if they were, he would be criticising two of his colleagues, who are members of the Executive. If Members are to help in any way during this economic downturn, the House must work on solutions together.

Nonetheless, I welcome the motion, because it gives Members an opportunity to put on record their recognition and concern for the business community during these difficult days.

I wish to express my support for the 10-day pledge that was outlined by Minister Dodds. It is right that councils and Government bodies have remits to promote business, and it makes little sense to spend taxpayers and ratepayers' money encouraging businesses, while potentially creating cash-flow problems as a result of invoices not being paid by at least the due date. The 10-day pay pledge is an initiative that the entire business community will welcome, and it should be extended to all statutory agencies.

Northern Ireland has a small-business economy. Therefore, we should all be concerned when small businesses are being damaged in the current economic downturn; it affects every single one of us. More than 95% of our private sector comprises small businesses. A loss of confidence in that sector and in its ability to trade will have a most negative impact. Declan O'Loan was right to make that point.

I have met many businesspeople in my constituency and beyond — manufacturers, service providers, new start-ups and long-established, particularly family, firms — and they all have one thing in common: the need for steady cash flow in order to continue trading. Companies do not always go out of business because of a lack of orders; they frequently suffer a cash-flow problem.

I wish to turn criticism of the Executive on its head. In particular, I wish to mention, without dwelling on them, three initiatives that Minister Foster has supported. First, the Northern Ireland Manufacturing Focus Group, which has already been mentioned, will be a viable and important initiative for the manufacturing sector.

Secondly, the Matrix initiative, which the Minister launched a few days ago — and which Stephen Farry did not name, although he indicated the importance of research and development and higher-value-added products — will be an important initiative as Northern Ireland develops over the next few years.

Thirdly, the importance of the Invest Northern Ireland initiative to stretch out to organisations beyond its current client base cannot be overestimated. I ask

the Minister, in her ongoing review of Invest Northern Ireland, to consider that initiative further as an integral part of Invest Northern Ireland in the future.

At the heart of the matter, as has already been mentioned, is the need for a positive relationship between the banks and SMEs in particular. Like other Members, I have heard less-than-encouraging words about that relationship from the SME sector. I have been told of banks refusing credit to very good, solid businesses when they almost expected those same businesses to extend their credit during the good times of not so long ago. We need to ensure, whether it is done via the Executive or the Minister of Finance and Personnel, that the banks start to step up to the mark and take up their responsibilities. As one businessman said to me, in short, the banks proved to be poor partners to SMEs in Northern Ireland when the going got tough.

I understand that many of the measures that will be of help to small businesses have already been announced in the 2008 pre-Budget report and will be implemented by the Treasury. I would be grateful if the Minister would confirm that that is also the intention in Northern Ireland —

**Mr Deputy Speaker:** The Member's time is up.

**Mr Newton:** Will the Minister reassure Members that we will be working with the banks to ensure that small businesses are sufficiently aware of their options?

**Mr Cree:** The current economic turmoil arouses much anxiety and concern among the public, the business sector and the policy-making community. Eventually, the economy will recover and, I hope, resume sustained growth, but we must take urgent action now to ensure that the recession will be short-lived and that growth will take off from as high a base as possible.

The Executive must fast-track capital expenditure projects such as roads, hospitals and schools. The Minister of Finance and Personnel has stated that some £86.5 million is available for capital spend during the next two years. What is the current situation in respect of those projects, and how much can be redirected towards social housing, which would help to offset the collapse in the private housing sector? Any easements in the December monitoring round must be utilised for further projects that will help to kick-start the economy rather than to plug some hole in the Executive's Budget. It would be most unfortunate should there be a large capital spend left in the Budget at the end of this financial year.

It is essential that our best efforts are used to keep people in work and to sustain businesses through this difficult period. The VAT concession from the Chancellor is a step in the right direction, but it is much too small a step. He should be considering a VAT holiday to encourage the public to spend and to permit businesses



to invest. National Insurance rates should be reduced for a period to assist in the regeneration of the economy.

The banks have come in for justified criticism for the part that they have played in the financial crisis, and several Members mentioned that. Banks must realise that it is crucial that they free up loans in order to improve the liquidity of business and assist their cash flow. The European Investment Bank also has a role to play in that regard.

The banks should be encouraged to delay house reposessions. Instead, they should consider renting the properties back to the mortgagees until the economy recovers. At that stage, the normal business operation could be continued.

The Executive should develop a recovery plan to create jobs, to sustain jobs and to improve cash flow and liquidity for small- and medium-sized enterprises. The Executive, with the Strategic Investment Board, should recognise that economic growth necessitates continued entrepreneurial innovation. Much more needs to be done in that area, and we need to develop better ways to quantify innovation in the marketplace. We need to create a stronger framework for identifying and measuring innovation in our economy and its impact on the economy. Furthermore, we need to discuss innovation drivers, impediments and enablers. We need, dare I say it, improvements in our education system so that entrepreneurship is encouraged from primary school to third level.

The planning and regulatory environment must be proactive in its dealings with individuals and businesses. Several Members commented on the Planning Service. Energy costs remain a major impediment to business and industry. We must continue to scrutinise those costs to ensure that they are as low as possible, and we must continue to promote energy efficiency and develop a strong energy policy.

Our high expectations on new foreign direct investment may not now be realised. As a result, Invest Northern Ireland's budget will need to be refocused on the support for existing businesses. Much more can be done to develop our tourism economy. The signature project at Titanic Quarter is welcome, but there are many other opportunities that could be exploited.

The previous Finance Minister made much of the need to improve the performance and delivery of our Government Departments. He took the responsibility upon himself and initiated the performance and efficiency delivery unit to ensure that Departments were delivering their spending plans on time and getting the best value for money for those spends. More than ever, we need to ensure that that is happening and that the people and businesses of Northern Ireland are in the best position to ride out the current economic storm.

**Mrs McGill:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to speak in this important debate. It gives Members an opportunity to articulate their concerns, and I will articulate the concerns of the people whom I represent in West Tyrone.

Mr Paisley Jnr said that nobody knew that the current downturn in the economy was going to happen. However, Strabane District Council, of which I am a member — and I declare that interest — commissioned a short report, with the assistance of Oxford Economics, in the summer, when the state of the construction industry in my area became obvious. We were presented with the report in August 2008, and I hope to quote from it later in my contribution, because it is important that we make the connection between this place and other places.

One Member mentioned the important role that councils can play in the current situation. Council officers, particularly those who deal with economic development, have a role to play in feeding information to the Assembly. It would be worthwhile for the relevant Member here to have that type of contact with local councils.

The paper that was commissioned by Strabane District Council was about deconstructing growth. It deals with the construction industry over the past 10 years, but focuses on the years 2008 to 2012. The paper paints a picture of what will happen in my area of West Tyrone generally, but specifically in Strabane and the surrounding area.

*7.30 pm*

The figures come with a caveat, as they were forecast at a time when we were not in a recession. Things were beginning to slow down, but not to the extent that they are now. The paper states that 250 jobs will be lost in Strabane over the next two years in the base case, and that in a recession — where we are now — around 560 will be lost. The paper also refers to what it terms the second-round effect of losing jobs, when 280 will be lost, which, in a worst-case scenario, makes a total of 840 job losses.

The paper goes on to detail how much money the local economy will lose. In the best-case scenario, it will be £1.5 million, and that figure will be multiplied in the worst-case scenario. The west already has an issue with investment — and I will comment on that — but losing any jobs will have a serious effect.

A Member referred to Invest NI. I saw in the press that Mike Smyth from the University of Ulster said recently that there should be a re-profiling of what Invest NI does, and I agree with him. A review of Invest NI has already been mentioned.

I do not have the date of the paper; however, it is fairly current. I am quoting figures from the paper and, as with all figures — no matter where they come from



— they can be challenged. It says that Strabane receives one fifth of the Northern Ireland average amount of investment. Over three years, that will work out as a deficit of £11 million, which is quite a bit. Apparently, Omagh receives half of the Invest NI budget — if the figures are correct. The people in my area would agree. Locally, the Invest NI office in Omagh does what it can within its parameters, and those parameters are a constraint. I support taking a good look at what is happening in Invest NI.

One local small businessman spoke to me this week about the difficulties that he is experiencing with the Planning Service. The Executive have introduced several measures, but there are things that we could do now. We must look at big projects for Strabane town. I was delighted to hear the Minister for Social Development being so enthusiastic about what could be built on the Lisanelly site in Omagh. I hope that all the other parties will row in behind and do whatever they can to put the so-called education village on the Lisanelly site.

I welcome the debate and commend the Executive for what they have done so far. They have more to do. Go raibh maith agat.

**Mr G Robinson:** At the outset, I will try to make a positive contribution to the debate, which may seem a contradiction to the motion. However, we must send out the positive message to all those young people who are either at, or considering going to, university or further education colleges, that the situation will get better. We must encourage them to live and work in Northern Ireland as we require their skills, and they must bear with us during this difficult period and help us to be ready for the upturn when it comes.

I deal with the consequences of the economic downturn daily through my constituency office, as, I am sure, do most Members. Some people have already lost their jobs and others are waiting for decisions about jobs. However, as the political leadership of Northern Ireland, we must not only deal with the reality of the situation, but plan for the future. I have no doubt that the Minister has that planning well under way. It is true that the Minister is seen as the figurehead in the debate but, in reality, every Minister has his or her part to play in preparing Northern Ireland for the good times.

That could be achieved by continuing to promote Northern Ireland abroad. I have been pleased to assure people in my constituency of the dedication of the Minister of Enterprise, Trade and Investment and of the Minister of Finance of Personnel, both of whom have taken a keen personal interest in the problems of East Londonderry. For that, I thank them sincerely.

The Minister for Employment and Learning has a part to play, and he has taken a very positive step by securing places in further education colleges for apprentices

who have been made redundant. I congratulate the Minister on securing that vital part of our job skills base.

All Ministers can aid the employment situation by considering whether they can secure capital expenditure and construction industry jobs. The Titanic development is a prime example of how that can be done. I urge large firms to make prompt payment to subcontractors, where possible, to ensure that they survive the downturn. Such a project will aid many firms and help to stabilise those smaller firms that supply the major contractors. That will greatly aid cash flow and is an example of how DFP can initiate growth locally. The employment generated will put money in people's pockets, and although higher energy bills will mean that people might not have the same disposable income, they will still be able to spend money in local shops and aid cash flow at a local level.

I welcome this important motion.

**Mr B McCrea:** I wondered whether I should stay to take part in this debate, given that it is late in the day and that many Members have already made up their mind about the way forward. I declare an interest: I worked for the Northern Ireland Manufacturing Focus Group, and I am a director of a telecommunications company. I have quite extensive interests in industry.

It is interesting to hear solicitors talking about the economy, about which they know little, apart from how they make their turn —

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

**Mr B McCrea:** No, I do not think that I will, because you have been a bit cheeky.

**Dr Farry:** The Member is a barrister; there is a difference.

**Mr B McCrea:** In the real world, nobody cares. All we know is that you are fat cats; you take money for doing very little, apart from putting us out of business. However, that is not personal.

People have a go at the banks and ask why they will not lend more. However, the real problem — and Members heard it here first — is that banks have not yet declared their real liabilities for sub-prime lending. There is more bad news to emerge. The real issue is that as a result of lending to developers, banks have massive liabilities that they have not yet declared. If there was an accountant in the Chamber, he or she would talk about the European standards for accountancy that do not even let banks make provision for that yet.

Why will the banks not lend money? The answer is that they are in a hole that is much bigger than we yet realise. What can the Assembly do? Fundamentally, it is a matter of reducing costs and attracting high-value industry. I want the Assembly to take action rather than tinker at the margins. I have listened as the housing



market was described as an engine for the future. It was simply not sustainable to have growth of 20% — which is what was happening in the housing market — when real wage increases were only 2% or 3%. That is not the way forward. The future lies in real long-term investment.

I am disappointed that Ian Paisley Jnr is no longer in the Chamber. He waved the Programme for Government around and said that it was all in that document; he told us that the plan is OK and that if we follow it, we will be all right. What utter tripe and meaningless drivel. What is needed is a step change. Mr Weir may intervene now if he wishes.

**Mr Weir:** The Member is very critical of the Programme for Government. However, was that not the same Programme for Government that was endorsed by his party's leader and his party's Minister in the Executive?

**Mr B McCrea:** Again, we hear that pathetic excuse — if it is good, we did it; if it is bad, your party was part of it, too. The position has changed. I maintain my position, Mr Weir, that what is needed is a step change in how the Assembly deals with the economy.

What went on before is not enough — relying on the old ways to make a living is not enough. We need someone to come along and say, for example, that we should run fibre optics to every house in the country — I have already declared an interest in that. We should be building infrastructure. If the Member for West Tyrone Claire McGill is concerned about investment in Strabane, we should build a railway or a road there so that it is viable to invest there and in similar areas. We must try to do something that will reduce the cost of doing business and increase —

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

**Mr B McCrea:** I do not get an extra minute, so the Member better be quick.

**Mrs McGill:** There is a new road that goes past Strabane — the A5.

**Mr B McCrea:** Then the investment can be made elsewhere.

What are the real issues in relation to the Official Journal of the European Union? All our public procurements are bundled into big issues, because that is easy for the Civil Service to manage, and it easy for us to say that we have conformed to the regulations. Why do we not do a bit of work and try to break those procurements down into small parcels of business that our existing small and medium-sized enterprises can compete for? A firm in my constituency has just lost a £40,000 contract because the University of Ulster decided not to tender it and gave it to a company in Wales. Who is the vice-chancellor of that august organisation? It is the person whom we will ask to lead

the way out of this. We must think about the situation again.

The real solution is making speedy and nimble decisions and sorting out the planning process. If I were not here, I could be at the planning committee of Lisburn City Council trying to find a way to get the John Lewis proposal approved. Why is that being stopped? Why can we not find someone to make those decisions?

One year from now, will we look back, slap ourselves on the back and congratulate ourselves for doing a good job and fixing the problem? I wonder.

**The Minister of Enterprise, Trade and Investment (Mrs Foster):** I thank the proposers of the motion for securing the debate at a very important time for the economy. Some important issues, and some not so important, have been raised, all of which I will try to address.

This is the first time that all the G7 countries have been in recession at the same time, which provides us with a particular set of circumstances that we have not had to face before. In the past, when one of the G7 countries was in recession, another was not, so it was able to trade its way out of recession. The Bank of England has confirmed that the UK economy is officially in recession. The Republic of Ireland and the wider EU are in recession, and output in the United States is falling. Most Members appear to be aware of the factors behind the economic downturn — others are not, but that is no surprise.

It was stated that the Executive did not anticipate the economic downturn, that the Programme for Government was a load of tripe and that a step change was required. I refer the Members who made those comments to page 27 of the Programme for Government, which states:

“FDI targets are framed in the context of the prevailing economic conditions, in particular the predicted slowdown of the global economy and uncertainties in the financial markets. This may have a significant impact on the flows of FDI as companies adjust to revenue and cost pressures. The targets will be continually tracked and monitored against changing markets and, where appropriate, amended over the PfG period.”

That was written in the first quartile of this year, and it is clear that the Executive were taking action early and trying to deal with what was coming down the line.

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

**The Minister of Enterprise, Trade and Investment:** No, I will not give way.

I recognise that businesses are looking to the Assembly and the Executive to take the necessary steps to help with the downturn.

7.45 pm

Stephen Farry said that this debate was a prelude to next week, and he is absolutely right. Last Thursday, I



attended an Executive subgroup on the economy, which was chaired by the Minister of Finance and Personnel and the Minister for Regional Development. The subgroup met in order to consider proposals from Executive Ministers to help to deal with the credit crunch. The full Executive will meet later today, and again on Thursday, when Ministers plan to set out their overall response to the difficult economic situation, which will be debated in the Assembly next Monday.

Furthermore, the Executive have already taken some important steps. Although Mr McNarry may feel that we have been off on holiday for the past five months, the opposite is the case. For instance, we have confirmed that domestic water charges will not be introduced in April 2009, which will leave spending power in the hands of households and consumers. We have worked to secure some additional resources from Her Majesty's Treasury in order to alleviate immediate budgetary pressures. The full package amounts to £900 million, not £500 million, as Mr McNarry contended.

The Executive are also mindful of the severe difficulties faced by the construction industry at this time, and we are prepared to bring forward worthwhile capital projects in 2008-09 if funding becomes available through the surrender of reduced requirements by Departments in the December monitoring round. Several Members have made the point that Ministers must look to their capital underspend. As the Minister of Finance and Personnel has said again and again, there is absolutely no point in giving up capital underspend next year, when we cannot deal with the issue.

In addition, the Minister of Finance and Personnel announced recently that Departments have set a target of ensuring that approved invoices are paid within 10 days, in order to help local businesses. That is part of the motion that has already been acknowledged.

Mr Farry also mentioned the regional economic strategy. Work on a new strategy is progressing, and it will assess how Departments have fared in delivering their key goals in the economy under the Programme for Government. The new strategy will also embrace key reviews of policy delivery in Invest NI and the Department for Employment and Learning, in order to ensure that economic development policy is focused on all the correct areas of delivery; that is very important.

Mr Farry said that Northern Ireland had been worst hit by the recession. Although we cannot underestimate the implications of the downturn, Northern Ireland is not over-exposed on retail compared with the rest of the UK. It has experienced less exposure in the area of financial services, and there is nothing to suggest that the impact of the downturn in Northern Ireland will be deeper or last longer than in other regions.

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

**The Minister of Enterprise, Trade and Investment:** No.

**Mr B McCrea:** Not "no, thank you"?

**The Minister of Enterprise, Trade and Investment:** No, just "no".

The MATRIX report identified potential areas for action. Mr Farry made some comments about that, for which I thank him. It is a key issue going forward. Let me be clear; the green economy was identified as a key area for action — tidal energy; wind power, onshore or offshore; and bioenergy. The reason for that is that we can make great strides in innovation, research and development and manufacturing. Therefore, I have no difficulty in restating my position and the position of the Executive on that issue. In particular, we must have a competitive, secure and sustainable energy policy. I hope that we will be able to produce such a policy when the ongoing review of energy policy is completed.

Declan O'Loan mentioned manufacturing and Government procurement. He knows well that some of the judicial reviews that have been instigated by the construction industry have, unfortunately, led us to the position that we are in at the moment on the issue of procurement. I agree with Mr O'Loan, and I regret that the banks will not appear before the Committee for Finance and Personnel. It is a matter of deep regret that they have decided to send a representative instead. However, as has been said on several occasions recently, although we regulate the banks, we do not have the power, either at a regional or national level, short of nationalisation, to force the banks to do anything that they do not want to do.

In relation to the comments that were made about 'Manufacturing Counts', I can assure the House that the Executive remain committed to supporting Northern Ireland's manufacturing base. That is clearly demonstrated, for example, by the resources that Invest NI allocates to its manufacturing clients, which shows that the majority of Invest NI's support is targeted at its manufacturing clients, with around 56% of total assistance offered by Invest NI going to such companies at present.

I have already said that the capital underspend is absolutely crucial. In my capacity as the Minister of Enterprise, Trade and Investment, I have also been able to take some short-term steps. Last Thursday, in my capacity as chairperson of the Economic Development Forum, I established a subgroup to come up with recommendations on further steps that we can take to help businesses at this time. The subgroup will report to me early in the new year.

Invest NI has established a £5 million accelerated-support fund to offer its clients targeted support during the current economic difficulties. Contrary to what Mr McNarry said about taking a holiday, the first of those meetings was held on 25 September 2008. We have had



six to date, and we will hold another later this week. The accelerated-support fund has been specifically established to remove constraints to growth and competitiveness brought about by the current economic conditions. I am also glad to say that we will be able to roll out that roadshow, which Mr Weir mentioned, to non-Invest NI clients. The first of those events will be held next week in Omagh to cater for the western area. Therefore, I hope that Mrs McGill recognises that Strabane will be served by that.

Mitchel McLaughlin mentioned the banks' increase in arrangement fees, and I acknowledge his comments. Difficulties exist with the banks, but I am pleased to tell the Member that the Minister of Finance and Personnel, along with some of my senior officials, intends to meet the banks next week to raise those issues.

Ian Paisley Jnr talked about the importance of reacting to the downturn. The Programme for Government has the economy at the centre of all that we do. Some Members from the Ulster Unionist Party clearly do not think that that is not enough. However, we believe that the economy should be at the centre of everything that we do now and in future.

Jennifer McCann spoke about the construction downturn. The Executive will spend approximately £5.5 billion on public capital projects over the CSR period. That should help to provide considerable buoyancy, especially for the larger firms in that particular sector.

Robin Newton mentioned the fact that 95% of private-sector firms in Northern Ireland are small businesses. That amounts to more than 132,000 businesses. Mr Newton is correct to say that confidence is key. His party colleague George Robinson also spoke about that issue.

The need for innovation was mentioned. We have the regional innovation strategy for Northern Ireland action plan 2008-11 and the MATRIX report, and I hope that those will progress meaningfully. I fully recognise the significant impact that the downturn is having on many sectors, businesses and individuals throughout Northern Ireland. As I outlined today, and on previous occasions in the House and elsewhere, we are taking whatever steps that we can to help.

We must also look to our national Government to deal with the issue. That is why I very much welcome some of the UK-wide initiatives that the Chancellor announced in his recent pre-Budget report. I reiterate the comments of Mr Weir, who said that he found it strange that the "little Ulster" party in the corner was so keen to talk about the greater Union at the weekend, but that now it does not want to look at what our national Government are doing for the economy. I regret that; however, let them answer for themselves.

**Mr B McCrea:** You were not even listening to us.

### **The Minister of Enterprise, Trade and**

**Investment:** I had to listen to you during the debate, thank you very much. *[Interruption.]*

For example, the reduction in VAT to 15% —

**Mr Deputy Speaker:** Order. The Minister has the Floor.

### **The Minister of Enterprise, Trade and**

**Investment:** For example, the reduction in VAT to 15% until the end of 2009 should provide some stimulus to consumer spending and support for the retail sector. I welcome the small-business finance scheme to support bank lending to small exporters. I also welcome the new business payment support service, which will allow businesses in temporary financial difficulty to pay their HMRC tax bills to a timetable that they can afford. I understand that 50 firms in Northern Ireland have availed themselves of that service to date.

The deferral of the planned increase in small companies' rate of corporation tax should also be of help. Those steps and the significant reduction in interest rates in November and again last week, alongside the recapitalisation of the banking sector, are targeted at minimising the depth and duration of the downturn in the UK economy. However, I think that we all wish that the banks would focus more on being banks, but because of the terms under which they received the Government money, they are looking to recapitalisation, instead of looking to what they should be doing — lending to small businesses.

That is an issue that we will have to examine, because, at present, the banking market is distorted. Banks are not behaving like banks, because they are more focused on paying money back to Government rather than on lending money to small businesses.

The recent fall in the value of sterling should also help. Locally produced goods and services will be more competitive, which will present good opportunities for export-based companies.

I also welcome the steps that the UK Government are taking to help homeowners at this difficult time. The new homeowner mortgage support scheme, which the Prime Minister announced last week, should enable people in proven distress to defer a proportion of the interest payments on their mortgage for up to two years, with the UK Exchequer providing a guarantee to banks and building societies.

We cannot underestimate the short-term pressures that local businesses are facing as a result of the global downturn, but it is important to keep focused on the medium-to-longer term priorities that are laid out in the Programme for Government. That includes ambitious goals for the economy, but given the downturn, we may need to be more patient as we seek to achieve those.



The same holds for all Ministers of the Executive who have an input in supporting the economy at this difficult time. As Minister of Enterprise, Trade and Investment, I am committed to ensuring that the right policies and programmes are in place to deliver on the commitments of the Programme for Government.

If the Member for Lagan Valley Mr McCrea is wondering why I did not take his intervention, it is because I did not take well to being insulted as a solicitor in his initial comments. In the future, he should look to himself before he makes comments about me.

In the House last week, I announced the review of economic development policy as it relates to my Department and Invest NI. Work on the review is under way, and I look forward to those recommendations because they will be useful and timely.

I welcome the debate. Undoubtedly, these are difficult times for businesses, not only in Northern Ireland but throughout the UK and the rest of the world. However, I reassure Members that the Executive and my Department will do all that they can within the power and the resources that are available to us to assist businesses at this time. The challenge is to ensure that they are put in pole position when the global economy begins to strengthen.

**Mr O'Loan:** I welcome the total consensus on the content of the motion and the amendments. There was also a fair degree of consensus during the debate, although it was certainly not total.

Stephen Farry referred to the benefit from the Barnett consequentials. Having looked at the figures, any new Barnett consequentials do not amount to very much. On capital, they amount to nothing, and on revenue, the most that they amount to in any one of the three CSR years is 0.25% of the total budget of the total departmental expenditure limit. At approximately £20 million, that is a useful amount, but it is nothing to get terribly excited about.

Ian Paisley Jnr referred to mismanagement in DSD over the sales of Housing Executive houses. We can all differ in our views, but there is no need to be gratuitously unpleasant. The use of the word "mismanagement" comes into that category. If one were to go out to the streets anywhere in Northern Ireland, one would struggle to find anyone who would say that the difficulty in selling Housing Executive houses this year had anything to do with mismanagement in the Department or by the Minister. Apart from Ian Paisley Jnr, no one would apply that word; his tone and words do not reflect well on him. When Mr Paisley got serious, he referred to the problem of the rating of vacant business properties, and I welcome his agreement on that point.

If I understood her correctly, Jennifer McCann said that firms from the South cannot compete on the same terms. She talked about large firms, and I assume that

she meant large contracts, which would be advertised in the Official Journal of the European Union and conducted under EU rules.

**Ms J McCann:** Will the Member give way?

**Mr O'Loan:** I will certainly give way; it is as well that the House is fully informed about what the Member really meant.

**Ms J McCann:** Companies in the South face the same problems with getting access to the procurement process as companies in the North. That is exactly what I said.

**Mr O'Loan:** At the time, the Member referred to large firms. I am glad to have that intervention; one can only smile at some of what goes on here, and there were some quite humorous moments in the debate.

8.00 pm

Jennifer McCann would not take an intervention when asked, and then had great difficulty in cutting her speech short when time was called. Some lessons will have to be learned by the Sinn Féin scriptwriters so that certain sections of a speech can be marked as capable of being deleted without damaging its integrity. Therefore, when Sinn Féin Members are caught out by the Speaker, they will be able to bring their remarks to a close.

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

**Mr O'Loan:** I cannot think why, but I will.

**Mrs McGill:** Thank you, a LeasCheann Comhairle. The Member criticised the manner in which another Member delivered his comments. I ask Mr O'Loan to reconsider the comments he has made about Sinn Féin.

**Mr O'Loan:** I intended those remarks to be taken as humorous. Claire McGill cited as evidence a roughly torn-out piece of an anonymous newspaper. It is difficult to quarrel with evidence of such a standard.

Basil McCrea clearly does not like fat-cat barristers. I wonder whether that remark places him on the Labour wing of the Ulster Unionist Party.

**Mr B McCrea:** Since it is Christmas, let me say that I meant no disrespect to Members who are solicitors or barristers. My point was that it is useful to have expertise in some other areas. I hope that we can all work together on that basis.

**Mr O'Loan:** On another positive note, I welcome the Minister's comments and the further immediate actions that she indicated that she will take.

**Dr Farry:** I agree that this was a fairly constructive debate. There was a degree of agreement across the House. The Assembly should send out a strong collective message that we are seized of the severity of the situation in Northern Ireland. It is not my intention to engage in narrow point-scoring, but to seek to challenge the Executive when they are not acting in a timely,



effective or decisive manner. There are some areas in which they could act much more effectively.

That said, one must accept the context in which the Executive operate. Neither problems nor solutions lie entirely within their control — probably, the bulk of both lie beyond it.

I wish to clarify something for the Minister. I did not suggest that Northern Ireland would suffer a deeper recession than the rest of the United Kingdom; rather, I believe that it will be shallower, due to the public-sector cushion. My point concerned the fear that recovery in Northern Ireland could be slower.

**Mr B McCrea:** Northern Ireland is protected in certain sectors, but it is particularly vulnerable in respect of housing because of the very rapid rise in house prices that preceded the recession. That is a particularly difficult issue for us.

**Dr Farry:** Housing is a big issue here, because of the extent of the price bubble. The other side of the coin is that financial services are not as big an aspect of the economy here as elsewhere in the United Kingdom.

I welcome the comments of the Minister with respect to energy and renewables. That was a very positive statement of opportunity for Northern Ireland, and we will watch closely to see how that develops.

Despite his attack on the legal profession — and his apology — Basil McCrea made a point about a step change. The Programme for Government, the investment strategy and the Budget must be seen in context. I take the Minister's point that the downturn was acknowledged during the first quarter of the year. The combined efforts of our Executive and Strabane District Council may have served as a warning to the rest of the world.

However, things have changed significantly over the course of the year, and there is a need to reconsider the priorities in those documents. In particular, I urge the Executive to focus, not just on whether we deliver on the current capital spend, but on whether we should be accelerating the capital spend.

The second point is that, in doing so, we must examine the wider issue of how we restructure and rebalance our economy, and whether those investments can be to the long-term good. Other Members have mentioned the need to invest in various skills, such as research and development, and those are all important points.

Furthermore, the accountability of the banks has been a major theme throughout today's debate. I wish to make a point in response to Jennifer McCann's comments, which I do not mean as a personal attack. It is important that the banks bear in mind the support that is being given to them by the people of Northern Ireland. The overall size of the economic support emanating from the Westminster Government is around £35 billion. If that sum were divided across the United

Kingdom, the taxpayers and businesses of Northern Ireland would be potentially contributing around £1 billion. In the light of that degree of commitment from the people of Northern Ireland to support the integrity of our financial system, it is clear that the banks have obligations regarding accountability. Although it has no direct responsibility for the financial sector, the Assembly is the voice of the people of Northern Ireland, and there must be more willingness from the banks to engage with the Assembly.

A number of other important points were made during the debate today: one was the rating of empty properties, which is certainly an area which we must rethink. I am prepared to put my hand up and admit that at the beginning of the year I believed it to be a good idea. In the context of the economy, at that point, I believed that it was important to ensure that buildings were used effectively. However, as the facts have changed, so too has my opinion. We must revisit the issue and apply a similar approach to our examination of the Budget, the investment strategy for Northern Ireland and the Programme for Government.

**Mr McNarry:** Today's debate has been both good and positive; apart from the introduction of some terseness towards the end. I thank all of the Members who have participated. I also thank and welcome the Alliance Party and SDLP's amendments, which the UUP — and the rest of the House, I see — are happy to accept.

My criticism of the Executive is based squarely on the five months of inactive, ineffective Government, while squabbling was going on between the DUP and Sinn Féin. I hope that people listened to me on that point, and did not just pick up what they wanted to hear.

Hard times in a recession bring no comfort, least of all to hard-pressed, hard-working small businesses. I have heard what has been said in the debate today — particularly by the Minister — with respect to the various initiatives that are in place. However, waiting on initiatives is a luxury that some people cannot afford.

I have pushed for fairer, more equitable access for small companies into the procurement process, and my colleagues on the Finance Committee have voiced similar views. The letter that I referred to in last week's 'Belfast Telegraph' from people in the construction industry as good as — and quite rightly — demanded a fair crack at procurement contracts. However, those views, and the views in today's debate, are being expressed while a rumour worryingly gains strength suggesting that there is an underhand, unwritten understanding between some financial bureaus and some Departments. Those rumours suggest that some — but not all — Departments are holding back on delivering projects in order to create underspends in this financial year, thus helping the Executive manage their deficit, which many now believe to be around



£500 million. The House must know what is going on. We must see clear evidence that there will be no underspends, no hold-ups on projects, and that departmental spending tills will be emptied. It is up to every Member who sits on a Statutory Committee to be alert and ensure that no underspends occur under his or her watch.

Furthermore, we must urgently review all of our current commitments on public spending. That will enable us to release advanced flexibility into our economy through the funding of various projects that will have a direct impact on our economy and that will inject real confidence and certainty by helping our local employers stay in business. That is the key.

We also need to be aware that national action could have an adverse impact on Northern Ireland, and we must be proactive in preventing that.

I recently raised my concerns that the efficiency savings of £5 billion in 2010-11, which the Chancellor announced in his pre-Budget report and in his statement of 24 November, would impact directly on the Northern Ireland block grant, from which we receive the vast bulk of our spending. Certainly, the Secretary of State for Scotland thinks that it will impact on the Scottish block grant, and I do not see any reason why Northern Ireland would be any different. In our situation, we must look at every possibility: that is what this debate is about and that is why it has been brought forward. We need to take a long look at reprioritising the distribution of funding across Departments urgently and at a redesign of our overall economic package, which will help to keep people in work and that will sustain the many viable businesses that are in trouble now, largely through the disgraceful lending behaviour of the banks.

Accelerated infrastructure and construction programmes need to be put in place as a matter of urgency. We need to set up a parity watch on those accelerated programmes. The Northern Ireland economy is even more vulnerable than the UK economy as a whole: that is what people are saying about the recession. It will take longer for us to recover, and that recovery will be set back if we do not match, or even improve on, the energy and the level of activity in accelerated building, construction and infrastructure programmes of the London Government.

We must ensure that Northern Ireland does not fall behind the level of increased capital spending across the sea because of a lack of flexibility in the finances of the devolved Administration. Lack of spending flexibility must not condemn Northern Ireland to becoming an economic sink-hole. Our per capita earnings are already significantly below those in the rest of the UK. It is our duty to ensure that all local banks, which are subsidiaries of national banks, adhere to the

Government's new proposals and mortgage-support measures, which would defer reposessions by two years.

We must demand the extension of rental and buy-back arrangements with no financial penalties for those people with mortgage-repayment problems, so that as many people as possible can remain in their homes. Having and holding on to a home is so important. We must urgently review the bankruptcy and administration laws, and have a close look at no-blame arrangements similar to the chapter 11 protection arrangements for businesses, partnerships and individuals in the United States. That could help prevent the twin evils of fire sales and asset stripping that we will see.

We must also have renewed action, energy and greater imagination over the vexed issue of corporation tax. I believe that we should approach the Treasury again, but this time we should ask for a range of time-limited differential tax-rates aimed at specific types of firms, such as knowledge economy, high-research and development-focused firms. That could be set within the context of the economic downturn. It could be represented as a business recovery plan, and could be rolled out nationally and negotiated within the European competition guidelines.

Why not look again at the increase in the borrowing margin permitted by the UK Government to the Northern Ireland Executive? We are in dire circumstances. Why not seek an increase in the absolute amount in light of prevailing circumstances? If we could do that, would we not also be negotiating more favourable long-term and more relaxed use of the facility with a significant decrease in the interest that it accrues? However, that should only be done if it is part of an economic recovery plan, with the money being diverted into job-protection and job-creation measures, and cash-flow relief for the small businesses who, we all agree, are the backbone of our economy.

I have personal experience of that. However; it does not make me an expert. Due to the combination of inexperience, bad advice and cash flow, and a recession some time ago, I lost a business. I went home and told my wife and my young children, who did not really understand, that the house had to go. That is what people such as me had to do. It would probably not happen now, but it happened 25 years ago: the house did go.

8.15 pm

I know of hundreds of people who are going through that experience now, or who will go through it in the months ahead. We cannot turn them down or shun them.

When I say that I understand that there is a global recession and that I think that we should do more to help, people chastise me or joke about the Tories and the Labour Party. I am not talking about that rubbish. I am talking about us letting people in that situation



know that perhaps there is a way, but more importantly, that there is a will.

When I lost my business, the whole world collapsed. Imagine having to tell your wife that your house has to be sold. It feels as though everybody is talking about you, and there will be cretins who will talk about you for the sake of it — usually, they owe you money. Nevertheless, those people will talk about you and joke about you. They would perhaps not be able to do anything if something similar ever happened to them.

I understand small business. I am not talking about dramatic rescues, but like the couple in my constituency that I alluded to, I know that the world can fall in on people. We must reach out to what we refer to as the backbone of our economy and tell people such as that couple that we are going to find a way out. I do not know what that way is, but I know that part of it is saying to such people that we will listen to them and hear them and inject some confidence into them.

If any of those people are listening, I found a way out. I was lucky; I fought my way back, and I learned from that experience. It was tough. Let us not bring that burden on to too many people.

**Mr Deputy Speaker:** Before I put the Question on amendment No 1, I advise Members that whether or not that amendment is made, the Question on amendment No 2 can still be put.

*Question, That amendment No 1 be made, put and agreed to.*

*Question, That amendment No 2 be made, put and agreed to.*

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

*Resolved:*

That this Assembly calls on the Minister of Finance and Personnel to recognise fully the significant potential for job losses due to the current economic downturn; to detail what assistance he can draw on from the Treasury; and to produce urgently an action plan to assist small businesses, especially with regard to cash flow relief, and the level of assistance his Department can initiate locally; and furthermore, to set out what steps are being taken to accelerate investment and to re-direct resources to both boost the level of economic activity and to re-balance the economy; and further calls on the Executive to commit all Departments and public bodies to making prompt payments to suppliers, within ten days at the latest; expedite their capital investment programme; make representations to Treasury for further measures to stimulate the economy; and exert influence on banks and Revenue and Customs to show proper consideration, support and sensitivity for local businesses and their workforces.

*Adjourned at 8.18 pm.*



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# NORTHERN IRELAND ASSEMBLY

Tuesday 9 December 2008

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

*Members observed two minutes' silence.*

## MINISTERIAL STATEMENT

### The Way Forward on Tuberculosis (TB)

**Mr Speaker:** I have received notice from the Minister of Agriculture and Rural Development that she wishes to make a statement on the way forward on tuberculosis (TB).

**The Minister of Agriculture and Rural Development:** Go raibh maith agat, a Cheann Comhairle. With your permission, Mr Speaker, I will make a statement on my decision on the way forward on TB in the North.

A new strategic approach on how we deal with TB, agreed jointly by industry and Government, has been identified with key stakeholders. The aim is, through a partnership between industry and Government, to move towards the eradication of TB in the most cost-effective way and in a realistic time frame. The timing and implementation of the strategy as we progress depends on how and when it is resourced.

First, I shall set the scene by outlining the current TB disease situation in the North. We have made considerable progress with TB in recent years. Since levels for the disease peaked in 2002, the herd incidence has been reduced by almost 50%. That is in sharp contrast to the experience in Britain, where the incidence of TB has been increasing. In the North, overall, the trend in disease levels has been downwards over the past five years or so.

However, bovine TB is a very complex disease, and it continues to be one of the most challenging and costly animal-health problems that we face. The total cost to Government of controlling the disease in the 2007-08 financial year was more than £21 million, plus costs to the sector. It is worth mentioning that those costs include a great deal of emotional cost to the farmer if his herd is restricted or contracts TB. A human element is also involved, because TB can be passed to people. I know of people who caught TB as a

result of contact with animals. Therefore, when I refer to costs, I am talking not only about the financial costs but about the human cost of that awful disease.

The TB programme that is being implemented has a number of key strengths and benefits. My assessment is that the programme, which is based mainly on cattle controls, has been successful in reducing TB levels in cattle. Importantly, it has supported trade in both live cattle and in our beef products.

My Department's programme is based on a well-established system of testing herds for TB annually, as that gives a clear picture of the disease situation. Every herd in the North is tested at least once a year for TB. The Department believes that the enhanced TB measures that were introduced in 2004, particularly the tighter restrictions on overdue TB tests and changes to the valuation system, have contributed to the reduction in disease. Farmers, by co-operating with the tougher controls, have played a crucial role in reducing the disease in cattle and in preventing it from spreading.

The current position is that encouraging progress has been made so far. Although, during recent months, there has been a levelling-off in the downward trend in TB — there has even been a slight increase — it is too early to determine whether that means that there will be a sustained change in the direction of the trend. The Department has a key goal in the Programme for Government to achieve a 27% reduction in the herd incidence of TB by 2011. However, it is not possible to achieve full eradication within the time frame of the current Programme for Government. We must be realistic about what is achievable. It will take longer than until 2011 to eradicate the disease, and we must do more than we are doing at present.

In May 2008, at the Balmoral Show, I said that I would make a decision by the end of the year on the way forward on TB, including on the contentious issue of badgers. Since then, two major pieces of work have been carried out that have helped to inform my decision. First, as the badger stakeholder group recommended, my Department has completed an assessment of available evidence on the role of badgers in the spread of bovine TB in cattle in order to inform an appropriate course of action in the North, including whether it is appropriate to run a badger-culling trial.

Secondly, since last summer, my officials have worked in partnership with the leaders of the key industry and veterinary organisations — the Ulster Farmers' Union, the Agricultural Producers' Association (NIAPA), the National Beef Association and the Association of Veterinary Surgeons Practising in Northern Ireland — in the TB core stakeholder working group in order to assess all aspects of TB policy and to identify more clearly what can be done to



move further towards the eradication of TB in cattle in the North.

That has been a new and unique partnership approach to a complex and difficult disease problem. Key wildlife interests have been consulted as part of that process. At the end of November 2008, I received the conclusions of the TB core stakeholder working group's work and its proposals for the way forward, plus the views of wildlife interests.

I shall now comment on my Department's findings from its assessment of evidence of the role that badgers play in the spread of bovine TB in cattle. The key question that we seek to answer is whether a badger-intervention strategy will help to achieve a cost-effective reduction in TB incidence in cattle in the North.

Having assessed all the available information from work that has been carried out in Britain and in the South, veterinary advice has informed me that, at present, it is not possible to extrapolate the information that is needed from the work that has already been done in Britain and in the Twenty-six Counties. Key gaps in scientific knowledge remain, and those must be filled in order to inform what the Department does to deal cost-effectively and efficiently with the reservoir of infection in badgers, and to enable it to deal with TB comprehensively and conclusively.

In order to produce the necessary information, veterinary advice informs me that a study of the prevalence and distribution of TB in badgers, and a badger-removal trial, should be undertaken. Those studies will provide baseline information on disease and the cost of a badger-intervention strategy, and they will inform where any cull or other intervention may be most effectively targeted.

As I said, the Department has done work in partnership with key stakeholders, through the TB core stakeholder working group. That group has examined the experience of other countries that have eradicated TB, or that are on their way to doing so, and the key lessons that have been learnt from their experience.

The group also considered a spectrum of possible options for dealing with TB in the North, including implementing an intensive eradication programme. The group's consensus is that the eradication of TB in the North is not a realistic prospect in the short term, because it would not be realistic for farmers here to make the huge changes to farming practices that an intensive eradication programme would require, if one were to be introduced immediately. A further reason why eradication in the short term is not realistic is because a cost-effective means of preventing reinfection from the badger population is not yet known.

The group has developed and proposed a phased strategy towards the eradication of TB. The strategy is designed as an holistic approach to deal with three key

strands simultaneously: real partnership between Government and industry; controlling the spread of TB among cattle; and the wildlife factor.

In coming to my decision about the way forward on TB, I considered all the evidence and the views of our industry and those of wildlife conservation stakeholders. I am clear that our ultimate aspiration should be to eradicate TB, which I know is what all stakeholders want to achieve. I recognise the benefits that moving towards the eradication of TB would deliver. It would maintain our export trade, avoid production losses, and, ultimately, reduce disease and the associated costs.

However, the key message is that the eradication of TB will take a long time, and it will be a painful and expensive process for both Government and industry. Strong, committed partnership between Government and industry is required if TB is to be eradicated successfully. It is also clear to me that the eradication of TB may be achievable only following scientific advances, considerable additional expense, and disruption to current industry practices.

Badger vaccination may be the most feasible long-term solution, but it could be some time before an effective badger vaccine becomes available. The issue is whether the best way forward is to maintain our existing approach to TB until an effective badger vaccine becomes available or to explore in the interim whether the culling of badgers would be a cost-effective way of reducing TB in cattle in the medium term. I believe that we need a realistic and pragmatic strategy that will move towards eradicating TB in the most cost-effective way. We need to create the conditions that will enable an intensive programme to be implemented to finally drive this disease out of our cattle population.

We should act to fill the key gaps in our scientific knowledge in order to inform our actions when dealing cost-effectively with the reservoir of infection in badgers. It is also important that we position ourselves so that we are ready to act when an effective solution becomes available. Therefore, I welcome the phased and holistic strategy that has been developed in partnership with our key stakeholders. I want to pursue that new strategic approach in moving forward on TB.

Through industry and Government partnership, the aim is to move towards the eradication of TB in the most cost-effective way and within a realistic time frame. The key point is that in moving towards the eradication of TB, it is essential that there is robust partnership between Government and industry. There must be a combination of the Department of Agriculture and Rural Development (DARD) and industry action and strong commitment and leadership from both industry and Government. That holistic approach to TB is based on the three key strands that the core stakeholder working group identified.



The strategic approach is not a quick fix, and I recognise that it will not deliver the eradication of TB in the near future. However, it will lay the foundations that are necessary for the eventual eradication of the disease. I have accepted the core stakeholder working group's recommendations on the shared industry/Government goals for the first phase of the strategy, which is from 2009-2010 to 2013-14. The first of those goals is to maintain trade and compliance with EU requirements as a minimum. The second is to produce more effective and efficient ways of reducing the transmission of TB, from cattle to cattle and from wildlife to cattle.

Although the overall aim of the strategy is to reduce the levels and costs of disease and ultimately eradicate TB, the disease levels that we detect may increase, rather than decrease, by the end of the first phase. That is because we aim to improve detection methods and removal of disease and to develop better tools. We must bear in mind that by their very nature, measures that are taken to improve the detection of disease will raise disease incidence initially, because more infected animals will be detected.

The first five-year phase will be about laying the foundations for future phases of the strategy. By the end of that first phase, we will be better placed to know whether we are ready to aim for eradication in the next phase, whether we should maintain a holding position, or whether we should aim for steady progress. In order to push towards eradication, future phases will require more stringent controls, considerable changes to existing farming practices, and an addressing of the wildlife factor.

We have identified priority areas of action that are aimed at delivering those goals. We want to build a real partnership between Government and industry that will underpin everything else that we do in the strategy. We want to enhance the involvement of stakeholders, at both leadership and local-farmer level. We intend to work with local farmers — as we have done already — so that they have a better understanding of the causes of TB on their farms. Those farmers need to know more about what they can do to address the risks and protect themselves from infection. We will develop our partnership with private veterinary practitioners in order to ascertain what more can be done to develop and provide effective solutions.

Regarding the control of the spread of TB between cattle, our priorities will be to keep our export trade open and to produce more effective and efficient ways of reducing the transmission of TB from cattle to cattle.

10.45 pm

Regarding wildlife, our priority will be to pursue the necessary information-gathering actions and research in order to fill priority knowledge gaps, build the

evidence that is required to make informed policy decisions about wildlife intervention in the North, and produce more cost-effective and efficient ways to reduce TB transmission between wildlife and cattle. Subject to the Minister of the Environment's agreement where necessary, and subject to bids for the necessary significant additional funding, my Department will undertake the studies and trials that are necessary to guide decisions. We will use the evidence produced by those actions to guide our proposals to reduce TB transmission from wildlife to cattle and to shape the next phase of our strategy.

Although more work is required to develop the detail of actions to deliver the shared industry and Government goals for the first phase, I want to announce some early actions that my Department will take in the first phase of the strategy. We will continue to maximise the effectiveness of delivery of the TB programme within the level of available resource.

At the start of 2009, the Department will undertake a TB case-control study in a high-incidence area in the North, the aim of which will be to identify and evaluate selected cattle- and badger-related risk factors on TB-infected and clean farms. We intend to focus the study in County Down, which contains some of the worst TB-affected areas, and to examine approximately 350 diseased and clean herds. We want to assess differences between infected and uninfected herds in the same high-TB-incidence area. We propose to use findings to identify key risk factors and to develop best practice and biosecurity advice that can be rolled out to herd-keepers in the North.

During the winter, my Department will undertake background surveillance to ascertain the current bovine TB prevalence in wild deer in order to better inform policy towards TB in cattle that may be associated with such deer. We will progress our plans to begin a badger-prevalence study next year, subject to the necessary bid for additional expenditure. We will also develop plans for a badger-removal trial, subject to the Minister of the Environment's agreement, and will continue to explore how best to contribute to the development of a vaccine for badgers.

Resources are needed to support the strategy. The timing and implementation of the strategy will depend on how and when it is resourced. We will seek to deliver the strategy as cost-effectively as possible and where additional expenditure is needed, it will have to be supported by a robust business case and be subject to successful bids for the necessary resources. I have already indicated the need for additional resources through this year's strategic stocktake for the remaining two years of the comprehensive spending review period. However, the outcome remains unknown.



I intend to bid for the additional resources, subject to an economic appraisal, through in-year monitoring and in the 2009 Budget exercise. We will continue to tap into the experiences of others and the results of research undertaken elsewhere, and we will make the most of opportunities to share research that has been conducted in Britain, the South and elsewhere to avoid unnecessary and expensive duplication. We will support appropriate scientific research in the North.

The TB strategy is part of my comprehensive approach to deal decisively with bovine TB and brucellosis in the North. As I have said, our aim for TB is to position ourselves to ensure that in five years, we can make informed decisions about the next phase in our strategy, which will move us closer towards the ultimate aim of TB eradication. Brucellosis is a very different disease, and it should be possible to eradicate it in the North in the next five years. My aim is to eradicate brucellosis as soon as possible and to wipe out the costs of that disease. I am prepared to step up the existing brucellosis control measures, if necessary, in order to achieve that aim, and I am committed to pursuing the useful brucellosis initiative that the Department started earlier this year.

The Department will continue to work in partnership with key stakeholders to develop the TB strategy. The next steps will be to work with the TB core stakeholder working group and to consult the wildlife stakeholders to develop specific detailed proposals for action that will deliver the shared goals in the first phase, a robust business case for any necessary additional expenditure, and a formal consultation to determine public opinion on our proposals.

I thank all our stakeholders for their ongoing constructive engagement on the issue of TB. I know that we will achieve success through a shared understanding of the issues and a shared commitment to the goals. Go raibh maith agat, a Cheann Comhairle.

**The Chairperson of the Committee for Agriculture and Rural Development (Dr W McCrea):** In light of the serious concerns outside, will the Minister enlighten the House and confirm that the pork produced by Northern Ireland farmers is absolutely safe to eat, and that the immediate processing of the same has the backing of the Northern Ireland Executive? Will the Department immediately, this morning, provide that assurance to the customers and to the community?

With regard to the statement that the Minister has made, I am glad that the Department and the Minister have finally seen some sense and listened to the Committee for Agriculture and Rural Development and, more importantly, to farm businesses throughout Northern Ireland, and are now working towards eradication of the disease.

The Minister stated that she believes that brucellosis can be eradicated in Northern Ireland in the next five years. Will she tell the House why she is continuing with a £6 million study into the prevalence of TB in badgers, when her Department has for years been conducting analysis of badgers that have been killed on the roads to do the very same thing? Will she also expand on how she hopes to eradicate brucellosis from Northern Ireland herds within the next five years, and explain how it took so long, and at so much expense, for her and her Department to come up with the obvious solution?

**Mr Speaker:** Before the Minister answers those questions, I say to the House that the convention has always been that the Chairperson of a Committee is given some latitude when asking particular questions to ministerial statements. That is no different this morning, and perhaps the Minister will wish to address the question at the beginning of Dr McCrea's contribution, although it does not relate to the statement this morning.

**The Minister for Agriculture and Rural Development:** Go raibh maith agat, a Cheann Comhairle. I discussed the situation this morning with officials and advisers and given the circumstances, I felt that it was appropriate to break tradition in this case and give the House a further update this morning. However, after I make this statement, I will not take further questions on the issue, because the matter of TB is very important, and that is what we are here to discuss today.

Yesterday evening, my officials completed their tracing visits to all the premises notified to the Department by the Department of Agriculture, Fisheries and Food in the South as having received potentially contaminated feed. Those results were passed to the Food Standards Agency (FSA), which, as Members will know, concluded that no pigs born and reared in the North had received any contaminated feed. The FSA also advised that there is no risk from pork or pork products containing only pork from the North.

My officials also found that eight herds of cattle had been fed product from the affected Southern supplier. Samples were taken of that product, and are being tested as I speak — I anticipate the results later this week. At this time, those herds are restricted, and all animals that received that feed have been highlighted in our animal and public health information system (APHIS) so that they cannot enter the food chain without testing clear for any contaminant. Furthermore, traces of animals from the herds that have gone to slaughter have been provided to the meat plants concerned, so that they can identify any products that remain from those animals.

At present, we have no results from animals or feed. When those are available, they will be provided to the



FSA for risk assessment of any threat to public health. My Department is taking precautionary and prudent measures to protect the industry and public health while we await the results of those tests and the subsequent risk analysis. My Department continues to work closely with the Department of Health, Social Services and Public Safety, the Department of Enterprise, Trade and Investment and the Food Standards Agency, and we expect further information from the Department of Agriculture, Fisheries and Food when results of its further tests become available. We will also be liaising with the Department for Environment, Food and Rural Affairs in preparation for an EU meeting in Brussels. Go raibh maith agat.

I am happy now to cover the other questions that were asked by the Committee Chairperson. He asked why I cannot eradicate TB in the short term. TB is a very complicated disease. If there were an easy solution to its eradication, it would have been done by now. I want to make clear that my ultimate aspiration is the eradication of TB, but there is no quick fix. It will be a long process for Government and industry, and I emphasise that actions by Government alone cannot eradicate TB. The new strategic approach that we have identified with the key stakeholders will be a phased long-term strategy to move towards the eradication of TB in a realistic and pragmatic way.

The experiences of other countries have shown that the eradication of TB is a long-term process. I am not sure whether I correctly picked up the entire question about badgers, but the key issue about badgers and TB in cattle that the Department seeks to address is whether badger intervention would help to achieve a cost-effective reduction in TB incidents in cattle in the North.

Tuberculosis is a complex disease. Although it has been established that there is a link between TB in badgers and TB in cattle, it is not known with certainty the extent to which badgers contribute to the incidence of TB in cattle in the North, and neither is it known what impact badger removal would have on the overall incidence of disease in cattle across the North.

The scientific evidence that the Department has received is complex and, at times, conflicting. Having assessed all the available information from work in Britain and the South, the conclusion of our veterinary assessment is that we cannot currently extrapolate the information that we need. Therefore, further work is needed, which is why the Department is undertaking a study of the prevalence and distribution of TB in badgers and a badger-removal trial. Those studies will provide baseline information on disease and the cost of badger intervention.

I am not sure whether I have covered everything that the Chairman asked me. I hope that I have, but I am sure that there will be further questions in any case.

**Mr W Clarke:** Go raibh maith agat, a Cheann Comhairle. I welcome the Minister's statement, and I welcome the strategic and holistic approach that the Minister and the Department are taking, which is the way forward.

As the Minister said, TB is a costly issue for farmers and taxpayers, and for animal welfare. When will a vaccination become available? In addition, will the Minister expand on the link between wild deer and bovine TB? Furthermore, people are already lobbying as they are very concerned that the Department could go down the route of culling for the sake of it, which would be wrong. Will the Minister reassure the public in that regard? Go raibh maith agat.

#### **The Minister of Agriculture and Rural**

**Development:** I thank the Member for his questions. We do not have a badger vaccination at this time. I recognise that badger vaccination may be the most feasible solution in the long term, but it could be some time before an effective badger vaccine becomes available.

Based on our veterinary assessment, there are, I believe, steps that can be taken now in order to fill the key gaps in our scientific knowledge and to inform what we do to deal effectively in the medium and longer term with the reservoir of infection in badgers. The studies that I want to pursue will inform whether the culling of badgers could be a cost-effective way of bringing about a reduction in TB in cattle here in the medium term. The studies will also enable the Department to be ready to act when an effective long-term solution becomes available.

I assure the Member that badgers will not be culled for the sake of it. The badger is a protected species, and I need the support of the Minister of the Environment for the actions that we are undertaking. The Department does not believe that there is any point in culling badgers just to alleviate some of the pressure regarding the eradication of TB. We will certainly cull badgers based only on the prevalence study that we carry out and on the information that can be extrapolated from it.

Wild deer, too, can become infected with bovine TB. That is of interest to the Department because wild deer are often found close to cattle — certainly where I come from. Over this winter, therefore, the Department will undertake background surveillance to ascertain the prevalence of bovine TB in wild deer. That will add to our knowledge of the dynamics of bovine TB infection in wild deer and the role of deer in bovine tuberculosis.

**Mr Elliott:** I thank the Minister for her statement. However, the statement did not address the testing mechanisms and methods for TB. The mechanism that is used is outdated; it has been there for a long time and has proved not to be accurate. Does the Minister have proposals to introduce new methods for TB testing?



### **The Minister of Agriculture and Rural**

**Development:** I am not sure that I agree entirely with the Member's comments. The current testing regime has been instrumental in helping to reduce disease levels. The fact that our disease levels have decreased over the past five years — at a time when our nearest neighbours are finding that their disease levels are going up — says a lot for the testing regime that we use.

11.00 am

We use the standard EU skin test for screening cattle for TB; European legislation stipulates that member states must use that test. The Member will be aware that, in specific circumstances, we also use the gamma interferon test. However, that is only approved under the relevant EU directive as a supplementary test for TB. Therefore, it must be used in conjunction with the skin test. Further research and changes to EU legislation would be required before the gamma interferon test could replace the skin test for routine herd testing.

**Mr Burns:** I thank the Minister for her statement — even though it was waffly and long. Ireland is an island of small farmers, and, for years, we have debated whether TB is transmitted through badgers or other wildlife. Every Minister applies more science, but we still have no results, which are what we really want. Could additional studies be carried out into the sharing of drinking water by domestic animals and wildlife, such as badgers and foxes?

### **The Minister of Agriculture and Rural**

**Development:** In this instance, the phrase “the pot calling the kettle black” comes to mind. Obviously, we must consider all the relevant issues, and that is why we are studying wildlife. Although the farming industry can take other measures, it would be difficult to isolate drinking water for cattle from that of wildlife. Nevertheless, we must consider all measures, and I assure the Member that we will do everything possible to eradicate TB. We take advice from, and work closely with, our core stakeholders, including the Ulster Farmers' Union and NIAPA, and that partnership approach will get us through the battle with this difficult and challenging disease.

**Mr Ford:** I thank the Minister for her statement. At the risk of being accused of agreeing with Thomas Burns, I found it a little less precise than her usual statements, such as the one she made yesterday afternoon.

In addition, I am concerned about Mr Clarke's point about whether a cull is being proposed for the sake of it. The Minister talked about “whether” a badger intervention strategy would help to achieve a cost-effective reduction in TB. She went on to talk about gathering information about where any cull or other intervention might be most effectively targeted, and towards the end she said that her Department “will” develop plans for a badger-removal trial, subject to the

agreement of the Minister of the Environment and the necessary bids for expenditure. Although her statement does not include the necessary evidence, her mind appears to have already been made up. Given the dubious evidence produced in other parts of these islands about the effects of proactive or reactive culling, will the Minister assure Members that, rather than following prejudices, she will base her actions on science?

### **The Minister of Agriculture and Rural**

**Development:** I think that there was a compliment in there somewhere, and that, in itself, knocks me off course, because I am not used to them. As I said, bovine TB is a complex and difficult disease, and the aim of the badger-prevalence study is to fill the scientific gaps — we do not have all the information that we need, and there is conflicting evidence from studies conducted on the island of Ireland and in Britain. We want to fill the gaps and inform ourselves about the best way forward. We have worked with the Minister of the Environment to achieve the required permission to carry out the prevalence study, and we will decide on further actions when the results are known.

**Mr Poots:** I came to the House under the misguided notion that I would hear something significant about a strategy to deal with the eradication or reduction of bovine TB in Northern Ireland. Unfortunately, what we got is, to say the least, flimsy, and it does not deal with the issues.

Each year, £21 million of public money is spent on dealing with this matter, but, although entire herds of cattle have been wiped out, the source of infection has been left on farms.

When will the Minister bite the bullet and deal with the source of the infection, which is in the wildlife? She is not doing the wildlife any favours by allowing TB infected badgers to infect other badgers and cattle. It is time for her to take serious action to deal with the matter.

### **The Minister of Agriculture and Rural**

**Development:** As I said during my statement, the strategy, which is based on a holistic approach, has been developed in conjunction with our key stakeholders — the Ulster Farmers' Union, NIAPA, the Association of Veterinary Surgeons Practising in Northern Ireland and others — so that a joint approach can be taken on the way forward and so that we can do the right thing. Although there is a link between TB in wildlife and TB in cattle, there is not enough evidence at this time that enables us to say that dealing effectively with the reservoir of TB infection in wildlife would solve our problem.

The strategy that I have announced today is a new approach to dealing with TB; it is different from what we have been doing in a number of ways. As I said; it is an agreed industry approach. It is also a holistic approach that addresses three strands: real partnership



between Government and industry; control of the spread of TB between cattle; and addressing the wildlife factor.

The existing TB programme is largely based on measures that deal with cattle-to-cattle transmission of the disease. That will continue to be an important element of the strategy as we go forward, and we will continue to look for ways in which to maximise the delivery of the programme.

Mr Poots also asked about badger culling. Experience in other countries in which wildlife acts as a significant reservoir of TB infection — for example, the possum in New Zealand — shows that the financial cost of culling wildlife is high and sustained. That is only the financial cost — not the environmental cost — and it does not take account of our responsibility to protect badgers.

Bearing in mind the progress that has been made in reducing the incidence of TB in cattle since 2002, it is prudent to be cautious about introducing costly measures that might be ineffective, or, worse, could exacerbate the problem. Before introducing any badger-culling policy here, we require sound evidence that culling would help to achieve a cost-effective reduction in TB incidence in cattle. The issue is that we do not have such evidence on which to make an informed decision at present. I believe that we should act to fill the key gaps in the evidence to inform our actions to deal effectively with the reservoir of infection in badgers. It is also important that we are ready to act when an effective solution becomes available.

Edwin Poots and I have been on panels that have discussed the problem, and he knows my position on it. We want to eradicate TB. However, if that were easy, it would have been done long before I became Minister.

**Mr Irwin:** The reduction in TB by almost 50% since 2002 sounds good. However, when one takes a closer look at the incidence of TB, is it not the case that we are no further forward than we were in the mid-1990s? We are back at the level of incidence that existed 10 to 12 years ago.

**The Minister of Agriculture and Rural Development:** I accept that when testing was suspended during the outbreak of foot-and-mouth disease in 2001, the prevalence of TB increased. That is one reason why I am very concerned about dealing with the issue and not taking my foot off the pedal as regards animal welfare. At times, it is costly to continue doing what we are doing. In challenging times, when the Department would love to spend money on other things, there is a temptation to take one's foot off the pedal as regards animal health. I am not prepared to do that, because of the ramifications of the outbreak of foot-and-mouth disease in 2001 and the fact that the disease level spiked.

We must act responsibly. Based on the evidence, including the views of our key stakeholders, I am clear that the eradication of TB is unrealistic in the short term. Therefore, we must consider it in the medium and long term. Experience in other countries, such as Australia, that have dealt successfully with TB is that stringent cattle controls, a high level of Government/industry partnership and a long-term commitment have been critical factors in successfully eradicating TB.

For example, in Australia, key features of the TB eradication programme were a 50:50 Government/industry partnership in decision-making and cost-sharing and draconian cattle controls. Wildlife was not a significant risk factor in Australia, but it took 28 years to eradicate the disease. That illustrates our difficulty.

The reduction in the incidence of TB that has occurred here in the past five years brings us to a level similar to that experienced in the late 1990s. However, it is important to note that there was an increase in the trend of TB occurrence in the North 10 years ago. Since 2002, the trend overall has been on a downward slope. Over recent months, there has been a levelling off, but it is too early to say whether that position will be sustained.

The Programme for Government contains a target to reduce the incidence of TB by a further 27% by 2011. That is a challenge, but it is incumbent on me as Minister to ensure that we do everything possible to reduce the disease levels. I would love to be able to eradicate the disease, but I must be realistic and accept not only the advice from veterinary surgeons but from key stakeholders that it will be impossible to do that in the short term.

**Mr O'Loan:** I thank the Minister for her statement. However, I was disappointed that she started from such a low base and was so tentative in her proposals. How much money is the Minister looking for over the next two years? Given the importance of TB incidence and its effects on the agriculture industry, why did the Minister not prioritise the issue in the Budget discussions that took place this time last year?

**The Minister of Agriculture and Rural Development:** We are looking for £6 million to carry out the study. As I said in my statement, I made a bid through the strategic stocktake for the remaining two years of the comprehensive spending review period. If the current bid is not successful, I intend to bid again for the required additional resources — subject to a full economic appraisal — through in-year monitoring and in the 2009 Budget exercise. However, the timing and implementation of the strategy depends on how and when it is resourced.

Mr O'Loan will know that TB is a costly disease; £21 million was spent on dealing with our current levels in the past financial year. It will cost more to



eradicate the disease, and we will have to do all that we can to receive the additional money that is required to help us to deal effectively with the disease.

**Mr T Clarke:** In the Minister's response to the Chairperson of the Committee for Agriculture and Rural Development, she said that this is a long process. As my colleague from Newry and Armagh, William Irwin, said, the incidence of TB now is almost the same as it was 10 years ago. Therefore, we have endured a long process. Given that the Minister has carried out many studies — a report of which we have seen recently — and knows the areas in which there is a strong incidence of TB, why is she so reluctant to conduct a cull? A cull in areas of high incidence would instil confidence in the farming community and see a dramatic decrease in the rate of disease.

#### **The Minister of Agriculture and Rural**

**Development:** As I have said already, the Department has worked closely with key stakeholders on the issue, and we have to take a realistic view. We are carrying out the prevalence study to fill in the key gaps in our scientific knowledge. We do not have that information available to us. The habits of badgers are different here to habits on the Continent, for example. Therefore, we have to seek to fill in those scientific gaps and make the best decisions on that basis.

We do not have all the tools at our disposal. As I have said, it is possible that the best way to deal with the problem in the long term is by way of a badger vaccination. That option is not available to us at present, so we are not dealing with all the tools that we need to eradicate TB in the short term.

**Lord Morrow:** In the Minister's statement, she said that she will be unable to achieve the TB targets that are set out in the Programme for Government. That will come as a disappointment to every farmer in Northern Ireland, and she needs to address that issue. Her statement says that the control of the disease is costing over £21 million plus costs to the sector. Does that mean that there is another £21 million on top of that? Furthermore, of all the animals that were slaughtered in 2008, how many were found to be disease free?

11.15 am

#### **The Minister of Agriculture and Rural**

**Development:** The Department has, as I said, worked with key stakeholders on the matter. Farmers have lived with TB for a very long time; there were incidents of TB where I lived as a child. The changes needed in farming practices to eradicate TB are not acceptable to the industry in the short term. For example, if marts were stopped there would be no contact between cattle and that would help to eradicate TB. However, we do not want to go down that route now.

Farmers understand that the eradication of TB is not possible in the lifetime of the Programme for

Government. The fact that we are aiming for a 27% reduction is a challenge, and farmers recognise and accept that. We have lived with TB for a long time, and we are working towards eradicating it. However, that cannot be achieved in the short term.

**Mr Molloy:** Go raibh maith agat. I thank the Minister for her statement. Will she clarify that the reason for the low base is due to the fact that the previous Minister, Bríd Rodgers, did nothing to eradicate TB? Will the Minister adopt an all-Ireland approach, because diseases — and TB in particular — do not stop at the border? There would be opportunity for co-operation between Ministers in relation to badgers killed on the roads. Could those badgers be removed quickly to stop other animals from spreading the disease, and could they be collected by councils or the Roads Service for testing?

#### **The Minister of Agriculture and Rural**

**Development:** I understand that badgers killed on the roads are collected and tested. The known levels of TB come from testing such badgers. The only tests at present are post mortem. The prevalent study would be a more controlled study in order to ascertain the level of TB in the badger population. It will also help us to look at the wildlife reservoir and identify problems of TB in badgers in some areas, while, in other areas, badgers exist quite happily alongside cattle and there is no problem with TB. Scientific gaps need to be filled in.

It is important to have an all-Ireland animal health strategy as the disease does not stop at the border. Equally, badger movements do not stop at the border. Action taken South of the border will have an impact on us North of the border. We are examining all of the information coming from the South, particularly as we are on an island. However, we are also looking at evidence from other parts of the world to help us to fight this terrible disease.

**Mr Savage:** I thank the Minister for her statement. However, it contains nothing that I have not seen over the past five years. I am not blaming the Minister, but the scientific approaches taken by the Department of Agriculture and Rural Development are not up to speed with the situation in County Down. I am glad that County Down is being made a priority, because it has got to the stage that many farmers did not let their cattle out during the summer because their neighbours' animals were infected. The situation is getting out of control.

A figure of £6 million was mentioned, and that money could be spent more wisely. Many of the hunters know where badgers are. I doubt whether the Minister's officials know where the badgers are — in fact I am sure that they do not know where they are. The Minister should bring in a bounty to remove the badgers and give farmers peace of mind. No progress has been made over the past five years. Hunters have



told me that badgers are lying in their burrows with big litters of pups, and those pups will be out and about in a few months' time. More drastic action must be taken.

#### **The Minister of Agriculture and Rural**

**Development:** First, I am disappointed that the Member thinks that there is nothing new in the statement. The Department is undertaking the badger-prevalence study, which is a move in the direction that the Member would like the Department to take. Again, I must point out that the large environmental lobby holds a view contrary to that of some in the farming lobby who want badgers to be culled. There is no point in culling badgers for the sake of it. The purpose of the prevalence study is to help the Department to fill in the gaps in scientific knowledge. We want to have a healthy badger population, as well as a healthy cattle population, but we do not have the necessary information, which is why the study is being carried out.

It would be far worse to spend millions of pounds on wiping out the badger population, only to find that TB has not been eradicated and that we still have to deal with the problem. Such an outcome would not just result in a cost to farmers, but to Government, too. We must be sure that we are doing the right thing, which is why the study is being carried out and why we have engaged closely with key stakeholders and have relied heavily on their advice and support. Their contribution has been hugely important.

The veterinary assessment is that that key piece of work must be carried out to fill the priority gaps in our knowledge and to inform us what action is needed to deal effectively with the reservoir of infection in badgers. The findings will provide baseline information on the level and distribution of disease in badgers in the North, and they will help us to establish where any intervention in badger populations would be most effectively targeted. In that way, we can be sure that, if we take that action, we are doing so cost effectively and for the right reasons.

**Mr McCallister:** I welcome the Minister's statement. I declare an interest as an owner whose herd was closed earlier this year as a result of TB infection. In her statement, the Minister mentioned real partnership between Government and industry, and more stakeholder involvement. I would have hoped that we were taking such measures already. As for Mr Molloy's talk of an all-Ireland approach, it is fair to say that our colleagues in the Republic of Ireland have not proven to be a big plus this week.

To follow on from my colleague Mr Elliott's question, does the Minister not feel that there are inaccuracies in the current testing system? Will she undertake to ensure that the study assesses how the testing regime can be improved so that those in the farming industry can have more confidence in it?

#### **The Minister of Agriculture and Rural**

**Development:** I have answered that question in my response to the Member's colleague Mr Elliott. We carry out the skin test because EU rules tell us that we must — that is the EU-approved test. In certain circumstances, we carry out the gamma interferon test, but we must still carry out the skin test first. We are bound by the rules that the European Commission imposes on us, and we must use the tests that are available to us.

**Mr Speaker:** That ends questions on the ministerial statement. I ask the House to take its ease for a few moments while we prepare for the next item of business.



## EXECUTIVE COMMITTEE BUSINESS

### Public Authorities (Reform) Bill

#### Consideration Stage

**Mr Speaker:** No amendments have been tabled to the Bill. However, several Members have indicated that they wish to speak to certain clauses. Therefore, we will debate those clauses, and I will then put the Question on each clause, the three schedules to the Bill and the long title.

#### *Clause 1 (Fisheries Conservancy Board for Northern Ireland)*

*Question proposed,* That the clause stand part of the Bill.

**The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff):** Go raibh maith agat, a Cheann Comhairle. The clause provides for the abolition of the Fisheries Conservancy Board (FCB) and the transfer of its functions to the Department of Culture, Arts and Leisure. In April 2008, the Committee for Culture, Arts and Leisure considered the Bill's provisions and agreed that it was content with the overall scope of the Bill.

However, the Committee heard evidence from representatives of the Fisheries Conservancy Board and the Lough Neagh Fishermen's Co-operative Society, who had concerns about representation of anglers following the abolition of the FCB. The Committee subsequently raised those concerns in the Department's salmon and inland fisheries stakeholder forum consultation. On 13 November 2008, our Committee received an update from the Department on the outcome of the consultation, and we were pleased that the Department has accepted the Committee's recommendations — there will now be at least four affiliated anglers on the forum, which will meet quarterly.

**The junior Minister (Office of the First Minister and deputy First Minister) (Mr Donaldson):** I thank the Chairperson of the Committee for his comments. He is correct to say that the Department considered carefully the recommendations that the Committee made following its consideration of the Bill. We were pleased to respond positively to the recommendation about the representation of anglers on the forum — we trust that that will assuage the concerns that members of the Fisheries Conservancy Board and anglers' groups raised about their representation.

The intention of the changes is not to cut out any of the stakeholders, but to ensure that their voices are heard. We hope that the changes will create a more effective arrangement and that the forum will provide anglers and other stakeholders with the opportunity to have their say on matters that relate to fisheries

conservancy and other fishery issues. I thank the Committee for its contribution in that regard.

*Question put and agreed to.*

*Clause 1 ordered to stand part of the Bill.*

*Clauses 2 to 8 ordered to stand part of the Bill.*

*Schedules 1 to 3 agreed to.*

*Long title agreed to.*

**Mr Speaker:** That concludes the Consideration Stage of the Public Authorities (Reform) Bill. The Bill stands referred to the Speaker.

I understand that the Minister of Health, Social Services and Public Safety is on his way; therefore, I propose that the House take its ease until he arrives.

*11.30 am*

**Mr McElduff:** On a point of order, Mr Speaker. Will you clarify the mechanism for raising matters of great urgency in the House? I know that there is a procedure whereby a Member can make a request to the Business Office before a particular time in the morning, but is there a procedure whereby a Member can bring subsequent events to the attention of the House during the course of the day's proceedings?

I would love to bring to the attention of the House the situation in County Tyrone when two school buses went off the Derrybard Road, Fintona; there were 28 children on one bus and three on the other. The buses did not go over on their sides, but they did tilt. It was a very serious situation at Derrybard Road, Fintona, as a result of icy conditions. How does a Member bring the like of that to the attention of the House?

**Mr Speaker:** I have given the Member some latitude. His first point was a point of order, but his second was not. The Member ought to know that there is a Standing Order that deals with Matters of the Day. The Committee on Procedures spent some time deliberating how Members can raise issues of deep concern to them, especially in their constituencies.

The Member has been very good at drawing attention to the matter that concerns him; however, I remind Members on all sides of the House that the Standing Order that deals with Matters of the Day is absolutely clear. That is how Members should raise any matter that they feel is urgent.

**Lord Morrow:** On a point of order, Mr Speaker. Will the same leeway be given to every Member who wishes to use innovative ways to raise issues on the Floor of the House? It is one thing for a Member to say that he understands that there is a procedure, which was put in place by the Committee on Procedures to deal with such issues; it is another for Members to use innovative ways to raise issues. Is that the way forward?



**Mr Speaker:** I thank Lord Morrow for his point of order. That is not the way forward. Members ought to know that, as Speaker, I give Members some latitude, but I have to agree with Lord Morrow. The Committee on Procedures has worked extremely hard to get Standing Order 24, which deals with Matters of the Day, to a point where all Members are satisfied that that is the avenue down which they should go. That Standing Order should not be abused.

**Lord Morrow:** On a further point of order, Mr Speaker. I understand and accept your ruling, but it seems that the Standing Order has been abused today, and it was clear from the outset that the Member had every intention of abusing it.

**Mr Speaker:** I ask Lord Morrow to repeat what he said; I was in deep discussion about other issues.

**Lord Morrow:** It was clear from the outset that the Member had every intention of abusing Standing Orders and procedures in the House. It was regrettable that he was not brought to heel much earlier.

**Mr Speaker:** Under Standing Order 24, which deals with Matters of the Day, there is provision to deal with issues about which Members feel strongly. However, there is a procedure that Members must follow. Let us be absolutely clear: Members should not abuse their standing in the House.

## **Health and Social Care (Reform) Bill**

### **Further Consideration Stage**

**Mr Speaker:** I remind Members that, under Standing Order 37(2), the Further Consideration Stage of a Bill is restricted to debating any further amendments that are tabled to the Bill. No amendments have been tabled, so there is no opportunity to discuss the Health and Social Care (Reform) Bill today. Members will, of course, be able to have a full debate at the Bill's Final Stage. The Further Consideration Stage of the Bill is, therefore, concluded. The Bill stands referred to the Speaker.

## **Pensions (No. 2) Bill**

### **Final Stage**

**The Minister for Social Development (Ms Ritchie):** I beg to move

That the Pensions (No. 2) Bill [NIA 2/08] do now pass.

The Pensions (No. 2) Bill represents a further major step in legislating for long-term reform of our pensions system. It is appropriate that I comment briefly on what has been achieved.

The agenda for pension reform flowed largely from the recommendations that the independent Pensions Commission made, and is a response to demographic and social trends that the commission identified as creating challenges for the future. The first stage in the reform process — the establishment of a fairer and more generous state-pension system — was enacted by the Pensions Act (Northern Ireland) 2008. The measures contained in that Act recognised the different ways in which people contribute to society, and set out how certain sections of society, such as women and carers, will benefit.

The Pensions (No. 2) Bill represents the second stage in the reform process and is primarily aimed at tackling the problem of under-saving for retirement. Moderate to low earners, whom the market does not serve well, will be given the opportunity to build a private retirement income to supplement their state-pension entitlement. From 2012, eligible workers will be automatically enrolled into a qualifying pension scheme with a minimum employer contribution, and personal accounts will be one option.

For the first time, many workers will be able to save for retirement, and see their contributions matched pound for pound through employer contributions and tax relief. Automatic enrolment will help overcome barriers to saving, such as inertia. Individuals will, however, have the right to opt out, and those who do so will have the opportunity to review their decisions. They will also be automatically re-enrolled at regular intervals.

The reforms create important new rights for workers and obligations for employers. The Pensions Regulator will have overall responsibility for enforcing employer compliance. A proportionate compliance regime will ensure that rights are effectively safeguarded, while imposing no unnecessary burdens on business. The regime will also ensure that employers who fail to comply do not gain a commercial advantage. However, the emphasis will be on keeping to a minimum the need to take compliance action. Employers are critical to the success of the reforms, and minimising their burden has been a key principle in the proposals' development.



It is also important that employers who already provide good-quality occupational pension schemes continue to do so. The number of people who are covered by good occupational pension schemes has been falling steadily. The Bill aims to complement those schemes and to encourage and support employers to continue to run them. To that end, the Bill contains several measures that are designed to minimise regulatory and cost burdens on employers.

The consolidation of additional state pension built up under previous schemes will help individuals to see clearly the real value of their additional pension and contribute to informed decision-making about retirement saving. The indefinite extension of the state pension credit-assessed income period will reduce the level of intrusion that is normally associated with an income-related benefit and introduce a significant easement for the most elderly and vulnerable pensioners.

The Bill also contains a number of measures aimed at improving confidence in private pensions. The powers of the Pensions Regulator will be strengthened to ensure that it offers sufficient protection to scheme members and the pension protection fund. Overall, the Bill aims to help people to save for retirement and will deliver fairness, greater simplicity, affordability and sustainability.

However, saving for retirement might not be a realistic option for everyone; for instance, the very low paid, for whom income-replacement rates from state pensions are likely to be relatively high. However, the reform of state- and private-pension provisions form a complementary package and, as a whole, will create a new pensions settlement for the twenty-first century. It is a settlement that will allow everyone to plan with confidence for retirement.

With this Bill, and the state pension reforms already enacted, we are building a simpler and enduring pensions system for the generations to come. I thank the Chairperson and members of the Committee for Social Development, and Assembly Members in general, for the positive manner in which they have supported the progression of this important Bill.

**The Deputy Chairperson of the Committee for Social Development (Mr Hilditch):** As the Chairperson of the Committee for Social Development has indicated previously, the Committee agreed to support the Minister's proposal for accelerated passage of the Bill. The Committee did so because it recognised the value of maintaining parity between Northern Ireland and the rest of the United Kingdom in social security and pension matters. On behalf of the Committee, I record my satisfaction that by progressing the Bill to its Final Stage, parity — with all the benefits that it brings to the people of Northern Ireland — has been maintained.

The Pensions (No. 2) Bill has many features, but I will not speak about all of them; some are complex, many are technical, but all are important for the provision of low-cost, reliable private pensions for the low paid. The Bill requires employers to automatically enrol employees in a pension scheme. That automatic enrolment is thought to be the most effective way of persuading people on low income to put some of their wages aside for their retirement. The Committee welcomes the provision of a low-cost pension option for the low paid. The Committee also welcomes the opt-out provision. It is hoped that the outworking of those measures will see employees making informed choices about their wages and personal pension provision.

Notwithstanding that, the Committee recognises the potential for an adverse impact on the cost base of local employers. For that reason, the phasing in of employer contributions is to be welcomed. That, however, is not enough. On behalf of the Committee, I caution the Minister to be cognisant of the fact that communication about the obligations under, and consequences of, the Bill for employers and employees is essential. The Committee has pointed out that communication from the Personal Accounts Delivery Authority, and other Department-led agencies, will be critical in ensuring that the consequences of this important Bill are understood.

Compliance is just as important as understanding; and the Committee, therefore, welcomes the additional, and commensurate, compliance measures of the Pensions Regulator. It is hoped that a compliance regime will be developed that does not burden employers unnecessarily yet gives assurances to those investing their wages in private-pension schemes.

The Committee has concerns about the alteration in the deferred pensions benefit cap. It is recognised that the alteration brings deferred pension benefits in line with other pension benefits.

Nonetheless, it is hoped that the Minister will work to encourage employers to ensure that the financial benefits that are gained from that aspect of the Bill are reinvested in pension contributions and that levelling down is restricted.

*11.45 am*

It is hoped that the Pensions (No. 2) Bill will enhance and improve the retirement prospects of many thousands of low-paid workers in Northern Ireland. The Committee regrets that, because of time pressures, it was unable to review and provide the level of scrutiny that such important legislation deserves.

**The Minister for Social Development:** I thank Mr Hilditch — who, as the Deputy Chairperson of the Committee for Social Development, spoke on behalf of the Committee — for his contribution to the debate. He raised the issue of communications, particularly with reference to the personal accounts delivery system.



Between now and 2012, a communications plan will involve the Department, the Pensions Regulator and the Personal Accounts Delivery Authority. I assure the House that that will ensure that employees and employers are aware of their responsibilities and duties on that issue.

The Pensions (No. 2) Bill is important. Alongside the measures that have already been introduced by the Pensions Act (Northern Ireland) 2008, it will provide a pensions system that is fit for the twenty-first century. I agree with the Deputy Chairperson of the Committee, Mr Hilditch, that the Bill will greatly enhance the ability of workers to plan and save for retirement with confidence by removing barriers to saving and will help to change our saving culture.

It is important to ensure that people can be enabled to save for the future. All Members who spoke on the Bill during the debate on accelerated passage and at the Bill's Second Stage upheld that basic principle. The reforms will make it easier and more attractive to save and to extend pension provision to people who are not already covered. Confidence in private pensions will be improved, and existing provisions will be strengthened.

I note the Committee's concerns about the valuation of deferred pensions. I stress that we are introducing an entire package, some of which is designed to ease burdens on employers and to encourage them to run good schemes. We want to encourage employees to save for the future, and we also want to encourage employers; it is a joint exercise.

I am grateful to the Committee for Social Development and to Members across the House for their positive contribution to the progress of the Bill, for agreeing to its accelerated passage and for the level of consensus that the Bill has enjoyed.

*Question put and agreed to.*

*Resolved:*

That the Pensions (No. 2) Bill [NIA 2/08] do now pass.

## PRIVATE MEMBERS' BUSINESS

### Carbon Neutrality within the Northern Ireland Assembly

**Mr Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes.

**Mr Wells:** I beg to move

That this Assembly calls upon the Assembly Commission to draw up an action plan aimed at ensuring that all the buildings used by the Northern Ireland Assembly achieve carbon neutrality by 2015.

I thank the Business Committee for its forbearance in dealing with the motion. As Members may be aware, the motion should have been debated two weeks ago, but, sadly, as a result of the tragic deaths of the four policemen in South Down, I was not available to take part in that debate. I am grateful to the Committee for agreeing to let the motion be withdrawn from the Order Paper, and I am even more grateful for the fact that the Business Committee brought it back onto the Order Paper so speedily.

The vast majority of people in Northern Ireland believe that climate change is occurring and that the overwhelming reason for it is the emission of greenhouse gases as a result of man's activities. I accept that there are a few who believe otherwise. Some individuals believe that it is a naturally occurring process and that man is not responsible in any way for climate change. They are well-meaning people, and they hold their views sincerely. That has to be respected.

However, I ask this question: what if I am, and the vast majority of Members are, wrong? If that is the case, and we take steps to reduce our carbon emissions, what is the result? We save our finite supplies of energy, for fossil fuels are running out; we use the earth's resources more wisely; and we inflict less pain on the Third World. However, if the sceptics are wrong, and we take no action to reduce carbon emissions, we face environmental catastrophe. I am not a betting man, but I know which horse I would prefer to back.

Let us assume, for the purposes of this debate, that mankind is largely or entirely responsible for the huge increase in greenhouse gases. That being the case, the scientists have told us that we must have an 80% reduction in CO<sub>2</sub> emissions by 2050. That is a very difficult target to meet. However, we should adopt the precautionary principle and take steps now, before we hit the tipping point — the point of no return.

I realise that I am speaking to the converted. Others who need to hear the message may be listening elsewhere,



but that is my personal view on this issue, and I am sticking to it. We need to stabilise the growth in CO<sub>2</sub> in order to ensure that average temperatures do not increase by more than 2°C by 2050, against an average based on pre-industrial levels. Again, it is a very difficult target to meet.

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

Members may agree that that is all very interesting, but ask what it has to do with the Northern Ireland Assembly. We are responsible for a very small proportion of the greenhouse gas emissions as a result of our management of this Building. Indeed, we are responsible for only 0.25% of the entire emissions of all the Government offices in Northern Ireland. Some Members might ask why we should bother or why we should be interested in the subject.

Well, most Members agree that we must set an example to the rest of the community. It is no good telling our fellow citizens in Northern Ireland that they must reduce their carbon emissions, take the pain and go for an 80% reduction by 2050, while we, in this Building and any other buildings that we control, do not bother to do anything. We must commit ourselves to that principle. It is like a bald man trying to sell hair restorer — the obvious question will be asked as to why he does not take his own advice. The same applies to Third World countries, poorer countries. If we are to tell them to reduce their carbon emissions, we must set an example.

Not only must we set an example, we must put our own house in order. I asked the Assembly Commission a question for written answer: how many kilograms of carbon does this Building emit? The latest figure is from 2006, when we emitted 1,165,561 kg of carbon. By any standards, that is a lot of CO<sub>2</sub> going into the atmosphere as a result of our activities.

**Mr McCarthy:** Does that include the hot air?

**Mr Wells:** Yes, it includes the hot air emitted by Members.

Other Assemblies and institutions in the United Kingdom have set an excellent example. They have called on the Carbon Trust, which is the accredited body that knows most about these things, to come into their buildings and carry out rigorous checks to find out where the carbon comes from and what can be done to reduce emissions. The National Assembly for Wales started that process in March 2007. Already, in this financial year, it is implementing procedures recommended by the Carbon Trust. Therefore, it shows that that can be achieved, and quickly.

There are basic measures that we can take while that study is ongoing, which I hope that the Commission will agree to. First, there is no reason why the energy usage of this Building cannot be reduced by 20% now.

I can illustrate that point by providing details of two issues that I discovered when I sat on the Commission. First, on the hottest day ever recorded in Northern Ireland's history, the radiators remained on in the Building. When I enquired as to why that was the case, I was informed that the heating system did not allow for a complete shutdown. I am not aware whether that is still the case, but that struck me as a horrendous waste of energy — all the windows were open, people were perspiring, yet the heating remained on.

Secondly, I was in the Building on the day before Christmas Eve approximately eight years ago. The Building was almost empty, but being the anorak that I was, I was here preparing and finishing off paperwork before the Christmas holidays. While I was here, I noticed that hundreds of electrical devices such as photocopiers, water heaters, scanners and public address systems had been left switched on. Everything, everywhere was left on. I asked whether anyone intended to turn those devices off, but I was told no and that those devices would remain on for the entire Christmas holidays — some eight days. Therefore, even though no one would be in the Building, all those electrical devices would remain switched on. I then asked whether someone could be appointed to switch those devices off, but I was told that that would be too complex, and that there would be health and safety issues to consider. I went on to ask whether the security guards could perform the task, but again I was told no, because it was not in their remit to do so. No one took responsibility for switching the appliances off, thus ensuring that we wasted electricity. I hope that that is still not the situation, because that was an appalling waste of energy.

Having ensured a 20% reduction in carbon emissions through a perfectly attainable reduction in the energy consumption of the Building, could we not also supply our energy needs through 100% renewables, rather than the current level of 25%? At home, I pay into Northern Ireland Electricity's Eco Energy scheme, which means that all the energy used in my home comes from renewable sources. That does not mean that the electrical wiring in my home runs to a windmill or tidal-power unit to provide electricity to my home. Instead, NIE pools all that electricity, people such as me subscribe to the renewable tariff and NIE buys an equivalent amount of electricity from renewable suppliers to service that demand. However, it still means that the electricity used in my house does not lead to any additional carbon load. Why can the Assembly not decide almost immediately — and I will be asking the representative of the Commission Mr Neeson to elaborate on this — that all the electricity in this Building will be renewable? That would send out a very clear signal to the community that we are serious about reducing our carbon emissions.



Even with a 20% reduction in our energy usage and the 100% use of renewable sources to provide electricity to the Building, we will not be at a zero carbon level. It is important to emphasise the difference between zero carbon and carbon neutral. Zero carbon means that no carbon is used at all; carbon neutral means that through a use of a mixture of conservation, renewables and offsetting, the net impact on the carbon load being released into the atmosphere is zero. I ask the Commission — after it has gone through those first two procedures — to consider examining some form of offsetting through the purchase of carbon credits. That will mean that we offset our remaining residual use and will effectively become carbon neutral.

This is not rocket science. In the United Kingdom as a whole, a decision has been made that all Government offices will be carbon neutral by 2012. Therefore, the motion that I have tabled today, which indicates a target date of 2015, does not place a huge burden on the Assembly. Indeed, in the sustainable development strategy that was outlined by Peter Hain before devolution, there is a target for all Northern Ireland Government offices to become carbon neutral by 2015. If we are asking our 11 Departments to take that route, it would be hypocritical if the Assembly was not carbon neutral by the same time.

I am aware that some Members feel that setting a target of 2015 is not a particularly tight deadline. However, I am also aware that some Members would not have backed my original motion — with its suggested target date of 2010 for carbon neutrality — while the Commission also seems to be somewhat uneasy about that target. Therefore, rather than lose the motion or divide the House, I agreed — against my better judgement — to change the motion and opt for a target date of 2015 instead.

I want to emphasise that 2015 is the absolute deadline, and if the Assembly can reach the target of carbon neutrality by 2012 or 2013, I will be delighted. Let us get at this. Let us set an example and show that we really care about the environment of Northern Ireland.

12.00 noon

**Mr Boylan:** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom tacaíocht a thabhairt don rún.

I support the motion, and I welcome the opportunity to speak on it. I thank the proposer of the motion for outlining that not everyone recognises the existence of climate change.

We, as elected representatives, are very vocal in requesting that the general public do their bit in the fight against climate change, and in the promotion of energy efficiency, be it through councils, schools or other private initiatives. Therefore, it is only right that the Assembly should lead the way by reducing its carbon footprint. Perhaps it is time for a strategic

review of these Buildings, similar to that of the energy performance review carried out in Wales, in order that we may take a fresh look at where we can improve.

I would welcome an assessment of this Building by the Carbon Trust. It would not be the final answer to reducing emissions; rather it would be a stepping stone to delivering a strategy that would enable us to make systematic reductions in carbon emissions from these Buildings.

An appropriate starting point would be to ensure that electricity used in these Buildings came from sources of renewable energy, such as solar, wind or water-generated power. Given the location of this Building, part of any review or strategy should explore the possibility of a wind turbine to provide our power, subject to all the necessary feasibility studies, planning permission and listed building consent. We need to phase out the use of power generated from fossil-fuel sources. Each of us — Members and staff — must also play our part by ensuring that we are mindful not to leave lights, computers and other units powered by electricity switched on when not in use, as Mr Wells has said.

We must be proactive in our waste management. Members have, in the past, commented on the huge volume of paper that we use and waste in this Building. We must, therefore, reconsider the use of paper records, recognising the fact that the IT system is backed up. We must eliminate as much paper use as possible.

Recently the Chairpersons' Liaison Group considered options and possibilities to increase and improve the use of IT by Committees. The aim is to improve the efficiency and the effectiveness of the service provided to Members and, over time, to reduce the amount of paper use. It was found that the introduction of IT equipment to existing Committee rooms would be costly due to difficulties in relation to lack of space, health and safety issues, and so on. However, from that consideration, new technologies and different approaches that may enable papers to be accessed electronically in Committee rooms are to be investigated.

Consideration is also to be given to improving the method by which Committee papers are distributed electronically to those Members who wish to receive them in that format. I believe that we should be encouraging all Members and all staff to make use of that facility. The sooner that we arrive at a situation where we can have a paperless regime, the better. It would certainly go a long way to meeting the requirements of the motion, as would reducing the amount of waste that we send to landfill.

We are making considerable efforts in this area, but I am sure that we can do better. I have highlighted just a few areas where I think that Members and staff of this Assembly could make simple changes that would improve our energy efficiency. I am sure that other



Members will highlight other measures. It is of the utmost importance that we carry out a strategic review of our energy consumption and waste management.

I support the motion, and I feel that it is a worthwhile target to strive for. I urge the Commission to initiate a review and to implement a plan as soon as possible. Go raibh míle maith agat.

**Mr Beggs:** I support the motion, and I welcome the opportunity to discuss this important topic. There is an obligation to improve the environmental efficiency and sustainability of buildings in Northern Ireland generally, and we in the Assembly must do so too.

There is global climate change, and there are European directives governing the need to improve energy efficiency and reduce energy usage. There is also the practical issue of increasing fuel costs. Therefore, there are a number of drivers behind seeking carbon neutrality, and, clearly, we need to make further improvements. We cannot say one thing and not carry that through by our own example. Therefore, it is important that the Assembly is an exemplar on this issue, and we must aim for Parliament Buildings to be carbon neutral.

Carbon neutrality is about reducing, and/or offsetting, carbon emissions. If the Assembly is serious about tackling change, it must reduce the size of its eco-footprint. That is not about just energy usage or efficiency; it includes avoiding printing unnecessary documents. I welcome the fact that the Assembly Business Office has taken steps in that area. I do not know whether that emanated from the Commission, but I have highlighted, through Questions, the unnecessary printing of materials. I, and many other Members, I suspect, were not reading every page of every document, most of which seldom change. I welcome the fact that there is now the option to get an electronic version, thereby saving energy and the use of carbon.

There are other ways to reduce emissions, such as using renewable energy. In common with other Members, I wonder why only 25% of the electricity used on the Stormont Estate is from a renewable source. Clearly, that percentage should be increased. Why are we not using 100% renewable energy? The idea of a wind turbine is worth exploring.

The Commission is working closely with the energy conservation branch and the Carbon Trust to improve energy efficiency, and that is to be welcomed. Practical examples of that have been saving electricity by using more efficient light bulbs and sensitive equipment that automatically turns itself off when not in use. However, there is room for further improvement. We have to look at how we can get a total energy saving from equipment when it is not being used. We all have to remember that in not only our homes, but in Parliament Buildings, when electronic equipment is on standby it

is still using about 20% of the energy that it would normally consume.

Gas and heating are key sources of carbon output, and reducing the heating level is an easy and obvious step to take. Too often I have come across windows open in the corridors because it is too warm. Why are there not effective thermostatic controls, in the pump system or on individual radiators, so that the heating switches off? That is not good for our carbon footprint or for the Assembly's energy bills.

Natural gas may be a relatively clean option, but there are other methods that the Assembly should pursue. Why are we not, for example, examining the option of a biomass boiler? Parliament Buildings would be a wonderful place to have such a boiler as an exemplar. Indeed, the Stormont Estate is of a considerable size, and has space for a willow coppice. That would be a wonderful demonstration for the public, and would provide visitors with a working example of biomass use. The Welsh Assembly has a very energy efficient building, and we need to start to make changes here.

Another area associated with the Building's carbon footprint is the use of water. Some Members may be surprised at that, but think of the disposable plastic containers and the transport costs in delivering water to the Chamber. Why are we not using tap water? Why are the Committees not using tap water in jugs? A Committee on which I sit provides that option, and the majority of Committee members are perfectly happy to drink tap water from jugs. I urge others to do likewise.

There are a variety of methods to achieve carbon neutrality, and we must look at a range of issues in order to make Parliament Buildings more energy efficient and to reduce our carbon footprint. Regrettably, fuel costs are increasing, and we must all try to protect the environment and to reduce the Assembly's running costs.

**Mr Gallagher:** Climate change is undoubtedly one of the greatest global and local threats. We know that it is inextricably linked to an over-reliance on deriving energy from fossil fuels such as coal, oil and gas. Carbon emissions into the atmosphere from the use of those fuels have increased markedly over the past 40 years and continue to grow. It is unsustainable to continue to use natural resources at today's levels; therefore, I welcome and support the timely motion.

The motion makes the point that human activity is making a significant contribution to global warming, which affects climate change. We must live in a way that is fair and just for future generations of humans and all other creatures on the planet. As a society, we face the challenge of changing our habits and reducing our carbon footprint in order to save the environment.

There is, as I have said, an inextricable link between man's activities and climate change. It must embarrass more enlightened DUP Members that the Environment



Minister has frequently rejected the fact that climate change is in any way linked to human activity. It is also deeply displeasing, of course, for all those who care passionately about the environment, and sends the disappointing message to our neighbours on these islands and in Europe that we, as a society, do not really care about the environment either.

Neighbouring Governments, particularly the UK and Ireland, have joined industrial countries across the world in tackling climate change. All of them are making at least some efforts to reduce dependence on fossil fuels, which are responsible for carbon emissions. The Government spokespersons of those countries reinforce the message that we must change our habits and reduce our carbon footprint in order to save the environment. Therefore, it is important that the motion be supported and that the Assembly's Building be made as sustainable as possible. By setting a good example, we can send out a message about energy-efficiency standards that will encourage improvements by householders and by businesses.

In proposing the motion, Mr Wells pointed out that Northern Ireland has abundant natural resources that can be quickly and easily exploited. The range of renewables includes onshore and offshore winds; wave, tidal and marine currents; and solar panels. All of those can play a part in helping to achieve a more sustainable Assembly Building. Increasingly, individuals and communities are showing a greater interest in energy-efficiency measures, including insulating their homes and using wood-fired boilers or small domestic turbines.

A recent WWF study in Northern Ireland found that the number of people in Northern Ireland who want to live in a sustainable way has more than doubled in the past two years. Rising energy costs and the present financial crises may be a wake-up call. Something must change in society. People are being asked to tighten their belts, and they are thinking about ways of saving money on the cost of heating their homes. If financial savings can be made at the same time as saving our planet, there is a compelling case for promoting carbon neutrality. I support the motion.

12.15 pm

**Mr Ford:** It is unusual to have unanimity on such a topic. I, too, welcome the motion. I congratulate my friends Jim Wells and Brian Wilson — since we are not at Westminster, I can call them my friends — for securing the debate. Indeed, it is good to see such an array of DUP supporters of Jim Wells's brave initiative. The House must wait with interest to see how they act during the latter part of the debate.

It is important that such a motion is taken seriously. During the economic difficulties of the times in which we live, it is absolutely clear and important that the environment must not suffer because of what is

perceived will be a short-term economic crisis. Indeed, there are compelling reasons why now is the time to take a strong and positive initiative to move towards carbon neutrality by 2015, if not, regrettably, by 2011.

It is also interesting to compare what the Assembly does with what is being done by the two bodies with which it, obviously, has most in common — the Scottish Parliament and the National Assembly for Wales. It seems that both have made considerably greater efforts during the past 10 years of their existence than the Assembly has been able to make so far. Perhaps, that is because the Assembly suffers from having an elderly Building.

Nevertheless, it can learn a lesson from initiatives that the other legislatures have taken; for example, the work that has been done in Scotland on the use of renewables for heating and electricity — use of solar panels on the Parliament building and an eco-tariff to ensure that its electricity is supplied better. Mr Wells highlighted the use of such measures in his own home. Perhaps, those could be advanced by the Assembly. Other measures are frequently ignored, such as proper water management to ensure that showers and taps are not left turned on, thereby wasting water as, sometimes, happens in this Building.

A key issue in Edinburgh is that of transport. When a Parliament building is built in the centre of a capital city, that cuts down transport costs for people who seek to visit it. Perhaps, that is why Holyrood is much more successful at attracting visitors than the Assembly. There is a problem with getting public transport into the Stormont estate and, therefore, in getting people who work in the estate to use it. That includes people who work in the Building and MLAs.

In Cardiff, there are somewhat different issues. One of the Welsh Assembly's key advantages, however, is the fact that there is a sustainability obligation in the Government of Wales Act 1998. The Welsh Assembly has taken that obligation to the point that it wants to achieve carbon neutrality by 2012, which is three years ahead of this optimistic motion — although one year behind it had it been tabled originally. There are measures towards reduction in energy use, use of on-site renewables and microgeneration — which is, perhaps, an option for the Northern Ireland Assembly — and carbon offsetting, to which Mr Wells referred.

As I understand the statistics, the Assembly used five million sheets of paper between its resumption in May 2007 and Christmas 2007. I hate to imagine how many of those sheets were not read or were glanced at briefly, as they could have been glanced at on a computer screen, before being binned. If, a few years ago, Antrim Borough Council could supply every member with a laptop and deliver all papers electronically, I cannot see why it is not possible to run Committee business in



this place with Members using laptops and getting papers delivered electronically.

The waste of staff time that is spent putting together packs and, frequently, repeating papers, week after week, is an utter disgrace. That is a key issue about the simple management of the place, and nothing to do with the problems of an ancient Building. That initiative is in our hands. Some measures that have already been highlighted are relatively straightforward and simple. The easiest way to save energy is to switch off electrical appliances, as Jim Wells reminded the House.

Examples of renewables in other public agencies include the wind turbine at Antrim Area Hospital. It is a classic example of where the Northern Health and Social Care Trust has taken an initiative that has had significant payback. Some people do not believe that a wind turbine would complement the Building; I believe that a turbine at each end of it would improve considerably the look of the place.

If the Assembly is serious about the institution's responsibility, it must ensure that it sets an example to society. Certainly, the installation of gas heating has improved the Building's carbon footprint when compared with oil heating. I understand, however, that in the Assembly's early days, its heating was controlled by a man in an office in Churchill House. Sometimes, I wonder whether, when Churchill House was demolished, the man disappeared with it. There is still no effective control over what happens in the Building.

Various options have been mentioned. The motion is not prescriptive, but the Assembly must call on the Commission to respond positively to it.

**Mr Shannon:** I support the motion. David Ford will be glad to hear that more than one DUP Member supports the motion. Northern Ireland is a beautiful country with fields of green and wonderful varieties of wildlife. The carbon footprint issue spreads far wider than Northern Ireland — it is a global matter. Therefore, we have a global responsibility to play our part in reducing emissions and offsetting those that cannot be reduced.

Members outlined some of the simple but helpful ways in which the carbon footprint of Assembly and constituency offices can be reduced, and the Assembly should implement them as soon as possible. For example, the gift shop could use biodegradable, rather than plastic, bags. If that has already been considered, that is good news.

In mi' ain bailliewick oaffich, we uise renewable energy in oarder tae play oor pert. This haes cut doon, no oanly oan oor carbin fitprint, but haes broucht doon tha coast o' oor lectrik an haetin bills, which is a' guid thing. We hae as weel a' boax fer pittin oany papers, which erny impoartin, in sae that they caun be recycled. This is aw in lien wi' Airds Cooncil ideels. As

fer maesel, aa' hae plented trees oan mi' lan at haem in oarder tae try an affset sum o' trevelling that a' dae . This is guid practis. It micht nae be tha ideel wae, fer tha ideel wae is tae be carbin free at woark an at haem. Bit tha tree plentin wud jist simply be heftfu tae tha wildlife in mi' area, as weel as bein heftfu tae tha suroons an aw aboot as a' hael.

My constituency office uses renewable energy; that has reduced our carbon footprint and our heating bills, which is always a good thing. Non-confidential material is put in a box and recycled through the Ards Borough Council initiative. I have planted trees on my land in an attempt to offset some of my travelling. Those are examples of good practice, but they do not represent the ideal way forward, which is to be carbon-neutral at work and at home. If that was achieved, planting trees could be done simply to benefit wildlife and the wider environment. My colleague suggested that I have different reasons for planting trees. That may be true; nevertheless, I have played my part.

I have always thought that our constituency office in Newtownards does pretty well in attempting to be carbon-neutral, but we could do more. Much can be done, such as taking energy-saving measures when using computers, switching off lights, using recycled paper, and washing dishes only once per day. Those are small measures but, collectively, they can make a difference. We are mindful of our environmental duties, but we could, and should, do more.

It would be useful if there was a strategy for people to follow closely. The Assembly Commission should set out an action plan that can be followed in Parliament Buildings, in Departments and in constituency offices. Some targets have already been set: to source 15% of electricity from combined heat and power sources by next year — indeed, my office uses Airtricity; to be carbon neutral by 2015; to increase energy efficiency by 30% by 2025; to reduce water consumption by 25% by 2020; and to increase household efficiency by 25% — and by 40% in Housing Executive homes — by 2025. If the Assembly Commission implements an action plan, those targets could be achieved.

We do not damage the environment as much as other countries do. However, that is not to say that we do no damage.

**Mr Ford:** I assume that the Member is referring to the fact that we are only 1.7 million people, and that he is not suggesting that our average carbon footprint is lower than that of other countries.

**Mr Shannon:** I do not suggest that for one second, and I accept the pertinent point that David makes.

Responsibility for the matter does not rest solely with the Assembly Commission; every head of Department must implement and adhere to the strategy.



The Assembly Commission and the Departments must ensure that every building that they run meets and, if possible, exceeds targets. We all contribute to the footprint, which we must all help to reduce and negate. Members are aware of the changes that Departments can make, and, therefore, I will not list them. Most Departments are headed by people who have an interest in environmental issues and in reducing the carbon footprint, and there is vast room for improvement in every Department. If we are to encourage homes in the Province to improve and to help themselves and the environment, we must begin that process today.

I thank Members for their contributions, and I thank my colleague Jim Wells for proposing the motion. I look forward to Brian Wilson's contribution. I hope that it will be similar to that made by Jim Wells, which I support.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle. I support the motion and thank the Members who tabled it. I listened to, and agree with, the comments that Jim Wells and Jim Shannon made. I encourage them to repeat those comments to the Minister of the Environment, because there is clearly dissent in the DUP. Contradictions must be addressed.

I will not repeat other Members' comments, but we need to follow examples of good practice and other European Governments' examples in order to inspire the Assembly to be an exemplary organisation in areas of sustainability and environmental stewardship. We must achieve the Programme for Government's target to reduce greenhouse-gas emissions by at least 25% by 2025. In doing so, we must set targets for the five, 10 and 15 years preceding 2025. Each public-sector site has been asked to reduce CO<sub>2</sub> emissions by 20% by 2010 and by 60% by 2050. Although CO<sub>2</sub> emissions from those buildings have decreased in recent years, it is now more urgent to ensure that buildings become carbon neutral.

The Assembly Commission should strive to make this Building energy efficient and should introduce radical measures to increase the level of recycling here. If ratepayers are to be penalised for not recycling, the Assembly should be treated in the same way in order to change old habits and behaviour. The Assembly Commission must consider radical ways in which to change the behaviour of the public and Assembly employees. However, Members should not feel that they are exempt from the initiatives.

Several weeks ago, the example was cited of the plastic cups that we use in the Chamber. Those cups are recycled regularly, but on some occasions, people throw coffee cups, chewing gum and other waste into recycling bins, thus contaminating them. Thereafter, they must be treated as general waste. The Assembly

Commission should examine that matter and other recycling problems in the Building.

In response to a query that I submitted to the Assembly Commission in October, it confirmed that it plans to appoint a head of environmental services to the properties directorate, which will have responsibility for developing and improving all areas of sustainability in the Assembly. I welcome that measure.

David Ford mentioned the amount of paper correspondence that Members receive in the Building. The amount of waste is absolutely crazy, and the Assembly Commission must examine that issue. It should send a message to non-Government organisations — such as lobby groups, and so on — which send numerous reports and items of correspondence that, to be honest, many Members do not read thoroughly. As MLAs, and, in some instances, councillors, we must delegate and prioritise our work. We must encourage such organisations and different directorates in the Assembly to send correspondence electronically rather than by paper. Most of us, I hope, are computer literate and have BlackBerries that we should use more frequently to ensure that the amount of paper received decreases rapidly.

12.30 pm

I listened to Jim Wells's comments about carbon offsetting; there are examples across Europe that we should consider, because Ministers of other European Governments carbon-offset each trip that they make, especially those involving air travel. The Ministers of our Executive should follow their example.

To conclude, a LeasCheann Comhairle, I agree with other Members about the need to ensure that 2015 is made an absolute deadline for making this Building carbon-neutral. I fully support the motion from the dissident DUP/Green alliance. There is an onus on all Members to change their behaviour and to lead from the front in setting an example for the public. I support the motion.

**Mr Poots:** Some Members sought to lower the tone today. Mr Gallagher sought to enlighten us and Mr McKay had a pop at the Minister of the Environment. I know that he has demonstrated his commitment to green affairs by trying to ensure that bonfires in Ballymena were not lit — without much success, I might add.

**Mr McKay:** I note the Member's comment that I was having a pop at the Minister of the Environment. Does he not agree that the previous two DUP Members who spoke had a veiled pop at their own Minister?

**Mr Poots:** Absolutely not; the Member has got it completely wrong. The previous Minister of the Environment substantially improved and increased environmental protection, and the present Minister had



a huge battle with none other than Sinn Féin and the SDLP over the reform of planning policy statement 14; some individuals wanted to build a bungalow in every field and substantially increase our carbon footprint. Instead of the SDLP it should be the DSLP — the double-standards labour party. The Minister of the Environment has had to lead the way and show the Members opposite what true environmental policy should be.

**Mr Weir:** Would my colleague comment on the rumours that Mr McGlone has sought planning permission to build bungalows on the Stormont estate?

**Mr Poots:** I have no evidence of that, but as Mr Weir is a barrister, I am sure that he would not make such a statement without checking its veracity.

Believe it or not I have been here since 1998 — I am one of the veterans of the Chamber. In those 10 years, I have seen little change in how we do things, which shows that we have not moved on. We have not embraced the IT era that has been developing over that period. Lisburn City Council — which leads the way on many issues — gets all its materials through computer; we take our laptops containing all our reports and minutes to meetings. That is how we do our business. There is no reason not to do that in this Building. I do not believe that the technology cannot be provided in this Building to reduce the huge amount of paper that we use.

Heating has been mentioned. It is very warm in the Building today; I think that someone has turned the heating up especially because of Mr Wells's motion. The radiator in Mr Wells's room is always off; one should always wear a coat going into his room. I am the same; my room is fairly cold too. I embraced technology, such as energy-saving light bulbs, in my own home many years ago because it saved me money. Even if one is not a keen environmentalist, one can use technology to save money. The Assembly could save itself money by embracing technology.

Mr Ford, quite rightly, mentioned wind turbines. I do not know that they would enhance the look of the Building, but wind turbines could be placed discreetly in the estate.

We are on top of a hill, so we could probably supply more energy from wind turbines than is needed by this Building. The additional energy could be sold back into the system, which would go even further than Mr Wells's motion.

The use of geothermal technology should also be considered because we have a huge amount of green space around us that is ideal for geothermal technology. That could be another means of heating this Building. There is much that could be done that would assist us in reducing this Building's carbon footprint. That would demonstrate our commitment on those issues to

the public, and would, hopefully, help to create a better environment in Northern Ireland.

**Mr Neeson:** I thank Jim Wells and Brian Wilson for proposing the motion. I am particularly pleased to be able to respond on behalf of the Assembly Commission. I also thank all Members who contributed to this interesting and informative debate. At the start of the proceedings, I was told that there would be seven contributors, but I think that more than seven Members spoke during the debate. That shows the interest that Members have in this issue. I will endeavour to respond to all of the points that were raised. However, I will check the Hansard report and if I miss any salient points I will respond in writing to the individuals concerned.

I begin by stressing that the Assembly Commission is absolutely committed to working towards sustainable operations and is already working with all other Departments on the Stormont Estate to make the Government estate carbon neutral by 2015. Parliament Buildings has been participating in the public-sector energy campaign since 1999. The Assembly properties directorate works closely with the Department of Finance and Personnel and with the Carbon Trust in order to determine ways to reduce our carbon footprint.

All organisations that participate in the public-sector energy campaign are tasked with increasing the energy efficiency of their buildings. Each building is required to reduce the kilowatt-hours of fuel and electricity that are used for every square metre of building floor area by 15% by 2011, and to reduce absolute carbon that is used from fuel and electricity by 12.5% by 2011 — all relative to the base period of 1999-2000. In addition, at least 10% of electricity had to be sourced from renewable sources by 31 March 2008.

The Assembly Commission has already reduced its energy consumption by 24.9% since the base year 1999. That was achieved by installing gas-fired boilers, introducing energy-saving products such as energy-efficient lighting, and by raising awareness of energy-saving practices. We have also exceeded the target in respect of sourcing electricity supply from renewable sources. The Assembly Commission currently uses 25% green electricity, as opposed to the 10% target that was in place for March 2008.

There has been a decrease of 42% in our carbon dioxide emissions since the base year 1999.

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

**Mr Neeson:** No; my time is limited.

The aim is for our buildings to reduce their emissions by 20% by 2010, and by 60% by 2050. The Assembly Commission is currently exceeding those targets. From 30 December this year, Parliament Buildings will be required to show a display energy certificate in a prominent place that is clearly visible to



the public, in accordance with the obligations that come into effect for public authorities on that date.

The purpose of introducing display energy certificates is to raise public awareness of energy use and to inform visitors to public buildings about the energy use of those buildings. A display energy certificate provides a building with an energy rating from A to G — where A is very efficient and G is the least efficient — and that rating is based on the actual energy used by the building over a 12-month period. The Assembly's properties directorate has been working closely on that with the Department of Finance and Personnel's energy conservation branch. Indications are that the initial rating for Parliament Buildings will compare favourably with similar buildings.

The Assembly Commission has been actively involved in the Stormont Estate transport initiative in an attempt to improve public transport and car sharing. In addition, during the summer, an awareness day was held in the Parliament Buildings' restaurant in order to encourage staff to use alternatives to cars, and a staff survey was carried out.

The Commission is also in the process of appointing an environmental officer to the properties directorate, and he or she will be responsible for, among other things, the design and implementation of an environmental management system for the Assembly.

Earlier this year, in response to Members' requests, the Carbon Trust carried out a carbon survey of Parliament Buildings, and it recommended a range of measures that would result in a 12.5% reduction in energy consumption and a 10% reduction in energy costs, based on 2006-07 prices. Such reductions represent a significant incentive for everyone in Stormont to buy-in to reducing energy demands, particularly electricity, and the payback periods for such measures range from immediate to two-and-a-half years. The technologies that have been introduced as a result of those recommendations include passive infrared lighting, which is activated by people entering a room, energy-efficient lighting and water-saving devices in the toilets.

The properties directorate continues to work with the Carbon Trust and the Department of Finance and Personnel's energy conservation branch to explore further means by which to improve energy efficiency. The carbon survey quantified the Building's total carbon dioxide emissions to be 1,294 tons per annum.

Carbon neutrality — having a zero-carbon footprint — refers to achieving net-zero carbon emissions by balancing a measured amount of carbon emitted with an equivalent amount that has been sequestered or offset. That can be achieved by balancing the amount of carbon dioxide that is released into the atmosphere with an equivalent amount of renewable energy, or by

using only renewable energies that do not produce any carbon dioxide.

The Carbon Trust suggests that an organisation that is truly committed to addressing climate change should, first, focus on reducing its direct emissions; reduce its carbon footprint and create bottom-line savings by implementing all possible cost-effective energy-efficiency measures; and, if cost effective, it should reduce the carbon intensity of its energy supply by developing low-carbon energy sources.

Secondly, such an organisation should consider opportunities to reduce its indirect emissions by working with other organisations to develop strategies to reduce emissions and to cut costs up and down the supply chain. In addition, it should investigate new revenue opportunities, such as developing new low-carbon products. Subsequently, if appropriate, the organisation should develop an offset strategy that purchases only high-quality offsets from verified projects that create truly additional emission reductions.

The Assembly Commission has carried out a considerable amount of work on reducing carbon emissions, and it is committed to making the environment in the Estate greener than it has been for a long time.

I shall now refer to some points that were raised by Members. Jim Wells rightly said that if Members want other people in Northern Ireland to commit to producing a greener environment, the Assembly must set an example. In addition, he said that all electricity should be generated from renewable sources. The Assembly Commission is working closely with the Carbon Trust on that issue.

*12.45 pm*

Cathal Boylan stated, rightly, that Assembly Members and staff have responsibilities too. Whether it is a matter of switching off lights, or whatever; the onus is on all of us to play our parts. Roy Beggs and other Members talked about the amount of printed paper that is used. The Assembly has looked at that issue in the past.

Mr Beggs and David Ford referred to the use of wind turbines, which clearly is an issue that the Assembly should consider. As someone who is well acquainted with the scheme at Antrim Area Hospital, I feel that we should examine the matter in the longer term.

David Ford also referred to the work of the Scottish Parliament and the National Assembly for Wales. The Commission works very closely with its counterparts in both institutions and is ready to take on board any new ideas that can help the environment.

Daíthí McKay has been very active on environment issues, and I recently responded to a question from him about the recycling of plastic cups. I understood every word that Jim Shannon said, because Ulster Scots



presents no difficulty to someone from east Antrim and I am very well acquainted with the language. Edwin Poots mentioned initiatives that have been introduced by Lisburn City Council, and the Commission can certainly look at those.

I wish to make two final points. First, in relation to the target of obtaining 25% of energy from renewable sources, as I have already stated to Jim Wells, the Commission is exploring opportunities to increase that percentage. Secondly, Edwin Poots raised the issue of the heating system. We are investigating the potential to upgrade Parliament Buildings's energy management system.

This has been a worthwhile and interesting debate, and I appreciate the contributions that were made by all the Members who spoke.

**Mr B Wilson:** I found the debate on this enormously important topic to be extremely interesting, and I thank all Members who participated in it. *[Interruption.]*

As Mr Wells pointed out, climate change is the greatest threat facing the planet, and, as other Members pointed out, we must play our part in reducing it. The present use of fossil fuels is totally unsustainable, and the Assembly must give a lead on the issue. One of the problems, during the past few months, is that the Assembly has, perhaps, been giving a lead in the wrong direction —

**Mr S Wilson:** The Member is always very generous in giving way, and I appreciate that. As I have said to Members in the Assembly many times; would the Member from North Down be prepared to use the excellent public transport system from Bangor to Belfast and from the railway station to the Assembly daily in order to give the sort of lead that he is talking about?

**Mr B Wilson:** As I have said previously, I use public transport on every possible occasion — I used public transport to commute to Belfast for 20 years. However, there is a problem. For example, a debate last night ran to 8.00 pm — how is one meant to get home on such occasions, given that the public transport is totally inadequate? If we had decent public transport, I would certainly consider using it. A problem is that the Assembly does not work regular hours, and, therefore, public transport does not fit with its working hours.

To return to my previous point; thanks to the Minister of the Environment's leadership, over the past few months the public has, perhaps, been given the view that climate change is not happening, or that people are not responsible for it.

Members must give the motion their unanimous support, recognise that climate change is happening, and agree that the Assembly will make a significant effort to reduce its contribution to the situation.

One must look at the situation at the Assembly. Over the past few years, significant efforts have been

made to increase our greenness, but we lag far behind our sister legislatures in Holyrood and Wales. As some Members said, 25% of our electricity comes from renewable sources. However, the Scottish Parliament and the National Assembly for Wales receive 100% of their electricity from renewable sources. One can argue that the nature of the Building causes problems for our efforts to become more environmentally friendly, but the Palace of Westminster receives 100% of its energy from renewable sources, saving 2,000 tons of carbon dioxide every year. Therefore, we do not compare well with other buildings.

During his tenure as Secretary of State, Peter Hain proposed that a combined heat-and-power plant be installed for the supply of energy to the Stormont estate. I am disappointed that that did not materialise; such a development would have demonstrated considerable leadership.

A number of Members talked about installing wind turbines, which is a measure that I support. In the past six months, North Down Borough Council — of which I am a member — installed a new wind turbine that generates all the energy that the council requires for its new recycling plant and refuse collection waste-disposal station. Such measures provide the potential for making savings, and there is no reason why we should not take advantage of them.

The Stormont estate is the ideal site for wind turbines, as some Members said. It is a windy place, and we should take advantage of our natural resources.

Cathal Boylan talked about the Carbon Trust assessment, and I was glad to hear Mr Neeson say that the Commission has looked into that issue.

Several Members talked about the large volume of paper that is used in the Assembly. I am shocked at the mountains of paper that we get through, and it is important that some of the new computerisation techniques that Mr Poots mentioned are used to help us to reduce the amount of paper used.

**Mr S Wilson:** It has been reported to me that I have been criticised during the debate, but does the Member accept that the first person to raise concerns about the paper mountain in the Assembly was none other than myself? Will he inform the House of how the appointment of someone to yet another public-sector post — an environmental officer for the Building — will save money for the heating of the Building? Given the rates that we pay, I am sure that the post holder would be paid around £50,000.

**Mr B Wilson:** One council — I cannot remember which — employed such an officer to examine all its facilities. Within six months of that employee's appointment, he or she had saved the council the value of his or her pay. There is a lot of waste around; one need only walk around the Building to see it.



There are plenty of opportunities to make savings. Mr Beggs talked about the thermostatic controls of the heating system. Such controls on radiators offer the potential to bring about savings.

**Mr Weir:** Brian Wilson, rightly, mentioned the amount of internal correspondence in paper form that circulates through the Building. My honourable colleague Sammy Wilson was the first person to highlight that issue.

Does the Member also agree that a message must be sent out to outside bodies which send material to the Assembly? Assembly Members are quite often deluged with reports and glossy brochures, many of which are not particularly relevant to our work and could, in many cases, be emailed. Indeed, a clear signal should be sent out to the various public and private bodies throughout Northern Ireland which send vast amounts of paper to the Building.

**Mr B Wilson:** I totally agree. We are deluged with paper every day. If Members set an example, then others can follow. It is up to us to act first.

**Mr S Wilson:** Will the Member take that message to his friends in the various environmental lobbies? I featured prominently in the last issue of 'Friends of the Earth Northern Ireland Newsletter' — of which I was very proud. However, I received four copies; one here, one at my constituency office in Carrickfergus, one at my constituency office in Larne and one at Westminster. Can the Member get across the message that green lobby groups should not be wasting paper?

**Mr B Wilson:** I take the Member's point. I received at least three copies of that issue, and regularly do so.

Mr Ford raised the issue of improving public transport to Stormont and of encouraging people to use it.

Mr Neeson talked about the improvements made by the Assembly Commission. We can see those improvements happening, but perhaps they are not happening at the same speed here as elsewhere. I welcome the appointment of an environment officer, and I welcome the fact that the Carbon Trust is carrying out a survey. There are many things to be done. The targets that we set have been met; however, I am concerned that perhaps those targets were not ambitious enough.

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

**Mr B Wilson:** The Assembly must send out a strong message that it will fight climate change by voting unanimously on the motion.

*Question put and agreed to.*

*Resolved:*

That this Assembly calls upon the Assembly Commission to draw up an action plan aimed at ensuring that all the buildings used by the Northern Ireland Assembly achieve carbon neutrality by 2015.

## ASSEMBLY BUSINESS

### Private Notice Questions

**Mr Speaker:** Order. I advise the House that I have received notice under Standing Order 20 of private notice questions to the Minister of Agriculture and Rural Development and the Minister of Health, Social Services and Public Safety relating to matters associated with contamination of animal feed. As business has moved more quickly than expected today, the normal period of notice for Ministers cannot be met at present. I am conscious of the interest that Members have in this important issue and, therefore, propose, by leave of the House, to suspend the sitting until 4.00 pm, at which time the two private notice questions will be taken.

**Lord Morrow:** On a point of order, Mr Speaker. Can you confirm that the private notice questions will be the only issues that will be dealt with, and that no other matters will come before the House today?

**Mr Speaker:** I confirm that that will be the only business before the House this afternoon.

**Mr Wells:** Further to that point of order, Mr Speaker. It is now 1.00 pm. You said that the private notice questions will be taken at 4.00 pm. Surely it would have been better to have organised the questions to be taken at 2.00 pm? Most Members have an interest in those subjects, and they will have to hang around for three hours until the Ministers make their comments.

**Mr Speaker:** The Standing Order is clear that private notice questions are governed by the availability of the Ministers. The Ministers are not available at 2.00 pm, but they are available at 4.00 pm, which is why the sitting is being suspended until 4.00 pm.

*The sitting was suspended at 12.59 pm.*



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

## ASSEMBLY BUSINESS

### North/South Ministerial Council in Education Sectoral Format

**Mr Speaker:** I have been advised that a meeting of the North/South Ministerial Council in education sectoral format will be held on 10 December 2008. A copy of the letter that sets out the agenda for the meeting and the names of the Ministers who will attend, has been placed in the Library.

## PRIVATE NOTICE QUESTION

### Assessment of Public-Health Risk from Beef or Dairy Products

**Mr Speaker:** I have received notice of a private notice question, under Standing Order 20, for the Minister of Health, Social Services and Public Safety. I wish to advise the House that, generally, when dealing with private notice questions, I would call only the Member who tabled the question and the Chairperson or Deputy Chairperson of the relevant Committee. However, given the importance of the issues covered by today's private notice questions, I will ensure that each of the five main parties is given an opportunity to ask a supplementary question on each of the private notice questions.

**Mr Gallagher** asked the Minister of Health, Social Services and Public Safety if an assessment has been made of any health risk to the public from eating beef or dairy products from animals that may have consumed potentially contaminated feed.

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** Currently, eight beef herds and one beef and dairy herd in Northern Ireland have been identified as having consumed contaminated feed. The Department of Agriculture and Rural Development (DARD) has placed restrictions on those farms. The Foods Standards Agency (FSA) is, at present, carrying out a risk assessment on results obtained from the Republic of Ireland in relation to samples of beef from herds in the Republic of Ireland that consumed contaminated feed. That work is being carried out in conjunction with authorities in the Republic of Ireland. The Food Standards Agency will put in place appropriate measures based on that risk assessment.

Members will also be aware that samples have been taken from detained carcasses in Northern Ireland abattoirs that are thought to have derived from the herds in Northern Ireland that had consumed contaminated food. The results of those tests are not expected to be available until the end of the week.

With regard to dairy products, one farm has been identified as having fed contaminated feed to dairy cattle. All milk from that farm has been prevented from entering the food chain. All previous supplies of milk from that farm were sent to a single purchaser in the Republic of Ireland. The Republic of Ireland authorities are aware of that situation. Again, the public health risk will be determined when an appropriate assessment has been completed. The FSA has advised me that, at this point in time, it has no evidence to



suggest that consumers should stop eating beef. The FSA has also advised that it is safe to drink milk.

**Mr Gallagher:** I thank the Minister for the update on the situation, and for the comments in the latter part of his statement. How satisfied is the Minister with the levels of communication between his Department, which has responsibility for public safety, and DARD, since this communication was conveyed to one of the Ministers on Friday and since the conversation between the Health Minister and the Agriculture Minister on Sunday?

Furthermore, the Minister mentioned this morning that communications needed to be looked at. Can the Minister let us know if, by that, he means that the present system of communication between the Departments is not adequate when a crisis such as this arises?

**The Minister of Health, Social Services and Public Safety:** The remark that I made was that one can always learn lessons with the benefit of hindsight. One of my concerns was the communications between the Irish Republic and Northern Ireland — that was the specific issue about which I was talking — and how the information was disseminated through the Departments here. I will examine that issue because I have concerns about it. I will conduct a review of how those matters came to my attention because, as I said, I was not made aware of the situation until Sunday afternoon.

The Member asked specifically about beef products, and my point is that, at this moment in time, the Food Standards Agency is saying that there is no evidence to suggest that consumers should stop eating beef, and that milk is safe to drink.

Tests are ongoing, and samples will continue to be taken — those tests take three days to complete. The Food Standards Agency is independent of my Department, and, indeed, independent of all Northern Ireland Departments, and at the moment, after examining the evidence, the FSA has advised me that it is safe to eat meat and drink milk, and I want the House to receive that message today.

**The Deputy Chairperson of the Committee for Health, Social Services and Public Safety (Mrs O'Neill):** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his comprehensive answer. The message that we want to send out from here today is that it is safe to eat beef and that it is safe to consume dairy products. Does the Minister agree that a degree of caution must be exercised — be that by Members, the media or spokespersons of interested organisations — because although people's best intentions may be to protect the consumer, unguarded or unconfirmed comments will only serve to damage one of our most important sectors.

**The Minister of Health, Social Services and Public Safety:** At this point, I am trying to deal with

the situation and the facts as they are and as I find them. In the Irish Republic, a series of tests has been conducted, the results of which showed that several premises were clear, several had animals with dioxin levels just above the safe limit, and others had animals with dioxin levels well above the safe limit. Consequently, the Irish Republic has ordered a trade withdrawal. I can confirm that, at this point, the Food Standards Agency is not asking for, or ordering, a trade withdrawal. That is an important piece of information.

We are in a changing situation. However, I emphasise that there is a very low risk to public health from contaminated animals entering the food chain; and the risk of harm to individuals that I am talking about requires long-term exposure to dioxins. Nevertheless, if test results show that we have animals with dioxin levels above the safe limit, I will not hesitate to take the appropriate steps. At this point in time, my advice is that it is safe to eat beef, that consumers should not stop eating beef, and that milk is safe to drink.

**Mr Poots:** Does the Minister accept that the spectacular overreaction yesterday — when pork was taken off the shelves even though no pigs had consumed contaminated material — has not engendered consumer confidence but has caused a crisis in consumer confidence, which is spreading to the meat and milk industries? The sooner that Mr McGimpsey and the FSA take actions that engender consumer confidence, the better for all of us.

**The Minister of Health, Social Services and Public Safety:** The assurances that I gave in the House yesterday and today were based on advice from the independent Food Standards Agency. It is quite clear that Mr Poots is playing politics with what is an extremely serious situation. *[Interruption.]*

**Mr Speaker:** Order.

**The Minister of Health, Social Services and Public Safety:** That type of politicking is reprehensible in the extreme. It is Mr Poots who is hyping the situation; not me or anyone else. Had we not taken the action that we took yesterday, Brussels would have intervened and closed down our pork industry. That is a fact. Mr Poots should make himself aware of the facts before he utters his exclamations and before he engages in cheap politicking for the benefit of a constituency that he is rapidly losing.

**Mr McCallister:** I declare an interest as a dairy farmer and as a shareholder in a milk processing company. I welcome the Minister's response. It is important that the Minister and other politicians keep hammering home the message that our products are safe and will continue to be safe, and that we must continue to have confidence in the Food Standards Agency.

As the Minister said yesterday, the agency was set up to give that consumer confidence. Will the Minister



comment on whether there is any question of banning the import of product from the Republic of Ireland? Furthermore, will he ensure that the Food Standards Agency gets its message absolutely crystal clear before it goes public on it, and preferably that the message goes through him and his Department?

**The Minister of Health, Social Services and Public Safety:** As I have said, it is an evolving situation. Yesterday, Mr Poots ironically asked a question about the advice that had been given. I read out the agency's advice, which was to recall all pork and pork products that had been sourced from the Irish Republic and to remove them from the food chain and destroy them; that is in action. It advised that a recall of pork products in Northern Ireland would be undertaken on the basis of withdrawing products from sale pending further information. That was to allow the industry to sift out product from the Irish Republic that had the potential for contamination and, therefore, needed to be recalled. Had we not taken those steps, Brussels would have intervened and closed down our pork industry. I see by Mr Poots's face that he thinks that that is funny — politicking again.

With regard to banning products from the Irish Republic, I am bound by the advice that I receive from the Food Standards Agency. It is an independent organisation — a department without a Minister — that provides expert advice.

This is an evolving situation, and I have related the advice that I have at hand today. That advice may change, but, as I have reiterated, the firm advice is that consumers should not stop eating beef, and it is safe to drink milk. All of us need to get that point across. This is an issue of consumer confidence, and everyone in the House needs to pull together rather than play politics.

**Mr McCarthy:** I thank the Minister for his clear and unequivocal support of the industry. He has assured us that there is no threat to our health. However, if a situation ever arises that could be detrimental to the health of the people of Northern Ireland, will he take immediate and decisive action? Let us hope that such a situation never arises.

**The Minister of Health, Social Services and Public Safety:** I can give the Member that assurance. I act on advice that I am given, and it is independent, expert advice. I am working on the basis of the current information and advice that I am being given. If that information or advice changes, I will act appropriately.

## PRIVATE NOTICE QUESTION

### Contaminated Feed: Cattle and Dairy Animals

**Mr Speaker:** I have received a private notice question, in accordance with Standing Order 20, for the Minister of Agriculture and Rural Development.

**Mr Burns** asked the Minister of Agriculture and Rural Development what (i) investigations have been undertaken; and (ii) assessment has been made of whether potentially contaminated feed has been consumed by cattle or dairy animals and if there is any subsequent risk.

**The Minister of Agriculture and Rural Development (Ms Gildernew):** Go raibh maith agat, a Cheann Comhairle. I am delighted that the Food Standards Agency has advised that there is no risk from pork or pork products containing only pork from the North and that processing has now resumed at our pork factories. On behalf of the Executive, I want to send out a clear message to consumers: there is no risk from pork or pork products from pigs born and raised in the North, and we look forward to having local pig meat back on shelves and tables this week.

My officials found that a number of herds containing cattle had received, and been fed, product from the affected Southern supplier. Samples were taken of the product where it was available, and they are being tested as I speak. I anticipate that we will receive the results later this week.

Those herds are restricted, and all animals that received the feed have been highlighted on our APHIS (animal and public health information system) animal traceability system so that they cannot enter the food chain without testing clear for any contaminant. Furthermore, tracings of animals from herds that have already gone to slaughter have been provided to the meat plants concerned so that they can identify any products that remain from those animals. Therefore, consumers can be confident that beef that is entering the food chain today is safe, as are pork and pork products.

4.15 pm

We have yet to receive the results of samples that were taken from animals or from feed. When those are available, they will be forwarded to the FSA for a risk assessment of any threat to public health. My Department is taking precautionary and prudent measures to protect the industry and public health while we await the results of the tests and the subsequent risk analysis.

In the South, results have been received for marker PCBs (polychlorinated biphenyls) in beef. The Food Safety Authority of Ireland has evaluated the results of the samples taken from the 11 herds from the 45 farms



that are restricted as a result of having received contaminated feed, and is satisfied that there is no public health concern.

My Department continues to work closely with Minister McGimpsey's Department, the Department of Enterprise, Trade and Investment, the Food Standards Agency and the Department of Agriculture, Fisheries and Food in the South. Go raibh maith agat.

**Mr Burns:** When was the Minister first made aware that cattle in Northern Ireland may have been given contaminated feed? Why did she fail to answer PJ Bradley's question in the House yesterday? What information led her to say on the radio this morning that something had been eating contaminated feed? I presume that she meant cattle. What does the Minister know about the whereabouts of that contaminated food, and when did she know about it?

#### **The Minister of Agriculture and Rural**

**Development:** I hope that the Member is not being deliberately obtuse. I told the House a number of times that this is an evolving situation. My Department was made aware of the issue of PCBs on Friday, when the herds in question were identified. At that time, we were dealing with information from the South. I was made aware of the issue on Saturday evening, and dealt with it. My Department's officials were out investigating the problem on Monday, and that is when we received further information.

As I said in the House on Monday morning and again this morning, the situation is evolving. My Department's inspectors are conducting investigations and taking samples, and more information is coming back. Every time we answer questions or talk to the media, new information becomes available. As I sat down here today, I received information that Grampian Country Pork in Cookstown has begun slaughtering again, and Tesco is putting products back on its shelves.

The situation is evolving, and from that point of view, new information will be regularly available. Therefore, as I said already, I can only be as clear and transparent as I can with Members on the basis that information is coming to me and the Minister of Health, Social Services and Public Safety on a frequent basis. We will continue to update the House as we get that information. However, we cannot give the House information that we do not have ourselves.

**The Chairperson of the Committee for Agriculture and Rural Development (Dr W McCrea):** I am disappointed in Mr McGimpsey's attempt to score a party political point. It is not worthy of such a serious situation.

As Chairperson of the Committee for Agriculture and Rural Development, I welcome the Minister's statement. It is very important to have a clear assurance that Northern Ireland pig products are safe to eat. I am

also delighted that meat and milk have been declared safe for people to eat and drink.

At the end of his remarks, Mr Burns talked about contaminated food. Will the Minister confirm that there is no contaminated food? Contaminated feed was brought into Northern Ireland; there is no contaminated food. Therefore, we should be heralding from the rafters that Northern Ireland pig products are safe to eat. From the farm to the fork, we should be saying:

"Get it on the shelf, get it on the plate and get it in your belly."  
[Laughter.]

#### **The Minister of Agriculture and Rural**

**Development:** I welcome the Chairperson's comments. It is good that the Minister of Health, Social Services and Public Safety and I have had a positive response from both Committee Chairpersons. We must work together on this issue. We are on the same side, and we must get the same message across. It is important that we now encourage consumers to get back to buying pork products.

To reiterate Mr McGimpsey's point, had we not acted over the weekend as we did, the European authorities would have closed us down, and that would have created serious difficulties for our pork industry. Prudent and measured responses were made in light of the situation, and we have done everything that we can to support our industries.

**Mr W Clarke:** Go raibh maith agat, a Cheann Comhairle. We must all generate confidence in our quality products. We should not be scaremongering or playing party politics with what is a very serious issue. The agriculture industry operates on an all-island basis; therefore, it is in everyone's interest that Members work closely with their Southern counterparts in the Dáil to generate that confidence. Does the Minister agree?

#### **The Minister of Agriculture and Rural**

**Development:** I agree with the Member. Contact has been ongoing throughout, and that contact has assisted us in dealing with the matter swiftly and decisively. The all-island nature of the agriculture industry is undeniable, and we must ensure that proper structures are in place and that communication continues. We are doing that, and we will continue to do so. We certainly cannot deny the amount of all-Ireland movement of livestock that takes place. We must ensure that communication continues and that structures are in place, both for the safety of our products and for the confidence of our consumers.

**Mr Elliott:** I thank the Minister for her reply. Given the traceability system for animals that operates in Northern Ireland, what progress has been made with the supermarkets at this very early stage to ensure that Northern Ireland produce — pork, in particular — is



put back on the shelves without any further delay?  
That is the key to dealing with the matter.

**The Minister of Agriculture and Rural**

**Development:** Traceability systems are in place. As I said, supermarkets are putting products back on the shelves as we speak. Obviously, we must work closely with the Food Standards Agency, which is the decision-making body involved. It makes decisions based on the information that my Department provides. Therefore, I am content that robust traceability mechanisms are in place, that supermarkets are putting products back on the shelves and that people can begin to eat their fries again tomorrow morning.

**Mr Ford:** I also thank the Minister and, indeed, her staff, both in the Chamber and on the ground, who have done the necessary work over the past few days.

At this stage, the most important action to be taken is to restore consumer confidence. The Minister has been able to report on the significant progress that has been made in the 24 hours since she made a statement in the House. Therefore, can she assure the House that, despite the fact that there was one failing in the South in recent months, her inspectors are making every effort to ensure that the most robust standards are being enforced for the safety of animal and human health in Northern Ireland at this time?

**The Minister of Agriculture and Rural**

**Development:** I thank the Member for his question. Part of the success that we have achieved came from the fact that local Ministers were able to take swift and decisive action. Ultimately, that is what has saved the industry from a potentially very damaging situation. Local people took action at the weekend and alerted the appropriate bodies about the situation. Everyone who was involved worked very hard, and I commend them for that.

That is the kind of joined-up partnership working that we need in order to better the future of our industries in the North and our people. We can take a positive out of what could have been a very negative situation. We can learn lessons, and we can always do better. In this case, local Ministers were the key to success.

*Motion made:*

That the Assembly do now adjourn. — [*Mr Speaker.*]

## ADJOURNMENT

### **The Redeployment of Department of Agriculture and Rural Development Jobs from Derry/Londonderry**

**Mrs M Bradley:** I ask the House that the Adjournment topic not be debated, Mr Speaker.

**Mr Speaker:** The Member has indicated that she no longer wishes to raise the matter.

*Adjourned at 4.24 pm.*



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## NORTHERN IRELAND ASSEMBLY

Monday 15 December 2008

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

*Members observed two minutes' silence.*

### EXECUTIVE COMMITTEE BUSINESS

#### Pensions (No. 2) Bill

##### Royal Assent

**Mr Speaker:** The Pensions (No. 2) Bill has received Royal Assent. The Pensions (No. 2) Act (Northern Ireland) 2008 became law on 15 December 2008.

### ASSEMBLY BUSINESS

#### Suspension of Standing Orders

**Lord Morrow:** I beg to move

That Standing Order 10(2)(a) be suspended for 15 December 2008.

**Mr Speaker:** Before I put 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 10(2)(a) be suspended for 15 December 2008.

## MINISTERIAL STATEMENT

### 2008-09 December Monitoring Round and Executive Response to the Economic Downturn

**Mr Speaker:** I have received notice from the Minister of Finance and Personnel that he wishes to make a statement on the 2008-09 December monitoring round and the Executive's response to the economic downturn.

**The Minister of Finance and Personnel (Mr Dodds):** With your permission, Mr Speaker, I will make a statement on the outcome of the December monitoring round and the Executive's response to the downturn in economic conditions.

Earlier this morning, the Executive unanimously agreed to my recommendations on the response to the economic downturn and to the more general pressures that Departments identified in their December monitoring returns.

As a result of those decisions, I am pleased to announce to the Assembly almost £70 million in special funding allocations, focused on providing support to the local economy at this time of difficulty for business and households.

Later today, the First Minister and deputy First Minister will set out further details of the Executive's response in a take-note debate. Although a number of challenges face the Executive, the main concern continues to be the impact of the downturn in the economy and, in particular, market conditions that are adversely affecting key sections of the construction sector.

In the early part of the decade, Northern Ireland, like the rest of the United Kingdom, enjoyed an apparently benign set of economic conditions with strong employment growth and rising incomes. However, in recent years, house prices began to rise at an unsustainable rate, creating pressures on first-time buyers in particular. That was followed by energy prices rising to record levels with the associated impact on the overall cost of living. Both bubbles have now burst, but we have yet to see the full benefits of the fall in oil prices, despite the announcement regarding gas and electricity prices — which I am sure that Members welcome. Aside from the general cost of living, the decline in house-building has had a major impact on the construction sector. That is compounded by the crisis of confidence in the credit markets, which has forced economies across the world into recession.

As the scale and nature of the problems facing people in Northern Ireland have changed, the Executive are responding by utilising the limited resources available to them to maximum effect. However, Members will



appreciate that as ours is a small, open and regional economy, the Executive — despite their desire to do everything possible — controls only a limited set of levers.

The United Kingdom Government has significantly greater scope through, for example, taxation and social security, to influence economic conditions in the short term, than have the Executive or the Assembly. In recent months, the Chancellor of the Exchequer has taken significant steps to recapitalise the banking sector and has announced in the pre-Budget report a temporary reduction in the level of VAT in order to provide a stimulus to the retail sector.

In addition, bringing forward an increase in child benefit from April to January, which is worth on average an additional £22 to families, and the payment of £60 to all pensioners in the new year, will provide real support to hard-pressed households. There is also support for business, including the decision to defer the increase in the small companies' rate of corporation tax and, through a new Her Majesty's Revenue and Customs (HMRC) business-payment support service, allowing businesses in temporary financial difficulty to pay their HMRC tax bills on a timetable which they can meet. The Bank of England has also played a significant role by reducing interest rates to their lowest level since 1951.

The Executive has a key responsibility to ensure that the people of Northern Ireland feel the full benefits of national measures and initiatives. They also need to urge local banks to ensure that the lower cost of borrowing is passed on to households and firms, as well as the recent announcement in The Queen's speech of additional protection to homeowners at risk of default. Tomorrow, I will be meeting the leaders of the four main local banks to discuss that.

Despite the fall in interest rates, many householders still find it difficult to pay bills. For that reason, I welcome the consultation on a protocol for mortgage repossession cases that has been initiated by the courts in Northern Ireland. I support the stance that repossession should be a last resort, and that all other possibilities should be considered first, to give hard-pressed families every chance to remain in their homes. That move comes in parallel with an initiative by the Northern Ireland Court Service that will provide a free advice service for those involved in repossession proceedings and who do not have their own legal representation.

I turn to the construction industry. The importance of that sector's contribution to the Northern Ireland economy cannot be understated. In 2007, the industry's output was in excess of £3.3 billion, which was a record level of output and included unprecedented investment in infrastructure. Therefore, it is of particular concern that the downturn in the housing sector has had such an impact in recent months. Whereas developers, contractors,

suppliers, professional firms and many individuals working in that sector have been directly affected, in a close-knit community such as ours, the wider impact of job losses and the credit crunch touches us all in some way.

I also share the concerns raised by all industry stakeholders — many of whom I have met — regarding the need for the planned capital investment that is set out in the investment strategy to be delivered to the marketplace as quickly as possible. Clearly, delivering against our plans in the rapidly deteriorating national and international economic climate is a challenge for Departments individually and the Executive collectively. In particular, significant reductions in the level of forecast receipts — arising from prevailing market conditions — have had to be incorporated into our plans. At this difficult time, that is a challenge faced by businesses and Governments of all political persuasions across the world.

Rather than supporting all the Executive Ministers in rising to that challenge, some Members of the Assembly have sought simply to portray the issue as some sort of black hole in the Budget. That demonstrates not only a complete lack of understanding of the global economic conditions, but also contempt for the people of Northern Ireland, who we are working to serve. The fact that the Executive have put together a package to respond to those emerging issues, while continuing to deliver increased levels of investment across all areas of public service, underscores the fallacy of that argument.

The Executive have also had to manage the implications of recent legal challenges brought to the courts on certain procurements in relation to the investment strategy. Those legal issues will take some time to resolve, and Members will appreciate that I cannot comment further on the specific cases. However, I am determined to ensure that the planned construction of schools and other public-sector infrastructure continues. I can announce today that construction projects that were to be delivered using the framework agreements affected will not be stopped.

**Some Members:** Hear, hear.

**The Minister of Finance and Personnel:** Instead, my Department will be working with a wide range of Government construction clients — including the Department of Education — to move the procurement of projects forward as quickly as possible on a project-by-project basis. As a result, I can announce today that contracts worth some £115 million that were due to be delivered by those frameworks will now move ahead, thus avoiding unnecessary delay and allowing those contracts to go to the marketplace in this financial year. Crucially, that means that no construction project — including major projects relating to schools and



colleges — will be held up pending the outcome of legal proceedings.

In addition, I have had the opportunity, following the pre-Budget report, to accelerate capital investment from 2010-11 into the two preceding years, with a maximum of £9.4 million being accelerated into the present 2008-09 financial year. I am pleased to announce that the Executive have agreed to my proposal that the full amount is accelerated for this year.

In placing a major emphasis on ensuring that public investment in infrastructure is delivered to plan, the latest forecasts from Departments indicate that the total capital investment this year will be about £1.5 billion. That is the largest level of investment in a single year in Northern Ireland's history, and it is well over double the level that was delivered by the last devolved Administration.

In addition, expenditure this year is some 40% ahead of this time last year. That level of expenditure represents a real and meaningful achievement by the Executive in the most difficult of circumstances. Furthermore, public-sector investment in infrastructure is due to increase over the remaining years of the investment strategy. The level of planned expenditure for the first three years of that strategy is in the order of £5 billion.

Major infrastructure projects with an estimated value of almost £1.3 billion are already under construction this year. They include seven major projects worth £265 million in the Health Service; three major projects worth £420 million on roads; 10 waste-water projects worth £89 million; the Belfast sewers project worth £127 million; four further education projects worth £83 million; 14 major schools projects worth approximately £233 million; three projects run by the Department of Culture, Arts and Leisure worth £46 million; and three urban regeneration projects worth £26 million. Those schemes are under way in this financial year.

*12.15 pm*

A further range of projects is scheduled to go to the marketplace before the end of this financial year. The total value of those proposed schemes is in excess of £400 million. They include major projects in health, roads, water infrastructure, and schools and colleges. Some examples are: Beechall Health and Wellbeing Centre at a cost of £14.8 million; Shankill Health and Wellbeing Centre at £11.6 million; the A26 Ballee Road East at £7 million; water infrastructure projects at Dungannon and Moygashel worth £26 million; and a major PPP school project amounting to £50 million.

The gross capital investment that is planned for the next two financial years is intended to be well in excess of £3 billion. We are establishing a construction industry forum procurement task group to focus on the key task of ensuring that the projects continue to be delivered

on the ground. That will provide an opportunity for a wide range of key industry stakeholders, drawn from the construction industry group, to examine the procurement procedures that are used by the public sector and to increase industry understanding of public procurement.

Small businesses make an important contribution to the Northern Ireland economy, and I encourage them to form consortia to bid for contracts and to look for opportunities in the supply chains of successful tenderers. However, it is also important to maximise the opportunities that small contracting firms have to bid for public contracts. My Department will work with the industry and Government construction clients in order to establish appropriate procurement procedures to achieve that.

Public procurement policy requires that we advertise all procurement opportunities that have a value in excess of £30,000. In order to assist small businesses to respond to those opportunities, the procurement board — which I chair — has now agreed to implement a single e-sourcing system for all its procurement activities. That system will increase the visibility of tender opportunities and improve standardisation of approach to the marketplace. That in turn will help small businesses and will lead to a reduction in the time and cost of bidding.

It is important to ensure that we make every effort to address any impediments to the delivery of projects on the ground. It is often claimed that our planning system can be a major obstacle in the flow of new business for the construction sector. In response to that, the Minister of the Environment and I commissioned the performance and efficiency delivery unit (PEDU) to conduct a review of the processing of planning applications. Working in conjunction with, and with the full and enthusiastic support of the Planning Service, the review team concluded that there was significant scope to improve processing times by better managing the often-repeated and lengthy interactions between agents and consultees. The team also proposed a number of actions in relation to better performance management, the reactivity of the senior management structure, and a need for short-term interventions in those planning divisions where performance was adrift of the required level.

Both the Minister of the Environment and I endorsed fully the detailed action plan that the Planning Service prepared to address those issues, and we expect to see a measurable improvement in performance in the short term. Once again, this is another example of this devolved Administration delivering on our commitment to proactively challenge and improve public services. I believe that it will pay dividends.

Cash flow is another key issue for local firms at this time — particularly small businesses — given the



apparent hesitancy of banks to provide short-term liquidity cover. As a major purchaser of goods and services, Northern Ireland Departments have a key responsibility to provide assistance in this respect.

Each year, central Government in Northern Ireland spend more than £2 billion on goods and services. That is £2,000 million, a significant proportion of which is spent with locally based businesses. Against an economic background of very tight credit terms between businesses, and between businesses and banks, prompt payment by the public sector is essential.

In the current economic climate, we must do all that we can to support the local economy, and a direct way in which we can achieve that is by processing and paying Government bills promptly. For that reason, I have asked all public-sector organisations to reduce their targets for paying approved invoices from 30 days to 10 days.

By reducing the amount of time that businesses may be out of pocket for goods and services provided to the public sector, we seek to help reduce the pressure that local businesses may be under, owing to their cash flows, banking facilities or credit terms with their suppliers.

I have been engaged with our leading banks, and, as I mentioned, I am chairing a meeting of the four main banks to discuss how they might best assist consumers and local businesses through the very difficult economic time. It must be ensured that all assistance schemes, such as the small firms loan guarantee scheme and European investment bank funding are fully utilised.

The focus of my work was not restricted to those who need our help but included those who can help us. As a consequence of sustained dialogue with the Chief Secretary to the Treasury and the Prime Minister, an assistance package has been secured that is worth more than £900 million over this year and next. That includes access to funding to assist with our response to the current economic position, and the removal of significant cost pressures that we would otherwise have faced. Those pressures would have necessitated the diversion of funding away from front-line public services, and I am grateful to the Prime Minister for the personal attention that he has given that issue. We continue to engage on a range of other issues that faces us.

It is not only the construction industry that is feeling the impact of the economic downturn. As the decline in activity persists, local households and businesses are faced with further pressures on top of an increased cost of living in the past year.

Despite the work that has been done, and the work that we will continue to do, the Executive's response to the economic downturn must go further. For that reason, the main focus of the December monitoring round was on the economy, and not just on the range of other pressures that Departments currently face.

In preparation for the monitoring round, Departments were asked to identify costed measures in response to the economic downturn that could be delivered before the end of the financial year. However, Members will be aware that Departments can do a great deal without the need for significant additional resources. Measures include the debt-advice and consumer-protection work that the Minister of Enterprise, Trade and Investment is undertaking.

All those proposals were discussed in the context of available resources at the Executive meetings of 27 November, 8 December and 11 December, and at the Executive subgroup meeting on 4 December.

The Executive concluded the September monitoring round with an expenditure overcommitment of £65 million. That has been offset by £72.6 million of reduced requirements that Departments identified, and a small amount from the pre-Budget report.

The Executive entered the December monitoring round with a capital-expenditure overcommitment of £103.2 million. That follows the suspension of the Workplace 2010 procurement process and the anticipated shortfall in capital receipts as a result of the capital-assets realisation team's work. That was offset by £11.1 million from the pre-Budget report and by £31.8 million of reduced requirements.

However, the Executive were rightly concerned that the relatively low level of capital-expenditure reduced requirements meant that they would not be in a position to provide a sufficiently substantive response to the downturn in economic conditions. Therefore, Departments were asked to reconsider their capital-expenditure requirements for the remainder of the financial year. That resulted in a further £36 million of easements being identified, which were then available for the Executive to allocate.

The low level of capital reduced requirements meant that there was less for the Executive to reallocate but, as I have indicated, it also meant that more capital projects are being taken forward, hence providing immediate support for the construction sector, rather than those funds being delayed by reallocation as part of the monitoring process.

This implies, in the entirety of 2008-09, an additional £270 million in net capital expenditure, and highlights the most significant action that can be taken by the Executive and Departments in support of the local construction industry — to deliver on the ambitious plans contained in last year's Budget.

The Executive's key decision was how much should be allocated to the proposed measures in response to the economic downturn, against the departmental pressures identified in the December monitoring returns. Based on careful consideration of the proposals and in response to the economic downturn, the Executive have agreed



the following package of measures, which focus on the construction sector and are designed to have the most immediate impact.

There will be £20 million for the farm nutrient management scheme, which has buffered the construction sector from the downturn in the property market. That funding allows for the completion of schemes in which 40% of funding comes from individual farmers, thus leveraging further support for construction firms. The extra allocation will provide additional work for construction firms worth more than £33 million. The entire scheme is worth more than £200 million to the sector. Schools maintenance will be allocated an additional £4 million; roads structural maintenance will receive £2.5 million; and there will be £1.8 million for public-transport capital works. Those measures will provide extra work for the construction sector at very short notice and improve our public infrastructure.

Fuel poverty has been at the heart of the Executive's discussions. I welcome today's announcements that NIE Energy's electricity tariff will be reduced by 10.8% from 1 January 2009; that Phoenix Supply plans to reduce its prices by 22.1% from 8 January 2009; and that Firmus Energy will further extend its price cap until February 2009, in order to help customers to budget their energy needs into January — usually one of the coldest months of the year. I commend everyone involved for their work in ensuring that the tariff review process was completed speedily, which enabled those welcome reductions to be announced before Christmas.

However, the Executive believe that, at this stage, they can, and must, do more to help offset the impact of increased costs already endured by households. In December monitoring, the Social Development Minister proposed that 65,000 households should receive support with their fuel bills this year. However, I believe that we must go further.

**Some Members:** Hear, hear.

**The Minister of Finance and Personnel:** It is for that reason that I today announce £15 million for fuel poverty, which amounts to a £150 payment to 100,000 households in receipt of income support or pension credits. The Office of the First Minister and deputy First Minister (OFMDFM) will state later today how those payments will be facilitated. That money will provide additional help to 65,000 households on income support, and to a further 36,000 on pension credit. Pensioners will receive the £150 on top of their winter fuel allowance of up to £250 for those aged 60 to 79 and £400 to those aged over 80.

In addition, the Executive also agreed to the following allocations. There will be £500,000 for flooding hardship in agriculture. With the downturn in the economy expected to place significant downward pressure on the price of agricultural produce, that funding will put

those farmers already suffering because of the severe flooding in the summer in a more stable position as they move into increasingly difficult trading conditions.

I also propose to make available £700,000 for the fishing industry in respect of harbour and light dues, so as to provide some respite in the face of rising input costs and falling quotas.

*12.30 pm*

I also announce a further £20 million of current expenditure to deal with a range of other pressures that Departments have identified: £1.6 million to the Department of Health, Social Services and Public Safety (DHSSPS) for children's funds, which follows agreement from relevant Ministers about highest-priority projects; £5 million to DHSSPS for budget flexibility, which represents a third tranche of available funding to be allocated to that Department during the year; £4 million is a further contribution to the increased cost of the special purchase of evacuated dwellings scheme, although the Department for Social Development (DSD) must take steps to meet the remainder of additional costs; £3 million to tackle pressures in a range of business areas in the Department for Regional Development (DRD); £2.6 million to the Department of Education to fund back pay and increased pay costs for part-time youth workers, following agreement on a revised pay structure; £2 million to the Department of the Environment (DOE) in respect of lost income for the Planning Service from lower than expected development activity; and a further £1.5 million to the Department of Agriculture and Rural Development (DARD) to deal with pressures in respect of animal health, because the rising market price of animals has implications for the level of compensation payments.

Most available capital expenditure is required to fund a specific package of measures in response to the economic downturn. However, it was also judged that there is scope to make a further allocation, on top of those in the previous monitoring round, of £5 million to the Department for Social Development for the housing programme. The consequence of those current and capital expenditure allocations is that the Executive will leave the December monitoring round with a planned over-commitment of £75 million in respect of current expenditure, and £10 million in respect of capital investment.

The fact that the Executive have been able to respond to those important issues serves to illustrate what can be achieved by a fully functioning devolved Administration. However, as I have already explained, much of the normal business in which the Executive and Departments engage will directly benefit Northern Ireland's economy through capital investment and other public spending.



It must not be forgotten that although single, high-profile initiatives are, of course, valuable, often the routine and sometimes unglamorous business of day-to-day Government can make the biggest difference. Simply reducing Departments' underspend and focusing on delivering the Executive's well-crafted and ambitious plans will provide much of the support that is needed.

The Northern Ireland Executive have limited tax-raising powers at their disposal. However, I want to make further announcements on areas for which we have responsibility. The Executive have already taken measures to freeze the domestic regional rate, to defer water charges, and to introduce a concessionary fare scheme, as well as plans to abolish prescription charges. In addition, I have examined how reform of the rating system can provide further assistance. Members will be aware that my Department has put several measures in place in the rating system that already help households and businesses, and which will continue to provide support during these difficult economic times.

On the domestic side, the regional rate has been frozen at 2007-08 levels for the current financial year, for the next financial year, and for the financial year after that. Coupled with deferment of water charges, that will lead to substantial savings for many families. As a result of the decisions that have been taken on the regional rate and water charging, the average householder will be more than £1,000 better off during the current Assembly term than would have been the case under direct rule.

The lone pensioner allowance was introduced in April 2008. It provides pensioners who are over 70 years of age and who live on their own with a 20% reduction in their rate bill. Already, more than 20,000 pensioners have benefited from the allowance. Changes to the rules on savings in the rate relief scheme also make it easier for pensioners to claim relief. Recently, I have also set out my plans to introduce a rate deferment scheme to allow pensioners, if they so choose, to defer payments of their rates bill.

Work has also been taken forward alongside the Department for Social Development to improve the take-up of rates relief and to ensure that people who are entitled to relief receive it. At present, that is vital. Having considered the current situation and the best way forward for households and businesses, I intend to go further.

Shortly, I will bring forward details of the scheme that I announced a few months back, which, from 2010 onwards, will provide a rate rebate to people who carry out energy-efficiency improvements by bringing their homes up to modern standards of insulation. That simple step will provide an added incentive to householders to invest sensibly and effectively, help to cut Northern

Ireland's energy bill and put a little more money into people's pockets.

A further measure that I will take forward relates to my earlier proposal to provide a five-year rates holiday to zero-carbon homes. Following public consultation earlier this year, I was persuaded to go further and to extend the scheme to include a two-year rates holiday for new low-carbon homes. That will further help house-builders by encouraging demand for energy-efficient housing, and, therefore, will provide a double benefit.

On the business front, industrial rates have been frozen at 30%, which I am sure is already providing a welcome boost to many in the manufacturing sector. Rate relief is already being provided to the freight and transport sector, which is benefiting many of our important docks and transport companies. However, I intend to provide further support to local business through further changes to the rating system. Today, I can announce that I intend to take forward a proposal for new legislation to allow a targeted small-business rates-relief scheme to be introduced.

**Some Members:** Hear, hear.

**The Minister of Finance and Personnel:** Importantly, that scheme will be funded centrally and not by charging other ratepayers more. The process of bringing final proposals to the Executive and taking enabling legislation through the Assembly means that, if it is passed, the scheme will come into force in 2010. However, it is also necessary to give further help that will take effect as soon as possible.

Members will be aware of the announcement at the time of the last Budget that the non-domestic regional rate — which applies to all businesses — would increase only in line with the forecast inflation at that time over the life of the comprehensive spending review period, so as to provide much-needed certainty for businesses moving forward. However, to ensure that we provide much-needed support quickly and effectively, I propose — as an interim measure — that non-domestic rates should be frozen in cash terms for 2009-2010. That will further enhance the competitiveness of local firms, protect jobs and incomes, and represent a real saving for all the hard-pressed businesses operating in Northern Ireland during these difficult times. The measure will be worth almost £8 million to Northern Ireland businesses in 2009-2010.

**Some Members:** Hear, hear.

**The Minister of Finance and Personnel:** The Executive entered this monitoring round at a time when economic conditions were in decline across the world. There is little indication that the end is in sight, despite the unprecedented measures that have been taken by a number of national Governments. The changing economic conditions impact on us all, whether in household bills or the prospects of local business.



The public sector has been described as being a “cushion” for the Northern Ireland economy, but it must be recognised that the downturn has also impacted on the level of resources available to the Executive. Today’s announcements show that we are taking action by introducing a series of measures that will provide maximum benefit to those areas most in need, while recognising the financial constraints that we face. Within the powers that are open to the Executive, this package is good for business, good for the construction industry and good for families. I commend the statement to the Assembly.

**Some Members:** Hear, hear.

**The Chairperson of the Committee for Finance and Personnel (Mr McLaughlin):** Go raibh maith agat, a Cheann Comhairle. I welcome the statement, and I commend the Minister, his Executive colleagues and his officials for taking forward such a comprehensive package in exceptionally difficult circumstances. In particular, we should welcome the meeting with the local banks; the initiatives on procurement, which are vital; and the planning-reform process that has already started. The small and medium-sized enterprise (SME) sector will particularly welcome the small-business rates-relief scheme, although there may be some concern that it will not take effect until 2010, because the wolf is already at the door in many cases.

I would hope that the Minister, given, I suppose, the necessary cross-party support, would possibly be open to reconsidering that timeline.

For some time, the Committee for Finance and Personnel has been highlighting Departments’ underperformance in financial forecasting and monitoring. Given the current economic climate, it will be intolerable if previous patterns of departmental underspend are repeated at the end of the financial year. I welcome the Minister’s comments on expenditure and the fact that we are 40% in advance of last year’s position. Last June, the then Minister of Finance and Personnel, Peter Robinson, spoke of setting incentives and sanctions at organisation and individual levels in order to raise the standard of financial management in Departments. Can the Minister advise whether progress has been made on establishing such incentives and sanctions?

The Committee for Finance and Personnel has received reports that other Committees are experiencing difficulty in obtaining timely financial information — including on monitoring rounds — from their Departments. How important is that with regard to the scrutiny role of Committees? Has the Department of Finance and Personnel (DFP) considered what immediate pre-emptive measures Departments can take in order to avoid significant end-year underspend?

**The Minister of Finance and Personnel:** I thank the Chairperson of the Committee for Finance and

Personnel for his comments. I agree on the issue of underspend, and I am grateful for the Committee’s co-operation and work on that subject. As I said in my statement, it is obviously good that money is being spent from capital budgets because that means that work is being delivered on the ground. However, we must guard against a situation whereby money remains unspent in capital budgets at the end of the year. I am monitoring that situation closely, and I am grateful for the Committee’s assistance in monitoring that, too. I am sure that each departmental Committee will keep that matter under review.

The Chairperson referred to the timeline for legislation. I want to enact legislation that relates to the small-business rates relief scheme as quickly as possible, and I want it to be up and running by the start of the new financial year in April 2010. Therefore, I look forward to MLAs’ co-operation on that issue, which will be widely welcomed by businesses in Northern Ireland. As I said in my statement, however, the Department is already taking action in order that some help will come through to businesses from April 2009 by freezing in cash terms the expected increase in the regional rate for businesses.

The Chairperson raised financial management issues, which the Department will continue to discuss with him and the Committee. I am conscious of the Committee’s views on those matters, and I assure the Chairperson of my continued co-operation in achieving our common purpose, which is to ensure that we get the best value for money from every pound of public expenditure in Northern Ireland for the benefit of all our people. That is why we are here.

**Mr Hamilton:** I am sure that the House and, more importantly, the people of Northern Ireland are grateful for the Minister’s statement. I echo the comments of the Chairperson of the Committee for Finance and Personnel in welcoming the freeze on business rates — which will be a real-terms cut over the period — and the prospect of a small-business rates relief scheme.

The Committee for Finance and Personnel has taken a long-standing interest in the important ongoing Civil Service reform programmes. During the previous monitoring round, the House was told that improved rates collection from Land and Property Services would be used to fund those Civil Service reform programmes. Does the Minister still expect those important programmes to be delivered in the allotted timescales?

**The Minister of Finance and Personnel:** I am grateful to the Deputy Chairperson of the Committee for Finance and Personnel for his remarks. He referred to the £1.5 million that was allocated to address the backlog in rates arrears during the September monitoring round. Although that matter does not impact on councils’ expenditure, we must address the issue.



Of course, all of us are conscious that households and businesses are facing difficult times with respect to the bills that they have to pay. Nevertheless, that work is progressing. The money that is to be raised is to ensure that reforms take place without any extra call on money that would be spent on front-line services.

12.45 pm

It is important to note not only the measures referred to by the Member but all the measures that have been initiated through rating reforms, this year and last year, that are bringing real benefits to households and businesses in Northern Ireland.

**Mr McNarry:** I welcome the Minister's statement, although he will appreciate that I will insist on disagreeing with the point that he made about the hole — and I hope that he is not digging one for himself and the economy. However, every little bit helps.

I welcome what he said about the vulnerable, and I particularly appreciate the relief he has offered to fishermen, including those in my own constituency. It is also very good of him to help the Father of the House over Christmas with the little bonus he has announced today. Every little bit helps.

The Chancellor of the Exchequer said that he expects the economy to be out of recession by the third quarter of next year, yet most economists predict that it will be much later, in 2010, before there is an upturn. Does the Minister agree with the Chancellor, or does he share the prediction of the economists? What contingency arrangements has the Minister in mind to assist businesses, large, medium and small, through the next two years?

**The Minister of Finance and Personnel:** I welcome what the Member has said about the measures that I have announced. He mentioned the black hole, although he did not dwell on it as much as he normally does, because he is beginning to see light at the bottom of that hole. I hope that as he continues to study the figures in more detail, he will increasingly realise the fact of the matter. I have set out the financial position, and it is clear how we are going to deal with those issues.

The Member mentioned economists; I will not get into the business of speculation or forecasting because one will get a different prediction from each economist one meets — I see that the Member is acknowledging that by nodding his head. If we are now going to listen to economists predicting when we will get out of this downturn and how things are going to work out, we should remember that six months or a year ago none of those economists predicted that the economy would be going into a downturn to the extent that it has done so. The vast majority of them were not predicting the current situation facing the banks in relation to the credit crunch or the problems with lending. Those are issues that have arisen now. Had there been consensus

that this would happen, some economists would have been saying something different than what they said at the time.

I have announced substantial help for businesses. The Member will acknowledge the fact that a small-business rates-relief scheme will be introduced in Northern Ireland for the first time. In April 2009, we will take measures to remove £8 million of costs that would have been paid by businesses through rates. We have also welcomed the changes made by the national Government in the pre-Budget report, and are working with the Government on those changes — including deferment of corporation tax for small businesses and the fact that they can now spread those payments across a longer period. We will be working with the banks — and I have already been speaking to representatives of the banks and will do so again tomorrow — on the need to ensure that there is a maximum take-up of the small-loans guarantee fund and the European Investment Bank route.

It is right to point out that the Executive's and the Assembly's decision to endorse putting the economy at the centre of the Programme for Government has been entirely vindicated by events. Had that not been done, Northern Ireland would be in a much more difficult position now than it is. I am sure that the Member will agree that what I have announced today — building on what has already been announced, and taking account of the 30% cap on manufacturing rates, and a lot of other issues — shows that a substantial amount is being done for businesses. We will continue to work with the Construction Industry Forum for Northern Ireland, the Federation of Small Businesses, the Confederation of British Industry, the Institute of Directors, and others.

**Dr McDonnell:** I thank the Minister for his statement. I note too the mutual admiration society set up by McLaughlin. I hope that that is not a reflection — and I see that he is on the run — of the fact that there have not been any significant cuts in the budgets of Departments that are headed by the DUP or Sinn Féin. I do not have tables with me to make it exactly clear, but — *[Interruption.]*

**Mr Speaker:** Order.

**Dr McDonnell:** I want to know why the attacks on the Department for Social Development, in particular, have been so ruthless. According to my calculations, the DSD budget has been slashed by some £30 million. I — *[Interruption.]*

**Mr Speaker:** Order.

**Dr McDonnell:** If the heckling could be stopped, I would like to know whether the Minister thinks that it is a good thing to attack the homeless and the vulnerable at this time. If I am wrong — *[Interruption.]*



**Mr Speaker:** Order.

**Dr McDonnell:** If I am wrong, all I want is for somebody to clarify what the net addition or reduction is to the Department for Social Development's budget in the December monitoring round. I may have got it wrong, and I would be very glad for the Minister — *[Interruption.]*

I will stand corrected if I am wrong, but it strikes me that — *[Interruption.]*

**Mr Speaker:** Order.

**Dr McDonnell:** My figures suggest that the budget that is meant to help the homeless and the vulnerable has been slashed by £30 million. Let somebody put me right.

**The Minister of Finance and Personnel:** The Member talked about a mutual admiration society, but he is actually quite amiable and friendly in private. I am sorry that he felt the need to say that. However, he admitted that he was seeking information rather than making an assertion, so I accept that he may not be totally au fait with the situation.

The Department for Social Development stressed that the issue of fuel poverty was the priority in its approach to the December monitoring round and in relation to economic hardship. Our fuel-poverty measures go further than those sought by the Minister for Social Development. We are allocating £15 million to assist 100,000 people — including pensioners — with their winter fuel payments. The Minister for Social Development's proposal did not include those who receive pension credit, but this proposal does.

**Some Members:** Hear, hear.

**The Minister of Finance and Personnel:** I am sure that Members of this Assembly and people who receive pension credit will be delighted with that announcement.

During the last December monitoring round, £15 million was allocated for social housing. This time, £5 million has been allocated to social housing, and there is still the February monitoring round and the end-year position to come. Over the next three years, £925 million will be allocated to the social-housing budget. After reading the facts of the matter, how anyone can suggest that that is some kind of slash to the DSD budget is beyond me. I put on record that no budgets have been cut. As regards the Departments that are under the control of the Democratic Unionist Party, I understand that the only change that may be made is £2 million to cover a shortfall in receipts in relation to planning.

The Department of Enterprise, Trade and Investment (DETI) has not been allocated any extra moneys; neither has the Department of Culture, Arts and Leisure (DCAL) — despite surrendering moneys. That must also be put on record. The Executive Ministers agreed unanimously that the allocations — within our

limited constraints — should be focused on the areas that can best help our construction industry, households and businesses. In the circumstances, we have formulated a package that will be warmly welcomed by many people throughout Northern Ireland.

**Dr Farry:** I thank the Minister and his Executive colleagues for the statement. The Alliance Party welcomes some of the new measures that were announced today. However, I should stress that several existing departmental policies have been re-announced.

Does the Minister share my disappointment that, due to the way the Executive cut the Budget, we are not able to do more to accelerate the rate of capital investment in Northern Ireland? Our colleagues in Scotland are investing an additional £100 million in social housing and, in England, the Government are investing an additional £1 billion. Furthermore, in Scotland, an additional £260 million is being invested in capital schemes and, in England, an additional £500 million will be invested in the green economy. Why are pro rata investments not being made in Northern Ireland?

Furthermore, will the Minister explain how he intends to persuade the Treasury that fuel credits meet the parity principle?

**The Minister of Finance and Personnel:** I can assure the Member that there is no difficulty in respect of his latter point.

Although I am glad that the Member welcomed some aspects of my announcement, I recognise that he must carpet some issues and, therefore, in his first point, he picked on procurement. However, the Member has chosen bad ground on which to take issue with the Executive. Already this year, £1.3 billion is being spent on construction and capital projects in Northern Ireland. In 2003-04, that figure was £676 million, so there has been a massive increase — we are 40% ahead of where we were last year.

In addition, in order to accelerate matters, two framework projects, which are under attack due to legal challenges and which would otherwise have caused other projects to be delayed, possibly until next year, will be removed from the procurement process framework and secured by individual, project-by-project procurement. That will ensure that approximately £115 million of construction work and capital investment in schools, colleges and elsewhere will proceed this year. Therefore, we are taking action to deal with the points that the Member raised.

The Member said that some of my announcements are not new. However, the small-business rates-relief scheme is new; the measure to address the amount of rates that businesses pay is new; fuel credits are new; we are introducing new procurement measures; and we are moving forward with PEDU in a new way.



Therefore, when the Member examines the facts, he should come to a slightly different conclusion. Nevertheless, I welcome the fact that he welcomed some aspects of my statement, and I entirely understand that he must say some things for political reasons.

**Mr McQuillan:** I welcome the Minister's statement, which is positive and constructive. Given the importance of efficiency targets, what action has the Minister taken to ensure that efficiency savings do not impact on front-line services? In addition, will the Minister update Members about the situation in respect of civil servants' back pay?

**The Minister of Finance and Personnel:** I thank the Member for his question. It is up to each Minister, and his or her Department, to consider efficiency savings and to produce proposals. In addition, no doubt, they will speak to their Committees about such matters, which will, as they have already, be subject to debate in the Assembly.

As for the matter of equal pay, as I told the Assembly recently, I am glad to say that intensive engagement with the Chief Secretary to the Treasury and the Prime Minister resulted in assurances that pressures that the Executive and the Assembly would otherwise have faced need not now be faced.

One matter that must be addressed is civil servants' equal pay. However, as a result of the work that we have undertaken, we are now in a much better position to do that. It is my and my Department's desire to settle that matter as quickly as possible — we must get money into people's hands and pockets, not only for their sake, but in order to boost the economy. Therefore, to ensure that money is paid out, in the coming days my officials will engage intensively with individuals and with the trade unions.

1.00 pm

**Ms Anderson:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement, and I note his comment that this year's total capital investment will be double the amount that was spent, in the same period, under the previous Executive. I would have expected that fact to have elicited a reaction from other parties.

As a member of the Committee for the Office of the First Minister and deputy First Minister, I have heard a great deal of evidence from across the North, from many stakeholders and people who are suffering as a result of the levels of poverty and deprivation that exist across our society. The Minister's announcement of £15 million to alleviate fuel poverty — including help for pensioners, which was not in the previous proposal — will be welcome news for many people.

However, today's statement must be about more than simply reallocating moneys to programmes and projects. We must ensure that those moneys will be spent effectively and efficiently. I wish to ask the Minister about the procurement task group. If the Government are to construct buildings or maintain roads, schools, houses or bridges, or whatever else the Executive will do, can the Minister influence the terms and conditions of the contracts, so that the social requirements that are built into procurement contracts that were announced earlier this year can be implemented in a way in which will result in the creation —

**Some Members:** Ask a question.

**Ms Anderson:** — of jobs for the long-term unemployed and the establishment of apprenticeships? I was asking a question.

**The Minister of Finance and Personnel:** I thank the Member for her question and for raising that issue. *[Laughter.]* She and other Members will know that environmental and social guidelines exist for the procurement process. Therefore, that issue has been taken on board.

We recognise that, when seeking best value and ensuring that the best projects are advanced in the best way, there are several dimensions to procurement. DFP's Central Procurement Directorate has been working with other Departments and centres of procurement expertise to develop the type of proposal that the Member mentioned. We recognise the issue, and I am sure that Members will continue to raise it and to monitor my Department's progress, and I welcome that.

**Mr Paisley Jnr:** Does the Minister realise that, by making such a statement on 15 December, he is in great danger of being mistaken for St Nicholas? Perhaps the new St Nigel of December will come more frequently at Christmas, bearing such welcome statements and good gifts.

I represent an agricultural constituency, so I welcome most the benefits for the farming community that the Minister mentioned, as well as those that he has identified for small-business users.

All Members received a Christmas card this morning from the Scrooge of the Executive, the Minister for Social Development, which indicated that she wants to share the future. Does the Minister of Finance and Personnel accept that the Minister for Social Development did not want to share enough when it came to the fuel-credit scheme? We very much welcome the Executive's more ambitious action to ensure that more people — indeed, 40,000 more — will benefit from the fuel scheme that Minister Dodds has announced today.

Will the Minister tell the House what lies behind the allocation of £4 million to the special purchase of evacuated dwelling scheme? That signifies a worrying



trend to those of us who are interested in the security and policing of our country.

Finally, I understand that the Minister has identified an additional £5 million that can be allocated to the social housing programme. That represents another bail-out of the Department for Social Development. When will the Minister stop bailing out DSD and insist that the Minister for Social Development runs her Department efficiently?

**The Minister of Finance and Personnel:** I am not sure about being compared to St Nicholas; I would have to grow a beard pretty quickly.

It is worth re-emphasising that, according to what we heard from DSD, clear emphasis was placed on fuel poverty. We have looked at that issue.

The Assembly and the Executive must recognise also that an enormous amount of money has been allocated to the warm homes scheme. That is a welcome initiative that was introduced by the previous devolved Administration and one under which good work continues to be done. I know that a review is under way to examine how that scheme can be made to work even more effectively.

We have gone further than what was proposed, and the addition of 35,000 to 40,000 pensioners to the pension credit scheme will be seen, especially by the older folk, as a very positive development at this difficult time.

The special purchase of evacuated dwelling scheme (SPED) is applied to individuals or families who have to move from their homes after the Chief Constable has certified that security information about them has been received. The Housing Executive is obliged to purchase the dwelling to enable the individual or family to move. It is concerning that the budget for the scheme is on the rise, and it is a matter for the Chief Constable and the Department for Social Development to discuss that in more detail. At a time when we are under budgetary pressures and when money is tight, it is deplorable that more people are being moved out of their homes under the SPED scheme, thereby bringing about the requirement for more money for the scheme.

Mr Paisley Jnr mentioned social housing. Over the next three years, £925 million will be spent on housing in Northern Ireland. The £20 million that has been allocated in the September and December monitoring rounds will be of enormous help to the social housing budget. The February monitoring round and the end-year position will provide an opportunity to consider further the social housing budget.

I can respond only to the bids that I receive and to the emphasis and priority that Ministers place on them. If emphasis is placed on a particular area of spending, we will respond to that. No Minister will receive all

their bids or, indeed, the full amount of their bids. There is simply not the flexibility to do that, unless an underspend and reduced requirements are declared to the Executive. One must remember that we are not obtaining new sources of money; we are receiving money that has been reduced by other Departments and allocating it to other Departments.

**Mr Beggs:** I also thank the Minister for his statement, and I note some interesting changes in it. In 2006-07, the level of planned overcommitment was some £130 million, yet actual underexpenditure was over £250 million. However, the previous Finance Minister reduced the level of overcommitment to £100 million. Does the Minister agree that in extending belatedly the amount of overcommitment, he is reversing the decision of his predecessor and that he will be implementing one of the ideas that was suggested by the Ulster Unionist Party in its submission on the draft Budget?

**The Minister of Finance and Personnel:** I do not accept that at all. In the day that is in it, given the significance of the announcements that are being made, that sort of point will be lost on 99.99% of the population. It is interesting to hear what the Member is saying, because another member of his party talks continually about the black hole. If we were to go down the road of ever-increasing overcommitment, which is what he is talking about, we would be storing up more of a black hole.

We have taken a prudent and sensible approach that is based on previous experience as against what Departments are saying to us about the current level of expenditure. The position changes from year to year, and in this financial year, Departments are telling my Department and I — and that information is all that I can go on — that they are monitoring carefully their spending position, especially their capital expenditure, and that things are tighter this year than they have been in previous years.

However, I note that the Member generally welcomed the statement and the various announcements that were contained in it.

**Mr O'Loan:** I thank the Minister for his statement; it contains some good measures. However, I register a complaint that the copies that were circulated were not accompanied by the usual tables showing the full reductions and allocations across all Departments. Mr Speaker, I ask you also to consider that omission.

The Minister said that no budgets have been cut, and I know that he would not want to mislead the Assembly. Will he confirm that, in this monitoring round, the funding to the Housing Executive's capital maintenance programme has been reduced by £30 million? Work under that programme is carried out by small and medium-sized building firms, and the materials come from small suppliers across Northern Ireland. Will he



confirm, therefore, that the net effect of his monitoring round on the construction industry is not to benefit it but to damage it considerably?

**The Minister of Finance and Personnel:** I do not know where the Member got that information. In fact, an extra amount of £5 million, on top of £15 million in the last monitoring round, has been allocated to social housing. Every Department submits bids due to shortfalls, and I attempt to meet them. The Department for Social Development is required, as is every other Department, to manage its resources.

I have not made a cut, and I have not slashed the funding. How anyone could perversely interpret what is being done is beyond me, unless it is simply a wilful misinterpretation. However, it is interesting that the SDLP Members have not even mentioned fuel credit or the extra investment to tackle fuel poverty. None of them even said that they are glad that the measures that I announced go further than their Minister's proposals. Instead, the SDLP is considering how else to have a go.

Every Department faces pressures and shortfalls. My Department met part of the shortfall in September and is meeting a further part now. The year-end position will be considered, and the February monitoring round is yet to come. The investment in social housing has not been reduced — it will, in fact, receive more money.

**Some Members:** Hear, hear.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement, and I welcome the inclusion of pensioners in the package on fuel poverty. The arrangements for making payments are to be announced later today; will the Minister assure Members that payment to those in greatest need will be expedited as much as possible? Go raibh maith agat.

**The Minister of Finance and Personnel:** It is important that the extra money that I announced for people on income support and poorer pensioners gets into their hands and pockets as quickly as possible. The First Minister and deputy First Minister will announce the details of the required legislation. I hope that most Members will agree that payment should be expedited, through an urgent procedure if necessary, to ensure that the power is activated as soon as possible. I agree with the honourable Member on that point.

**The Chairperson of the Committee for Education (Mr Storey):** I welcome the Minister's statement, particularly the announcement of an additional £4 million for school maintenance and a further £2.6 million to fund back pay and increased pay for part-time youth workers. I should also place on record the appreciation of the Education Committee that school building projects have been taken out of the framework and will now proceed, because that issue has been raised, and it causes grave concern.

The recent history is one of significant underspend, and, if press reports over the weekend are to be believed, the Minister spends more time in his Department than the Minister of Education does in hers. Taking that into account, will the Minister assure the House that he is confident that sufficiently robust systems are now in place to secure the annual capital spends in all Departments, particularly the Department of Education?

1.15 pm

**The Minister of Finance and Personnel:** I thank the Member for his question and for his references to the moneys for education. I emphasised the need to deliver, and that is a matter for every Department. The Member highlighted the history of the Department of Education, and my officials, officials from the Department of Education, and other officials, are aware of the need to deliver on the expenditure committed. The Department will continue to monitor that. The Department of Education has major projects under way that run into double figures in Newry, Omagh and Ballynahinch. The Belfast Education and Library Board has a programme of £120 million under construction at five locations in north and east Belfast. The South Eastern Education and Library Board has four new schools at Towerview, Ballinderry, Brookfield and Pond Park, and there are several other issues.

The Member referred to the fact that the Department of Education was one of those Departments caught up in legal challenges to the frameworks as the result of the action taken to move those forward on a project-by-project procurement basis, which means that a substantial amount of work will go to the marketplace this financial year.

**Mr O'Dowd:** Go raibh maith agat, a LeasCheann Comhairle. As regards the contributions from the SDLP Benches about cuts to services for the most poor and vulnerable in our society, Sinn Féin will not support such cuts, which is why it supported the statement at the Executive meeting — as did the SDLP. The Minister's statement referred to contributing to the most vulnerable in our society.

I welcome the fact that contributions have been made to the education budget for construction and youth leaders and that the framework around school building has been unlocked. Has a bid been made to help classroom assistants in the voluntary schools sector? If such a bid has been made — and it appears to have been unsuccessful — will the Minister return to it in future? Classroom assistants in that sector are being paid at a lesser rate than those working in fully grant-aided schools.

**The Minister of Finance and Personnel:** The Member asked whether a bid had been made for classroom assistants. I remind him that the education budget as a whole amounts to about £1,800 million



and, therefore, the amount of money talked about is relatively small. I would be surprised if the Department of Education were not able to deal with that issue, especially in light of the easements that have been allocated to youth workers and other areas of expenditure. The Member is aware that there will be further monitoring rounds.

As my statement made clear, there will be help for the education sector and for many other sectors. The fact that my statement received the unanimous support of all Ministers in the Executive this morning seems to run counter to some of the comments made in the Chamber. Nevertheless, that does not surprise me. However, as we are tackling major issues and introducing positive proposals, it ill behoves any party with a representative in the Executive to try to distort the position, as that is not only untrue but deeply damaging to its Minister's Department.

**Mr Shannon:** I want to make the Minister aware of the fact that St Nicholas was the patron saint of fishermen and sailors. Perhaps the Minister is missing only a red coat and a white beard today.

**Mr McNarry:** Do you mean a black beard?

**Mr Shannon:** No — a white beard.

The Minister has made £700,000 available to the fishing industry, and he referred to harbour and light dues. Will the Minister confirm how much money that will mean to each of the fishing boats in the fleet? The Minister also referred to £1.6 million for children's funds, which is important. Will the Minister of Health, Social Services and Public Safety have to say whether those funds go to Home-Start, Live Start, Sure Start, or Mid Start — any of those organisations that do great work with children's groups across the Province?

How will today's announcement on construction projects impact on small businesses? It is good to hear that jobs will be created for the delivery of big projects, but will the jobs and benefits filter down to the small construction businesses, of which Strangford, in particular, has a great many?

**The Minister of Finance and Personnel:** The allocation for fishermen and the fishing industry recognises the significant increases in input costs faced by those in that industry. I am happy to write to the Member with details on the specific issues that he raised; I do not want to bandy figures around on averages per boat, and so on. No doubt other Members will be interested in that information, too. I am sure that today's announcement will be welcomed by fishermen and the industry in general.

The children's fund is a matter for the Department of Health, Social Services and Public Safety in conjunction with the Office of the First Minister and

deputy First Minister. Again, those details will emerge; it is a matter for prioritisation by the Department.

I mentioned in my statement the need to ensure that, as far as possible, small businesses in Northern Ireland are able to get involved in the supply and delivery of major construction projects. We must remember that, in national and European terms, most of the companies here are small or medium-sized enterprises. Not only did we introduce initiatives on rates to help businesses, but initiatives were introduced in other areas, too. Those involve procurement, the new e-sourcing, which will provide greater visibility, and the new procurement task force, which will help smaller companies to gain access to major projects. Those are initiatives that we want to discuss further and develop as much as possible.

**Mr B McCrea:** I welcome the announcement on fuel credits. I would be most interested to know which Department will have responsibility for that particular budget and which Department has the infrastructure and databases to administer the scheme. I would like a specific response to that question.

I have a deep sense of unease and foreboding about the whole budgetary process. It appears that, despite the best intentions of all present, we have not got to the bottom of the issue. The Minister has put on record that there will be no cuts in any Department. However, the Department of Education submitted inescapable bids totalling £33 million, but received only £6 million. That money will have to be found elsewhere. The Department also highlighted the problem of capital receipts, and it said that not being given such receipts would lead to the slowing down, or stopping, of projects. Thus, it appears that there will be cuts. The most worrying aspect is that the Minister of Education has, I think, indicated that she is no longer dealing with the education and skills authority as an invest-to-save project, and that she will not be able to meet her efficiency targets for this year.

Can the Minister tell us how he intends to allocate the £900 million that he received? Perhaps it would have been better to have a complete and fundamental review of the Budget process, because we will have to allow for some serious revisions in the years to come.

**The Minister of Finance and Personnel:** I am tempted to say that it is very hard to take lessons in budgeting and keeping tabs on the books from the honourable Member, given what he has been through in recent times. However, the fact remains that no cuts have been announced in this statement. It is a complete fallacy and nonsense to suggest otherwise.

I note that the Member welcomed the announcement on fuel credits. I know and understand that some Members are scraping around to try to find something negative to say. I understand that entirely, but the fact that they have such a paucity of evidence to back up



their argument illustrates how out of touch they are with the facts that have been presented today.

Most people in Northern Ireland recognise that we are in a very difficult economic situation. That is true not just for Northern Ireland, but for the entire United Kingdom, every member state of the European Union and the United States — for goodness' sake, look at what the United States is going through at present. By introducing the December monitoring round, by bringing into play as many levers as possible, and through the expenditure that has been made available — which can be made available only through the surrender of money from other Departments — we are doing what we can.

I said that we had limited levers at our disposal and restricted opportunities to do what we can. However, it would have been a failing on the part of the Executive and the Assembly if, having considered what we can do for business and households, we had not convened a special sitting today.

The fact that we have been able to announce substantive and important initiatives today should — and will — be welcomed widely across the community.

**Mr P J Bradley:** I thank the Minister for his statement. I note the further £1.5 million that has been announced to help with animal health compensation payments. Does the Minister agree that that annual allocation for compensation payments is necessary due to the lack of a proper eradication programme? I accept that the Minister had to allocate the extra money because of the rising price of animals, but does he accept that a proper eradication scheme would probably eliminate the need for compensation payments?

I take it that potato growers who lost heavily in the August flooding will not receive the necessary £1,500 for each acre to match their losses. Should livestock owners and cereal growers no longer expect 100% compensation to match the losses that resulted from the flooding?

**The Minister of Finance and Personnel:** I can respond only to the bids that I receive, and on that basis, we have allocated money for compensation for losses due to flooding.

Animal health is an important area, because spending money on the prevention of disease means that less has to be spent to deal with future outbreaks. The Member stated correctly that some of the extra expenditure is inescapable because of the rising cost of animals. The eradication programme is a matter that the Member has pursued with the Minister of Agriculture and Rural Development, and I have no doubt that he will continue to do so.

**Mr I McCrea:** I also welcome the Minister's statement. Everyone in Northern Ireland will welcome

the announcement of the largest-ever investment in a single year.

The Minister has decided to bring forward construction projects in the education sector through the building of schools. Will he ensure that all Departments bring forward construction projects as a matter of urgency? I am sure that the Minister and Members are aware that the construction industry is being crippled.

I am sure that the Minister will agree that Minister Paul Goggins's recent decision to award the design contract for the new college at Cookstown will also benefit the local economy.

**The Minister of Finance and Personnel:** The new college at Cookstown is an important project for the construction industry. It should also be noted that the Executive decided a few weeks ago to proceed with the Titanic signature project, which is a major scheme that will cost £90 million, as well as the rapid-transit system for Belfast. Those are major construction projects that will not only deliver infrastructural benefit to Northern Ireland for decades to come, but will ensure that there is help for the construction industry. The Member also highlighted the crucial issue of delivery — it is all very well to have the plans in place, but it is essential that Departments deliver with their allocated budgets for capital spend.

In addition to the matters that I mentioned already, it is important to put on record that the Minister for Employment and Learning intends to implement two additional innovation projects for transport and cancer medicinal chemistry next year. Those projects will cost £2.7 million and will be conducted by Queen's University Belfast. Although no additional funding is available for those projects at present, the Minister is proceeding with them, and he is welcome to submit bids for them in future monitoring rounds.

It is important to emphasise that no Minister is successful in all, or, in some cases, part of the bids that he or she submits. The purpose of monitoring rounds is to keep the situation under review from quarter to quarter.

*1.30 pm*

**Ms J McCann:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. In particular, I welcome his comments about local banks passing on the lower cost of borrowing to households and businesses and that the repossession of people's homes should be a last resort.

It is hoped that credit unions may soon be able to offer enhanced financial services, including the depositing of child trust funds. Will the Minister consider establishing, in the near future, a special fund such as the one already operating in Britain to help the growth and development of credit unions?



**The Minister of Finance and Personnel:** I thank the Member for her question. There are issues to be explored with the banks, and we will continue to explore those issues. Like the Member, I welcome the courts' initiative regarding the protocols on house repossessions which has been taken forward during a difficult time and with householders under pressure. It is important that the repossession of someone's home be regarded as the last resort.

I note the Member's point on credit unions. Such matters are the responsibility of the Minister of Enterprise, Trade and Investment rather than for me, and I will ensure that the matter is drawn to the Minister's attention, and I am sure that she will want to examine it carefully.

**Mr Ford:** I thank the Minister for his statement. On behalf of the opposition, I join my colleague Stephen Farry in welcoming parts of it. It is regrettable that the statement is being made later than we hoped for. Certain aspects of it, such as the 10-day period for the payment of invoices to small businesses, are welcome. However, that was announced by Lord Mandelson in early October. To compensate for that, will the Minister assure us, at least, that when he says that he has asked public-sector organisations, he uses the word "asked" in the same sense as the Treasury does when it asks Departments to do things, and that he will ensure that that happens?

As regards fuel poverty, although the one-off payment to 100,000 households in poverty is clearly welcome, would it not have been better to have put some of that money into a major expansion of the warm homes scheme? Would that not have had environmental benefits as well as benefits to small firms that need business at the moment? Would it also have ensured that people were protected against exorbitant charges in future?

**The Minister of Finance and Personnel:** The Member made several points. First, my statement is not late; it is early. Normally, the statement on the December monitoring round is made after Christmas, in January. It was our view that we should make this statement on 15 December, despite the fact that it was resisted by some on the Ulster Unionist Benches. There was a bit of an outcry that we should not have had a special meeting of the Assembly today. I am glad that the Assembly has met and that we are able to make these announcements today. However, I notice that one or two of those were most vocal about today's meeting are absent from the Chamber.

Secondly, Lord Mandelson's announcement about payment of invoices was confined to England and Wales. This is for Northern Ireland, and it is something with which we have been keen to proceed. I assure the Member that it is my hope that edicts and statements

from the Department of Finance and Personnel will be regarded in the same way in Northern Ireland as edicts and statements from the Treasury are regarded in England and Wales. I hope that other Departments are listening to what Lord Mandelson and I are saying about that matter, and will agree with it.

Thirdly, the Member raised an interesting point about fuel poverty. He asked whether it would be better to spend the money as a one-off fuel credit or to put it into the warm homes scheme. Shortly, no doubt, we will be criticised and be asked why there is no money for the warm homes scheme. The Member will have to take that matter up with the Department for Social Development because the scheme was not identified as a priority when the Minister expressed her views about how the money should be spent. The choice was there.

We ended up in the worst of all worlds, because not only was there no more money going into the warm homes scheme, but there was not enough going into the fuel credit scheme to make it the proper scheme that was desired. Consequently, we took steps to increase the impact of that scheme by giving money to pensioners that are poorest in Northern Ireland and ensuring that they will be sufficiently covered, and not just by the DSD scheme.

**Lord Morrow:** I, too, welcome that scheme. Most of the SDLP foxes must have been shot this morning, because they are distinctly quiet. Despite the fact that that party tried to turn this into a negative morning, it is a positive one, which the SDLP should recognise by standing up and so saying. It is a pity that the SDLP Minister is not here. However, I suspect that she has another duty to perform.

I particularly welcome the fact that two major water-infrastructure schemes, amounting to £26 million, are to go ahead at Dungannon and Moygashel. Those are welcome and long overdue. In the Minister's statement, he welcomed NIE's announcement today that it will decrease its tariff by 10·8%. It is good news that prices are going in the right direction. However, I am sure that the Minister agrees that those price reductions must go further. We will watch developments with interest. We urge the Minister and the Executive to keep a very close eye on that matter.

Furthermore, I am pleased that, rather than doing what others have decided to do, the Minister of Finance and Personnel has stepped in to take the lead on the issue of fuel poverty. Fast-track payments will provide some relief to pensioners in Northern Ireland. Does the Minister agree that the rolling-out of the scheme is imperative? Does he also agree that that should be done effectively, efficiently and quickly?

Many struggling pensioners will take considerable comfort from the measures that the Minister outlined



in his statement. I ask the Minister again to give an assurance that fast-track payments will be expedited as quickly as possible. It is a fact that the Executive will make a payment of £150 to more than 100,000 householders who are in receipt of income support and pension credit — 65,000 and 36,000 respectively. That is to be welcomed. I commend the Minister for his positive attitude. If others had adopted the same attitude earlier in the year, that measure could have been implemented before Christmas.

**The Minister of Finance and Personnel:** I thank the Member for his contribution. He mentioned the water projects at Dungannon and Moygashel. Four major Northern Ireland Water projects, with an aggregated value of £44·5 million, will come to market between now and the end of financial year. Those projects are welcome for the construction industry and for building the foundations of a sound infrastructure for Northern Ireland. In the Member's constituency, the Castor Bay to Dungannon trunk main is worth some £21 million, and the Moygashel waste-water treatment plant is worth £5·5 million. For Members who represent North Antrim, there are two water projects of note: one at Bushmills, which is worth £8·2 million; and one at Toome, which is worth £9·8 million

The Member, among others, emphasised the need for speed on the issue of fuel credits. They said that the matter must be progressed quickly. I know that my colleagues in the Office of the First Minister and deputy First Minister have been apprised of that and will be announcing details of how we are to proceed. I am sure that the Member's words will echo around the House, and among other Members, and will build the case for the Bill's accelerated passage to ensure that that is done as quickly as possible, so that the money goes to pensioners and those on income support.

**Mr Speaker:** I call Mr Billy Armstrong. I ask that the Member be brief when asking his question, because time is almost up.

**Mr Armstrong:** I welcome the news that the planned construction of schools will continue. I also welcome the proposed investment that will benefit mid-Ulster. In the light of the Minister of Education's flawed decision to close the soundly constructed Maghera High School, can Minister Dodds assure me that money will be prioritised for the construction of a newbuild high school at Magherafelt, which is also supposed to accommodate the pupils from Maghera High School? If the Minister cannot provide that assurance, will he join with me in calling on the Minister of Education to keep Maghera High School open, at least until Magherafelt High School is rebuilt.

**The Minister of Finance and Personnel:** I can briefly say, Mr Speaker, that, as far as I am concerned, I am very hopeful that the Magherafelt school project

will proceed in the near future. I am grateful for the Member's supportive comments.

**Mr Speaker:** That ends questions to the Minister on his statement.



## EXECUTIVE COMMITTEE BUSINESS

### Impact of the Global Economic Downturn

**Mr Speaker:** The Business Committee has agreed to allow up to three hours for the debate. The proposer of the motion will have 20 minutes in which to propose and 20 minutes in which to make a winding-up speech. Chairpersons of Statutory Committees will have up to eight minutes in which to speak, and all other Members who wish to speak will have five minutes.

**The First Minister (Mr P Robinson):** I beg to move

That this Assembly takes note of the measures taken by the Executive to strengthen the local economy and support those most vulnerable in society against the impact of the global economic downturn.

Today, our twin priorities are to get the economy moving and to alleviate the hardship that many people are facing. Just as hard-working families and businesses must prioritise, so, too, do Government. It is our job to ensure that we make the right choices. In the present economic crisis, we must chart a course through the economic difficulties and be conscious of the limited levers that are at our disposal. We will do so, building on the solid foundations that we have laid since May 2007.

The world economic problems were not created here, but we must do all that we can to alleviate them and to position ourselves for recovery. The deputy First Minister and I are pleased to present the consolidated package of measures that has been identified by the Executive to address the adverse impact of the current economic slowdown. Earlier today, the Finance Minister announced allocations that are focused on providing support to the local economy. That funding can help to address our key priorities. The complexity and the evolving nature of the economic challenges mean that it is not possible to deliver a one-shop solution to the whole problem, but I believe that the steps that we have taken can make a real difference.

The events of recent months have vindicated the decision, which is set out in the Programme for Government, to make the economy our highest priority. Having our eye firmly fixed on the economy has aided us during the storm. Many of the programmes that we have already put in place are addressing problems that arise from the current crisis. We must now alleviate short-term hardship, refocus on and deliver the priorities and provide an added stimulus where it is most needed.

The current crisis poses a twin threat, and we must deal with both. One threat is to the social welfare, health and well-being of people, particularly the most disadvantaged. The other threat is to our economic prosperity, which is represented by our business, commercial and industrial interests. The Executive

recognise both dimensions of the crisis, and have identified a package that provides support to local business and to local people.

In recent months, Ministers listened to the concerns of stakeholders across all sectors of the economy. From that engagement, and from discussions at the Executive table, we concluded that the core problems associated with the credit crunch can be best addressed by focusing action around five themes: energy and fuel poverty; dealing with debt; support for the housing market and construction industry; support for household budgets and mitigating the threat of unemployment; and support for business. I shall deal with each theme in turn.

The Executive's goal is for essential energy to be made affordable to people and businesses. In the past year, local gas and electricity tariffs have risen by about 50%, which places significant pressure on business and household budgets. The energy regulator has announced that prices will be adjusted downwards, and I welcome his announcement. However, the fact that oil prices have fallen back to their lowest level in many years would lead most people to expect that some further relief in energy costs should continue to feed through to the local economy. We will continue our engagement with the regulator and the energy companies.

Fuel poverty is not a product of the credit crunch; we have been addressing the problem for some time. For example, this year, we have already allocated £21 million to tackle fuel poverty through the warm homes scheme, which aims to improve energy efficiency and to reduce energy consumption in eligible households. The scheme has improved the lives of 60,000 people.

*1.45 pm*

To build on that, we want to explore further the options for introducing social tariffs for energy supplies. The Department of Enterprise, Trade and Investment (DETI) is working with the regulator's office to establish what scope exists for regulatory action to make tariff changes for those in fuel poverty. An initial report is expected early next year.

We also want to consider further the options for brokering energy supplies. The Housing Executive is currently investigating the potential for acting as a broker to procure discounted energy for its tenants, and we look forward to the outcome of that process.

Even over the relatively short life of the Administration, we have learned that we need to be prepared for the unexpected. Devolution means not only being able to address people's needs, but being able to do it quickly. As the Administration of a small region, we need to be able to react quickly.

We have faced many and varied crises: flooding, bluetongue and the meltdown of the world economy. The lesson is that we need to be prepared, financially



and legislatively, so that we can act promptly to protect local interests. We need resilience and flexibility in and across all the portfolios that make up the Executive. Therefore, I announce today that the Office of the First Minister and deputy First Minister (OFMDFM) proposes to introduce a Bill to provide for permissive powers to implement remedial action in response to any circumstance that the Executive agree warrants rapid and effective action.

That power is intended to regularise the allocation and distribution of funds in response to any crisis or hardship situation. It will extend the Executive's powers to deal effectively with poverty and disadvantage. However, they may determine that the delivery of the relief or programme would be better channelled through, or implemented by, another agency or Government Department. To keep the legislation effective, the Executive will not prescribe — except in generic terms — the nature of the exceptional needs or crises. I hope that that legislation will be in place before the end of January. It will be used to authorise £15 million for fuel poverty, which will provide for payments to some of those most in need.

The second of the five themes that I listed was debt. In difficult circumstances, the incidence of debt will escalate. Beyond the provision of £4.5 billion in social welfare services, the Executive will continue to support a range of debt advisory services. DETI has in place a three-year, £1.2 million contract with Citizens Advice to continue to provide free, effective, high-quality debt advice at centres across Northern Ireland, with a particular emphasis on one-to-one debt advice in areas where consumers have limited access to that type of help or assistance. In the two years to 31 March 2008, the service handled some £30 million of consumer debt and attracted more than 2,000 new clients. It handled inquiries involving a total of £5.5 million of consumer debt during the quarter ending September 2008, and dealt with 518 new cases in the same period, signalling a major upward trend in demand.

The Executive have already responded in that area. DETI announced that funding will increase to £1 million per annum over the next two years, expanding the current service and funding a new telephone-based debt advice service. In difficult economic times, the most needy in the community can often resort to desperate measures to make ends meet. In conversations with voluntary and community groups, there is evidence of an increase in illegal money lending, which causes great concern. Such practices attract exorbitant interest rates, which result in those least able to pay paying most. DETI's Trading Standards Service has launched a campaign that seeks to tackle loan sharking. Early in the new year, DETI will propose an initiative on the enforcement of consumer credit legislation. That will specifically target the issues of instalment credit, doorstep

selling and illegal money lending, while actively promoting the benefits of responsible borrowing.

The increase in loan sharking is worrying and disappointing: it is worrying because of the dark and sinister nature of the activity, and disappointing because there is already a viable and commendable alternative. We are most fortunate in having to hand a network of credit unions with which we are keen to engage. We shall explore further how we might work with them to enhance and support the network and promote responsible borrowing at a local level.

The third set of issues relates to the housing and construction sector. The roots of the present economic turmoil lie in the transaction streams of toxic loans made in the US sub-prime housing market. The knock-on effect of that has slowed down our economy and dented the confidence of developers, homeowners and first-time buyers, inevitably having a serious impact on the local construction industry.

The Executive have already taken a number of steps to deal with that issue. For example, this year, the capital expenditure of the Executive is at its highest level in history. That has provided a stimulus to the economy while leaving a positive long-term legacy. Around £1.3 billion worth of major public-sector schemes are currently under construction, and, following the pre-Budget report, we have accelerated an additional £9.4 million into the present year. Moreover, in addition to our £150 million social-housing programme, in 2008 the Executive have introduced a number of innovative programmes to help people get homes.

In order to further assist the construction industry, the Executive recently announced our intention to press ahead with proposals for the Titanic signature project. Work on that project will begin next month, with 600 jobs being created during construction alone.

The House will also be aware of the need to accelerate planning approvals. When I was Finance Minister, I set up the performance and efficiency delivery unit, and set as its first task an examination of the Planning Service and the identification of measures to speed up planning decisions. I am delighted that progress is being made, and I welcome the statement by the Finance Minister that he and the Environment Minister will be implementing proposals in that area. It will make a real difference to the construction sector and, in the longer term, will significantly assist economic growth.

The outcome of the December monitoring round will offer a further boost to the construction sector, with allocations being made to: the farm nutrients management scheme; school maintenance; roads structural maintenance; public-transport capital works; and the public-sector housing programme. The Executive have also asked Ed Vernon to update the



capital realisation task force's report in light of the seismic changes in the economic climate since that task force reported to Ministers last December. He is to explore the potential for the task force to be resourced to support Departments on all major asset-realisation opportunities.

Fourthly, we must address the problems currently facing households. From the first days of the present Administration, we have provided practical support for local people. This year's domestic regional rate has been frozen, and that freeze will be maintained for the next two years, thus saving households and businesses £27 million this year. Early-payment discount schemes and lower-income rates relief have saved households a further £7 million, and the transitional rates relief scheme has seen £20 million provided to households over the last two years.

The Executive have also announced that water charges for the domestic sector will be deferred for yet another year. That deferral is worth an average of £160 per household. The cost of a prescription in Northern Ireland will be reduced to £3 next January, and prescriptions will be free of charge by April 2010. That will cost the Northern Ireland Executive £13 million per annum when charges are fully abolished.

The Executive have also announced the extension of the free bus pass scheme. Since 2007 some 240,000 people aged 65 and over have taken advantage of free bus and rail services. A further 90,000 individuals aged 60 to 64 will be entitled to free travel in Northern Ireland under the new scheme. That extension will cost a further £4 million per annum.

In addition to the actions which the Executive have taken and the fact that interest rates are at their lowest levels since 1951, the pre-Budget report also announced measures that should relieve some of the financial pressures on household budgets. Those measures include the 2.5% reduction in VAT, the increase in personal income tax allowances, and the introduction of increases in pensions credits, child benefits and child tax credits.

Although some of us would have preferred a larger cut in VAT in more focused areas, nonetheless, the reduction should be worth around £190 million to households in Northern Ireland. We are also looking at ways of increasing the uptake of social security benefits and providing better information to consumers about the fair price of commodities across Northern Ireland. We expect announcements to be made on those areas very soon.

The fifth issue that we must address is the needs of business. In order to deal with the present difficult situation, DETI has announced the accelerated support service — with a budget of £5 million — to assist Invest NI clients by providing advice in the form of

on-site support. That will identify projects in areas such as financial and cash-flow management and improving supply chains, all of which should assist cash flow in locally-owned small and medium-sized enterprises.

We have also announced our intention to enhance support to apprenticeship training. The Department for Employment and Learning is working to promote apprenticeships through the Alliance of Sector Skills Councils. The Steps to Work scheme will enable the completion of apprenticeships even where an employer is not available. That is a mark of our confidence that the Northern Ireland economy will weather this economic storm and, in coming out the other side, we will want to ensure that we have all the skills needed to sustain a vibrant economy.

We have also announced increased funding of £14.5 million to fund strategic investment to allow our two universities to build additional and sustainable research capacity and capability. Additionally, to help business with cash-flow management, the Government's main payments processing facility, Account NI, has amended its operating system to facilitate faster payments and will endeavour to ensure that invoices submitted through the shared services centre are paid within 10 days.

During my time as Finance Minister, I capped manufacturing rates at 30% and froze the non-domestic regional rate, in real terms, for the rest of the comprehensive spending review period. I am pleased that the Executive have agreed to go further, with the Finance Minister's announcement today of a new and targeted small business rates-relief scheme and a freeze in cash terms of the non-domestic regional rate for a further year, by which time I hope that the legislation necessary to proceed with the small business rates-relief scheme will be sufficiently advanced.

Most commentators agree that the roots of the current economic crisis lie in difficulties within the banking industry. The deputy First Minister and I have already met with representatives of the local banking sector and we intend to meet with them again tomorrow to ensure that all sides in our economy are aligned to fully support each other in the best way possible. In particular, we want to be able to advise the Prime Minister whether any steps need to be taken to ensure that interest rate reductions are passed on by our four main banks to their customers.

The deputy First Minister and I have agreed to establish a cross-sector advisory forum to continue our dialogue with business, trade unions and voluntary and community stakeholders. One of the benefits of devolution for our community must be access to decision taking. We believe that that ongoing engagement will be of mutual advantage as we move forward. The Executive are committed to putting their full weight



into supporting people and businesses through the current economic turmoil.

Over the past months, we have listened to the community, met with a range of stakeholders and learned from best practice elsewhere. It is too easy to forget what life was like under direct rule. If those who would advocate the end of devolution got their way, householders in Northern Ireland would have less money in their pockets, businesses would be paying more in charges, and our economy would have been in a measurably much worse state.

Our role is in delivering for the people of Northern Ireland, and even in the most difficult of circumstances, I believe that we are making a real and positive contribution. The measures outlined should provide a solid foundation on which to build recovery and future prosperity. They are the clearest possible example that devolution is making a difference to the people of Northern Ireland, and I commend them to the Assembly.

**Some Members:** Hear, hear.

**Mr Speaker:** Order, Members. Before I call Mr Kennedy as Chairperson of the Committee for the Office of the First Minister and deputy First Minister, there are a number of Members who are Chairpersons of Committees who wish to speak as Chairpersons of those Committees this morning. There is nothing wrong with that, but they may also want to make a personal statement while they are on their feet.

They may even want to make a political statement while they are on their feet. I say to all sides of the House that it is vitally important that Members clearly indicate the capacity in which they are speaking when they are addressing the House.

The Chairpersons of a number of Committees are looking for lecterns from which to speak; unfortunately, all the lecterns that we have are being used. There is nothing wrong with the Chairperson of a Committee speaking from a lectern; however, today we are out of lecterns.

2.00 pm

**The Chairperson of the Committee for the Office of the First Minister and deputy First Minister (Mr Kennedy):** As Chairperson of the Committee for the Office of the First Minister and deputy First Minister, I am pleased to speak in this important debate, which provides a welcome opportunity to take note of the measures the Executive have taken to strengthen the local economy and support those most vulnerable in society against the impact of the downturn in economic conditions. Although I do not have a lectern, I am happy to offer my comments.

The statement from the Minister of Finance and Personnel reminded me of the Perry Como hit that is

currently doing the rounds: 'It's Beginning to Look a Lot Like Christmas'.

**A Member:** Are you going to sing it?

**Mr Kennedy:** No singing allowed.

The impact of the global economic downturn is being felt across many sectors. Recently, my Committee heard evidence from representatives of the construction industry, and the construction and property group, on the impact of the global recession on that sector. Those groups underlined the seriousness of the current situation and emphasised the need for intervention in order to save jobs and make provision for future apprenticeships. Therefore, I welcome today's announcement that public-sector construction schemes worth £1.2 billion are currently on site and that a construction industry forum will be established to ensure that the pace of construction jobs continues in these difficult times.

The Committee's engagement with the Department and the strategic investment board has focused on what actions can be taken in the short term to kick-start the economy. The Committee wrote to all Departments urging them to do whatever possible to regenerate and create jobs.

The Committee underlined the importance of ensuring that invoices were not subject to long delays in payments being processed. I welcome the announcement that the public sector has changed its target for paying approved invoices from 30 days to 10 days. That should improve cash flow in the organisations that provide services and supply Government Departments.

There is no doubt that the freezing of domestic rates will be a welcome announcement for all households in Northern Ireland. The lone pensioner allowance introduced in April 2008 helps the over-70s through a 20% reduction in their rates bills. That is particularly welcome for those old people in the community who sometimes have to make the very difficult choice between having heat and having food.

The decision to scrap prescription charges will make a financial difference to those people most in need. On a personal note, I want to congratulate my party colleague Minister Michael McGimpsey for bringing that forward; it was, after all, an Ulster Unionist Party manifesto commitment.

The Executive's decision to support Titanic Quarter Limited's proposal for a Titanic signature project in Belfast has the potential to deliver a much needed boost to the local economy at a time when the construction sector is under significant pressure. It has the potential to be a premier tourist destination that, undoubtedly, will generate international interest.



Hopefully, it will provide a tourist attraction of world-class excellence in Northern Ireland.

The Executive's decision to approve new planning guidelines is also good news for the construction industry. That will, hopefully, protect the rural environment and provide another boost for the building trade.

I hope that the First Minister and deputy First Minister took the opportunity during their recent trip to the US to speak again to powerful and influential business people in order to promote Northern Ireland and all that it has to offer. Members look forward to hearing in the new year about the progress that was made on that trip.

The Executive are committed in the Programme for Government to eliminating child poverty — a goal that will prove a test to achieve in very difficult economic circumstances. The Committee for the Office of the First Minister and deputy First Minister has received the Executive's response to its report on child poverty. In the coming months, it will measure progress; in particular, on recommendations made in that report.

The First Minister mentioned proposals to bring forward legislation for a rapid response capacity, presumably by accelerated passage. The Committee will want to see the detail of that, but I hope that it will seek to co-operate with the Department on such an important piece of legislation, in order to enable the Executive to respond to events quickly. I welcome that OFMDFM will meet energy companies and, in particular, will meet again with the banks. It is crucial that interest-rate reductions are passed on immediately to customers.

Mindful of the Speaker's cautionary remarks, I will make a few comments on behalf of myself and my party. The First Minister spoke of the threats in economic terms. Many Members believe that potential political threats to these institutions remain, and they hope to have moved away from blocked Executive meetings. An unfortunate and regrettable amount of time was lost in that period, and I hope that such actions are not repeated by Sinn Féin.

There is a crying need for joined-up government in Northern Ireland. It is essential that the Executive and all the parties that serve in it function in a properly joined-up manner. I very much hope that the two largest parties recognise and remember that. It is in the interests of all the people of Northern Ireland who elected us that we all work together in face of the considerable economic challenges before us. On that basis, I commend the motion.

**The Chairperson of the Committee for Social Development (Mr Simpson):** I will comment on behalf of the Committee on the measures set out by the First Minister. Members are aware, as has already been

said, that the whole world faces the most significant sustained economic threat in recent history. Governments in various countries and other jurisdictions have adopted a range of approaches. In other places, some respected politicians appear to have set aside their lifelong devotion to certain economic deals in the hope of insulating their economies for the worst period of the expected recession.

Others appear to cling steadfastly to principles of economic management that they hope will leave their economies in good enough shape to recover quickly, once the recession finally ends. Against that backdrop, the options faced by the Executive are not easy. The choices are more important and far-reaching than, perhaps, any that the Executive have made to date.

As Chairman of the Social Development Committee, I want to comment on a few of the measures that have been announced. Recently, the Committee was briefed on the impact of fuel poverty on numerous groups, such as children, the elderly and people who suffer from serious illness. Notwithstanding the welcome announcement that has been made on gas and electricity prices, fuel poverty still presents a significant challenge. The Committee welcomes the effort to deal with that challenge through the introduction of a £150 payment to 100,000 households that are in receipt of pension credit and income support. I am sure that everyone welcomes that payment.

That said, however, everyone will recognise that more targeted instruments might also be necessary if the Department's objective of eliminating fuel poverty is to be achieved. The warm homes scheme is one of those targeted instruments. The Committee welcomes continuing support for the scheme, although it awaits with interest the revision of that important scheme, which, it is hoped, will lead to better targeting of resources towards the fuel poor.

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

As members are aware, the new housing agenda targets the provision of over 5,000 new social homes during the next three years. That target is an important part of the strategy to deal with the 38,000 people who are on the housing waiting list, 20,000 people who are in housing stress, and 9,000 people who are officially homeless. The building or purchase of 5,000 new homes will, of course, not solve all of Northern Ireland's housing problems. However, it will be a substantial and important first step.

When the new housing agenda was launched, the world was a different place. The construction industry was booming. Construction employment was high; so, too, were house prices. Now, the construction industry is contracting rapidly. The housing market is almost in freefall, as housing starts and sales trickle away to



almost nothing. Yet, homelessness and housing waiting lists, for example, do not change.

The Social Development Committee welcomes the indication in the First Minister's statement that measures including the purchase of off-the-shelf housing, the provision of a mortgage-rescue scheme, and the phased introduction of developer contributions are to be promoted. It is hoped that those measures will help to reduce social-housing demand problems and will also have a welcome effect on Northern Ireland's beleaguered construction industry.

The Committee also welcomes the emphasis on value for money that underpins the measures that have been described. Members would be annoyed — disgusted, even — if any additional money for construction partially disappeared into additional costs, with limited additional housing completions or reductions in waiting lists.

I assure the House that the Social Development Committee will, as always, carefully review monitoring rounds and zealously chart the progress of the Social Development Minister's new housing procurement strategy. The Committee, therefore, awaits with great interest the outworking of the Finance Minister's new approach to procurement. We will do our best to helpfully advise the Minister for Social Development in securing best value for the housing agenda and the Department's other anti-poverty measures.

The measures that have been announced represent a significant —

**Mr A Maginness:** I am mindful of the Finance Minister's statement on the December monitoring round. The Member has referred, rightly, to the housing crisis and to money for housing. Is he aware — as he should be, as Chairperson of the Committee for Social Development — that the housing programme is now minus £30 million? That will have a negative, adverse impact on the ability of the Department and the Housing Executive to maintain houses and to implement improvement schemes.

2.15 pm

**The Chairperson of the Committee for Social Development:** That point was raised when the Finance Minister was making his announcement earlier. He made it clear that an extra £80 million is being given to housing development. There seems to be a query about whether money for social housing has disappeared or whether more money has been given to social housing. As the Chairperson of the Committee for Social Development, I will seek clarity on that matter and bring a report to the next Committee meeting.

The measures that were announced today represent a significant investment in Northern Ireland's future. There is currently no more important job in Northern

Ireland than guaranteeing that future. Therefore, I ask that the Office of the First Minister and deputy First Minister re-emphasises the critically important role that Committees will have to play in the review of departmental expenditure and monitoring rounds generally, and in the delivery of the outcomes associated with the measures that were announced today.

**The Chairperson of the Committee for Finance and Personnel (Mr McLaughlin):** Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to discuss these important issues. Although the Department of Finance and Personnel has only a limited direct responsibility for many of the issues that the Assembly is considering to help alleviate the impact of the economic downturn, its overall strategic expenditure role will be vitally important. As the Chairperson of the Committee for Finance and Personnel, I will outline some of the issues that the Committee is currently scrutinising, which are relevant to today's announcement.

At a strategic level, the Committee is of the view that the economic downturn and the emerging pressures make it all the more vital that maximum impact and value for money is achieved with the finite resources that are available. That will require the public sector to improve its performance in the management of resources and programmes and in achieving business targets. To that end, a number of immediate and longer-term measures are required.

Given the economic climate, my Committee believes that it is essential that previous patterns of departmental underspend are not repeated at the end of the current financial year. My Committee has applied a focused and consistent scrutiny on Departments' underperformance in financial forecasting and monitoring, which results in late declarations of large amounts of resources and in high end-year underspend.

The 2007-08 figures for both in-year reduced requirements and end-year underspend show a huge variance between Departments' financial performances compared to their opening Budget positions. Some £407 million in resource expenditure and £313 million in capital expenditure was either reallocated or unspent. That highlights a major weakness in Departments' budgeting systems and in senior officials' standards of financial management.

In that context, my Committee recently called for an external review of the current arrangements for the payment of substantial performance bonuses to the most senior ranks of the Civil Service and the public sector. I hope that we will get a positive response to that call. Departments and their respective scrutiny Committees need to make an immediate and concerted effort to ensure that there is effective forecasting, monitoring and management of the limited available resources.



Regarding the more immediate term, my Committee has called on the Department of Finance and Personnel to take the lead in identifying pre-emptive measures that can be taken in the next four months to safeguard against significant year-end underspend. Having said that, I recognise the strong efforts that the Minister has made to get detailed information in good time.

In order to improve resource management in the longer term, a higher priority should be given to implementing the recommendations in last year's PKF report on financial management in the Civil Service. The Committee recognises that Department of Finance and Personnel (DFP) is working on programmes of mandatory financial training for senior civil servants and on improving the monthly financial information that is given to departmental boards.

More needs to be done, however, to move from an incremental to an output-based approach to budgeting and expenditure, as recommended in the PKF report. In these difficult times, that will ensure that all expenditure is examined, as opposed to the current situation in which only bids for additional resources are examined. The Committee has welcomed DFP's commitment to begin such a programme of examination.

The Committee believes that Departments, including the Department of Finance and Personnel, need to undertake more management analysis of expenditure. Although levels of spend are an important measurement of performance, they should be viewed in the important context of delivery of the Executive's priorities and the Programme for Government.

The public expects us to deliver the Programme for Government. The Committee notes the opinion of Department of Finance and Personnel officials that an information gap exists that must be filled in order to enable such analysis to be carried out. In its report on the Executive's draft Budget 2008-11, the Committee highlighted the fact that delays in capital projects can increase — directly and indirectly — overall costs significantly, and called for steps to be taken to ensure the effective planning and management of capital projects with a view to minimising delays and the resulting underspend.

In the current economic climate, the Committee repeats that call, especially in light of the construction industry forum's evidence, which highlighted delays in establishing capital projects and the problems that that situation poses for the local construction industry. During his earlier statement, the Minister of Finance and Personnel addressed some key issues that affect that industry, particularly in areas of planning and procurement. I welcome that. Those issues can and should be considered as opportunities to enable the Executive to respond to the difficulties that are affecting the construction industry.

The Executive have an opportunity to accelerate £86.5 million of capital expenditure into the 2008 and 2009 financial years. That will effectively bring forward spend that was earmarked for the subsequent years. Although the Committee welcomes the flexibility that is on offer, given the extent of previous capital underspend by Departments — and that is what we know, as opposed to what we are entitled to expect — it has urged the Executive to ensure that any capital funds that are accelerated in that way can, and will, be spent efficiently in the years to which they are now allocated.

Furthermore, the Committee is aware of the risk that sufficient funds might not be available to deliver capital plans in 2010-11, and we must ensure that that risk is anticipated and managed effectively. The Executive's Budget for 2008-11 included capital receipts for Departments of £486 million, £266 million and £612 million respectively over the three financial years. Department of Finance and Personnel officials recently informed the Committee that £60 million of receipts that the capital realisation team was intended to generate will probably not be delivered this year and that, following the suspension of Workplace 2010, £175 million in capital receipts that was designated for the Department will not materialise.

Departmental officials stated that the £200 million capital receipt for the Crossnacreevy lands, which is due in 2010-11, is uncertain and is, in some people's view, completely unlikely. The Committee recognises that the downturn in local property markets has adversely affected the level of planned receipts from the disposal of surplus assets. However, it is important to establish contingency measures, because the failure to achieve asset-realisation targets — especially if additional measures are required to alleviate the economic downturn — can have exaggerated effects.

The Committee wrote to the Department of Finance and Personnel on 14 November to urge it to consider issuing advice to all Departments to accelerate the process of paying suppliers. We received a welcome reaffirmation that that will happen. We must address the cash-flow difficulties.

Local banks must play a vital role, and the Committee recognises and applauds the efforts of the First Minister and deputy First Minister, who have met with the local banking representatives. Moreover, I welcome tomorrow's meeting with the Finance Minister. The Committee has been trying to coax local banks into engaging directly and urgently on practical measures that they could take, in the current climate, to assist consumers and local businesses.

A revised regional economic strategy should be introduced to replace the current proposals, because that is a matter of significant concern.



**Mrs D Kelly:** I regret the fact that so many DUP Members have left their seats.

**Mr A Maginness:** The senior Member for North Antrim is still there.

**Mrs D Kelly:** Some younger Members could learn lessons from the elder representative on the Benches opposite.

In his initial comments, the First Minister spoke of the benefits of devolution. One wonders, then, why it took the DUP 10 years to grasp the opportunities presented by devolution under the terms of the Good Friday Agreement. Some Members mentioned the 154-day delay in the Executive meeting. I wonder whether any analysis has been conducted by the Minister of Finance and Personnel or the First Minister and deputy First Minister into what impact that delay has had on the economic downturn — bearing in mind that all other Governments and regional Assemblies have been working assiduously since the early autumn, when news of the economic downturn started to emerge.

During the suspension — or blocking — of the Executive, the First Minister said that he had passed some two dozen papers, and would be forwarding them to the deputy First Minister. We have yet to see any output in relation to those two dozen papers, because members of the Committee for the Office of the First Minister and deputy First Minister have, as yet, been unable to scrutinise any strategy to tackle cohesion, sharing and integration — in other words, a shared future. Given that there was a substantial report, and that there are ongoing costs of division, one would have thought that savings could be made through a shared future. Many groups are dependent on the moneys that are attached to such a strategy.

As yet, no anti-poverty strategy has been produced by the First Minister and deputy First Minister, yet we have heard much talk of their adoption of Minister Ritchie's innovative means by which to tackle fuel poverty. I notice that they are all great champions of that this morning. Sinn Féin, in particular, is now silent on the point that that initiative will give money to NIE; it now recognises that that money will go directly to benefit families that are suffering most from high energy costs.

I welcome the First Minister's commitment to meeting with the banks, and to tackling loan sharks — something that is a great scourge in many communities. I wish the First Minister and deputy First Minister all the best in their efforts. I note that reference was made in the statements to the deferral of water charges. Again, it is interesting that Sinn Féin and the DUP campaigned in the Assembly elections on the basis of no water charges, not deferral of water charges. I am sure that many people across the North remember the billboards and posters that were erected, presumably

by Sinn Féin, that stated that Sinn Féin says no to water charges — “Stop the water tax”, I think, was what they stated. Those all seem to have disappeared.

The Chairperson of the Committee for Finance and Personnel spoke about the capital realisation task force, and the failure of capital assets to be realised, with the resulting detrimental impact that that will have on the Budget. Yet the Minister of Finance and Personnel and the First Minister referred to the black hole, which they said did not exist, and castigated other Members for referring to it. At times, they do not like to face reality.

The programme announced today provides for an additional £4 million for school maintenance, yet there is still a £217 million backlog in funds for school maintenance. One wonders how that will be fixed. The fact that no decision has been made on the Maze/Long Kesh site continues to dog the building of a better future for us all, and indecision on elite facilities for sport causes a lot of concern.

Much reference has been made in the debate to Christmas. However, as we should all know, the true meaning of Christmas is about a family for which there was no shelter when the mother was about to give birth. If that were to happen today in the twenty-first century, I presume that, rather than having to go to a stable, one would be able to go to at least a slurry shed, because there are certainly not enough homes for families.

**Dr Farry:** I welcome the statement in so far as it goes. I also welcome the fact that there is now double the DUP representation, and that they have almost as many Members in the Chamber as the Alliance Party. Perhaps that is a sign of things to come.

*2.30 pm*

I accept that the economic downturn is a global situation with national dimensions, but it also has a local dimension. We, in this House, should be in no doubt about the serious effects that the economic downturn is having on households and businesses in Northern Ireland. Regional Governments have a responsibility, and there are many things that they can, and should, do.

The Executive have not acted in a timely, decisive or effective manner. Devolution brings with it the ability to do things differently, but the flipside of the coin is that there is a responsibility to act and to put policies and measures in place that are similar to the actions being taken in other jurisdictions. That has not been done sufficiently well up to now.

The Executive have two specific responsibilities. The first responsibility is to help Northern Ireland through the economic downturn; the second is to prepare Northern Ireland for recovery. If done correctly, those two actions will be mutually reinforcing. The key lies



in targeting existing commitments to help to modernise and rebalance our economy.

The recession in Northern Ireland may not be as deep as in the rest of the United Kingdom because of the public-sector cushion, but we should not be complacent about that. It is a major structural issue. The fear is that the downturn in Northern Ireland will be longer and recovery will be slower because we have not put measures in place to address the major imbalances in the economy. I agree with the Chairperson of the Finance Committee: the downgrading of the regional economic strategy is a major concern.

The Executive do not have access to significant tax-varying and borrowing powers, so the key lies in what is being done with the public expenditure that is under their control. I welcome the commitment to pay public-sector bills within 10 days. However, Lord Mandelson introduced that scheme in Whitehall in the middle of October 2008: why did it take us six weeks to introduce it? Cash flow is critical to small businesses, particularly in Northern Ireland, given the nature of our economy.

In addition, timely decisions have not been taken on fuel poverty and energy efficiency. The British Government introduced their scheme for England and Wales back in early September 2008; we are only getting round to discussing what we are doing about fuel poverty in December 2008. We are three months late and are already into the teeth of what has been a very cold winter. Help for pensioners is coming a little too late.

There are also major challenges with respect to capital spending. Will the 2008-09 Budget be fully spent? If not, that will be a major indictment and a failure across Government. The second question is whether capital spending can be accelerated. I note the strong emphasis that the Finance Minister gave to the scale of existing commitments towards investment. The Alliance Party has already made its concerns clear regarding the balance of that investment in relation to the opportunity costs for rebalancing our economy.

However, the real issue to discuss today is the scale of the increase in capital investment and where that is being targeted. On a pro-rata basis, the scale of capital investment here is not equivalent to that being made in other jurisdictions. This morning, I commented on that and on the scale of social-housing investment in Scotland and England and the wider investment including £500 million across England in retooling for the green economy.

The Budget was very tightly drawn, which is a major problem. There are already opportunity costs from a divided society — but populism has been given precedence over prudence, and we did not fix the roof

when the Sun was shining. Now, the Executive have to give undue emphasis to balancing the books while other jurisdictions are placing emphasis on greater fiscal stimulus. We are still playing games with populism instead of making proper, prudent investments.

Short-term benefits can make a difference in some respects, but the real challenge lies in what can be done about the long-term restructuring of our economy.

**Mr Ford:** Does my friend agree that the dead hand of the Environment Minister seems to be on today's statement, as absolutely no mention has been made of developing the green economy, which is a major opportunity for Northern Ireland?

**Mr Deputy Speaker:** The Member will have an extra minute.

**Dr Farry:** I agree entirely with the comments of my colleague. There are huge opportunities for Northern Ireland in relation to renewable energy. When one considers the prices that people are paying for fuel, the flaws in our local infrastructure are partly to blame. Therefore, major gains can be made from proper investment.

Similarly, with respect to fuel poverty, we welcome fuel credits. However, although they will bring people short-term benefits, one must ask whether those resources could be better used by investing in the warm homes scheme in order to improve fuel efficiency, which would produce long-term benefits not just for this Christmas but for many winters to come. Tackling problems in such a manner would not only help individuals in the short term but would benefit society and the economy in the long term.

Therefore, although some aspects of today's statements are good, much more could be done in Northern Ireland. Speaking on behalf of the Alliance Party and the opposition, I say that the measures announced today are not good enough and do not go far enough. The Assembly could do a lot better for Northern Ireland — we are not being sufficiently ambitious.

**Mr Poots:** First, I shall direct some remarks towards Mrs Kelly. I am not the DUP's elder statesman. Perhaps, the Member did not notice me sitting here. If she is happy to do so, I will compare my birth certificate with the Member's any day of the week.

Had the Ulster Unionist Party's wishes been granted, we would not have been here today. Mr Basil McCrea, ably assisted by Sir Reg Empey, argued on the radio that, rather than attending the Assembly, Members should have taken their holidays earlier. Therefore, we are discussing this matter because of the DUP and because it wishes to make progress in Northern Ireland. The five months' absence of Executive meetings was not because DUP members were not prepared to attend — we were always ready to attend — and we are



prepared to undertake any work that the public asks us to do in order to ensure that the economy has every opportunity to recover. Today, a DUP Minister has been able to announce the £15 million fuel credits scheme, so it is much better that DUP Ministers are here making announcements than being at home, as recommended by the Ulster Unionists.

I am glad that the Assembly did not adopt the scheme proposed by the Minister for Social Development and that we have gone considerably further by giving money to pensioners, who would have been excluded and left behind by the SDLP. Many more people will benefit from the scheme announced by the Finance Minister.

I apologise on behalf of the Chairperson of the Committee for Agriculture and Rural Development, who is unable to be here because he is in Westminster to attend a debate about the economy. However, he said that the Committee is delighted that £20 million has been allocated to the farm nutrient management scheme. That is not just good news for farmers; it is good news for the environment — because the works are necessary — and for the construction industry.

In addition, I welcome the £700,000 assistance for the fishing industry, and I know that the hard-working MLAs — such as my colleague Mr Wells — who represent the fishermen will also welcome that money.

Furthermore, I welcome the £500,000 that will go to the flooding hardship assistance scheme for agriculture. Despite the poor efforts by the Department of Agriculture and Rural Development's economists, I welcome the fact that the Finance Minister has turned that situation around. I also welcome the £1.5 million to alleviate animal-health pressures; however, in conjunction with that, it is important to ensure that we properly deal with, and eradicate, bovine TB and do not spend money compensating farmers for culling cattle. In bovine TB hotspots, there must be a badger cull —

**Mr Ford:** You just lost Jim Wells.

**Mr Poots:** Jim and I agree and disagree on many matters, but we remain good friends.

Planning was mentioned, and the 2,000 additional houses that will be approved as a result of PPS 21 and the speeding-up of the planning process. That is good news, and I strongly welcome it, but I would further welcome news about private-sector planning applications that are ready to go, such as that of Westfield, which would create 1,500 new jobs at Sprucefield. The sooner that that application can be turned around and those new jobs are on the scene the better.

Moreover, the private sector must step up to the mark, and I welcome the talks that are taking place with the banks. Nevertheless, the banks must pull out all the stops —

**Mrs D Kelly:** As I recall, when the Member was Minister of Culture, Arts and Leisure, in reply to a question, he said that a decision on the Maze/Long Kesh site should be made by November 2007, in order to meet planning and other requirements, and that development of that site would have provided some 10,000 jobs. As a representative of Lagan Valley, is he not disappointed that no decision has been reached by late 2008?

**Mr Poots:** The Maze project should go ahead as soon as possible. It is a matter for OFMDFM to establish that agreement. I welcome the fact that the Royal Ulster Agricultural Society has obtained planning permission for a part of its land, and I know that it has strong interest in moving to the Maze site. We should be looking at that site as a strategic opportunity to create many good-quality jobs in Northern Ireland — perhaps a base of more, better-quality jobs than exist anywhere in Northern Ireland with regard to the numbers. That site has the ability to deliver that. I will continue, publicly and privately, to press for a decision and to push that particular door.

With regard to the private sector, the banks must step up to the mark. In fairness, most banks have cut their base rates. However, many of them, with regard to the small businesses that they serve, have added additional money on to that base rate. Instead of getting the base rate plus 2% or 3%, they are adding another 1.5% or 2% on to it, and that is having a detrimental impact on those businesses.

NIE's paltry price cut of 11% is not enough. The price of electricity is 37% higher than it was last year. NIE must review its prices again, not in September, but early next year. In addition, the supermarkets have not passed on to their customers the reduced commodity prices. The supermarkets must be brought to book —

**Mr Deputy Speaker:** The Member must conclude his remarks.

**Mr Poots:** They are overcharging the public, especially in the run-up to Christmas, and they are ripping people off.

**The Deputy Chairperson of the Committee for Health, Social Services and Public Safety (Mrs O'Neill):** Go raibh maith agat, a LeasCheann Comhairle. As Deputy Chairperson of the Health Committee, I welcome the package of measures, which, I hope, will begin to alleviate the worst effects of the current economic downturn for those who are most in need.

The impact of the downturn is already biting deep, and it is difficult to predict how long it will last. Although no specific elements or measures in the package come under the banner of the Health Department, it is universally recognised that people's state of health and, often, their mental well-being are directly affected



by many of the issues being discussed today, such as fuel poverty, social disadvantage, exclusion, unemployment and redundancy. Therefore, it is no accident that promoting health and well-being is one of the key priorities in the Programme for Government and that about half of the Assembly's public funding goes on health, social services and public safety.

The effects of the economic crisis can be worse for people who are already on low incomes. At this time of year, we are all familiar with campaigns that warn about the effect of cold weather, particularly on vulnerable older people, young children and people of any age who have a serious or long-term medical condition.

It is a fact that many more people die during the winter than in summer due to the effects of cold weather. During severe winters, the number who die increases greatly due to heart attacks, strokes and respiratory illnesses that are brought on by a drop in body temperature. A report published today by the Institute of Public Health in Ireland warns of an increase in winter deaths due to an increase in fuel poverty.

Older people, in particular, are often at greater risk from cold weather because they might not keep their homes warm enough during winter months. That may be because they use insufficient heating because they cannot afford to pay, or worry about paying, higher fuel bills. We are also familiar with the overused expression that some people now have to choose whether to eat or heat. It is a cliché, but, unfortunately for many, it is a fact. Any measures that will help vulnerable people who find themselves in that situation are, therefore, welcome.

**Mr Ford:** Does the Member agree with the point that I made earlier that, rather than protecting vulnerable people for one Christmas only, the Executive should spend money on protecting people in the long term, through the warm homes scheme.

**The Deputy Chairperson of the Committee for Health, Social Services and Public Safety:** I welcome the Member's comments. I agree; we are in a difficult situation now, but we must protect people in the long term.

The economic downturn has meant that more people have found themselves out of work. That applies across the board. The fall in house prices and the lack of available mortgages for those who might wish to buy houses has resulted in the almost total collapse of the house-building sector.

The impact is felt well beyond the house-building sector and into the building-supply chain — from estate agents to furniture retailers. Other sectors, too, are affected.

2.45 pm

We have seen the collapse of Woolworths Group plc and MFI, both of which are in the hands of administrators and whose staff face great uncertainty. In my area, jobs in Powerscreen are under serious threat, and, due to a lack of orders, the company has introduced unpaid short-term layoffs for 300 of its 500-strong workforce.

The economic downturn is having an enormous impact, and not only of a financial nature. It is causing untold stress and worry that is affecting people's health. They are worrying about unpaid bills and mortgages and, perhaps, the threat of losing their jobs or homes. It is right, therefore, that the Executive should look at what action can be taken to help people at this difficult time.

Today's announcement about bringing forward capital programmes to produce jobs and to provide some stimulus for the construction industry is very welcome. I welcome, too, recent announcements by the Minister of Health, Social Services and Public Safety about capital investments, which, as well as providing essential health and social care facilities, will provide much-needed jobs in the sector.

For some time, the Committee for Health, Social Services and Public Safety has been concerned about the urgent need to move ahead on one capital project: the proposed women and children's hospital in Belfast. In a recent debate on the issue, the Chairperson of the Committee said that the journey towards a regional maternity hospital began about 14 years ago and the decision to build a women and children's hospital was made more than five years ago. Due to a lack of funding, however, work has not even begun.

The Minister said that the facility was a priority for him but that the funding was not available. The Committee has written to the Department of Finance and Personnel urging that the money be made available as a matter of urgency. Surely, today offers an opportunity to provide the initial funding that will enable clearing of the site to begin, to relocate existing services and, finally, get the project under way.

I want to make some comments in my capacity as the Sinn Féin spokesperson on health and disability. The Health Service has many challenges, and Sinn Féin is committed to working in the Assembly and the Executive — and with the Minister — to address those efficiently and effectively. However, we are concerned about the lack of information that is being provided to ourselves and the unions on decisions that are being made on such issues as the 700-plus job cuts in front-line nursing. In recent days, we learned of Mary Harney's plans to make cuts in the Health Service in the Twenty-six Counties in an effort to address the economic crisis. We cannot stand by and allow that to happen anywhere in Ireland.



The Health Service is under pressure; there is never enough money for health. However, the Department has set itself a number of unrealistic targets around, for instance, discharges from Muckamore Abbey Hospital and adequate and appropriate respite care. That is not what we want to see: we want to see continued advances in those, and more, areas.

Members have to deliver for the people whom they represent; they must do everything that they can. Today's announcements are a move in the right direction. Sinn Féin is committed to delivering further on those promises and delivering for the people. Go raibh maith agat.

**Rev Dr Ian Paisley:** Today, we stand at the edge of a dark ocean. Anyone who thinks that the situation will be of a few days' generation is wrong. The nations of our globe are in a sad and sorry state. Often, I wonder why the clever men who are involved in finance were not able to give due and timely warning to those over whom they had power that this situation would come. However, it has come, and we are facing serious and sad days.

I remember the soup kitchens that existed when I was a boy. I remember the churches gathering second-hand clothing. I remember the queues at the church gates to receive that clothing — and the people were welcome to it. At this time, we need to think seriously about what we are doing and where we are going.

Furthermore, we should say that it is a good thing that this House is in operation at this time. Is it not a good thing that the people of Northern Ireland have voices, and certain powers which they can exercise for the help and alleviation of the strains and the testing days that are ahead?

We have all had our arguments over devolved rule, but if ever we needed devolved rule, we need it today, when the individual elected representatives of Northern Ireland — no matter from what side they come or what their politics might be — have a say in doing something that will help at this time.

Help is needed for the housing and employment frameworks. People need help to pay for fuel and food, and they need help with their finances. I am glad that our Ministers are meeting the banks, and it would be a very good thing if bankers were righteously to search their consciences.

I feel strongly that it is wrong for banks to foreclose on good customers simply because a bleak period lies ahead of us. Many people have come to see me when their loans have been called in because the banks wanted to be sure of getting their money, but everyone else went to the wall. I have talked to the banks and to my colleagues, and I trust that tomorrow the banks will be made to face up to their extremely important responsibility. What is the point of our Government

giving money to the banks, only for them to hold on to it for their own private welfare and use? That practice must end.

I welcome statements from the Ministers that they will help all those who need it, but that help amounts to very little. As was mentioned here today, I am a pensioner, and many pensioners are doing the right thing: for example, some have told me that they do not require the money and intend, therefore, to give it to the wee lady down the street who needs it. That shows good spirit, and I salute people who want to help others whom they know are going through a sad and terrible time.

Members may look to the future and honestly face up to its challenges, but we must act now. I am glad that the Executive are meeting again, and I welcome their decision.

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

**Rev Dr Ian Paisley:** If I had chaired some of the meetings that have been held in the past number of days, I do not know what would have happened or what would have been said, although I reckon that it would have been pretty hot stuff. However, I can say that we are here now and we have a job to do. Let us do that job, and let us do it heartily.

At the end of the day, truth, honesty and justice will prevail, and the Province will emerge at the other side as a better Province, because people will have been driven closer to one another by their common needs.

**The Chairperson of the Committee for Regional Development (Mr Cobain):** I preface my remarks by saying that the Committee has not had time to study the proposals that were announced today. My remarks will, therefore, reflect previous comments that were made by the Committee, but they are relevant to today's debate.

As Chairperson of the Committee for Regional Development, I welcome the opportunity to contribute to the debate on today's motion, which states:

"That this Assembly takes note of the measures taken by the Executive to strengthen the local economy and support those most vulnerable in society against the impact of the global economic downturn."

The Committee has, on many occasions, urged the Executive to continue to invest in roads and public transport infrastructure. Investment in infrastructure underpins all aspects of life in Northern Ireland, including the social, economic and environmental elements. The people of Northern Ireland need — and deserve — the best infrastructure: good quality roads and an integrated public transport network are required to take people to places of work, education, training and social services.



Sustainable and viable ports and airports are critical for connecting Northern Ireland with the rest of the world, bringing tourism and businesses into Northern Ireland and enhancing our ability to compete in the global economy.

The Committee for Regional Development is concerned that the Department is facing significant resource and capital pressures, in excess of £27 million and £17 million respectively, in the current year. Northern Ireland already spends some 21% less per capita on its transport networks than the rest of Great Britain. There has been underinvestment in structural road maintenance over the years, and that continues to be the case. Apart from the road safety implications, on a purely financial basis it costs four or five times as much to carry out reactive maintenance than proactive treatments.

In recent years, we have made progress on investment in both roads and public transport, which has contributed to the development of a vibrant and sustainable economy in Northern Ireland. At this time of global economic downturn, it is essential for everyone in Northern Ireland that that investment not be wasted and that the progress made not be lost. However, with the current pressures on public spending, it is vital that public money be spent wisely and with an eye to the longer-term well-being of the Northern Ireland economy. Investment in infrastructure now will bring much-needed jobs, stimulate the local economy and make Northern Ireland a more attractive location for inward investment and skilled workers. Those steps would help Northern Ireland to recover as quickly as possible when, and if, global economic conditions improve.

Mr Deputy Speaker, I will now make three or four brief remarks in my capacity as an MLA. The £150 fuel credit is a move that representatives across the House will welcome, in light of the increasing challenges of fuel poverty. However, questions must be asked about the link to pension credit. Ongoing difficulties surround the uptake of the pension credit, which penalises those who have saved or who have a modest occupational pension. Why then is fuel credit linked to that entitlement? It could, and will, exclude thousands of pensioners in poverty and fuel poverty.

A report launched today by the Institute of Public Health urged that fuel poverty programmes should not be limited to those claiming social welfare or social benefits. A means-tested benefit such as pension credit is a particularly weak foundation to build on. Tens of thousands of pensioners will not benefit from that scheme. At the end of the financial year I, and other Members, will be interested to see how much money has been spent on pension credit.

Growing numbers of households in Northern Ireland are facing personal and household debt beyond their means, and rapidly rising unemployment is another great danger. September witnessed the highest monthly increase in unemployment in the Province in 22 years, which has resulted in significantly increased demands for debt counselling and advice. Do today's proposals really represent the type of increased support that is required? From my experience, they do not. The flood of debt facing our society could bring unprecedented personal and economic misery, and we must ensure that we are serious about addressing that need.

Since its introduction in 2001, the warm homes scheme has been central to addressing fuel poverty and the ill health associated with it. The popularity of the scheme is known to every MLA. However, despite ever-increasing demands, next year's budget allocation will see little increase in the money allocated to that scheme. Targets have been set for fuel poverty, and all of those targets have been missed over the past few months. If we are really serious about addressing fuel poverty, then the money invested in the warm homes scheme does not reflect that.

Finally, the suggestion was made today that the Department for Social Development (DSD) will lose £30 million of its budget, which would have been used for the provision of the housing programme. The impact on the most vulnerable in our society would be significant. Such a move would raise a number of issues, and it will be interesting to hear directly from the First Minister or deputy First Minister on that matter.

3.00 pm

**Mr O'Loan:** I thank the First Minister for his statement. It contained a significant amount of good, which the public will welcome.

Any response to the economic crisis must be on two levels; we must think about the short term and the long term. In the short term, it is absolutely right that we protect the needy and most vulnerable in our society. I very much agree with the comment from the former First Minister Dr Paisley about the relevance of this devolved Assembly. If we cannot be aware of, and alert to, the needs of the most vulnerable, we will fail as an Assembly. However, I do not think that we will fail in that regard. For that reason, I very much support today's announcements on meaningful measures to address fuel poverty.

I also welcome the announcement on debt. DETI is already allocating significant resources to the provision of advice on money matters, and I welcome the news that that funding has been extended today. DSD has run a successful campaign to increase benefit uptake. The First Minister also reported that, which is good.



I give a huge welcome to the First Minister's remarks on dealing with loan sharks. We sometimes complain about the banks. However, if people get into difficulty with the banks, they get a letter in the post; if they run into difficulties with loan sharks, they are much more likely to get a brick through the window. Therefore, the introduction of proper enforcement methods is long overdue, and the law must adequately protect those who live in very vulnerable areas and exist in circumstances of which many of us have little awareness.

I was pleased to hear the comments about the positive role of the credit unions. They can make a huge contribution here, and I am very much in support of the Committee for Enterprise, Trade and Investment's ongoing inquiry into credit unions.

I now turn to the longer-term approach. We are experiencing a major international economic crisis. Just today, we heard about the remarkably and aptly named Mr Madoff, who was thought to be a major banker and investor but is now known to be involved in what is essentially pyramid selling on a gigantic scale. That affects us because we now know that UK banks that have a presence in Northern Ireland are involved in that matter.

Robert Peston, the BBC's business editor, recently described the current state of the world economy as:

"a crash as historic as the end of communism".

Therefore, we will not restructure the whole basis of capitalism overnight. It will take a considerable number of years to complete that project and to get real confidence back in the system. We must be aware of the longer term and build our economy accordingly.

Much was said today about capital investment. I repeat the fact that 42% of all this year's spend is aimed to be spent in the last three months of this year. Thus, rather than spending having been brought forward, it has, in fact, been delayed, and that brings with it a huge risk of underspend. The Minister of Finance and Personnel has now told us that he is availing himself of the facility to bring forward £9.4 million of spend from next year. However, given the current inability to spend existing funds, we must ask whether there will be the ability to spend that extra £9.4 million.

I want to mention our procurement system and to refer, in particular, to construction. We know about the two major legal cases that are being taken against Executive Departments. In recent days, I read the report on the Rathlin ferry contract. The report approved the award of the contract but said that there were very significant errors in the process and made 12 recommendations.

That tells us that we have a major problem in our procurement system. Today's announcement by the Finance Minister that the frameworks process is being abandoned is a huge vote of no confidence in our procurement system. It is 15 December, so we have to ask whether outstanding projects for this year can be delivered — and the money allocated to them spent — with such a sudden change in the procurement system.

I welcome the Minister's U-turn on banking regulation — when I first asked him about it, he said that it was not a matter for the Assembly.

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

**Mr O'Loan:** I welcome that the Minister of Finance and Personnel has recognised that the Assembly and our Ministers have a key role in engaging with the banking system.

**Mr Adams:** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom an Coiste Feidhmiúcháin a mholadh as na moltaí a chuir sé i láthair le déileáil le fadhb an bhochtanaís. I commend the efforts of the Executive in bringing forward the measures announced today, and I thank the First Minister for his comments.

The credit crunch respects no boundaries or borders, and its effects are being felt all over this island and throughout the globe. An unregulated free market does not work for working families or for the poor — that is the big historic lesson to learn. The problems here are compounded by a legacy of underfunding and poor infrastructure from British direct rule.

The options available to the Executive are limited due to a lack of economic and fiscal sovereignty, inadequate subvention from the British Government and the negative effects of partition. The Minister of Finance and Personnel drew attention to that three times in his statement and he spoke of the limited levers under his control. I commend him for the measures that he has taken in areas over which we do have responsibility, but it may be useful for him to identify powers that would assist him if they were devolved from London to the Assembly.

The Executive must also be commended for reallocating successfully almost £70 million, particularly in regard to the fuel credit initiative, which will help families and pensioners who are most at risk of fuel poverty.

It is important to note that the British Treasury also attempts to impose its political and fiscal philosophy on how the Government here do their work. For example, it attempts to dictate that the public sector can be effective or efficient only if it is exposed to competition from the private sector and contends that assets should be sold off and public services privatised. Incidentally, that is the same strategy that the Irish



Government pursued as they wilfully squandered the wealth of the Celtic tiger — it is the wrong strategy. Tá sé thar am go raibh athrú ann: tá smaointe agus barúlacha nua de dhíth.

The economy must serve the people. Rather than being judged on the wealth of its elites, society should be judged by the condition of its lowest class — the working poor and those citizens caught in the poverty trap. I particularly welcome the remarks by the Member for North Antrim Dr Ian Paisley on that issue.

Strategies should be developed North and South to chart a different way forward. That means ending the nonsense of two competing economies on this island — an all-island economy makes sense. In the North, among other initiatives, that means pressing the British Government for greater fiscal autonomy and the ability to gather taxes and manage our economy independent of British Treasury restraints. Sin é, a LeasCheann Comhairle. Go raibh míle maith agat.

**Mr Buchanan:** I welcome the opportunity to speak briefly in the take-note debate. I will focus my remarks mainly on health as I am a member of the Health Committee and am interested in the subject.

Today, it is clear that there is evidence, if evidence were needed, that the devolved Government is working for the people of Northern Ireland. There is no doubt that the current economic climate has caused major concern across every sector in Northern Ireland, not least in the health sector. Severe financial pressure in the business world, on families, elderly people and on the workforce, where many jobs hang in the balance, has placed undue stress on many individuals and families. In some instances that has led to ill health, thereby placing extra pressure on the Department of Health, Social Services and Public Safety. Therefore, in the midst of the global economic downturn, it is of the utmost importance that front-line services in the Health Service be protected.

On numerous occasions, Members have raised major concerns about the Minister of Health, Social Services and Public Safety's proposals to cut front-line services, using efficiency savings as a smokescreen to justify those cuts. Proposals to cut 720 nursing jobs and to close many residential care homes and nursing homes across the various constituencies while at the same time cutting back on home-help services that provide vital care for elderly people and disabled people in their own homes are a retrograde step. Such proposals demonstrate a lack of vision, which will have further detrimental consequences for the most vulnerable.

Today, however, I am glad that the Minister of Finance and Personnel has taken the lead, not only in releasing £1.6 million to the children's fund but in releasing £5 million to the Department of Health,

Social Services and Public Safety for budget flexibility, which represents the third tranche of available funding that has been allocated to the Department this year.

**Mr Shannon:** Does the Member agree that the £1.6 million that has been allocated to the children's fund will go some way towards alleviating the concerns about some of the Home Start, Life Start, Mid Start and Sure Start schemes, which do good work for children?

**Mr Deputy Speaker:** The Member will have an extra minute to speak.

**Mr Buchanan:** I agree with my colleague. The good work of those organisations has been recognised, and the money, used wisely, will further that work.

I hope that the extra £5 million that has been allocated to the Department of Health, Social Services and Public Safety will be spent wisely on the delivery of front-line services. I remind the Minister of Health, Social Services and Public Safety of his promise to the Assembly that front-line services would not be affected by efficiency savings. I call on him to be faithful to that commitment and to halt any proposed cuts in front-line staff and service delivery. He should tell the Assembly, at his earliest convenience, in which areas he proposes to spend the extra money for the delivery of much-needed front-line services to protect the elderly, the sick and the vulnerable.

There is no doubt that today's announcement is a good one for the people of Northern Ireland. Even in the midst of tight financial constraints, it behoves us all to work to ensure that action is taken and that delivery is forthcoming without delay.

**The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff):** Go raibh maith agat, a LeasCheann Comhairle. On behalf of the Committee for Culture, Arts and Leisure, I wish to change the record a wee bit. The Committee has consistently campaigned for greater investment in sports and the arts; it has always taken the view that the potential for the arts and sports to contribute to the local economy has never been fully exploited.

I will focus on the arts. It is not always appreciated that spending on the arts results in a net contribution to the economy. Research carried out in 2006 showed that every £1 invested by the Arts Council and by the arts in general returns just over £3.60 to the local economy. Furthermore, arts funding maintains more than 2,000 jobs here. Given that some of our more traditional industries are in difficulty because of the worldwide economic downturn, this is the time to explore those areas of the economy that are, at present, relatively untapped. The arts are one of those areas.



3.15 pm

I know that Carál Ní Chuilín is particularly anxious that I address the issue of creative industries. One of the key goals of the Programme for Government is to grow the creative industries sector by up to 15% by 2011. The Committee for Culture, Arts and Leisure, therefore, welcomed the fact that the Minister launched the creative industries innovation fund in October. The creative industries are a diverse sector of the economy, and their value has not been fully understood or appreciated in the past. They cover a wide range of businesses — advertising, architecture, film companies, publishers, theatre companies, musicians, and artists, to name but a few. It is a growing sector and one in which employment has increased by 8% between 2001 and 2005. In comparison, during that same period, the economy as a whole grew by only 4.7%, indicating that the creative industries are a fast-growing sector.

However, that should not result in a feeling of complacency in Government. Much work has still to be done in developing the creative industries to their full potential. Our Committee, therefore, welcomed the fact that the Executive have allocated £5 million to the creative industries innovation fund. We urge the Executive to ensure that, in future, funding for the creative industries continues to grow and that cuts are not made in that area. Government as a whole must commit themselves to investing in our cultural capital by supporting initiatives that increase the quality, visibility and value of the creative industries here. Cross-departmental working is crucial. The Department of Enterprise, Trade and Investment and the Department for Employment and Learning must work closely with the Department of Culture, Arts and Leisure (DCAL) to ensure that we get the best deal for our creative industries.

There is a need to support arts professionals during these tough times. The Committee is acutely aware that, at this time of global economic downturn, artists and arts professionals can be particularly vulnerable. Unfortunately, those working in the arts can be some of the most exposed workers in our society, living hand to mouth and often unsure of when they will next be in employment. They often have to find part-time work to supplement their artistic endeavours; however, in these times, such work may be even harder to come by. Indeed, the Committee recently held a round-table meeting with stakeholders from the theatre sector. We heard from representatives of the union Equity, and other key stakeholders, who made that very point.

I conclude by urging the Executive to look closely at how the arts and creative industries can be part of the solution to our current economic problems. For that to be achieved, long-term and steady investment in the arts is required. We should remember that funding for

the arts here in the North is still the lowest in these islands, at only £6.13 per capita. Funding for the arts in Scotland is £11.93 per capita and in the rest of Ireland is £12.61. Therefore, there is plenty of room for improvement in that regard.

Speaking on a personal level, I welcome the Executive's listening ear for the construction industry over the past few months. Representatives of the construction industry got organised and addressed the First Minister and the deputy First Minister, other Ministers and Committees in the Assembly. I think that the series of initiatives announced today, and those being undertaken at this time, to bring forward capital development schemes indicate that the Executive are listening to the construction industry. That can only be helpful. Many builders have said that, after Christmas, they do not have a programme for work. We must do anything that we can to assist the construction industry.

I am pleased that the Minister of Finance and Personnel is meeting the leaders of the local banks tomorrow. He follows in the footsteps of the First Minister and the deputy First Minister, who have held a series of meetings with financial institutions during and since the summer. Developers in west Tyrone have said that, very often, not only do banks not help, but they actively block the potential of getting the mortgage market on the move again. I have a letter in my possession that states that chartered surveyors now must ask housing developers for disclosure of incentives, under changes in the red book.

That is troubling developers who are in a position to provide houses to reach first-time buyers, but are being blocked by financial institutions. At this time, sympathy and support is called for, not obstacles.

Naturally, I remind Members about the area west of the Bann. My party leader, Gerry Adams, referred to a legacy of underfunding and poor infrastructure. The effects of that can be multiplied three or four times west of the Bann, where there has been a history of underinvestment.

To enhance competitiveness, greater attention must be paid to poor access to broadband in some rural areas. If the Minister of Enterprise, Trade and Investment were in the House, she would probably say that the North of Ireland has 100% reach for broadband access and that that is ahead of the rest of Europe. However, I remind the Minister that, although the percentage may be in the 90s, it has not reached 100%. In places such as Broughderg, Cappagh, Eglisish and Eskragh in County Tyrone, people have the right to compete on a level playing field for business opportunities, so I ask the Minister of Enterprise, Trade and Investment to ensure that access to broadband is rolled out to reach 100%, as has been suggested.



**Mr Elliott:** It is always good to follow Mr McElduff and to hear him mention places such as Eskragh. His earlier comments were similar to an audition for a role in the arts, but I am unsure whether he was welcoming the project or was opposed to it. He did not make that clear, so he may wish to clarify.

I broadly welcome the reallocation of funding that has been announced today. It is interesting that the thrust of the motion was about the global economic downturn, yet the debate has focused primarily on local issues. That is what the Chamber is about — all politics is local. Members have outlined a long list of projects that they would like to see helped and supported, and they are entirely right to do so. I shall focus on a couple of those.

It was announced that £20 million would be provided to the farm nutrient management scheme, but I do not want the farming community — or the wider community — to think that that money will reopen the scheme, because it will not. I understand that that money has already been spent, or is earmarked to be spent, in the next couple of weeks. Farmers will not be able to get back on to the rollercoaster and submit a new application to the farm nutrient management scheme; there will be no new opening of doors in that respect. However, I welcome the fact that backup will be provided.

The amount of £500,000 that is to be provided for flooding hardship in agriculture is welcome, but that amount will not nearly be enough to cover the damage to the crops, grassland and buildings from the flooding of August 2008. The amount of £500,000 is, however, a reasonable start, and I look forward to seeing where, specifically, it will be spent.

I am pleased that Mr Poots talked about the fishing industry, because that industry, especially at this time of year, suffers extreme hardship and difficult times as a result of the EU discussions. I am pleased that Northern Ireland has moved into line with some other European countries by providing support to the fishing industry.

The amount of £2.5 million for roads structural maintenance is not enough. Mr McElduff and I will strongly agree that the west of the Province is underfunded. Given the fact that the public transport system is very limited and that there is no rail system, the west of the Province has to rely on the road infrastructure. Report after report has highlighted the lack of investment in the roads infrastructure in the west of the Province. Maintenance is at the core of that, and there is not enough finance for roads maintenance in those areas.

The £1.5 million allocated to animal health is welcome, but unless a genuine effort is made to eradicate brucellosis and bovine TB in the Province, no overall long-term overall progress will be made.

I am concerned that the £85 million in the overall plan is an over-commitment. However, I assume that the Executive have thought this through. I assume they know that the money will be found and that we will not be left with a deficit at the end of the year.

The £15 million allocated to easing fuel poverty and the £1.6 million for the children's fund must be welcomed by all Members: no one will consider those announcements to be bad news. However, there must be long-term strategies in both areas. Although such short-term investment will help at this time, it will not provide the overall long-term investment needed for the children's fund and for eradicating fuel poverty. Difficulties will recur over the next couple of years, and a longer-term strategy is needed.

**Mr Ross:** I welcome the announcements that have been made following this morning's Executive meeting.

Over the last few weeks, I have met groups from the University of Ulster, Oxford University and elsewhere. Each group asked about the economic policies that the Assembly can implement to cope with the current global downturn. Across the world, Governments are asking themselves the same questions, and they are bringing forward measures to make a difference at some level. The Assembly is in the same position.

As has been said, fiscal policy is largely determined by our national Government at Westminster. They take the lead in making announcements on issues such as the lowering of VAT to provide a stimulus for spending in the retail sector, and on tax and social security matters.

We are limited in what we can do: global problems will not necessarily be fixed locally. I heard what Mr Elliott said about all politics being local, and it is important that the Assembly acts to ease the difficulties that are experienced locally. A devolved Assembly can take several measures to ease the burden on households and businesses throughout Northern Ireland, and it is important that the Executive have now done so.

The health of the economy was central to the Programme for Government, and the Executive recognised the importance of creating a competitive economy in Northern Ireland. Unfortunately, the unpredicted global economic crisis has affected all of us and created its own problems.

In my maiden speech in the Assembly, I referred to the many young people who were struggling to get on the property ladder. In many cases, they stretched themselves financially in order to get a home. Now, many of them have seen the value of their homes crash and have negative equity to cope with, on top of other financial woes that they may be experiencing. For that reason, I welcome moves made elsewhere to help families keep their homes and avoid repossession.



Several announcements that were made in the Programme for Government and since, though made in economically brighter times, are helping people in today's tough economic circumstances. The freeze on the regional rate; the deferment of water rates; the announcement on prescription charges, and the extension of free public transport to the over-60s are all very welcome, and the benefits can be seen in today's economic climate.

We have already heard about the crisis in the construction industry. Many Members and Assembly Committees have been lobbied by the representatives of that industry. We have been left in no doubt as to the importance of the contribution that the sector makes to the Northern Ireland economy. The announcement, some weeks ago, that the Titanic signature project was to proceed was welcomed. It will create the jobs that the industry so desires. The Finance Minister has indicated that several other projects will commence and that he is determined that none will be held up pending the outcome of legal proceedings.

Other projects would be equally beneficial. In my constituency of East Antrim, a massive project has been planned for a plot of land in Magheramorne, which is about the same size as the Titanic Quarter. It would mean hundreds of jobs and new houses and would have a hugely positive impact — not only on the local area, but on the building and construction sector across the region. I hope that the Executive can make progress on that matter.

I also welcome the fact that the A8 road project in Larne will go ahead: that is overdue. It will significantly improve journey times and safety on that strategically important stretch of road.

Today's announcements are good news for people across the Province, and they will be welcomed by those in the farming industry, the fishing industry, schools and small businesses. This morning, we also heard that energy prices will fall. Many of us would like to see a further reduction, as the price of electricity this Christmas will be significantly higher than it was last Christmas. Nonetheless, it is a welcome development.

3.30 pm

One of the sectors hardest hit by the current global economic downturn is the small-business sector. Banks are not lending in the same manner as before, and small enterprises — which make up the overwhelming number of businesses here — have had to lay people off and close down. Therefore, I welcome the fact that the Finance Minister confirmed today that he will be meeting the four main local banks tomorrow, particularly following their refusal to meet the Finance Committee. That is another positive announcement.

Also welcome was the previous announcement that industrial rates have been frozen at 30% and,

undoubtedly, local businesses will support today's announcement that there will be further changes to the rating system in the weeks ahead. In particular, I welcome the announcement that there will be a small-business rates-relief scheme, similar to that which exists in GB, and that non-domestic rates will be frozen in cash terms for 2009-2010. That will be worth in the region of £8 million to local businesses.

Of course, it is not only local businesses that have been affected by the economic downturn; individuals have also been affected. For that reason, I welcome the £15 million targeted at addressing fuel poverty. We heard earlier that that will provide for a payment of £150 for some 100,000 individuals across Northern Ireland who are in receipt of income support or pension credits, and will be paid on top of the fuel allowances that they already receive. It is also positive that the warm homes scheme, which the DUP pioneered, is also set to continue.

In conclusion, I welcome today's announcements and look forward to seeing these measures make a real impact on people across the country.

**Ms Anderson:** Go raibh maith agat. I support the motion.

Sinn Féin recognises the scale of the challenges facing our economy and the need for decisive action. The economic downturn is an issue that has demanded the attention of all Ministers, and it should not be seen — as some Members seem to think — as an opportunity for selfish and irresponsible party political point-scoring. The people do not want to hear politicians squabbling over who did or did not do what; they want action. I welcome the measures being taken by the Executive to alleviate the burden, such as the £15 million being set aside to tackle fuel poverty. Thankfully, that will now include pensioners on pension credit, something that was not part of the original proposal made by the SDLP Minister for Social Development.

It has been said many times that there is little that the Executive can do in relation to the global economic downturn. However, it is clear that, even within the constraints of a block Budget, there are steps that can and must be taken. We must listen to people such as Eleanor Gill from the Consumer Council, who, only today, said that the system has failed the most vulnerable in our society. The proposals suggested by the deputy First Minister in September represent tangible measures that can and will make a difference to people's lives, but if we are to confront and change the failed system that Eleanor Gill and others have talked about and which we have inherited, we must do more to implement new and innovative measures. Indeed, that is something which we committed ourselves to in the Programme for Government.



Recently, I attended a regeneration seminar in Derry. At that seminar, the point was made that the definition of insanity is to continue doing the same thing while expecting a different outcome. For too long, this system has been doing the same thing. It has spent resources in the same manner, and, predictably, the outcomes have not changed. While part of the North and some of the people have prospered, the rest have been left behind. However, I firmly believe that social requirement in public procurement is one area in which we can make a massive impact, utilising the billions of pounds spent through the investment strategy in the coming years to maximise the economic and social benefits. To that end, I welcome the First Minister's comments today with reference to the social procurement guidelines and the comments made earlier by Minister Dodds.

In practical terms, that means that public-spending projects should include social objectives such as the employment of the long-term unemployed and apprentice training. That is a smart, intelligent governing mechanism that should be used to maximum effect. For example, if one job was created or one apprentice trained for every £500,000 of public money spent — which is by no means an ambitious target — that would equate to 40,000 jobs and training for people who otherwise would have little or no access to those facilities and jobs.

Everything that we do must be underpinned by the needs of the people, particularly those who are in the greatest need — the most vulnerable in our society and what have been referred to as “hard-pressed households”.

Unfortunately, that concept of social justice has still not registered with elements of the system here. That is why it has failed the most vulnerable in our society, and Eleanor Gill and others repeatedly tell us so.

There are still those in the Civil Service and in political parties who pay lip service to that agenda but, behind the scenes, work hard to resist it. They refuse to implement equality impact assessments properly. They block and frustrate innovative measures, because they do not want to countenance change, nor do they want to see resources go to people and areas that really need them. They want to keep doing things in the way in which they have been done in the past. They want to keep things as they are, yet they tell us that they will make a difference, and that there will be different outcomes. That is insanity.

There is still much work to do, and, collectively, we need to break down and dismantle bit by bit the old guard whom we have inherited. It is not just about building buildings but about building a better future. If we are determined to deliver real change — the kind of change that people demand and deserve — we must

change the way in which we do business; otherwise, there will be no change.

This is the final debate of the year, so I will end by saying that Members should stand up for Derry. Go raibh maith agat.

**Mr Neeson:** I welcome today's statement; however, a great deal of that spend was already in the system, so that must be borne in mind. I particularly welcome the Utility Regulator's announcement today about the reduction in electricity and gas charges. I am somewhat disappointed with NIE for stating that its price review will not be done again until autumn 2009. That is an issue that we need to take up with NIE.

Today's announcement from the Utility Regulator shows the importance of devolution to Northern Ireland in many ways. It reflects the work that the Committee for Enterprise, Trade and Investment did, because we took up that issue. I also welcome the tenacity that the Consumer Council showed on the issue, particularly the work of its chief executive, Eleanor Gill. As an MLA and as a member of the ETI Committee, I also welcome the very good working relationship that has been developed with the Utility Regulator. However, the next step is to take on board the recent report from former regulator Douglas McIlldoon. NIE's purchasing policies undoubtedly need to be reformed.

The Scottish Parliament recently agreed a national contract for the supply of electricity to the entire public sector. That will be developed in order to gain significant efficiency savings and economies of scale. From April 2009, the Scottish Executive's Warm Deal and central heating programmes will be replaced by a new energy-assistance package, which will provide a one-stop shop for tackling fuel poverty.

Of course I welcome today's package to tackle fuel poverty in Northern Ireland, but I must say that it has come around three months too late. As someone said earlier, it has already been a very cold winter, and no doubt many people — some very vulnerable people — have suffered because of fuel costs in recent months.

David Ford referred earlier to the extension of the warm homes scheme, and I agree with him entirely. I know that other Members referred to that as well. I have previously welcomed the decision to give the go-ahead for the Titanic signature project. That will undoubtedly give much-needed work to people in the construction industry.

However, there are outstanding decisions to be made about other projects. For example, what is happening with the Maze stadium project? What is happening with the proposal to build a new policing college in Northern Ireland? Decisions need to be made on those projects.



In his pre-Budget speech, the Chancellor, Alistair Darling, awarded an extra £1 billion for social housing. Will Northern Ireland benefit from that under the Barnett formula?

I believe that it is important for the Executive to make growing the economy a priority. However, I must admit that I am still deeply concerned about the changes to the Start a Business programme in Northern Ireland. That issue must be taken on board. Several small businesses have been created already under that programme, and if we want to grow the economy, it is obvious that the small-business sector will have an important part to play.

The people of Northern Ireland want and need certainty. We do not want to repeat the debacle of the Executive not meeting for some considerable time.

**Ms Purvis:** I must give the Executive credit for attempting to be creative in addressing some of the very serious problems that the Province is facing. However, the Executive and the Minister of Finance and Personnel appear to have applied most of that creativity to the accounting that was done to allow for the generous spending claims that were made today.

It is not my job to massage the egos of Ministers; I think that their respective party colleagues have done that very well already. My job is to represent my constituents fairly and consistently, and that is what I intend to do.

Today's announcements seem to have been fattened up significantly through the re-announcement of programmes and spending that are already under way. At least 14 programmes in today's announcements are already under way, and at least four programmes will not apply until next year. Most importantly, the Executive have offered a £70 million promise: they are spending money that they do not have. That type of creativity has serious long-term consequences.

We are told that this is a plan that is focused on aiding social welfare, the well-being of citizens, local businesses and the economy. However, it seems to be a provision for fuel credits, a plan for the construction industry, a meeting with the banks, and a few more talking shops to consider additional steps. I hope that the Ministers have more luck with the banks than did the Committee for Finance and Personnel.

I do not mean to diminish the measures that were introduced to address fuel poverty. It is good news that £15 million of reallocated funds will help to alleviate fuel poverty. Undeniably, that is the first place that any available funds from the Government should go. However, not enough is being done to address seriously that very real problem.

Restricting fuel credits to those who are on income support and pension credit does not go far enough to

meet the need that exists right now in our society. It is a false consolation to include in today's statements the reductions in electricity and gas tariffs when 70% of working households living in fuel poverty rely on oil to heat their homes.

Two weeks ago, a single father raising four children came into my constituency office. He is struggling to pay his bills; he qualifies for incapacity benefit and receives child tax credit, which helps. However, it is not enough to make ends meet, especially when, in common with most households, he is still trying to cope with the recent rise in fuel and food prices.

Families in which there are children and that do not receive income support or pension credit do not qualify for the winter fuel allowance. The definition of a vulnerable household needs to be expanded to include those people with children, even when the children live with them only part time.

We know that Northern Ireland has the highest level of fuel poverty in the UK, meaning that hundreds of thousands of children are affected. We also know that in the long term, improving the home environment saves the Government millions of pounds in health costs.

3.45 pm

It is right, and important, that the Assembly take the initiative in expanding that safety net, particularly for those with children. It has also been suggested that those funds will be administered by OFMDFM, rather than by the Department for Social Development. I do not have clarity on that, because the Minister of Finance and Personnel declined to respond when asked that question directly this morning. Perhaps the deputy First Minister will answer that question.

It would be questionable, particularly on the grounds of cost and efficiency, for OFMDFM to administer those funds. The Department for Social Development manages the warm homes scheme and oversees winter fuel payments, which suggests that it already has the infrastructure and experience required for fuel-poverty programmes. The Executive are surely not so small-minded as to play political games with such an important issue as fuel poverty.

I question the timeliness and the efficacy of the Executive's measures. Much of the spending is focused on the construction industry, which will receive a direct financial response. I guess that the assumption is that, once that industry is booming again, the benefits will filter down into more jobs and employment. The effects of such trickle-down thinking have been seen in the past, and they were not pretty.

Every other sector seems to get little more than a promise of a meeting, consultation, or review. Small businesses suffering from cash-flow and credit crises are being offered debt relief. The 40,000 — and



growing — applicants for social housing are offered nothing new, other than a reminder that their situations will be considered.

Let Members not pretend that today's announcement is more than it is — the most vulnerable remain vulnerable, and businesses that are struggling to stay afloat remain in a difficult position.

**Mr Deputy Speaker:** The Member must bring her remarks to a close.

**Ms Purvis:** It must be ensured that support and relief is offered from the bottom up, and not just the top down.

**Mr Shannon:** There is no doubt that all Members understand the predicaments and problems caused by the economic downturn. However, the Minister of Finance and Personnel's statement at least gives some hope about how to address those Province-wide issues.

The economic downturn is not a meltdown — that distinction must be made. There is light at the end of the tunnel. The Assembly must ensure that people do not get lost in the darkness and that they are helped until the light becomes brighter.

Alan Greenspan said that the credit crunch is a once-in-a-century "credit tsunami" that is devastating for many and life-altering for most. However, the recovery of some countries indicates that the damage can be repaired, that new life emerges, and that progress resumes. The Assembly is working hard in order to ensure that those who suffer most and are hit hardest receive help.

On the issue of fuel poverty, a Northern Ireland house condition survey in 2006 found that 34% of households were in fuel poverty. The Minister's response today is to give an extra £15 million for fuel poverty, and to increase the number of households that will benefit from that money to 100,000. That is an excellent example of doing something now that personally, practically and honestly affects people.

The profit made by oil companies is one of the problems beyond the Assembly's control. In the first three months of this year, Shell posted a profit of £3.9 billion. During the same period, BP's profits rose to £3.31 billion. Therefore, profits that the oil companies made, and the direct impact on everybody of the cost of oil and other fuel cannot be controlled by the Assembly. However, moving forward a few months, on 13 October, the price of oil had dropped to \$77 a barrel. It is now down to \$40 a barrel, and things are starting to turn around.

I welcome the 10% decrease in the price of electricity, but NIE could have done more. A 10.8% drop after a year in which tariffs rose by some 40% scratches the surface, rather than helps. Where are the extra profits going? Are they going to shareholders as

dividends, or to oil fat cats? I am concerned that NIE has not sufficiently cut its prices.

Gas companies have reduced their prices by 20%. That is one way to try to alleviate the problem.

I welcome the Minister of Finance and Personnel's statement in which he mentioned that £700,000 will be provided for the fishing industry. I will be keen to see what affect that money will have, and I hope that it will trickle down to each boat and their crews. At long last, Northern Ireland's fishing industry can look to the Assembly and say that it has provided them with something. For too long, fishermen have been the poor relations in the Department of Agriculture. I also welcome the commitment from the Department of Finance and Personnel to the children's fund, from which the Assembly can take encouragement.

In conclusion, I want to comment on a credit crunch seminar in Ballymena last month to help companies to increase competitiveness and profitability by focusing more on generating efficiencies and introducing better processes. Specialist guidance was given at that seminar, which is a vital survival tool in the current difficult economic climate.

Northern Ireland businesses must place even greater focus on increasing the value added to their products and services. I commend the Minister of Enterprise, Trade and Investment for jobs that have been created. Mrs Foster is doing everything in her power to encourage business investment. Around £16 million of investment by US global medical-device manufacturer, Caridian BCT, has resulted in 235 jobs that will be based in Larne, which is in Mr Ross's constituency. That is good news. I hope that some of that prosperity will come down the length of Strangford. A Member on the opposite Benches mentioned creative industries. My area, Strangford, offers advantages for such industries.

Many good measures have been announced during the debate. Let us welcome the December monitoring round and look forward to a better future for the people of the Province.

**Mr B McCrea:** Obviously, there has been some follow-on from the Minister of Finance and Personnel's statement, as well as that of the First Minister. The motion calls on the House to review the Executive's actions. The most telling thing that I have seen so far has been the public disagreement between one Minister and her colleagues. It appears that there are some difficulties to be overcome. Perhaps, Mr Savage disagrees with me.

**Mr O'Loan:** He is tearing up your speech.

**Mr B McCrea:** He is tearing up my speech: absolutely. Thanks, George.



The real issue is that Northern Ireland needs a Government of national unity, in which all political parties are represented around the table. All leaders of major parties should be involved in order to reach collective decisions. One might think that, surely, such a Government already exist. However, that is not the case.

Ms Anderson said that people are fed up with squabbling. That seems rather strange when, for 152 days, all that we saw was squabbling. The nub of that dispute, if I understand it correctly, came down to respect for the mandates of all people — not just those of the two big parties, but those of the other parties as well. If it gets to the stage where there is no respect, the Assembly must examine other forms of Government because it would be apparent that a four-party mandatory coalition does not work. We will have to see whether a two-party voluntary coalition would work any better.

Of course, there has been discussion about why it is important to get together and deal with problems. People chide and chastise the banks. I can tell you that while banks are many things, they are not stupid. If they are not coming forward to do what people want them to do — to throw money into loans, for example — there must be some reason for that. The reason is probably worse than the problems that people currently face. I am extremely worried that during the next 12 months, people will be hit by further massive liabilities that have not yet been reported. I wonder whether Northern Ireland has the financial strength to tackle those issues.

As regards to why those issues must be tackled, Mr Buchanan mentioned the health budget. I look at the education budget and I see a bid for inescapable pressures of £33 million. A paper that the Education Committee received on the December monitoring round notes:

“even if funding is not secured for these purposes the costs will be incurred and will have to be met from within existing resources”.

Those pressures include funding for part-time youth workers; the increased cost of cleaners; increased energy bills; job evaluation for educational welfare officers; job evaluation for classroom assistants; and teacher redundancy costs. We did get some money for maintenance, but we did not get the money that is needed to deal with those issues. The paper that the Department of Education’s finance director sent to the Committee states that without the capital funding, the Department will:

“slow down or temporarily halt work on some projects at a time when there is already a significant pressure on the budget.”

Some expenditure on projects that have already started is going to stop.

**Mrs D Kelly:** I thank the Member for giving way, and I note his concerns about spend on education and

capital projects. Does the Member agree that there have already been considerable stoppages? Work at three colleges in my constituency faces a further delay — of a minimum of six months — on work should have been dealt with in the current financial year. What has happened to the money?

**Mr B McCrea:** I assume that I will be given an extra minute in which to speak.

I am grateful to the Member, because I was about to come to the issue that she raised. The issue is not about money; it is about the releasing of money. Decisions must be made to ensure that money is made available. In order to do something different to provide advice or support and to be a part of this inclusive Government, we must make a radical attack on red tape. We need to ensure that people make decisions quickly, and certain decision-makers in the Civil Service must be taken to task.

We must concentrate on education, training and planning. The planning system was discussed earlier today. The simple fact is that economic factors are not brought into planning decisions. The potential creation of 1,000 jobs or other potential benefits is not factored into those decisions. Decisions must be made by people on the fringes of policy. Money that is currently earmarked for major projects — such as the John Lewis project — will not be made available if we do not make decisions. Jobs will be lost across the Province at a time when we can ill afford for that to happen.

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

**Mr B McCrea:** I am sorry, but I do not have time.

China and India are worried that their growth rates will fall below 8% and that they will face civil insurrection. No one here mentions that peace and reconciliation seems to have been forgotten. Who is going to build the future of our country? We need a Government of national unity.

**Mrs McGill:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the statements that have been made in the House today. I particularly welcome the unanimous agreement about the statement on the December monitoring round and Executive business. The theme of all politics is local, and I will continue with that theme.

I welcome the announcement of the £15 million fuel-credit package and the measures that are aimed at helping the construction industry. However, I understand that the agricultural flooding hardship scheme will not provide relief for people who have lost animals. I must register my disappointment if that is, indeed, the case. People in my constituency have lost sheep, and it is a major issue for them.

A LeasCheann Comhairle a Member mentioned an anti-poverty strategy earlier. We must be made aware of whether such a strategy will be introduced. Earlier



in the year, I attended a seminar that was held by the Northern Ireland Anti-Poverty Network. Other Members were there too, including Fred Cobain and Anna Lo, with whom I had a long conversation after the seminar. At that time, I gave a commitment that I would raise the issue of tackling poverty with the First Minister and the deputy First Minister.

At that time, there were several negative comments.

**Mr A Maginness:** I thank the Member for giving way. The Member mentioned the anti-poverty strategy. However, the problem is that there is no such strategy. All Members would be delighted if the Executive and the First Minister and deputy First Minister produced that strategy.

**Mr Deputy Speaker:** The Member is allowed an extra minute for taking an intervention.

4.00 pm

**Mrs McGill:** Thank you, a LeasCheann Comhairle. I thank the Member for his intervention, and I hope that an anti-poverty strategy will be introduced.

The indices show that my own area of West Tyrone suffers from multiple deprivation. I hope that that is recognised during discussions. The Executive's summary paper states:

"We have enhanced the Employment Service with 130 new staff recruited to deal with rising unemployment and the search for new work."

That matter requires clarification. The jobs and benefits office in Strabane will lose approximately 30 jobs. I know that Minister Ritchie has a listening ear, and I am keen to discuss that issue with her in the future. All politics is local, and job losses in Strabane — to either Foyle or Omagh — should be addressed.

The Executive's summary paper shows that £83 million of public-sector construction schemes are under way at eight further education colleges. The Office of the First Minister and deputy First Minister and the Executive must consider that Strabane requires a newbuild further education college. Some money has recently been allocated to that project, and I welcome that development on behalf of the director of the North West Regional College.

I note that, as part of the Department for Employment and Learning (DEL) movement and capital grant, approximately £3 million of funding from the North West Regional College will be allocated to Stranmillis and the higher education sector. That £3 million will, apparently, transfer to the higher education sector this year. Go raibh maith agat.

**The Chairperson of the Committee for Enterprise, Trade and Investment (Mr Durkan):** I welcome the debate and support the take-note motion. As Chairperson of the Committee for Enterprise, Trade and Investment,

I recognise that not all the proposals included in the statement are new. As Dawn Purvis said, not all of the measures are being implemented right away; some will be introduced in the future. However, we recognise that that is the nature of such measures.

Some of the provisions outlined in the announcement of the Executive's position relate to the Department of Enterprise, Trade and Investment. The Committee welcomes the Executive's continued commitment to help people who are in debt and their commitment to increase funding to citizens advice bureaux. I note the emphasis on action against loan sharks that is planned for early 2009. It seems that part of that action will focus on enforcement of the Consumer Credit Act 2006, which is, in essence, a devolved matter. We must remember that fact if we intend to increase confidence that the Assembly is maximising the leverage afforded by devolution.

However, the Department's policy so far has been simply to do things exactly on a par with GB and not to use our devolved power. In the current circumstances, if we are serious about action — not just against loan sharks but also against many high-street names that charge inordinate and exorbitant rates of interest — we must consider whether we are using all the tools that devolution has made available.

In another place I am co-sponsoring a Private Members' Bill that would place a legal cap on the amount of interest that anyone can charge. When one sees the rates of interest that some people are being charged, particularly in the present situation, one's response is that there ought to be a law against it. Between the powers available here and those elsewhere, we should ensure that there are such laws.

I welcome the indications from the Minister of Finance and Personnel and from the First Minister and the deputy First Minister about their efforts to meet the banks. I hope that they do so not just on their own behalf or on that of the Executive but on behalf of the entire Assembly. We all recognise the need for the banks to achieve stability and liquidity, but that is so that the banks can in turn share those with the rest of the economy, particularly with hard-pressed businesses. However, that is not happening.

Members of the Committee for Enterprise, Trade and Investment and I heard directly from people in business who were at a loss to understand why their borrowing rates are being increased when the headlines are about the decreasing base rate. Of course, the banks say that they are no longer on the base rate but are on the London interbank offered rate (LIBOR), plus, plus, plus. I hope that the First Minister and the deputy First Minister make clear to the banks what people are saying about them. Banks in Northern Ireland — which are wholly owned subsidiaries of



banks in Britain — are not doing what their parent banks are doing, but are going in the opposite direction. The main banks in Northern Ireland are doing the same thing and telling customers that if they do not like it they should go elsewhere — a “let them eat cake” attitude — and that is leading many people to talk increasingly about a cartel. That needs to be brought home to the banks. They may be able to avoid Committees of the Assembly, but they cannot avoid the impression that is growing about how they are conducting themselves.

I welcome support for moves to ensure that credit unions will be in a stronger position to provide a wider range of services. The Committee for Enterprise, Trade and Investment is working on that report — we will meet tomorrow to finalise our recommendations — and hopes that Ministers will be able to take that forward, here and with the Treasury.

We also heard about the Economic Development Forum subgroup, which can make recommendations in the present economic crisis — that is a good thing. I also welcome indications that there is a cross-sectoral forum, as the First Minister highlighted in his speech. It is important to ensure that Government here has a direct feel for what is happening in the economy. The accelerated support scheme amounting to £5 million, which the Minister of Enterprise, Trade and Investment announced, focuses on Invest NI clients; however the Committee for Enterprise, Trade and Investment wants that to be made available to other clients. Invest NI clients represent only a small fraction of the business interests in this community, so that needs to be extended. I welcome indications from the Minister that she wants to consider that.

We need to ensure that everyone who can help and support business is enabled to do so, and that means that there must be real support for Enterprise Northern Ireland, not just using the means and channels of Invest NI. I endorse what Sean Neeson said about the start-a-business programme. Earlier this year, the grant for that programme was removed, as Invest NI and the Department claimed that it was not needed. However, reports are coming from local economic agencies that that loss of grant has made a real difference. We are not helping with economic development if we are not helping people who are starting businesses and who are supporting those who are doing so. That needs to be remedied.

I also hope that the Executive think about remedying the removal of the integrated development fund. That decision was taken in the context of the Budget and the Programme for Government. However, in the present circumstances — in which people in different areas are trying to respond on a cross-sectoral basis and trying to get Departments and local government to create a response to the economic challenges that they face —

now is the time when we need an integrated development fund to help people. I hope that the Executive will look again at those issues.

Speaking personally, I note the indications that were given about the small-business rate-relief scheme. On top of the measures that are already in place, what will result from those indications will be welcome. I again ask the Executive to consider the whole issue of rates on vacant property. I know that there is relief for vacant manufacturing properties, but other businesses have found themselves stuck with vacant property that they cannot let due to market conditions. They are being crippled with rate demands at levels that they never experienced previously. That also needs to be addressed.

Announcements were made today about reductions in energy prices. The Committee will be tracking those further with the regulator and others. As other Members said, we want to implement the recommendations that were made in Douglas McIlDoon’s recent report about unlocking some of the costs that are built in to our energy system.

At a wider level, on top of the good-news announcements that the Executive emphasised today, we must recognise that budget squeezes are biting in Department after Department and at lower levels. For example, health trusts are considering reducing numbers of nurses and maternity beds and shutting children’s and old people’s homes. We need to remember the wider context in which all of that is taking place.

**Mr Deputy Speaker:** The Member should draw his remarks to a close.

**The Chairperson of the Committee for Enterprise, Trade and Investment:** We should take account of the totality of the Executive’s decisions when we measure who is helping in the downturn and who is not.

**Mr Newton:** I preface my remarks by referring to Mr Basil McCrea’s appeal for a “Government of national unity” — whatever that is. I do not know why he feels that we do not have unity, because the Executive are united in their approach to this issue. Many of us remain unconvinced of his attitude to and skills in decision-making and managing budgets.

Today is a good day for devolution in Northern Ireland. The Executive have been responsive to needs right across the community and have been in line with today’s statements from the energy companies about the reduction of energy costs and fuel-poverty issues that the Assembly has addressed. It is certain that those matters would not even have been on the radar of direct rule Ministers.

In setting the Programme for Government, the Assembly agreed the need to build for our future economic prosperity. The foundations were laid upon



the encouragement and development of our current business base. We are a small-business economy — we do not have enough of the large multinational, branded companies. An average business here pays only around £1,200 in rates each year. The small-business rate relief to be introduced in 2010 and the freeze on the business rate will offer those businesses the opportunity to compete on a level playing field with their competitors in England and Scotland.

Mr Deputy Speaker, I am grateful that you have allowed me to speak at this stage in the debate, knowing that I was not here earlier. I conclude by saying that the Assembly will never be satisfied — nor should it ever be satisfied — by helping those who face hardship.

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

**Mr Newton:** No; I will not give way. The Executive, acting in concert, have addressed outstanding issues. We are in a better place today than we were at the end of last week.

**The Deputy Chairperson of the Committee for the Environment (Mr Boylan):** Go raibh maith agat, a LeasCheann Comhairle. The Committee considered recently the Department of the Environment's submission for the December monitoring round. Members are concerned that the Department of the Environment has submitted easements of nearly £500,000 due to delays in recruitment. Given the current circumstances of our economic climate, the Committee believes that that should not be allowed to happen.

It is unacceptable on two counts. First, everyone is acutely aware that hundreds of people are being made redundant and that many more are worried about the security of their jobs in the longer term. Secondly, the two areas in which the Department of the Environment (DOE) has failed to appoint staff are in traffic enforcement and in fighting illegal waste-management activities. The Environment Committee identified both those matters as being hugely important priorities for the Department.

The Committee has just spent weeks scrutinising the Goods Vehicles (Licensing of Operators) Bill, and many members raised concerns about the ability of the Department to enforce the new regulations that will emanate from that Bill. In fact, several witnesses indicated that there is not so much a need for new legislation as better enforcement of existing legislation.

Nevertheless, the Department has been unable to recruit adequately to meet current needs, not to mention being unable to bring on board the additional staff required to enforce any new laws.

4.15 pm

Similarly, the Committee heard much about the constraints in which the Department has found itself

when attempting to tackle illegal waste activities, and about how more resources are needed. However, the Department has been unable to spend the money that it asked for to put such measures in place. Therefore, the Committee has called on the Department to address those concerns, particularly taking note of its sensitivity about underspend as a result of its failure to recruit during the present economic downturn.

Nonetheless, some of those recruitment difficulties appear to be due to procedural problems that lie outside of the Department's control, so the Committee for the Environment urges the Department of Finance and Personnel to urgently address those impediments so that, at least, Government recruitment can be maximised quickly and efficiently, and so that all Departments are able to achieve their recruitment needs and expectations within the given timeframe.

In addition, the Committee notes that a reduction in anticipated planning applications has led to a departmental shortfall, in respect of which it is bidding for more funding. The Committee acknowledges that that is due, in part, to the economic downturn. However, given that the planning guidance on development in the countryside should allow some movement in that area, the Committee has asked the Department to confirm whether the shortfall will be eased. Consequently, I welcome the Minister's confirmation.

Moving on from Budget matters, over the past several weeks, the Committee has been made aware of other environmental opportunities that could, and should, be considered during this time of economic pressure. For example, members recently heard evidence from an organisation that manufacturers sustainable, urban-drainage systems, and it was informed that using semi-permeable paving and bricks in place of conventional products would reduce the impact of flooding and protect water quality, without adding significantly to costs. The Committee has sought more information about that, and it has asked other Committees to investigate the extent to which their Departments are considering that enterprising approach.

During a recent presentation from the Carbon Trust, the Committee was advised that reducing carbon emissions should not be automatically considered a cost burden. The Carbon Trust has demonstrated to many companies that there are economic advantages to reducing carbon footprints, with large economic returns possible from small initial investments. In addition, the trust advised the Committee that it has carried out research that demonstrates that between 8,000 and 30,000 jobs could be created by adopting a low-carbon economy. The Committee awaits further information on that report; however, in the present economic downturn, the ability to maximise companies' efficiencies and increase employment



opportunities, while reducing carbon footprints, must be welcomed.

The Committee concludes that reallocating DOE underspends would have been unnecessary if the budget allocation for the recruitment process had been better used. Go raibh maith agat.

**The deputy First Minister:** I welcome the debate, and I have listened intently to Members' contributions. I have no doubt that all Members wish to act on behalf of those in our communities who are most in need, and in the interests of businesses, including the construction industry. Moreover, we all acknowledge the uncharted waters of the present global economic situation.

The debate has been wide ranging, as have the measures taken by the Executive, which are designed to strengthen the local economy and support the most vulnerable people in society, particularly pensioners and households living in poverty. On several occasions, the Assembly has said that present economic crisis is a real challenge to it, to communities and to businesses — it is not amenable to a single, quick fix, and we should clear from our heads any notion that it might be.

In order to meet those challenges and to deliver for the community, the Executive must act quickly, collectively and effectively. We have sought to act in a way that will expedite money to those most in need. We have attempted to build the maximum consensus on this matter, and we have acted within limited means to alleviate hardship and bolster businesses, particularly in the construction industry.

We have set aside funds of £44.5 million to provide, among other things: £15 million fuel credit for families and pensioners who are at most risk from fuel poverty; £20 million for farm nutrient management; £4 million for schools' maintenance; £2.5 million for roads' structural maintenance; £1.8 million for public transport capital works; £0.5 million for agriculture flooding hardship; and £0.7 million assistance to the fishing industry. That investment in schools, roads and farms will have an immediate impact on the local construction industry.

Another £1.2 billion worth of public-sector construction schemes are currently on site. They provide much-needed employment and include: £440 million of Department for Regional Development projects; £200 million in the schools estate; £83 million at eight further education colleges; and £265 million in health estate construction.

We have supported the local construction industry, and we must ensure that we achieve the maximum benefit for local firms and local communities. That is why the implementation of social procurement guidelines is essential; we need to circulate every pound of spend through our communities.

We have acted within the limits of our existing powers to redress the impact of rising costs and the downturn in the global economy. We have sought strategic interventions that will sustain us into the future. However, we must recognise that the future is uncertain. We have faced an unexpected series of incidences throughout the past year — many of which could have had disastrous consequences — including flooding, bluetongue and the recent events in pork production.

As I said, we are in uncharted waters with regard to the global economic climate. That is why we must be prepared; we must be able to react, in a timely and effective way, to any crisis that might develop. That is why we seek to accelerate legislation through the Assembly in January to develop a rapid-response capacity to the current issue and others if and when they arise. I hope that all Members will support that work.

As Members will have heard, the Executive have not been sitting on their hands on the issue. We have acted, and we intend to do more. "Action" is the key word. We are aware of the need to deliver on the measures that have been highlighted today in order to address the credit crunch and the economic downturn, and we are well aware of the difficulties that households and businesses face.

I very much welcome the comments that Danny Kennedy made, as Chairperson of the Committee for the Office of the First Minister and deputy First Minister. He indicated that his Committee is happy to work with us in introducing urgently the legislation to provide a rapid-response capacity for dealing with emergency and urgent situations as they arise. In order to build the resilience that we need to effectively withstand unexpected crises that lie ahead, we must have flexible and effective enabling legislation as well as financial capacity.

Mitchel McLaughlin, as Chairperson of the Committee for Finance and Personnel, said that we were required to improve our financial-management systems and processes. He talked about the almost habitual scenario in which Departments end the financial year with significant public-expenditure underspend. It is my strong view that any Department that ends this year with material underspend will have many questions to answer and explanations to provide. Mitchel was not the only Member who raised that issue; quite a few Members mentioned it.

Edwin Poots mentioned that NIE must review its prices early next year. The managing director of NIE recently said:

"if, as we hope, lower fuel costs are realised, NIE Energy will pass on the benefit to customers as soon as we can."

We can all endorse that view.



Fred Cobain said that support for debt advice, to which the First Minister referred, was not enough. I am advised that from 1 April 2009, Department of Enterprise, Trade and Investment funding for face-to-face debt advice will double to £800,000 for the next two years. In addition, a further £200,000 will be provided to introduce a new telephone debt-advice service. That will bring annual spending on debt advice to £1 million. That is a significant increase in funding in response to the increase in demand for the service.

Barry McElduff mentioned the availability of broadband, particularly in rural areas. I am advised that broadband services delivered by a number of different technologies are available to anyone who chooses to purchase the service.

Barry McElduff, Alastair Ross and a number of other Members mentioned the need for banks and lending institutions to adopt a constructive attitude to dealing with debt — whether personal or business loans. I endorse that view, and it will be a central point in our discussions with the banks.

Barry McElduff talked also about creative industries. I am sure that I speak on behalf of all Members when I congratulate Eoghan Quigg on his magnificent performance in coming third on ‘The X Factor’ on Saturday night. He is 16 years old and is a shining example of a young person who has put his best foot forward and has done so in a positive manner that has shown the young people of the North and this island in a good light.

Sean Neeson welcomed the announcement on the Titanic signature project and asked what had become of the Maze/Long Kesh projects. It takes time to make decisions on such major projects, because it is important to ensure that we achieve the best outcome for all. Members should note that we have approved a £3.5 million second-stage remediation programme, which is essential to prepare the site for future use.

This afternoon, departmental underspends were talked about inside and outside the Chamber. Every quarter, Departments that have underspent will submit money for reallocation to other projects. In the current monitoring round, the Department for Social Development surrendered £39 million. That, together with moneys from other Departments, was reallocated to redress hardship and aid the construction industry. That reallocation was agreed, without dissent, at this morning’s Executive meeting.

Basil McCrea read out the list of expenditure bids that were not met. However, we all recognise that decisions relating to public spending — particularly given a limited budget — are always difficult. Many pressures emerge, and most of them relate to issues of great merit. However, our role is to set priorities and

manage our Budget. The Education Minister is sitting beside me, and I am sure that she experiences as much pain and difficulty with budgetary issues as any other Minister does, but I do not hear her squealing and roaring about it. She comes to the Executive meetings, fights her corner, recognises that there is a limited Budget and — along with everyone else — plays as a team member.

There will be more financial pressures in the years ahead, and that is why we want to ensure that we reinforce the resilience and flexibility of our financial systems and our legislative powers to respond to new crises.

Claire McGill talked about the Social Security Agency. The agency is consulting on a strategic business review, which proposes that front-office services will remain in Strabane, but back-office services may be relocated across the western district.

A number of other issues were raised by Members, and I have referred already to Danny Kennedy’s contribution. The debate had a positive and constructive tone and mood, and it is obvious that Members realise that today’s announcement is important and is one that will have a positive effect.

However, it is unfortunate that at a time such as this, some Members will take the opportunity to snipe. Dolores Kelly talked about water charges and about what the DUP and Sinn Féin had said about them. I was a member of the Executive at the beginning of the decade — at the beginning of the century. The first time that I heard about water charges was when David Trimble, Séamus Mallon and Mark Durkan brought them to the Executive. *[Interruption.]*

I am not saying that to score political points. They brought those issues to the Executive against a background in which, they said, the Treasury was waving a big stick at them and was telling them that it would come down on their Executive like a ton of bricks if they did not deal with the issues at hand.

**Mr A Maginness:** Are you going to introduce them?

**The deputy First Minister:** The point that I am making is that the first time that I heard mention of water charges was during my time as Minister of Education: when Mark Durkan, Séamus Mallon and David Trimble brought the matter to the Executive.

4.30 pm

**Mr Deputy Speaker:** Will all Members please make their remarks through the Chair?

**The deputy First Minister:** Dolores Kelly’s comment about Sinn Féin and the DUP misses the point completely. Recently, those two parties have done something that the SDLP said that they would never do. After we began working together, the SDLP



kept telling people that it would never last and that it would fall apart. The past five months have been difficult, but there is no prospect of the Executive falling apart. The job and responsibility of every Member of the Executive, even those who are the sole representatives of their party, is to play a team role. If we play together as a team, we will be much more effective. All Members should recognise that we face huge challenges as we move forward.

My friend and former First Minister Ian Paisley Snr made a positive and constructive speech on the need to govern ourselves in a way that delivers for the people whom we represent. When I worked with him in the Office of the First Minister and deputy First Minister, he showed himself to be wise about how to proceed in the future, regardless of the past — and the Assembly will, of course, talk ad infinitum about the past. He is well on in years, but he is focused not on the past, but on how to move forward into the future, and he made a positive contribution today.

The debate was exceptionally wide-ranging, and many of Members' comments will be helpful as we progress. The current economic downturn will not last for ever; it will pass. The Assembly must emerge from it with a stronger economy and a more prosperous community. To accomplish that, however, we must not focus only on the credit crunch. To underpin the economic prospects, the Assembly must look beyond the next six to 12 months and concentrate on delivering the Budget, the Programme for Government and the investment strategy. Those are intrinsically linked, and, together, they represent the Executive's strategic plan. The Executive's priorities focus on: growing a dynamic, innovative economy; promoting tolerance, inclusion, health and well-being; protecting and enhancing the environment and natural resources; investing to build the infrastructure, and delivering modern high-quality and efficient public services.

It is also important to meet the Taoiseach, Brian Cowen, at the earliest opportunity to discuss the economic downturn across the island and explore how the two Governments can co-operate, on the basis of mutual benefit, to generate economic activity and alleviate hardship.

A LeasCheann Comhairle, the measures that have been outlined today are the correct ones to address the economic downturn, and they represent all that the Executive can do to support the economy during this difficult time. Aimed at addressing the immediate impacts of the downturn in the short term, the measures are consistent with the Programme for Government and its longer-term aims.

In uncertain times, the Executive do not know what next year will bring. However, we know that we will require flexibility to act, and the Executive and

Assembly must act collectively for all of the people. We must effectively redress hardship and build the economy. With our collective will and ability, we can meet any challenge that is thrown at us and deliver a community in which wealth is created and shared. Go raibh míle maith agat

*Question put and agreed to.*

*Resolved:*

That this Assembly takes note of the measures taken by the Executive to strengthen the local economy and support those most vulnerable in society against the impact of the global economic downturn.

**Mr Deputy Speaker:** I wish everyone a very happy Christmas.

*Adjourned at 4.34 pm.*



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# NORTHERN IRELAND ASSEMBLY

Monday 12 January 2009

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

*Members observed two minutes' silence.*

## ASSEMBLY BUSINESS

**Mr Adams:** On a point of order, Mr Speaker. I wish you and other Members here a happy new year.

A Cheann Comhairle, is cosúil nach féidir pointe ordaithe a thógáil maidir le cúrsaí idirnáisiúnta.

It appears that under Standing Order 24 — “Matters of the Day” — Members are not allowed to raise international issues. Given many Members’ deep interest in events in Gaza, and given the desire to have a focus and a discussion on the matter, will the Cheann Comhairle investigate a means by which procedures could be changed to allow such issues to be discussed in the Chamber? Go raibh maith agat, a Cheann Comhairle.

**Mr Speaker:** I understand what the Member is saying. I am happy to refer the issue to the Committee on Procedures.

**Ms Anderson:** Further to that point of order, a Cheann Comhairle, when you are considering that issue, it should also be noted that plants in the North are engaged in making the guided-missile systems that are being used in Gaza.

**Mr Speaker:** That is not an appropriate point of order. When the Committee on Procedures was deliberating on what would constitute matters of the day, it felt strongly about the need for Members to be able to raise issues in the House that they could not raise elsewhere. Therefore, I am happy for the Committee on Procedures to reconsider the matter.

**Mr Paisley Jnr:** Further to that point of order, Mr Speaker, is not the most appropriate way in which to deal with the matter for Members to table a motion, thus enabling the Assembly to have a full debate on the subject? The situation in Gaza provokes interest across the Chamber.

**Mr Speaker:** I understand that notice has been received of a motion on the subject, and a debate could be heard fairly soon in the House. I ask the party concerned to raise the matter at Tuesday’s Business Committee meeting.

## MINISTERIAL STATEMENT

### Outcome of the December Fisheries Council Meeting

**Mr Speaker:** I have received notice from the Minister of Agriculture and Rural Development that she wishes to make a statement regarding the outcome of the December Fisheries Council meeting.

**The Minister of Agriculture and Rural Development (Ms Gildernew):** Go raibh maith agat, a Cheann Comhairle. I join my party leader in offering my best wishes to the Chamber for 2009, and I also acknowledge the suffering that is occurring in Gaza.

With your permission, Mr Speaker, I will make a statement on the outcome of the Fisheries Council meeting in Brussels on 18 and 19 December to determine our fishing opportunities for 2009.

Fishing opportunities involve a combination of two elements: the amount of fish that the fleet can catch, or “total allowable catch” (TAC), and the amount of time that the fleet can spend fishing, which is referred to as “fishing effort”.

Members will be aware that our fishing industry experienced significant difficulties in 2008 because of the high cost of fuel. I was able to commit to providing some financial assistance for costs incurred by the industry in relation to the satellite vessel monitoring system, and that was worth some £100,000 over two years. Further assistance was not possible at that time because of other funding pressures. I am, therefore, pleased that the Executive were recently able to agree to my proposal for a £700,000 hardship package for the industry, involving relief from light dues and harbour dues. My Department is working on the arrangements for making payments to fishing businesses; these payments will be treated as de minimis under state aid rules.

I want to stress that the approach to the Council is a team effort with other Administrations. There has been regular contact throughout the year between Ministers and departmental officials, and there have been several meetings with Commissioner Borg and his team in the European Commission. During the Council meeting, I had meetings with my Southern counterparts, which ensured that we took a strong, consistent approach in the negotiations with the Commission about Irish Sea issues.

I take this opportunity to thank my colleague Conor Murphy for taking up the reins in October and November when I was on maternity leave. Conor met fisheries Ministers on two occasions, attended the Agriculture and Fisheries Council in November and



had a meeting with Commissioner Borg to press home my priorities in the negotiations.

As always, our negotiating priorities were discussed and agreed with the local industry. For key stocks, those priorities were to get a rollover in the nephrops quota; to secure an increase of 15% for haddock; and to resist the cuts proposed by the Commission on Irish Sea herring, cod and plaice.

The other element of fishing opportunities concerns the number of days that fishermen get to fish those stocks. At the Fisheries Council on 19 November, Ministers agreed a revised cod recovery plan. For the Irish Sea, that plan aims to restore the cod spawning stock biomass to at least a precautionary level of 10,000 tons. The stock is considered to be in a critical state if it is below 6,000 tons. The current estimate is that the cod spawning stock biomass in the Irish Sea is below 2,000 tons, which is well below the critical level. The plan states that where the spawning biomass is below the critical level, the fishing mortality rate — the amount of fish killed by fishing — should be reduced by 25% and the TAC should be set to help to achieve that. With Irish Sea cod in such a poor state, that implies further reductions in the cod TAC of 25% per year in the short to medium term.

Under the revised cod recovery plan, each member state is allocated an amount of effort for various groups of vessels using a certain type of fishing gear in a particular sea area; for example, our vessels using nephrops gear in the Irish Sea are one such group. Fishing effort is measured as the vessel's engine power in kilowatts times the number of days that it fishes, or kilowatt days. At the November Council meeting, we negotiated successfully for effort to be calculated on the basis of the annual average kilowatt days used by the fleet in the period 2004-06. We did that because our analysis showed that that period would give us the largest amount of effort to begin with.

That overall effort figure will be adjusted annually, depending on the state of the cod stock, and it has been decided that where the cod stock is below the critical level, the reduction in effort will be 25%. Under that new system, a member state can decide how it allocates fishing effort to its vessels in particular groups. I believe that there is significant scope to exempt a large proportion of our nephrops fleet from the new effort regime, if it can be demonstrated that the cod by-catch of those vessels is less than 1.5% of their total catch.

To do that, we need new and better information about the nephrops fishery. In particular, we will need a robust and random discard-sampling programme to satisfy the Commission about the accuracy of overall catch figures.

This is an important point — we can exempt a sizeable proportion of our fleet from restrictions on their fishing time if we can prove, to the satisfaction of the Commission, that they are making little impact on cod mortality. However, that will require the full co-operation of the industry to assist the Department and its scientists in their gathering of the information that they require to prove their case. Fishermen who are not exempt from effort controls can still receive extra effort if they agree to adopt measures that significantly reduce cod mortality, such as more selective fishing gears

I assure Members that my explanation of the arrangements is a lot less complex than the detail in the regulation. My officials are participating in a series of meetings with their counterparts in England, Scotland and Wales to agree the principles that will apply to the allocation of effort to vessels, and they will consult the local industry on the available options. Our aim will be to ensure that we take the steps necessary to reduce cod mortality and to rebuild stocks, but also to ensure that there is sufficient fishing effort available to enable the fleet to fish their quotas. That is urgent work that must be completed before the introduction of the new regime on 1 February 2009.

In the run up to, and during, the December Council meeting, we worked closely with stakeholders, and I am grateful for the support that they gave me and my officials. Members know that nephrops — prawns — are by far the most important species for our local fleet, which operates out of Ardglass, Kilkeel and Portavogie. Over 90% of the fleet fish for nephrops, and many jobs in the catching and processing sectors depend on that species.

The situation looked very gloomy in June 2008 when the International Council for the Exploration of the Sea (ICES) published advice, which suggested that there could be cuts of up to 30% in the nephrops quota for two reasons. First, there was uncertainty about the methodology used to estimate the nephrops population, which involves towing TV cameras over the seabed and counting the number of burrows made by nephrops. ICES scientists disagree on how that information is extrapolated to estimate the total population of prawns in the area being surveyed. Basically, there is disagreement over the figure that is used for the occupancy of burrows, and some ICES scientists think that the approach taken in recent years overestimates the nephrops population. That is an issue that affects the calculation of biomass for all nephrops fisheries in the North Sea, the west of Scotland and the Irish Sea. There are plans for a benchmarking exercise this year and to provide further advice on the matter.

The second reason stems from the way that the TAC is calculated for area 7, which is a huge sea area that encompasses the Irish Sea, the Celtic Sea and the



Atlantic waters along the west coast of Ireland. That sea area is subdivided into functional units for stock assessment. Not all of those functional units are surveyed as thoroughly as those in the Irish Sea, and other approaches are used to estimate nephrops stock. There has been concern that fishing effort on nephrops has increased in some areas, in particular on the Porcupine Bank to the west of Ireland. Despite that increase in effort, the nephrops landings from some areas have decreased, which may indicate that stocks may be depleted.

The combination of those two issues led ICES to recommend a precautionary approach, in which the TAC is based on average landings for area 7 in the period 2006-07. We argued that that approach was unjustified, because the quota was considerably underfished in some parts of area 7. Any approach that bases the overall TAC on average landings would unfairly penalise our fleet, which fishes almost exclusively in the Irish Sea, where landings have been at a consistent level for at least 10 years. Furthermore, our scientists told us that, based on a range of stock indicators, Irish Sea nephrops stock was being fished sustainably. My officials and I pressed those points with the Commission in the run-up to, and during, the Council meeting to support our case for a rollover in the TAC pending the outcome of a benchmarking exercise on the stock assessment approach.

The Commission published its initial proposals on 10 November 2008 and recommended a 15% cut in nephrops fishing in all sea areas, which was in keeping with its policy on TAC movements. Nephrops is one of the negotiating priorities that I agreed with our fishing industry and, as I said, over 90% of our fleet fishes them.

I am very conscious that job losses in other sectors as a result of the recent economic downturn have hit fishing communities hard, making them even more dependent on income from fishing. The strength of our opposition to the Commission's line was made abundantly clear, and its second compromise proposed an 8% cut across all sea areas. All fisheries Ministers agreed that that was still not acceptable, and we sought a further meeting with the Commission and its presidency in the late stages of Council.

*12.15 pm*

At that meeting, the Commission offered a 5% cut across all sea areas, but I continued to push for a smaller decrease for the Irish Sea given the dependence of our industry on nephrops. The final outcome of the negotiations resulted in a 2% cut for the Irish Sea, which was a fall of 165 tons. The Irish Sea is the only area that has had a 2% cut, whereas the west of Scotland and North Sea stocks were each cut by 5%. The Commission has acknowledged the

difference between the Irish Sea and other areas, and we will continue to expand on that in future councils.

That experience confirms the importance of having devolved Ministers at Council in order to articulate the needs of their respective fishing industries.

With regard to other stocks, the position on Irish Sea cod stocks is critical, and a 25% cut was made in the TAC in line with the recently adopted cod recovery plan. The Commission was pressed to agree a lower cut, but it made it clear that there was no flexibility to do so. That represents an 86-ton drop in our TAC. Discussions are ongoing with authorities in the South to swap in Irish Sea cod to increase fishing opportunities for our fleet.

With regard to haddock, at Council in 2007, we persuaded the Commission to bring forward proposals for a separate TAC for the Irish Sea for 2009. The Commission did so and established a TAC of 1,424 tons, of which our fishermen's share is 681 tons. That represents an increase of 15%, or 89 tons, that our fishermen can take in the Irish Sea. In addition, the Commission agreed to a rollover in the TAC for the rest of area 7. That provides a lifeline to our small, hard-pressed white-fish sector, which has seen its fishing opportunities dwindle year on year.

With regard to other white-fish stocks, the Commission stood fast on its proposal to reduce the Irish Sea plaice TAC by 23% in order to move towards long-term management arrangements for the stock. There were cuts of 25% in Irish Sea whiting and sole. Those cuts are unlikely to have much impact, because the available quotas are significantly underfished. The Commission was persuaded to abandon its proposal for an 8% cut in the herring TAC and agreed to a rollover. That, together with a rollover in the Clyde herring fishery, means that our small pelagic industry will maintain its present fishing opportunities in those areas.

The negotiations are over for this year and the fishing opportunities have been set, but there is still considerable work to be done to establish and bed in arrangements that will flow from the cod recovery plan. For the foreseeable future, our fleet will remain dependent on nephrops stocks. Although action is needed to rebuild cod stocks, it must be done in a way that does not threaten the future of the nephrops fleet. However, significant changes in fishing methods and practices and in data collection will be needed this year and for future years if the fleet is to avoid severe effort restrictions.

My Department will continue to work in partnership with its scientific advisers and with fishing organisations to ensure that we have a sustainable, profitable, effectively managed fishing industry, which maximises the contribution to the economies of the communities in which it is based, go raibh míle maith agat.



**The Deputy Chairperson of the Committee for Agriculture and Rural Development (Mr Elliott):** I thank the Minister for her statement on the fishing industry and the difficulties that it faces.

I welcome the £700,000 hardship package for the fishing industry – as has the Committee – and I hope that it is not too little too late for an industry that has, for quite some time, been decreasing in size and numbers, and in allowable catches.

The Minister acknowledged that 2008 was a difficult year for the fishing industry. In light of what she said about the discussions and negotiations at European level, I am keen to know whether she believes that 2009 will be any better.

We have heard — and it is clear — that there will be sizeable reductions in quotas, especially for cod. If that situation continues over the next few years, I assert that the Northern Ireland fishing fleet will no longer be allowed to catch any cod. The quota for nephrops, the species that represents the biggest catch for our fishing fleet, is also being reduced. Does the Minister see that trend continuing over the next few years? Will such a reduction have the same effect on the white-fish fleet as that experienced by cod fishermen, given the year-on-year decrease?

**The Minister of Agriculture and Rural Development:** I thank the Member for his comments and his question. In an attempt to help sustainability, the main cod-spawning grounds in the Irish Sea are protected from direct cod fishing by the spring closure. The current total allowable catch for cod in the Irish Sea is only 8% of the level that it was 20 years ago. That level of catch permits mainly the landing of small by-catches of cod by the prawn fleet. A zero-catch level would result in those small by-catches being discarded.

Although the by-catch levels are low, with the help of the industry, my Department will continue to carry out research into selective gear that will further reduce by-catches. Our fishing industry effectively recognises that the level of available cod is not what it was 20 years ago. As a result, it has diversified out of white fish — there are only two full-time white-fish boats left, and the majority of our fleet depends on nephrops. Although the headline figure might sound swingeing, we will see further cuts in quotas, and we will have a lot of work to do in order to raise our cod-spawning biomass levels from the current 2,000 tons to the critical level of 6,000 tons and then to an acceptable level of 10,000 tons.

Every year in the Assembly we will hear about cuts in cod quotas. The cod stock must recover, but it is not doing so at the rate that we want. Therefore, we must ensure that our fishing industry has the quotas available to it that will help to maintain sustainability and profitability. Many fishermen diversified from

white fish into nephrops because that sector was much more sustainable. We will have to get used to continued cuts in cod quotas. A zero by-catch level will only lead to further discards, but fishermen want to work with the Department in order to obtain more selective fishing gear that will help them to increase the biomass levels of the spawning stock.

**Mr Poots:** On the basis that decisions about these matters are made using the science behind them, does the Minister recognise that there should have been a 0% cut in the nephrops catch quota? If she is to make the argument that would allow for a continued reduction in cod quotas, should there not also be scientific arguments for continued increases in the quotas for other species? Does she recognise that the sustainability of the fishing industry is being eroded continually through the quotas that fishermen are permitted to catch being eaten away every year?

**The Minister of Agriculture and Rural Development:** First, I argued very strongly for a 0% decrease in the nephrops quota. That was our position; however, that was a matter for negotiation, not a shopping list, and we do not always get what we want. The fact that we achieved a 2% cut while all the other areas were subject to a 5% cut acknowledges our dependence on nephrops. I will use that point in further discussions with the European Commission in order to highlight the fact that we are different. I have made the point consistently that although our fishing communities are small, they are socially, culturally and economically important to the towns of Ardglass, Portavogie and Kilkeel. We want to create sustainability in the fishing industry through which we can maintain and enhance the livelihoods of the fishermen in those areas.

We have been pressing for increases in quotas for other sectors; indeed, the Member made that point. The haddock quota was increased by 15%, but I was sorely disappointed last year that we did not get as big an increase as we wanted. As I said, however, it is not a shopping list, and we do not get everything that we want. We must recognise that differences of opinion exist. The ICES scientists originally advised a 30% cut in the nephrops quota, but our scientists in Agri-Food and Biosciences Institute (AFBI) disagreed with that. A 30% cut would have finished our industry — it would have been lights out for the industry. Therefore, we could not stand over that advice, and we negotiated hard. We made it our key priority to go the Council and reduce the cut from such a swingeing figure down to 15%, then to 8%, and then to 5%. We kept at it until the very last moment when we reached a figure of 2%.

That was as good an outcome as we could have got. The Fisheries Council was not going to agree to a 0% decrease, because it recognised that, in some areas, we did not have enough proof to illustrate the sustainability of stocks and the methodology used for estimating the



prawn population. Therefore, the industry and scientists must work together further to ensure that we can fight science with science, and stand over the methodology that is being used. If they do so, we will be able to argue nephrops fishermen's case at this year's Fisheries Council meetings.

**Mr W Clarke:** Go raibh maith agat, a Cheann Comhairle. I, too, thank the Minister for her statement. She already touched on an issue about which I wanted to ask a question. There appears to be a considerable amount of confusion over the gathering of scientific data and evidence on nephrops. Can the Minister confirm that our prawn sector is fished sustainably? Will the Minister also describe in more detail the hardship package that the Executive obtained for fishermen?

**The Minister of Agriculture and Rural Development:** I thank the Member for his questions. One point that I did not make during my responses to Members' previous questions was that the Department invited AFBI scientists to attend the December Fisheries Council meeting in order to enhance its arguments. That type of collaborative approach proved important in getting the point across that nephrops are fished in a sustainable manner.

In my statement, I highlighted the fact that the decrease in catch on the Porcupine Bank shows that stock may be being depleted in that area. Therefore, the methodology used to count the nephrops population must be robust and able to estimate whether the proper ratio of males to females exists. It is not just about counting numbers but about ensuring that spawning sustainability exists.

I was very pleased that the Executive agreed with the Department's proposal for a hardship package, which included assistance for harbour dues, landing fees and light dues. Those charges vary from vessel to vessel depending on its size and, in the case of landing fees, the size of the catch. For example, a 17-metre prawn trawler that lands fish worth £170,000 a year will save harbour dues of £130, landing fees of £3,740 and light dues of £310.

Something that grasped the imagination of Ministers around the Executive table was that those measures will help every single fisherman — each will be included in the hardship package. My Executive colleagues supported the introduction of those measures. I am very pleased that the hardship package is in place. My Department would love to have the resources to do more. We have witnessed the difficulties that the fishing industry has faced, particularly during February and March 2008, when fuel costs were high. Thankfully, the price of fuel is not as big an issue this year as it was last year. However, no one knows when the cost of fuel will start to rise again. Therefore, we accept that the fishing

industry faces challenges, and we will consistently do our best to try to help it meet those challenges.

**Mr P J Bradley:** I thank the Minister for her statement on the December talks. However, the statement spells nothing but further doom and gloom for the industry, and I think that the industry shares that belief. I note that talks are planned with the industry to consult on options. What positive options will the Minister bring to those talks? The Department does not depend on the industry; rather, it is the industry that depends on the Department. The industry will be seeking advice, guidance and help, so what positive angles will the Minister bring to the talks?

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

**The Minister of Agriculture and Rural Development:** In this case, the Department does depend heavily on the industry, because it is the fishermen who catch and land the fish; they are the ones with the technical expertise. I do not know the implications of the difference in net sizes. Therefore, the industry's buy-in to the cod recovery plan, and its experience on the issue, is vital. Fishermen possess that technical expertise and know what the implications are. For example, the Department could introduce measures that the fishing industry would find unacceptable, that are undeliverable and that would not help to bring in better cod-spawning-stock biomass.

12.30 pm

We depend heavily on the industry's experience and expertise on the matter. We will work closely with the industry and over the next week or two, we will engage in discussions with it. I hope to get a further opportunity to outline the details of those negotiations to the House and to answer questions. The Department will look to the industry to ensure that a good collaborative approach is taken and that we introduce measures that are most useful to the industry.

**Mr Ford:** I also thank the Minister for her statement, and I congratulate her for her efforts on the hardship package and the negotiations with the Fisheries Council. Will she provide the House with an estimate of the total economic effects on the fishing industry, taking into account, on the one hand, the hardship package and, on the other hand, the cuts in the quota and the additional economic costs that fishermen must meet? Given that she talked about the need to ensure that sufficient effort is made available to take account of the new arrangements for 1 February, what is the Department of Agriculture and Rural Development doing to ensure that fishermen can maximise their opportunities from that date?

**The Minister of Agriculture and Rural Development:** I am not in a position to provide a figure to estimate that. I appreciate the Member's comments; throughout the year, the Department put



much work into the meeting with the Fisheries Council. The Department is still negotiating swaps with the industry in the South to determine what the fishing effort will be for fishermen this year.

A decrease was made in the quotas for plaice, but the quota uptake on plaice was only 39.5%. A cut would have had an impact on the industry if it had been catching 100% of its quota. Given that the industry was not catching its entire quota, it has less difficulty in absorbing that cut. We want to ensure that the cuts do not have a negative impact on the industry.

The hardship package will have a positive impact on the industry, and the Department will continue to work out exactly what fishermen will be able to catch. Officials are working daily with the industry to implement the cod recovery plan so that it has the maximum effect. On paper, the cuts sound expensive, but, in the case of many of the species that have been subject to cuts, the quotas are not currently met. However, the quota for haddock has been increased by 15%, which results in a net gain for the industry.

As a result of the cut of 2%, 165 tons of nephrops have been lost. That equates to a financial loss of £372,367. The cut in cod quotas equates to a loss of £100,000, and the increase in haddock quotas equates to a gain of £72,831. Added to that is the gain of £700,000 from potential swaps with the industry in the South.

**Mr Irwin:** I also thank the Minister for her statement. The critical level of cod stocks was 6,000 tons, and we are now told that the critical level is 2,000 tons. Does the proposal that cod catch should be reduced by 25% a year while stocks are below that level mean that, in four years' time, there will be no cod fishing in the Irish Sea?

#### **The Minister of Agriculture and Rural**

**Development:** I will explain those levels again: 10,000 tons is the sustainable level, and 6,000 tons is the critical level. The level is currently less than 2,000 tons, so we are way below the critical level that the European Commission accepts. It must be accepted that, for the foreseeable future, targeted cod fishing will not take place across the industry. There are two white-fish boats, and a certain amount of cod is caught as a by-catch by the nephrops fishermen. A policy of catching zero cod would not work because that would result in that small by-catch being discarded.

Future Ministers of Agriculture and Rural Development will face similar questions in the Chamber year after year. Until the spawning-stock biomass recovers to a level that is acceptable to the European Commission, there will be cuts in the cod quota and we are not going to see a targeted cod fishery. Twenty years ago, cod stocks in the Irish Sea were plentiful and healthy, and the fishing effort reflected that. However, that is not the case now. Cod

recovery in the Irish Sea has not been good, and until it becomes so, we will have to face further cuts.

**Mr Molloy:** Go raibh maith agat. I thank the Minister for her statement. When will the European Fisheries Fund be open for business and how will the money be spent?

#### **The Minister of Agriculture and Rural**

**Development:** I hope that measures for aquaculture, processing and marketing, and collective benefit, will follow — on completion of the business case — and be open for applications by the end of the financial year. Measures under axis I, which is for the adaptation of the fleet, will not begin until the Department has completed its fleet futures review and has undertaken a vessel modernisation needs analysis. Work on both studies is in hand and, before spending plans are finalised, I want the Fisheries Forum's input to the business case for axis I measures. Therefore, it may be April or May before those measures are open for applications.

**Mr Shannon:** I thank the Minister for her statement. This year, fishermen are more encouraged by the efforts of the Department than they have been in previous years. However, many fishermen are questioning their industry's viability. Does the Minister agree that the discussions that seem to take place in November, in hurried preparation for December's meeting in Brussels, should start now?

The fishermen of England and Scotland have suffered a decrease in the numbers of days allowed to be spent at sea but have won an increase in their cod quota. Will the Minister tell us what she is doing in relation to that for the Northern Ireland fishing industry?

The Minister mentioned plaice. Scientists and fishermen agree that there are large numbers of plaice in the Irish Sea. Therefore, it is ludicrous to introduce a quota that decreases the amount of plaice that can be caught when stocks are clearly sustainable. The question is how there can be a situation in which scientists are saying one thing and the fishing industry is saying something else. What will the Minister do to ensure that the fishing industry here remains viable; that quotas of sustainable fishing stocks in the Irish Sea are fished; that there will be increases in the number of days that fishermen are permitted to spend at sea, and that the cod quota will be increased?

#### **The Minister of Agriculture and Rural**

**Development:** There was a lot in that question and I will try to address the Member's concerns as best I can.

The effort put in by the Department and my officials does not decrease from year to year. Last year, we put in a huge effort but did not get the outcome that we had hoped for. That does not in any way reflect upon the Department's effort. This year, our effort remains consistently high.



The Member asks why negotiations do not start now; they do. Last year, I met Joe Borg on 1 February 2008, as a lead-in to the December meeting of the Fisheries Council. We work on this matter for 12 months; we do not leave negotiations until the last minute or until the Council meeting.

The Member asked about an increase in cod quotas for English and Scottish fishermen. Stocks of North Sea cod have recovered and, as a result, the cod quota has not decreased to the same level as that of Irish Sea cod fishing. The Commission considers the areas where stocks have recovered, and the levels of recovery achieved in the North Sea have been much higher than those in the Irish Sea. It is not practical for our fishermen to travel to the North Sea to catch cod; therefore, we must concentrate on what is feasible for our fleet. Cod stocks in the Irish Sea have not recovered as well as those in the North Sea.

The Member spoke about plaice. Although there has been a 15% increase in the quota for haddock, our fishermen either do not catch fish in the other categories that have had their quotas cut or they do not fish their entire quota. The impact on the industry is not as harsh as it appears on paper.

The Department continues to work hard at this. I accept that it is a terrible way for the industry to do business. It is difficult in that, every year, we must go through this whole rigmarole of the Fisheries Council, and it is hard for the industry to plan.

That is a very difficult way in which to operate. However, it is based on the levels of stock, particularly spawning-stock biomass, and the Commission does that year on year. Occasionally, a move to a three-year Council is mentioned, but that has not happened yet, and we must live with the system that we have.

The Member mentioned the difference of opinion between the fishing industry and scientists. Our scientists primarily agree with the industry, and the disagreement is instead with international scientific opinion. Therefore, we must ensure that we find more robust ways of demonstrating that our methodology is reliable and base our quotas on those figures without leading to a decrease in stocks. One thing that we can do — and I have mentioned it in my statement — is to ensure more co-operation between scientists and the industry. That will help us to fight on all levels of the argument. Our scientists require better information on by-catches of cod, and so on, which we can then present to ICES and make our arguments. However, by and large, we do have a good, collaborative working relationship between the Department, the industry and the scientists, and it is only through such a relationship that we can achieve a satisfactory outcome.

We achieved a relatively good outcome with the Council this year. However, next year the Council may

have some idea or plan that will impact heavily on our fishing industry. We must continue working to ensure that our industry has what it needs to continue to be sustainable, and we cannot predict what the Commission will do or let us away with. I assure the Member that in all the meetings at the Commission, and those meetings leading up to Commission, the Department is very robust in its arguments for what we need to maintain a sustainable fishing industry.

**Mr Savage:** I thank the Minister for her statement. Will she outline what assistance, financial or otherwise, her Department will offer to help fishermen to deliver — as she has put it today — significant changes in the fishing methods and practices in the Irish Sea?

**The Minister of Agriculture and Rural Development:** The Department wants to support the fishing industry. It also wants support to be made available under the European Fisheries Fund to modernise vessels, improve the quality of the catch, the working conditions on board and health and safety, as long as the vessel's fishing-effort capacity is not increased. That fund should be used to help to modernise the fleet and to assist crews to fish sustainably in order to ensure that their days at sea are not wasted and that they can catch what they need to fill the quota.

Ultimately, what is required is a balance between the quota and the amount of days that crews have to fish that quota, ensuring that one is not out of kilter with the other. The Department must work closely with the industry, and we hope that the modernisation methods under European Fisheries Fund will further enable it to do that.

**Mr A Maginness:** I thank the Minister for her very full statement. There has been considerable discussion this morning — to which the Minister has contributed — about cod stocks, and, clearly, there is a critical situation with those stocks. Will the Minister agree that by the time the stocks have recovered, there will be no cod fleet left? What does she propose to do in the meantime to assist fishermen in maintaining the fleet in preparation for the future?

**The Minister of Agriculture and Rural Development:** I agree with the Member. If cod stocks do not improve, the cod fleet will be a thing of the past. In reality, that has already happened, as two full-time white-fish boats and over 90% of the vessels are now concentrating on nephrops. That is recognition that the cod is not there to be fished.

There are also difficulties with other white-fish species such as whiting, because those types of fish are not of a marketable quality and are not targeted as much by the fishing industry as a result. When those are landed and brought to market, fishermen are not getting a decent enough return.



Our fishermen must fish what is available to them; that is, they should fish close enough to home that they are not expending huge amounts of effort or fuel in going to places such as the North Sea in order to catch stock that is no longer viable in local waters.

12.45 pm

Cod represents a big red light for the European Commission and has been cut in every fishing area. Ultimately, we do not know whether cod stocks will come back in time to ensure that there is still a fleet left to catch it, or whether it will come back at all. We do not know what impact climate change is having on cod, for example, or whether cod are moving to other sea areas. We cannot look into the future and see what cod will do.

The Commission has been determined to introduce a more effective cod-recovery plan, the broad principles of which were not open for negotiation in November. Instead, we were faced with trying to argue for flexibilities within the plan that would maximise the opportunities available to our fishing fleets — that was all that we were able to do.

Conor Murphy attended November's meeting of the European Fisheries Council and he, along with other fisheries Ministers, was successful in securing some important flexibilities that will benefit our fleet. Those include a more favourable reference period for calculating the fleet's starting-effort pot, which will have some cushioning effect on the proposed cuts in 2009; flexibility to transfer effort between fleets and sea areas; the scope to earn extra effort through cod-avoidance measures; and the use of selective gear. Therefore, we have secured some flexibility, but the fact that the broad principles of the plan were not open for negotiation shows how strictly the Commission views cod fishing.

As I have said, fishermen have diversified — they have begun to fish for nephrops and will continue to do so while that stock is sustainable. However, they will return to cod fishing if stocks recover to the extent that it is profitable for them to do so. We are considering the size of the fleet and may, possibly, want to decommission the fleet further to ensure that, ultimately, the fishing industry remains profitable.

I do not want to see the fishing industry continually being depleted to the point where it no longer has a critical mass or a processing sector and is no longer viable. My ultimate objective is to reverse that trend and to enhance fishing opportunities for the communities that depend heavily on the fishing industry.

## EXECUTIVE COMMITTEE BUSINESS

### Financial Assistance Bill

#### First Stage

**The deputy First Minister (Mr M McGuinness):** I beg to introduce the Financial Assistance Bill [NIA 4/08], which is a Bill to enable the making by Northern Ireland Departments of schemes for financial assistance in certain circumstances.

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

**Mr Deputy Speaker:** That constitutes the Bill's First Stage, and it will shortly be distributed via Members' pigeonholes.

### Public Authorities (Reform) Bill

#### Further Consideration Stage

**The junior Minister (Office of the First Minister and deputy First Minister) (Mr Donaldson):** I welcome this opportunity to debate the Further Consideration Stage of the Public Authorities (Reform) Bill. As Members will be aware, there have been previous discussions in the Chamber concerning the Bill. There are no ministerial amendments at this stage, and I am not aware of any other amendments having been tabled by the Committee for the Office of the First Minister and deputy First Minister or by any Member.

**Mr Deputy Speaker:** I remind Members that under Standing Order 37(2), the Further Consideration Stage of a Bill is restricted to debating any further amendments tabled to the Bill. As no amendments have been tabled, there is no opportunity to discuss the Public Authorities (Reform) Bill today. Members will, of course, be able to have a full debate at Final Stage. The Further Consideration Stage is, therefore, concluded. The Bill stands referred to the Speaker.

### Health and Social Care (Reform) Bill

#### Final Stage

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** I beg to move

That the Health and Social Care (Reform) Bill [NIA 21/07] do now pass.

I am pleased that this important Bill has reached its final stage. I introduced the Bill to the Assembly on 23 June 2008, and I believe that the subsequent process of scrutiny and debate has been extremely productive. I will reiterate the main purposes and aims of the Health and Social Care (Reform) Bill, and I thank the Health



Committee and other Members for their careful and detailed scrutiny.

In the 60 years that have passed since its introduction, the National Health Service has had to adapt constantly in order to meet the many and varied changes in society. Today, the health and social care system still faces — and will continue to face — the ever-increasing demands and expectations of a changing population who rightly expect services to be responsive, safe, effective and efficient. I believe that the Bill will equip the health and social care system with the infrastructure necessary to tackle the challenges of the twenty-first century, and I will summarise its main features.

The proposals in the Bill are exciting. We are not just tinkering around the edges. The proposals open doors that may have been closed and offer a real opportunity to do things better: to promote innovation and creativity; develop new services; improve performance across the full range of service provision, and create a renewed focus on prevention and equality. My perspective on those opportunities is that, as a result of the reforms, we will have a smaller Department that is more clearly focused on its core responsibilities.

The new health and social care board will have a clear and explicit focus on its core functions of commissioning, performance management and improvement, and finance; with devolved responsibility to five local commissioning groups that will have strong, professional leadership and genuine public accountability and engagement, with the authority to deliver real change. I look to the board to build on existing good practice and move to new levels of commissioning and performance management, driving innovation, evidence-based practice, quality and safety, with strong performance that results in more responsive and effective services.

Our new agency will be genuinely innovative and will give a clear focus to public health and social well-being in a way that was simply not possible under the previous arrangements. This is not just about the money that the Department will allocate to the agency directly, it is also about the influence that the agency will have on the overall expenditure of the £4 billion per annum budget on health and social care. It will also offer opportunities to develop real partnership with other stakeholders — including local government — to plan and implement comprehensive action plans and address all of the determinants of poor health and well-being.

That is not just wishful thinking. As soon as practical after April 2009, I intend to have pilots in place to take forward such partnerships and begin the process of effecting real change on the ground.

I also want to take this opportunity to emphasise the importance that I ascribe to the regional business services organisation. The successful operation of those services is vital to the success of the health and social care system, and the organisation's work stretches right into the wards, day-care centres, health centres and offices to support those who provide services directly to patients and clients.

The regional business services organisation is therefore an essential and fundamental part of the health and social care system. I look to it to provide good value for money; I expect it to be responsive to customers; I expect it to use new technology in order to improve efficiency and effectiveness. As with every other health and social care body, I expect patients and clients to be at the centre of all that it does.

For the first time, through the patient client council, there will be a demonstrably independent body representing the views of users. That body will have a visible local presence and a strong, coherent regional voice on the major issues of policy and strategy that will inform the future.

I was pleased with the level of consensus that the Bill enjoyed in the Health Committee and in the House. In addition to a widespread acceptance of the principles of the legislation, there was a detailed and rigorous scrutiny of the 35 clauses and 7 schedules.

I thank the Chairperson and the members of the Health Committee for their extensive and considered evidence-taking, their helpful suggestions for amendments, and their comprehensive report, which was published on 13 November 2008. I thank Members for their valuable input and useful suggestions during the various Stages of the Bill.

Soon we will be past the stage of planning for and talking about the structural reforms; it will be time for doing. I believe that the new arrangements should excite Members as much as they excite me. That excitement should be communicated to staff so that they can deliver on the promise of the Bill and exploit the opportunities to build on the best, to tackle problems and to look to the future.

**Mr Easton:** I congratulate the Minister, and the Health Committee, on the Bill. I hope that the Minister accepts that any concerns that the Committee had were genuine concerns; he did do his best to try to reassure the Committee.

Can the Minister give me any extra information on the local commissioning groups? Will those groups have the power to get to the bottom of issues and the teeth to make changes on the ground? Can the Minister further reassure me that those groups will be based on local council boundaries?



**Ms S Ramsey:** Go raibh maith agat, a Cheann Comhairle. In common with Mr Easton, I am a member of the Health Committee. I welcome the Minister's commitment to the Bill and the fact that it has reached its Final Stage.

From the outset, the Minister has said that he is taking forward, and will continue to take forward, reform of the health and social services. For a long time, Members have been crying out for such reform and have been engaged in the argument of efficiency savings versus ensuring that front-line services are not affected.

During the Committee Stage of the Bill, as Alex Easton said, a number of genuine concerns were raised by the Committee. I am glad that the Minister and his officials took those concerns on board and, where possible, brought forward the necessary amendments as discussed prior to Christmas.

On paper, a Bill may appear to be the best thing since sliced cheese; however, we live in the real world and we have to look at how it is going to work out on the ground. Over time, I hope that the Committee can work with the Minister and his officials to address any issues, or arguments for tweaking the Bill, that may arise. I know that the Minister will give that commitment and that he will be easily accessible to the Health Committee.

I welcome the opportunity to be part of the Bill and hope that it has a positive impact on the people that we represent. Go raibh maith agat.

**Mr McCallister:** I congratulate the Minister of Health on this Bill, and on the manner in which it has progressed through the legislative Stages. There are notable achievements in that. During the brief time that he has been Health Minister, he has taken the direct rule proposals and adapted them to best suit Northern Ireland's needs. That has been a tremendous success.

*1.00 pm*

The regional agency for public health and the level of focus that it will provide must be welcomed, despite the DUP's criticisms and votes against. It will set Northern Ireland on a good course for years to come. Only by engaging truly and meaningfully with public health will success be achieved.

Like Ms Ramsey, I am pleased to have been involved with the Bill during its Committee Stage. I welcome the fact that it has reached its Final Stage. I look forward to working with the Minister to iron out any issues that arise as the new structures bed down.

**Mrs Hanna:** I also welcome the Bill. Certainly, I want to put it on record that the Health Committee proposed several changes in order to strengthen the Bill's provisions. Indeed, the Department — the

Minister and his officials — worked through the Committee's concerns.

I want to mention the setting up of local commissioning groups. I understand that the Minister supports the groups being local. I look forward to more detail on that matter and, indeed, on the make-up of those groups.

The establishment of the regional agency for public health and social well-being is extremely important because health inequalities must be tackled. The focus must be on prevention of illness — keeping people healthy and encouraging everyone to take more responsibility for their own health — rather than on picking up the pieces. There is also a sound economic argument for that.

Finally, I want to mention staff morale. The process has been extremely long. Indeed, Agenda for Change is only being concluded now. I am sure that the Minister will take on board staff's stresses and strains.

**Mr McCarthy:** The Alliance Party continues to have certain reservations about the Bill. However, we are where we are. I certainly hope that the exercise will be beneficial to everyone in Northern Ireland and that expected efficiency savings will be directed towards the provision of a better Health Service for the entire community.

I must say, however, that many people — particularly elderly people and their relatives, who are faced with residential-home closures — will, at present, be somewhat sceptical about the exercise in which we are engaged. I hope that the Minister can overcome those problems.

We must remind ourselves that in order to reach this stage of reform of the health and social care programme, many Health Service staff — as my colleague Carmel Hanna said — have had to endure a painful few years of uncertainty about the security of their employment and other matters. Now, it is up to the new regime to prove that those reforms were, indeed, worthwhile.

I want to put on record my party's gratitude to the many staff who have served the Health Service extremely well during the past 60 years. In particular, I want to mention the Health Promotion Agency, among many other bodies. I hope that those staff can carry on with their excellent work. I also hope that the new patient and client council will represent the local population and ensure that all patients receive a first-class service.

I sincerely hope that the Bill will live up to expectations.

**Mrs McGill:** Go raibh maith agat, a LeasCheann Comhairle. Like other Members, I want to congratulate the Minister and, indeed, everyone who has been



involved in bringing the Bill to its Final Stage — the Committee members and the secretariat staff who worked on it.

At the Bill's Second Stage in July 2008, the Minister put in context the need for change in health structures.

He said that major surgery was required. It will be a positive result if the Bill does what it is intended to do when it is made law.

The Minister set the context in July when he talked about less bureaucracy and said that the legislation was intended to eliminate duplication. The patient and the client are to be central to everything that happens in the health system. No one can dispute the validity of those aims or the validity of implementing them.

As Sue Ramsey said, the Committee debated whether a particular body should exist; we also had a debate about that body's name. It was agreed that officials would return to the Committee to explain further what function that body would carry out. I was heartened by the assurances and reassurances that were given by those officials and the Minister. I supported the request — from Members on the opposite Benches and other Committee members — for confirmation that that body will focus on health inequalities. Everyone will be satisfied if that is the role that that body is given.

Mr McCarthy mentioned consultation and the possibility of homes closing. In July, the Minister said that the provisions of the Bill were informed by what he had heard when he was out on site. It is important that responses be heeded on issues such as the closure of homes. Indeed, it is helpful that the patient and client council, and other bodies, will be charged with listening to people's responses.

I congratulate the Minister and everyone else who has been involved in bringing the Bill to this stage. Go raibh maith agat.

**Mr B McCrea:** Hear, hear.

**The Minister of Health, Social Services and Public Safety:** I thank Health Committee members and other Members for their contribution to today's debate. The Bill's progress has been greatly assisted by the informed and constructive input of Members of both the House and the Committee.

Alex Easton talked about the need for local commissioning groups to be able to make changes. It is the plan that local commissioning groups will play the central role in determining the health needs of the population of their local area. That responsibility will be devolved to local commissioning groups, which will be an essential part of the board.

We are coterminous because trust boundaries are coterminous with clusters of councils. As I have said in

the House and in Committee meetings, we will reassess the situation if that changes. I am as keen as any Member to achieve coterminosity, but we must wait to see the shape of councils before further steps can be taken.

Sue Ramsey referred to efficiencies. The general efficiency target is for restructuring to bring about a reduction of 1,700 administrative jobs and thus will save £53 million per annum. I have confirmed on several occasions that we will meet that target.

Furthermore, I assure Ms Ramsey that I am committed to working with the Committee. She is right; there is many a slip between cup and lip. Every plan changes during implementation. We will not get it exactly right from day one, and we will have to discuss the plans and make adjustments through experience.

As John McCallister said, the proposals represent a radical departure from the direct rule model of a giant Health Service authority with more than 2,000 jobs. As Members are aware, the Bill will substantially reduce the number of health bodies and will dissolve four health and social services boards, the Mental Health Commission, the Central Services Agency, four health and social services councils, the Health Promotion Agency and the Regional Medical Physics Agency. Those bodies will be replaced by the new board, the new agency, the regional business services organisation and the patient and client council. Moreover, the size of the Department will be reduced and it will refocus on policy.

Carmel Hanna mentioned local commissioning groups, which, as I said, will comprise 17 members. The direct rule model prohibited local elected representatives from achieving membership. I considered that a major missed opportunity, and I know that colleagues agreed. Each local commissioning group has been reconstituted to ensure that four elected representatives will serve on each body. Furthermore, local elected representatives will play the key role in the patient and client council and will play important roles in the public health agency by building partnerships with local government. I accept Mrs Hanna's point about staff morale. Times of change bring concern for staff, and the Department has strived to keep staff informed. We must complete the planning process now and implement the proposals in order to ensure that staff know the details and location of the new bodies.

As Claire McGill said, there are major health inequalities in Northern Ireland. The public health agency's main focus will be on addressing that problem. Northern Ireland society is not uniformly well; there is a differential in life expectancy between individuals in the most deprived areas and the Northern Ireland average. A man who lives in a deprived area will live four years less than the average



life expectancy and seven years less than a man who lives in the most affluent area. The figures for females are no less stark. Deaths among children under the age of one are 30% higher in the most deprived areas — that issue strikes particularly hard. The public health agency's central drive will be to take that agenda and effect a change in partnership with local government and other stakeholders. The single-body approach has existed for 20 years and, frankly, the progress has been disappointing.

The Bill — on which the Assembly will vote — provides further evidence that Government and local democracy are working. Furthermore, the Bill's progress demonstrates how a Minister and a Committee have worked together successfully with a shared aim of improving the health and social well-being of Northern Ireland's population.

I will continue to work with the Committee as we make proposals for the implementation of the Health and Social Care (Reform) Bill and the consequent regulations.

In conclusion, I thank all Members who debated the Bill, in the Committee or in the House, for their substantial contribution, their considered advice and their positive attitude towards this major and essential reform of the health and social care system in Northern Ireland.

**Some Members:** Hear, hear.

*Question put and agreed to.*

*Resolved:*

That the Health and Social Care (Reform) Bill [NIA 21/07] do now pass.

1.15 pm

## COMMITTEE BUSINESS

### **Inquiry into the Development of a Museums Policy for Northern Ireland**

**The Deputy Speaker:** The Business Committee has allocated up to one hour and 30 minutes for the debate. In accordance with the Business Committee's agreement to allocate additional time to Committee Chairpersons when moving, and making a winding-up speech on, a motion on a Committee report, the Committee Chairperson will be allowed up to 15 minutes to propose the motion, and 15 minutes to make a winding-up speech. All other Members who are called to speak will have five minutes.

**The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff):** Go raibh maith agat, a LeasCheann Comhairle. I beg to move

That this Assembly approves the report of the Committee for Culture, Arts and Leisure (7/08/09R) on its inquiry into the development of a museums policy for Northern Ireland.

Before commenting on the substantive matter that is before the House, as a Cheann Comhairle — or Chairperson — of the Committee for Culture Arts and leisure, I extend my appreciation to all who contributed to the inquiry. Ba mhaith liom mo bhuíochas a ghabháil leo uilig. I also offer my appreciation to the Committee secretariat, led by the Committee Clerk, for its work in arranging the evidence sessions for the inquiry, and drafting the report. I thank, too, the Assembly's Research Services and Library Services for the high-quality research and analysis that they provided to the Committee, and Hansard, for its patient and accurate reporting of the evidence sessions.

The Committee is grateful to all who provided written and oral evidence during the inquiry. I thank my 10 MLA colleagues on the Committee for their individual commitment to the inquiry, and for the constructive and collective approach that we all adopted in trying to understand the dynamics of the museums sector here, and the impact that the development of a museums policy could have on the sector.

Museums are one of the key spending areas for the Department of Culture, Arts and Leisure (DCAL). At present, however, the Department does not have a museums policy in place. In undertaking the inquiry, the Committee sought to address one key question: is there a need for a museums policy here? The answer was a resounding "yes". There was overwhelming support for a museums policy from those who gave evidence to the inquiry. In fact, a significant number of stakeholders took the view that the current situation, whereby the Department does not have a museums policy, is having a major detrimental effect on the museums sector here. For example, they pointed to the



difficulty in making strategic plans, to fragmentation of the sector and to a lack of focus. As one witness put it:

“With no vision for the development of the sector, and no strategic framework through which the potential of the collective effort of the sector might be unlocked, are we not bereft of a route map?”

As I have said, the Committee came to the firm conclusion that a museums policy needs to be developed. There was overwhelming support from those who gave evidence along those lines, and the consensus was that major opportunities are being missed because of the failure to develop such a policy.

The key themes that were identified by the Committee for the development of a museums policy — many of which will be further developed by individual members of the Committee — include: the need for greater integration among independent, council-run and national museums to create a cohesive museum sector; the potential to strengthen the museum sector as a whole; and the need to move it higher up Government agendas.

A cross-departmental approach to museums is needed so that the links between museums and education, tourism and the creation of a shared and better future for all of us can be reinforced. The review of public administration must ensure that the future functions of the Northern Ireland Museums Council are carried out either by that council or by a successor body that will follow on from the council’s professionalism. That organisation seemed to receive great validation from all the stakeholders. People felt that they had been well supported by the Museums Council down the years. The key elements of a museums policy were also considered. In order to develop the policy in a timely manner, the Department would need to draw on the expertise of the Northern Ireland Museums Council and National Museums Northern Ireland.

There are three types of museums: independent, council-run and the five museums that come under the auspices of National Museums NI. All three kinds of museums play an important role in the museum sector. As the inquiry progressed, however, it became clear that there is a lack of integration among the different types of museums. In particular, the independent museums often felt that they were on the periphery of the sector. When they have contact with the larger, well-established museums, it tends to be on an ad hoc basis rather than being co-ordinated by any central body. That lack of cohesion in the sector results in opportunities being lost for museums to share skills and resources.

Stakeholders told the Committee that there is a need to ensure that museums do not duplicate resources as a result of simply not knowing what others are doing. They also said that there needs to be a greater pooling of resources and expertise among museums — for example, in relation to staff training or collections management.

The Committee also learned that the lack of formal integration in the museum sector results in similar missed opportunities for joined-up marketing among museums that work in the same geographical or even thematic area. Given the current economic climate, the idea that resources could be being spent unnecessarily — simply because of a lack of co-ordination of the museum sector by the Department — is of particular concern to the Committee. It is our view that a museums policy would lead to a more integrated, joined-up museum sector, which can only be positive.

I will now consider the need to maximise the potential for museums to contribute to tourism and to the economy. When doing so, I will make reference to a contribution to the Committee by the Minister on 23 October 2008. I will also make reference to a high-quality museum facility in my own constituency of West Tyrone. The Ulster American Folk Park was named visitor attraction of the year at the 2008 tourism awards. In the past financial year, 165,000 people passed through its gates — the highest number in its 30-year history. I commend everyone who is involved with the Ulster American Folk Park, and, indeed, I commend all our museums for the success that they have achieved.

As well as pointing to the need for more integration and sharing among the different types of museums, stakeholders also told the Committee that the museum sector as a whole needs to be strengthened. One way to do that is simply by developing a proper museums policy. Without a policy in place, it can appear that museums are low down the list of Government priorities. Given the level of expenditure on museums, that should not be the case.

Museums are a key spending area for DCAL, which allocates some £22 million each year to museums and has plans to invest £18.3 million in capital for museums in the period 2008-2011. Yet, stakeholders told the Committee that there is an impression among the public and in Government that museums are not high on the agenda, and that perception is reinforced by the fact that there is no museums policy. Indeed, some stakeholders pointed out that the lack of a formal policy makes it more difficult for them to attract external funding.

Furthermore, the absence of a policy means that opportunities to increase links between museums and other areas of Government are not being fully realised, and that other Government Departments may not consider museums to be an important priority. In fact, many witnesses outlined ways in which museums can link in with the work of other Departments, including the Department of Education, the Department for Employment and Learning, the Department of Enterprise, Trade and Investment (DETI), the Department for Social Development, the Department for Regional



Development and the Office of the First Minister and the deputy First Minister. One witness said:

“The policy will put museums right at the heart of Government; it will allow DCAL and other bodies to more obviously recognise the broad contribution that museums make across a range of agendas.”

Considering one aspect of that — how museums link in with tourism — it is clear that museums are key tourist attractions and, as such, they can generate much-needed revenue here. Stakeholders were clear that a museums policy would facilitate the creation of formal links at a strategic level with the Tourist Board, and that is particularly relevant to the successful marketing of museums to a wide international audience. Therefore, the Committee recommends in its report that a museums policy should be developed that addresses how links between museums and tourism can be strengthened and progressed at a departmental level. In order to do so, DCAL should establish formal links with DETI. In the case of the Ulster American Folk Park — and other museums — there is already a sound foundation upon which to build.

With regard to the next steps that should be taken, the majority of witnesses from whom the Committee took evidence said that a museums policy could, and should, be developed by the existing non-departmental public bodies in the field, namely the Northern Ireland Museums Council and National Museums Northern Ireland. Witnesses were quite clear that there is no need to employ consultants to create a policy, and my colleague Francie Brolly reinforced that point when he said:

“Will the Minister allow the Museums Council to formulate the policy? NIMC could send him a bill that would be commensurate with that which outside consultants would charge, and that sum could keep NIMC going for several years.”

So, one Committee member — indeed, more than one — are not the biggest fans of consultants.

Witnesses were clear, therefore, that there is no need to employ consultants to create a museums policy and that in-house expertise exists. If consultants were to be brought in, they would simply approach bodies such as the Northern Ireland Museums Council to obtain the necessary information and statistics. During its inquiry, the Committee attempted to show concern for the effective and efficient deployment of public resources, and that is one area in which savings could be made.

The Minister told the Committee that his main objection to developing a museums policy is the cost of doing so, and it should be noted that of all the witnesses who gave submissions, the Minister was the only one who suggested that there is no need for such a policy. Everyone else said that there is a need for a policy. Therefore, one suspects that everyone except the Minister is out of step on this matter.

The Minister told the Committee that his main objection is based on cost. However, the Committee would point out to the Minister that the relevant expertise exists and should be utilised. He may not agree, but that is the Committee’s considered opinion. The Minister cited cost and a lack of resources as obstacles to developing a policy. In response, the Committee says that, given the positive impacts that will result from the creation of a museums policy — not least by improving the contribution that museums make to the tourism industry and, therefore, to the economy — the Minister and the Department simply cannot afford not to develop a policy.

Therefore, I commend the report to the House, and I seek its support for the motion. In addition, I call on the Minister to read, study and implement its 28 recommendations.

1.30 pm

**Mr McCausland:** The Committee’s inquiry into the development of a museums policy for Northern Ireland highlighted the importance of museums to society. The Committee noted that there are already some excellent museums in Northern Ireland and that the number of museums has grown considerably in recent years. They are an important element in the cultural infrastructure of Northern Ireland and are custodians of much of our cultural wealth. They hold not only artefacts, but other items such as the tape recordings in the Ulster Folk and Transport Museum.

In view of the importance of cultural infrastructure and cultural wealth to society, there is a role — and a need — for a policy in that field. Museums are important for the people of Ulster, because they preserve and protect our cultural wealth; they give people a sense of place and community; they help us to understand who we are; and they play a valuable role in education. Furthermore, museums help to create mutual understanding and, thus, contribute to the creation of a shared and better future.

Museums help to explain Northern Ireland to the rest of the world. As the previous Member who spoke said, museums are a major element of the cultural tourism product, which brings much benefit to our economy. Such an important sector deserves and requires a strategy.

The museums sector comprises National Museums Northern Ireland, the independent museums and those that are provided by local authorities. Any effective strategy must involve each of those sectors so that there is a meaningful and integrated approach to museum development. The independent museums are keen to be integrated into the sector and the strategy, and that is welcomed.

There is a good geographical spread of museums in Northern Ireland. Furthermore, we have a variety of themes and collections that complement each other,



and, as I said, the number of museums is increasing. It is imperative that the entire museum sector is looked at strategically, in order to avoid a situation in which one museum is competing against another; rather, we want to see a situation in Northern Ireland in which one museum will complement another and where there is, therefore, an adequate and appropriate provision.

One might ask what the key elements in a museums policy should be. There are questions to be asked around that. What are museums for? What purpose do they serve? I have provided some answers, but that is a question that should be teased out more fully. It was teased out at some length in the report, but more could be done. It was obvious that the people from whom the Committee received evidence had a lot of information at their disposal.

One might ask also how museums can play a more central role in society in the future. Those are the sorts of questions that must be addressed in any future vision and strategy.

There are also questions to be asked about increasing access to museums. How can they be made more appealing? How can more people be encouraged to visit museums? How can more income be generated? Those questions could be addressed in a strategy or policy.

There should be more engagement with local communities, and the links with education and lifelong learning should be increased. The more contacts that there are in those areas and sectors, the more people will go through the doors and the gates of museums. Ultimately, that will mean that museums will be more effective and generate more income.

The development of a museums policy for Northern Ireland is an important issue and one that should be developed by way of a partnership approach. There are three main players in the sector. The Department of Culture, Arts and Leisure is at its heart, because, ultimately, it has financial responsibility for museums, and it is responsible for the oversight of culture in our society. There is, therefore, a central role for the Department in developing a policy in the sector.

It is clear that National Museums Northern Ireland must have a role to play, because in that organisation and spread across all of its sites, each with its own ethos, there is a lot of expertise, experience and knowledge — both inside and outside Northern Ireland — on which to draw.

The same is true of the Northern Ireland Museums Council and the folk who represent that sector; they have a tremendous wealth of knowledge. I suggest that, working together, the Department, the Northern Ireland Museums Council and National Museums could produce an excellent strategy or policy for museums in Northern Ireland.

**Mr K Robinson:** In commending the report of the Committee for Culture, Arts and Leisure to the Assembly, I also take the opportunity to thank and congratulate the Committee staff on the diligence and patience that they demonstrated in bringing the excellent report to fruition.

I particularly want to draw Members' attention to recommendation 21 of the Committee's 28 recommendations, which deals specifically with how the military and maritime sectors can be developed. The report points out that the absence of an opportunity to expand the industrial heritage diaspora of Northern Ireland has a profound effect locally and in the wider world. Not one Member in the House, or a single member of the audience who may be listening to the debate, will not have heard of the Titanic. That is only one example of the workmanship that went into constructing aircraft, ships and other industrial heritage, such as the engineering elements of the linen industry and the rope works, all of which, sadly, now sit idle.

I specifically draw the attention of the House to the large and comprehensive series of archives, materials and artefacts that is in limbo and some of which lack a home. More importantly, however, those who hold those treasures feel that they have been excluded from the museums process over many years. To quote from paragraphs 129 to 131 on page 28 of the report, one group stated:

"we have been left to operate on our own initiative and to find our own sources of funding".

Another group said:

"There is a need for a museum of the history of war and of peace".

A third group stated:

"We have met with ... all sorts of people, who agree that it is a good idea, but do not know how it should be pulled together."

I suggest that that is the role of the Department and its officials, and I hope that the Minister will take that on board.

I also place on record my appreciation of the work that has been carried out by such bodies, including the Somme Association, the Royal Irish Regiment Museums Group and the HMS Caroline Committee. Their work has raised the profile of the services and their place in society on this island over many centuries. In its report, the Committee recommends that a museums policy cover all museum sectors, and the overwhelming body of evidence from disparate groups that gave presentations to the Committee supports that approach.

A museums policy could address two issues that would facilitate the removal from storage of the unique collections here and in GB. First, an early decision on a potential site to house a comprehensive display of



military history, and the associated social history of many generations, would allow the material to be presented in a much more appropriate manner. The tourist potential of taking that step is self-evident.

Secondly, HMS Caroline is the second-oldest commissioned warship that remains afloat in the world; only the USS Constitution is older. The Royal Navy's oldest commissioned warship still afloat is HMS Victory, which is in dry dock at Portsmouth. HMS Caroline was the first warship to be fitted with turbines — as designed by Parsons from Birr Castle in the Irish Republic — which enabled her to achieve unbelievable speeds as far back as the period 1914-16.

Those turbines remain intact, and HMS Caroline is the sole survivor of a First World War battle-class ship and, indeed, of the Battle of Jutland. She sits in the Alexandra dock in Belfast beside the Thompson dock, where the Titanic was based, and beside the pump house, which is a listed building. She has been slap bang in the middle of the Titanic Quarter, opposite where the cruise liners dock, since 1924. However, should the Royal Navy wish to commission her, she could end up in Birkenhead, Portsmouth or another port across the water.

Together with the Titanic memorabilia and the SS Nomadic, they form the nucleus of a maritime sector. If I add to that the Result, which sits forlornly under a tarpaulin in the Ulster Folk and Transport Museum, barely in sight of water, and the Sir Samuel Kelly, the lifeboat that brought survivors from the Princess Victoria into Donaghadee, Members will see the potential to tell a story of worldwide interest.

The Department of Culture, Arts and Leisure, and other Departments, must realise that, in addition to putting in place a policy and conducting an audit of the material held in trust, and in situ, by such bodies, there must be a vision. Both it and the policy must be progressed energetically.

In its report, the Committee has drawn together 28 recommendations that it is hoped will focus minds. It has a set timetable, and it is now up to the Minister and his officials to set the process in motion, so that the educational and economic potential is maximised and another element of the shared vision process is put in place.

**Mr Deputy Speaker:** Will the Member please draw his remarks to a close?

**Mr K Robinson:** Sadly, Mr Deputy Speaker, I will.

**Mr P Ramsey:** Along with colleagues, I commend the report to the Assembly. I thank all the Committee staff for their diligence and patience over recent months — not forgetting all those community groups across Northern Ireland that contributed to the inquiry.

I will talk about the development of a museums policy from the perspective of independent museums. I understand that there are 34 accredited local museums, half of which are run by voluntary and independent bodies. As an Assembly Member from Derry, I rely heavily on the non-National Museums sector, given that there is no national museum in Derry. However, Derry City Council runs a first-class museum and heritage service, which includes the Tower Museum and the Harbour Museum.

Derry also has two independent museums — the Museum of Free Derry and the Apprentice Boys Museum in the city centre. Those independent museums tell the stories of their communities from the perspective of those communities and in their own words. That sector has been successful, showing a 61% growth in attendance rates in the five years up to 2007. In that year, the Museum of Free Derry had over 14,000 visitors, and I understand that the figures for this year will be much higher. Each Member here today can illustrate the importance of museums both in and for their own constituencies.

From evidence that was presented to the Committee, it became clear that independent museums across Northern Ireland are important in helping us to understand our history. They allow communities to tell their stories, and they preserve aspects of our heritage that are nationally and internationally significant. Such museums are also important in understanding the impact on communities of events that happened over decades and centuries. They also contribute to tourism and to international understanding, and they are well run. They will be vital components in any future museums policy.

Museums are important, as they tell national, regional and local stories. They are educational — they help us to gain a better understanding of our history and of ourselves, and they are of interest to us and to the many visitors who come here. Museums also contribute to our economy, particularly through tourism, and they are essential in maintaining local identity. They also contribute to better community relations and to building a better society.

Museums are so important that, over the past decade, we have invested capital developments of over £40 million in them, and the national museums alone have a revenue spend of over £20 million a year. Bearing in mind the importance of museums, the public money that is spent on them, and the time and effort that are put into running and improving them, it is essential that a policy is put in place that will ensure that our national, local and independent museums are run in strategic alignment in order to achieve goals that are agreed and set by custodians of the public interest, in partnership with various sectoral interests and experts.



I want to spend a few moments considering the role of the Museums Council, because its role is critical to the work of the independent sector. The local and independent sectors are united in praising its work and emphasising its importance in providing expertise, networking opportunities and advice. If the powers and responsibilities of the Museums Council were devolved to local councils, surely each of those councils would have to replicate the work of the Museums Council. Worse still, they would be starting from a near-zero knowledge base and would have to gain the expertise that currently lies with the Museums Council. I understand that the Museums Council has only four members of staff, which is remarkable, given the work that it has done.

What savings can be expected from devolving the work of the Museums Council? I welcome the Minister's attendance today; perhaps he can tell us what those expected savings will be. Will the Minister inform the House of the additional costs that councils across Northern Ireland will incur in taking on the role of the Museums Council?

Were the Museums Council to be dissolved, it is likely that there would be a net increase in cost to the public purse, a loss of expertise and a loss of a key centre for networking. Should the Museums Council go, the main losers would be the independent museums, as they would be left without any means of collective support. Therefore, I ask the Minister: who would take on the responsibility for the development of the independent museums sector?

1.45 pm

The Museums Council and National Museums Northern Ireland work well in a complementary fashion. I ask the Minister to reconsider the Department's position on the formulation of a museums policy and to reconsider retaining the Museums Council until such a policy is put in place.

**Mr McCarthy:** As a member of the Committee for Culture, Arts and Leisure who took part in the inquiry into the development of a museums policy, I, along with other Committee members, thank everyone who helped us through the inquiry. I include all the Committee staff, both past and present, and all the groups that gave evidence and answered questions. I also thank the Chairperson and Deputy Chairperson for their excellent direction and guidance throughout the inquiry. I also want to put on record my party's support for, and appreciation of, everyone throughout Northern Ireland who has worked, and continues to work, in the museums industry.

Museums and areas of historical interest have always been places that people want to visit in order to explore their origins and to understand how we got where we are today. Everyone who works in the

museums sector should take pride in their work. I hope that they will get behind the recommendations contained in the 'Report on the Committee's Inquiry into the Development of a Museums Policy for Northern Ireland' and the development of a museums policy. I also hope that a museums policy will provide a better and more modern way of bringing matters together for everyone's benefit.

It will be noted that the report shows that all the organisations that contributed to the inquiry were in total agreement that there is a need, at this time, for a policy that will give leadership and direction. Most certainly, the lack of a policy was said to be detrimental to the efforts that are being made to advance the aims and objectives of all the groups. The Northern Ireland Museums Council was appreciated by all those groups that gave evidence to the Committee, as my colleague Pat Ramsey mentioned.

The report sets out clearly some 28 recommendations. Other Committee members have talked about certain issues, and I will concentrate on how a museums policy can contribute to a shared future agenda, which is supposed to be top of the list in the Programme for Government. The Alliance Party is fully committed to implementing an agenda for a shared and better future, and, as I understand it, other parties have the same objective. Our present concern is the time that it is taking all Departments to put a shared future on to a full-steam-ahead schedule.

Recommendation No 15 says:

"the museums policy sets out a strong vision of the role which museums can play in our society going forward. The policy must be clear about what museums do and who they are for, including both the needs of the local communities in which they are situated and the needs of tourists."

No doubt the increasing number of visitors and tourists to Northern Ireland will mean that museum facilities and easy accessibility will be vital.

Many of those who gave evidence to the Committee's inquiry spoke about the potential of museums to contribute significantly to the shared future agenda. Museums can provide a shared space for people to explore their history and to address what, for some people, are the difficult issues of our recent past.

One submission stated that a museums policy should acknowledge that people can explore in museums difficult issues of heritage and identity. Therefore, museums play a fundamental role in creating a better society. The strategy should recognise the importance of developing major exhibitions that can explore difficult territory objectively and relevantly.

My party and I support fully the report's findings and recommendations, and we look forward to the Department and the Minister accepting all the report's



contents. I am glad that the Minister is in the Chamber to listen to all our exciting contributions.

Recommendation 28 —

**Mr Deputy Speaker:** Will the Member draw his remarks to a close, exciting as they are.

**Mr McCarthy:** Recommendation 28 states that a first draft of the museums policy should be produced within six months. Let us hope that it does not gather dust on a shelf somewhere.

**Mr Shannon:** I asked those girls in my office who are the mothers of young children how many museums there are in Northern Ireland. They knew of the Ulster Folk and Transport Museum and the Ulster American Folk Park in Omagh. After that, we searched Google for museums in Northern Ireland and found a list of 10, which did not include the ones that I knew.

Am a' guid suppoarter o' pittin fort tha rich histry an fowk-gates o' tha proavince tae tha wied woarl. Whun ye tak intae accoont tha 19 American Presidents er desendit frae Ulster-Scots linage, oor historical links er iver aw an intrestin, an shud be luk't intae mare tae help oot toorism. An yit if oor ain fowk irny aw aware o' whut we hae, hoo caun we expect ithers tae ken. It is fer this raisin that a' baleev ther must be a policy lukin intae museums an pittin fort those museums tae tha people o' tha Proavince an farther afiel.

I am an avid supporter of promoting to the world the rich history and culture of the Province. Given that 19 American Presidents have Ulster-Scots lineage, our historical links are vast and interesting and should be explored fully in order to enhance tourism potential. However, if our own constituents are unaware of what we have, how can we expect others to know? It is for that reason that there must be a policy that focuses on museums and their promotion to the people of the Province and further afield.

Although they are often — wrongly, I must say — regarded as dusty, crusty and uninteresting, museums are vibrantly alive with the history of days gone by. That must be shown to people of all ages and classes throughout the Province. It is hoped that a museums policy will initiate a new beginning for museums. It is a superb idea to co-ordinate museums that have similar themes in order to encourage people to visit more than the one or two that they have been to. It is clear that that must be examined strategically, and the museums policy seeks to bring that about.

I recognise that my interest in the history of the Province and my deep sense of cultural identity were shaped by the influences that certain people had on me when I was a child. Those people sparked an interest and fanned the flames of desire in me to know what shaped me and my nation. In the same way, it is imperative to have a system through which our young

children are inspired and intrigued to learn at school about their roots.

Most children in the Province visit a museum at some stage with their schools, and most of them will say that they enjoyed it. Regardless of whether they dressed up to spend a day at the Ulster Folk and Transport Museum to see how children lived in previous centuries or whether they saw how engines have developed since the industrial revolution, children love to feel and experience the past. Why does that not transcend to adolescent learning? Why is there no firm link between the Department of Education and museums to promote visits to the many different types of museums in the Province? The strategy will address that, and it is imperative that that happens so that future generations do not succumb — as many of my generation have — to the image of museums as somewhat dry places.

I make it clear that our museums are doing a brilliant job to make history interesting and applicable to all — from the bread-making classes in the folk museums to the historical walks on the walls of Londonderry with the Apprentice Boys. There is something for everyone, but people are simply not yet aware of it, and they should be told.

My council area of Ards is beautiful and historically rich and is one of 11 council areas that supports or provides museum services. I am proud of that, because there is no doubt that the promotion of those venues rests with all public bodies. The choice that my council made for its area is one that I would like to see repeated throughout the 26 council areas and, eventually, the 11 super-council areas.

We all have a duty to encourage people to expand their horizons and to learn more while they are enjoying their day, and councils that do not support museum services need to reconsider what they are depriving their constituents of. I hope that the policy will examine the post-RPA councils and provide guidance on how best to develop the museum sector in those areas.

In my area, we have the Somme Heritage Centre, which highlights the bravery and dedication of the men from Ulster who gave their all for freedom and democracy. We are proud of the attraction, and it is another attraction for people who wish to visit the most beautiful constituency in the Province — Strangford.

That said, Northern Ireland is so rich in history that every area should, and does, have something to promote it, and it is up to each council, each Government body, each elected representative to exploit the potential for all that it is worth.

There is a museums strategy in place, and it is a signpost that is pointing the way. However, a museums policy must be developed.



I support the motion, and I urge everyone in the Chamber to join —

**Mr Deputy Speaker:** Hou! yer whisht nae mair. Time is up.

**Mr Shannon:** I urge everyone to join with the Committee in recognising the need for a museums policy.

**Mr Brolly:** Go raibh maith agat, a LeasCheann Comhairle. I will simply reiterate what Mr Shannon said: Mr Shannon who is from that most beautiful part of the world — Carlingford.

During the presentations to the Committee, we were amazed by the number of people who presented from independent museums. I am not surprised by Jim's discovery that most museums are not even listed and nobody knows anything about them. However, if a museums policy will do anything, it will cure that ill, and it will make people aware of those hidden treasures. Some of those museums were very interesting and their variety was amazing. The practical strategy that will flow from a museums policy will help with all those issues.

In many ways, museums seem hidden, as some people do not know about them. There is a certain hiddenness about them. Indeed, the general public do not go to museums unless they are going on a school trip, or, like me, they are an old-age pensioner who is going on a day out. Hopefully, a policy and strategy will make museums a more vibrant part of tourism Northern Ireland.

I do not wish to say much more about the matter, because it has all been said already. However, I wish to reiterate a point that the Chairperson made, which relates to the work of the Museums Council and the proposal in the early stages that private consultants should be brought in to formulate a policy. If ever we wanted to waste money, that would be the way to do it, because private consultants would simply meet representatives from the Museums Council, pick their brains and come back and hand us a substantial bill for their work.

I will conclude by advocating that the Museums Council should be put in charge of the proposal. Go raibh míle maith agat.

**Lord Browne:** I declare an interest as a director of the Somme Association and as an elected member of Belfast City Council.

As previous Members who spoke said, museums are a key spending area for the Department of Culture, Arts and Leisure, and almost 20% of the Department's annual budget is spent on museums.

I am sure that Members will agree that it is essential to have a well-developed policy in place if a business or service is to run successfully. The key issues about

the development of such a policy include the need for greater integration between councils and national and local museums. That is essential if the museum sector is to be an effective, efficient organisation.

2.00 pm

One of the Committee's recommendations is that museums policy should set out how national, local and independent museums can best work in partnership in order to maximise the potential of all museums to create a cohesive museums sector. As the Chairman of the Committee said, those people who gave evidence to the inquiry highly valued the Museums Council and its work, and expressed the view that the Museums Council is crucial to the provision of specialist training and accreditation for the staff of independent museums.

The museums sector has major concerns about the transfer of the functions of the Museums Council to central and local government under the RPA. Continuity of service is vital, and there is a strong consensus that the Museums Council should not be dismantled until a museums policy is in place.

The Committee also recommends that museums policy should address how the current functions of the Northern Ireland Museums Council will be carried out after the RPA comes into effect. There is no doubt that there is a need for the high-quality services that are currently being provided by the Northern Ireland Museums Council. It is essential that those services continue, particularly for the non-national museums, which often have to rely heavily on the support and guidance of the council. I ask the Minister to consider the strong support that exists for the continuation of the Museums Council in its current form or as a successor body.

The Committee further recommends that museums policy should include a strategy for the administration of the accreditation scheme after the RPA comes into effect. The policy should also provide local councils with guidance on how best to develop the museums sector in their areas.

It is also imperative that the policy include strategic thinking and planning with regard to the military and maritime museum sectors; I know that Ken Robinson has mentioned that. The Committee heard evidence from the Somme Association, the Royal Irish Regiment and the HMS Caroline committee, which made it abundantly clear that the Government have failed to give guidance with regard to the development of the military and maritime museum sectors. Those sectors comprise a collection of diverse organisations which work on their own, with, apparently, no joined-up approach. It is, therefore, essential that the policy should encompass a co-ordinated approach to maritime, aviation and military history.



It would be of immense benefit if all those attractions could be included on one site. Furthermore, I suggest that they should be incorporated into the Titanic Quarter along with the signature project, so that Belfast, and Northern Ireland, would have a world-leading visitor attraction. Without the support of a museums policy, military, maritime and aviation history will not be able to fulfil their true potential. It is essential that those interests be included in the policy.

Museums policy should also consider themes that are not currently covered by museums, such as our sporting history. Northern Ireland has many famous sporting figures, and we should consider that issue at a later date. I support the motion.

**Mr D Bradley:** Go raibh maith agat, a LeasCheann Comhairle. It is clear that our museums and, particularly, their artefacts are a tremendous educational resource, which should be available to the pupils in our schools to the greatest extent possible. Unfortunately, however, that is not happening at present, which is clearly reflected in the Committee's report.

When Mr Chris Bailey of the Northern Ireland Museums Council gave evidence to the Committee on 29 May 2008, he was asked about the vision for education and learning as it related to museums.

In his response, Mr Bailey said:

"I am convinced that museums have not yet got the capacity to exploit the full potential of education and learning. That is illustrated by the flatlining of the number of schoolchildren who attended museums over the past five years. That is partly due to difficulties with school transport, but it is also due to museums not having rooms available or the necessary staff expertise."

It is very unfortunate that the lack of co-operation between the Department of Culture, Arts and Leisure and the Department of Education is denying pupils one of the most interesting resources available to them.

In that same evidence session, Mr Bailey spoke about museums' potential to affect learners. He said:

"My personal vision is to see museums being able to engender those life-changing experiences that people get from visiting museums. I have witnessed examples of that through people handling the actual objects ... Such experiences can give nine-year-olds, for example, an understanding of previous generations."

**Mr K Robinson:** The Member raises a very valid point. Does he agree that an organisation such as the Railway Preservation Society of Ireland currently fulfils that role despite its limited resources, because, as the Member said, it gives children the opportunity to experience a bygone age that they can smell and almost taste? The Member said that introducing children to museums will make museums an inter-generational prospect, because children who experience them will carry those experiences with them. They will also inherit all the skills, and so forth, from a previous generation.

**Mr D Bradley:** I thank the Member for his intervention. I live along the Belfast to Dublin railway line. During the Christmas recess, I heard the noise of a steam train and saw a long plume of smoke through my back window. I certainly experienced the steam age with all my senses on that day. Therefore, I agree with the Member's point.

I now return to the issue of education in the report. In this day and age, it is incredible that museums do not have the proper facilities, or the trained staff, to exploit fully the education and learning potential that they can offer. Museums are a huge educational resource that should be providing learning, research and inspiration to pupils. However, that resource is far from being fully utilised.

It is equally incredible that difficulties with school transport prevent pupils from accessing the wonder of our museums. My points underline the importance of recommendation 7 in the report. It recommends that a museums policy should address:

"how the links between museums and education can be strengthened and taken forward at a departmental level."

It also recommends that DCAL establish formal links with the Department of Education and the Department for Employment and Learning on that issue.

I like to think that such links will ensure that museums have the capacity and the staff to provide curriculum-based programmes to enable pupils to develop their skills and knowledge in an interesting and stimulating environment, which museums can provide.

It would be appropriate for a service-level agreement to be established between the Department of Education and DCAL to ensure that our museums' potential is fully exploited and so that they can contribute to the education of our young people. I welcome the report, and I congratulate the Committee staff, as well as the witnesses who attended the Committee meetings. I also congratulate the Chairperson, who directed the compilation of the report. Go raibh míle maith agat.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom mo thacaíocht a thabhairt don tuairisc. I begin my adding my voice of thanks to the Committee Clerk and her staff for their exemplary work and, indeed, patience that resulted in the publication of the report. It is a comprehensive report, and many valuable and welcome contributions assisted the Committee in arriving at its 28 recommendations.

Throughout the inquiry, it was evident that the absence of a museums policy has curtailed the sector's ability to maximise its impact, and the impact that museums can and should have in our community. Museums' tourism potential helps the economy, and they also help to promote lifelong education. Those are important linkages that help to broaden museums' impact.



Therefore, the inquiry is timely and, now that stable political institutions are in place, its recommendations can lay the required foundations for a vibrant and strategically focused museum sector and provide an opportunity for the Minister. The need to introduce a museums policy should be seen in those terms, and doing so would allow the sector to build on its undoubted strengths.

Building on what we have was a common theme from all of those who made oral and written contributions to the Committee. A museums policy would underwrite and ensure a strategic approach to all aspects of work in the sector. The current lack of a strategic approach means that there is no body to co-ordinate or review how museums are developed with regard to their geographical spread or their funding, or in relation to issues such as themes and collections.

Joint or collaborative ventures are often the result of local initiatives or are set up on an ad hoc basis. To maximise the richness of our heritage, a more strategic approach is required. A number of the inquiry's recommendations highlight the importance of a vibrant independent sector, the contribution that is made by the independent museums and how that contribution can be built upon.

During an evidence session in Derry, the Committee heard evidence from the Museum of Free Derry — I declare an interest as a trustee of that museum — and the Apprentice Boys of Derry. Both organisations made the point that independent museums must maintain their own identities; in other words, they should be allowed to tell their story from their perspective. That does not prevent either of them from working in partnership with others to tell the story of Derry. Undoubtedly, both museums have played a worthwhile role in increasing the number of visitors to our city in recent years.

A museums policy would greatly assist those in the independent sector to benefit from the understanding and capabilities of more-established museums. That point was echoed in the evidence provided by the Heritage Lottery Fund. Sinn Féin supports the Museums Council, which has played a pivotal role to date. Its role was acknowledged by those in the sector who have benefited immensely from its work.

I commend the report to the Assembly. I hope that the Department and the Minister will take note of the report's recommendations and come to the conclusion that a museums policy is not only necessary but that it should be forthcoming in the near future, and that the cost of, or lack of, resources should not be the cover-all reason for the status quo to remain. Go raibh maith agat.

**Mr G Robinson:** Undoubtedly, Northern Ireland people have a fascination with history. Indeed, history

is part of everyday life in Northern Ireland, and a museum is one way in which that fascination can be put into perspective. Many people from all parts of the world visit here every year to discover their ancestors' birthplaces, to find out about their living conditions and to enable them to put into perspective the journeys of people who emigrated to every part of world. The obvious delight of discovering relatives has been witnessed on many occasions. As part of their search, people often visit local museums and those that take a Province-wide perspective. People may wish to see the impact that the famine had on a particular area, or they may wish to understand the hows and whys of change in society.

In the last session, the House debated the 1859 revival. Without a museum, how would such a society-changing event be remembered or be put into perspective at a local level? Locally, it is essential that young people appreciate the sacrifices of previous generations and the struggle that they went through to build the society in which we live today. Museums are also places in which gifts to boroughs and pieces of great local significance can be displayed, restored and protected for the benefit of future generations.

With that in mind, I support in principle the development of a museums policy for Northern Ireland, but I am doubtful that the time is right. At the present time, we should all be well aware of the economic climate, and I urge caution in developing such a policy. Undoubtedly, there will be a rush by some people to use such a policy to develop new museums. However, I remind Members that budgets are extremely tight.

2.15 pm

I also urge the Minister to give specific and detailed attention to the costs and which bodies would incur them. Later today, the Assembly will debate the penny product, and I fear that a large proportion of the cost of the proposed museums policy would fall on local councils. At present, councils cannot afford such a luxury and, in the current economic climate, a museums policy is a luxury. It might be better to wait until the Minister has had the opportunity to examine carefully every aspect of such a policy.

I support the motion.

**The Minister of Culture, Arts and Leisure (Mr Campbell):** I thank the Committee and the Assembly staff for the time and effort that they have put into the inquiry and the detailed report. I also thank the organisations and individuals who contributed to the process in written and oral evidence.

I welcome the debate and the contributions of all the Members who participated. It was Mr McCarthy who, I believe, indicated that the debate is important and



exciting. I certainly agree that it is important. —  
[Laughter.]

We have many fine, interesting and unique museums in Northern Ireland that tell the story of our social and industrial heritage, and preserve important artefacts for future generations to observe, experience and enjoy. I am committed to ensuring that they maintain their exceptionally high standards. Our museums have great development potential, for example, in promoting tourism and lifelong learning. We need to exploit those assets fully.

The report indicates that the way to achieve those, and other, objectives for the sector is through a museums policy. In my evidence to the Committee, I said that a policy route is not necessarily the only route to achieve that. However, I also said that I was willing to listen to alternative views, and that I looked forward to receiving the report.

I received the report last Tuesday, 6 January, with a letter from the Committee Chairperson inviting me to respond to the recommendations by 13 March 2009. I want to give the report the attention it deserves and I will provide a considered response to the recommendations by that date. That will involve discussions with a range of bodies and other Departments mentioned in the report, some of which were not involved or consulted as part of the process. Therefore, it would be premature for me to offer any detailed comment on the report or its recommendations at this early stage.

We have a common understanding of the great potential offered by our museums and we share a common aim to improve, realise and build on that potential. As the Minister with responsibility for the museums sector, I will consider carefully the case put forward by the Committee for the development of a museums policy, taking into account other priorities and resources.

The House should note that if it approves this report it will do so on the understanding that neither the Department nor other key stakeholders have had adequate time to assess whether the recommendations are deliverable. In the light of that, I cannot at this stage give an unequivocal response, nor do I believe that anyone expected that I was going to do so.

I refer to comments made in the introductory part of the debate by the Chairperson of the Committee, who indicated that everyone who came before the Committee was in favour of a policy. He indicated that I was the only one who was not in favour, and that I was out of step with everyone else. I draw Members' attention to page 189, paragraph 1757 of the report, in my evidence to the Committee:

"I am conscious that the development of a policy could be costly. If I were able to acquire the costings to allow a policy

decision to be taken — which did not impinge or impact on the delivery of a high-quality museums service — I would be prepared to consider developing a policy."

That was my response to a question that was posed by the Chairperson of the Committee for Culture, Arts and Leisure.

**Mr Deputy Speaker:** As Question Time commences at 2.30 pm, I suggest that Members take their ease until that time. This debate will resume at 4.00 pm, when the Chairperson of the Committee for Culture, Arts and Leisure will be called to make a winding-up speech.

*The debate stood suspended.*



2.30 pm

*(Mr Speaker in the Chair)*

## Oral Answers to Questions

### OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

**Mr Speaker:** Order. It is time for questions to the Office of the First Minister and deputy First Minister (OFMDFM). I wrote to all Members recently to inform them of a change in Question Time with effect from today. Members wishing to ask a supplementary question should rise in their places as the Minister finishes the response to the lead or supplementary question. I remind Members that supplementary questions should be short and should very much relate to the original question — which has been a problem in this House sometimes in the past — and, as far as possible, should not be read out. If that is clear, we shall proceed.

#### Older Persons Commissioner

1. **Mrs M Bradley** asked the Office of the First Minister and deputy First Minister what plans it has to change the current legislation to allow for a full-time Older Persons Commissioner. (AQO 1658/09)

**The First Minister (Mr P Robinson):** I wish you well with the new process, Mr Speaker.

The Office of the First Minister and deputy First Minister has a Programme for Government public service agreement target to create a strong, independent voice for older people. After examining all the options, and having received the commissioned independent report, we decided that the best way to fulfil this commitment was to have a full-time older persons' commissioner. In order to ensure that the commissioner would have a sufficiently strong power-base in line with the expressed wish of the sector, we decided that the office should be underpinned by new primary legislation.

We received the second part of the Deloitte report, outlining the possible roles and responsibilities of a commissioner, in May 2008. Officials in the Department have since prepared a timetable for the legislation, and are conducting the necessary pre-legislative stages. I assure the House that we are moving forward with this timetable without delay.

In order to ensure that the sector has a direct voice to Government in the period until the commissioner is in place, we have appointed Dame Joan Harbinson as the Older People's Advocate for Northern Ireland. She will have the role of advising Government, vocalising the issues and concerns of older people, and acting as a liaison between the Government and the sector.

**Mrs M Bradley:** I thank the Minister for his reply. What resources have been given to the Older People's Advocate, and what are the terms of reference?

**The First Minister:** The purpose of having the advocate is to maintain the momentum leading towards the commissioner's being in place. The seriousness of the Executive is shown by the placing of the older persons' spokesperson as part of our Programme for Government. The fact that we are putting in place primary legislation shows our belief in this role being a priority, because we do not believe that an amendment to any existing legislation would give sufficient powers to the person who would act as commissioner.

The resources are there because there is currently no statutory basis for the advocate to operate on at a lesser level than will be there when we have the new legislation, but there is the administrative back-up. We are still looking for a permanent adviser at a higher level to assist the advocate.

**Rev Dr Robert Coulter:** Thank you, Mr Speaker. *[Laughter.]*

Will the First Minister explain why an interim appointment for an old people's commissioner was deemed necessary, and why we did not move to a substantive appointment? Will the First Minister indicate whether he has made any progress in age-proofing all legislation in the Northern Ireland Assembly?

**The First Minister:** There is no existing legislation that would allow us to appoint a commissioner, and it is, therefore, necessary for us to put in place new legislation. As Members are aware, by its very nature, it takes between one and two years to have the substantial kind of legislation that needs to be drafted and brought before the House. Rather than wait for that period of time before there would be someone advocating for pensioners and other senior citizens, we have appointed the advocate on an interim basis.

I think that that was a sensible thing to do and it is appreciated by the sector. However, we want to move on and put a commissioner in place.

**Mr Shannon:** I did not know whether to wave my hand or flash a piece of paper to attract your attention, Mr Speaker.

Apart from a commissioner for old people, will the First Minister explain what other actions the Executive have taken to help elderly people in society?



**The First Minister:** Mr Speaker, I am sure that it would be difficult for you not to see the Member for Strangford; he is prominent in the Chamber.

The Executive and the Assembly have made it a priority to deal with issues affecting senior citizens in society. The number of people eligible for free fares on the transport system has been increased. Previously, that scheme was open to people over 65 years of age. Under the new arrangements, senior citizens over 60 years of age — a category which I have joined within the past few weeks — will be able to enjoy that facility.

Rates increases were frozen for the whole of the household base, and a discount was introduced for senior citizens over the age of 70 and who live on their own. Following information provided to us by Age Concern and its sister organisation, a number of further issues have been raised, and we are looking at ways in which to increase the benefits uptake among senior citizens.

A whole range of activities are taking place to increase the ability of senior citizens to benefit from available Government funds and to be better able to liaise with others in the community.

## Victims Commissioners

2. **Mr Attwood** asked the Office of the First Minister and deputy First Minister for its assessment of the impact the delay in agreeing the work plan for Victims Commissioners will have on implementing its strategy for Victims Commissioners. (AQO 1657/09)

**The First Minister:** I assume that in his question the Member meant to refer to the strategy for victims and survivors. We anticipate that the continuing discussions on the Victims' Commission's work programme will have no impact on the implementation of the strategy for victims and survivors.

On 31 October, consultation on the draft strategy concluded and a copy of the summary report has been sent to the Committee for the Office of the First Minister and deputy First Minister for its consideration. Shortly, we will forward to the Committee a draft consultation document on victims' and survivors' services for consideration prior to publishing. We have agreed almost all aspects of the commissioners' first work programme, and the commissioners continue to work on all their areas of responsibility in the interests of victims and survivors.

Before last summer, the commission drafted an initial work programme to facilitate a series of consultations. The commissioners amended that work programme to take into account the feedback from those consultations. The work programme outlines the goals and targets for the commission until the end of

March 2009, and will be regularly revised and updated. All the areas of work have been agreed and only administrative issues remain under discussion. We anticipate that the remaining issues will be resolved before the end of the week.

**Mr Attwood:** I thank the Minister for his reply, and I note what he said. Is it or is it not the case that there has been a delay by the Office of the First Minister and deputy First Minister to sign off on a work programme for the Victims' Commission? That delay has stretched out for six months now.

Given that delay, will those organisations for victims and survivors, which have had funding, now require interim funding from the First Minister's office in order to ensure that that funding does not stop? If that is the case, what interim arrangements will be put in place to ensure that those groups get funding and do not have to cease to exist?

**The First Minister:** I am sure that if the Member examines the role of the victims' commissioners more closely, he will discover that it is not to administer funding in the first place. The only outstanding issues are merely administrative and relate to the work programme. As I have mentioned, it is expected that those will be resolved shortly.

**Mr Kennedy:** I am grateful for the opportunity to ask a supplementary question. What specific issues remain outstanding with the deputy First Minister?

**The First Minister:** The only issue is staffing. At present, the matter is under discussion between our Department and the victims' commissioners.

**Lord Browne:** Will the First Minister explain the measures that the Executive have taken since the return of devolution to deal with serious problems that are faced by victims?

**The First Minister:** The deputy First Minister and I have raised significantly the amount of funding that is available to victims and survivors in our own budget — £36 million is available. Of course, under Peace III, there is up to £25 million of funding. Therefore, significant resources are available. The victims' commissioners will be best able to indicate which other steps can be taken to assist victims and survivors. Through the junior Ministers, the Department has constant contact with victims' groups.

**Ms J McCann:** Will the Minister explain the Victims' Commission's achievements to date?

**The First Minister:** First, the Victims' Commission was responsible for producing a work programme for the initial period until the Office of the First Minister and deputy First Minister prepared the strategy, and progress was made from there.



Secondly, the commission has had to make contact with all the victims' organisations. It has had several public meetings with those organisations and has also met several individuals. It is also in the position of having to seek new premises, on which it is making progress. Therefore, the commission carries out a range of work as well as having regular consultations with our officials.

### Rapid Response Capacity

3. **Mr K Robinson** asked the Office of the First Minister and deputy First Minister to detail how the new Rapid Response Capacity, announced on 15 December 2008, will be fast tracked through the Assembly. (AQO 1645/09)

**The First Minister:** Following our announcement on 15 December 2008 that we would bring forward legislation early in the new year to respond quickly to any crisis or hardship situation, the deputy First Minister and I are pleased that we introduced the Financial Assistance Bill in the Assembly earlier today.

The Bill's aim is to provide the Executive with flexibility in the allocation and distribution of resources across Departments, so that they will be able to respond quickly, effectively and decisively to deal with exceptional circumstances or to tackle poverty, social exclusion or deprivation.

We have tabled a motion for tomorrow's plenary sitting to ask the Assembly to approve the Bill's proceeding under the accelerated-passage procedure. Subject to the Assembly giving its approval to the use of the procedure, the Bill's Second Stage debate will follow immediately. We expect that the Bill will pass all its Stages, with the Assembly's approval, by the end of January 2009.

**Mr K Robinson:** I thank the Minister for his comprehensive answer. Will he give an undertaking that the use of that rapid-response mechanism by OFMDFM will, first, be tabled at and agreed by the Executive, and, secondly, will not be used to undermine Ministers' individual departmental responsibilities?

**The First Minister:** The legislation's purpose is to assist Ministers with their departmental duties and to provide a statutory basis for taking action where none presently exists. The deputy First Minister and I have agreed that there should be a change to the ministerial code, which will ensure that all the schemes that flow from the legislation go to the Executive for approval before they can proceed.

**Mr Easton:** Will the First Minister tell the House how he believes devolution has helped to tackle fuel poverty?

2.45 pm

**The First Minister:** That is almost self-explanatory in that we are the only part of the United Kingdom that has produced this scheme. Indeed, I suspect that some of the other devolved institutions will look at us with considerable envy. The scheme shows the benefit of devolution because it simply would not have been introduced under direct rule. It shows that the Executive are able to react and consider the interests of the people whom we represent. Even if the means are not immediately at our disposal, we are prepared to take the necessary steps to act on the decisions that we take.

**Mrs Long:** Given the urgency of the situation and the speed with which things are moving, have the First Minister and the deputy First Minister had time to consider the issues raised in correspondence with them about this matter last week? Will they be able to consider those issues before tomorrow's debate?

**The First Minister:** We deliberately opted for accelerated passage as opposed to the suspension of standing orders, which we had originally considered, to allow for more debate and more Assembly involvement. It gives us an opportunity to listen to the views of the Assembly tomorrow and before the Executive meet on Thursday.

I have read the correspondence and I am aware of the points raised. There are some easy answers to the issues that the honourable lady and others have raised in respect of the legislation. However, I put it to her that it would be wrong for us to give all the answers before we meet our Executive colleagues on Thursday. We are proceeding with the legislation as provided today. We do not have a closed mind, and we are open to any sensible amendments that will improve the legislation.

### Gifting of Former Military Sites

4. **Mr Craig** asked the Office of the First Minister and deputy First Minister what discussions have taken place with the UK Government on the gifting of former military sites. (AQO 1725/09)

**The First Minister:** We have corresponded and held meetings with the United Kingdom's Government on a regular basis to progress the gifting of former military sites; our officials also maintain regular contact with the Ministry of Defence on the matter. We will continue to press the Prime Minister directly, and we are hopeful of a favourable outcome on the issue. We will ensure that the Assembly is kept informed of progress.

**Mr Craig:** I thank the First Minister for that answer. Will he outline the implications of the recent fall in property values on the transfer of former military sites?



**The First Minister:** The preference of both the deputy First Minister and me is for the sites to be gifted. Property values will not matter if the sites are gifted, except to the extent that it may be less of a problem for the Ministry of Defence to hand the sites over if they are of a lower value.

However, if the Ministry of Defence does not gift the sites, or gifts only some of them, and the Executive decides to purchase the remaining sites, we would be able to purchase them at a considerably lower rate than would have been available 18 months ago. However, it must be recognised that the constructions necessary to develop any site that may be gifted, or purchased, would represent a cost that has not yet been taken into account in the Finance Minister's Budget.

**Mr McElduff:** Go raibh maith agat, a Cheann Comhairle. Will the Minister provide an update on the situation regarding the Lisanelly and St Lucia sites in Omagh, particularly OFMDFM's efforts to secure the transfer of those sites for the purpose of empowering and enabling the education campus, the village of post-primary schools?

**The First Minister:** Mr Speaker, neither you nor I expected that this question would pass without mention being made of St Lucia and Lisanelly. The deputy First Minister and I have made our views very clear. We want those two sites, or a single combined site, to come into the Executive's possession.

I have noted the scheme that has been produced and, as a similar scheme operates in my own constituency, I recognise the value in campuses where several schools are amalgamated. However, we must acquire the site. The deputy First Minister and I have raised the issue with the Prime Minister and the Secretary of State on several occasions, and we will continue to do so.

**Dr McDonnell:** I thank the First Minister for his answer so far. What impact has the delay in the decision on the regeneration of the Maze/Long Kesh site had on the gifting of the Lisanelly barracks site?

**The First Minister:** It has had no impact. I do not think that the Government's reluctance to hand over other military sites is related to that matter. They may use that issue as an excuse, but Members know that the Ministry of Defence attempted to use the sale of military sites to augment its own Budget. That would be understandable were it not for the fact that Her Majesty's Government published a commitment to provide the Executive with a number of those sites.

I do not accept remarks by the Minister of State responsible for security that we have embellished the generosity indicated in the framework document, which included a clear commitment to provide us with additional military sites. The Government must keep their promises, and we will continue to press them on that matter. In recent contacts that the deputy First

Minister and I had with the Prime Minister and the Secretary of State, the matter has not been without hope.

## USA Investment

5. **Mr Gardiner** asked the Office of the First Minister and deputy First Minister to detail any new potential investment leads opened up following its visit to the United States of America in December 2008.  
(AQO 1647/09)

**The First Minister:** The main purpose of our visit to the United States in December was to promote investment opportunities in Northern Ireland. Our participation at meetings with prospective investors and those who influence investment decisions helped to strengthen the message that Northern Ireland still provides an excellent investment opportunity. We used those meetings to explain the Executive's commitment to growing the economy and to encourage prospective investors to choose Northern Ireland as their preferred European location.

**Mr Gardiner:** I thank the First Minister for his reply. Will he further enlighten the House about the achievements of the Emerald Fund that was announced at the investment conference last year?

**The First Minister:** During our visit to New York, we met with the New York City Comptroller and New York State Comptroller to discuss further investment, and we are in continual contact on those issues. It is not for the Executive to be involved in those individuals' arrangements, but they indicated that they were proceeding and that they have established personnel and an office in Northern Ireland. I hope that those schemes will soon be realised.

The deputy First Minister and I not only met those involved with investment funds, but we had the opportunity to address a Fortune 500 dinner about the benefits of investment in Northern Ireland. We also met 20 leading businessmen from Wall Street, visited the Stock Exchange and had breakfast with the chief executive and directors, and met Mayor Bloomberg. Those meetings were follow-ups to the very successful US/Northern Ireland investment conference. Although the conference has passed, Invest NI and our Ministers continue to contact those who attended.

**Mr Spratt:** I thank the First Minister for his answer. Will he provide further detail about which firms, individuals or groups he met during that visit?

**The First Minister:** There were around 250 leading company directors at the Fortune 500 dinner. The deputy First Minister had leading businessmen around his table, as did I, and they all showed a considerable interest in Northern Ireland. Although many people



think that it is difficult to get businesses interested in investing in Northern Ireland due to the current difficult economic times, we found that the high skills and lower production and labour costs in Northern Ireland are very attractive, especially to chief executives who are considering their cost base.

**Mr A Maginness:** I thank the First Minister for his answer. The list of people whom he met is impressive, and progress is certainly being made. However, I recently met a senior official of the US Administration, who emphasised the importance of the transfer of policing and justice to the devolved Assembly in Northern Ireland, because it is an indication of the maturity, stability and confidence of the Assembly and this Administration.

**Mr Speaker:** I encourage the Member to ask a question.

**Mr A Maginness:** Does the First Minister agree that the transfer of policing and justice powers will give that confidence to outside investors, particularly Americans?

**The First Minister:** I have spoken to hundreds of investors, many of whom have had good reasons for looking towards Northern Ireland, but the prospect of policing and justice powers being devolved has never been at the top of their list. Policing and justice powers should be devolved to Northern Ireland in the right circumstances and at the right time. I want to see it happen without any delay. If Northern Ireland is seen to be stable, if our Assembly is seen to be working well and if confidence is built in our community, all those things help to foster an atmosphere that is beneficial to business in Northern Ireland — not only to those investing from outside of Northern Ireland, but to our own business people.

## ERINI Review

6. **Ms Anderson** asked the Office of the First Minister and deputy First Minister for an update on the review of the Economic Research Institute of Northern Ireland. (AQO 1690/09)

**The First Minister:** The KPMG report on the review of the Economic Research Institute of Northern Ireland (ERINI) was received in October 2007. It is a very important report, with potentially wide-ranging and significant implications for ERINI, its staff and the Department. It is reasonable and proper, therefore, that we take the necessary time to fully consider each of the report findings and canvas all relevant views to determine the best way forward.

The report is critical of ERINI. It indicates the need for remedial action across a range of areas, and offers a number of options on how that might best be achieved. The Department was challenged to consider how an

effective economic research and policy challenge function might best be delivered. We have established an interdepartmental working group to assess how that function is currently delivered by Departments. We are also examining how that function is discharged in other jurisdictions. We plan to have final recommendations on the way forward by the end of this month.

On 4 December 2008, representatives from the board of ERINI met the head of the Civil Service to put forward some outline views on the way ahead for the institute. They are refining the detail of their proposals, and we will meet with ERINI representatives before the final decision is made.

**Ms Anderson:** Go raibh maith agat. The report was scathing, and it referred to the fact that economic research was, at times, carried out too late to influence policy. The First Minister said that a report will be produced at the end of the month. Will that report include the review's findings, and will those findings be brought to the Committee for the Office of the First Minister and deputy First Minister for discussion?

**The First Minister:** We will always keep the Committee up to date with the issues that relate to its, and our, responsibilities. The report was critical. There is a further issue of principle that we, as elected representatives, must decide.

If a body is to provide an independent challenge function, is it sensible for that body to be almost entirely paid for by Government? That is one of the issues that must be considered. Clearly, there are also administrative issues of which the report was critical.

3.00 pm

All of that requires us to take action. The decisions will be taken in the best interests of the Executive and our economy. In light of all of the work that ERINI did — including the very considerable work that it did for the political parties in the run-up to devolution — we should be grateful for the assistance that it provided to us.

## AGRICULTURE AND RURAL DEVELOPMENT

**Mr Speaker:** I remind Members that, although I have a list of Members who want to ask questions, it is vitally important that they stand in their place if they wish to ask a supplementary question. The only way that other Members will be able to ask a question is if they rise in their places.



## **Gildernew Engineering/Gildernew Environmental**

1. **Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development what is her relationship with Gildernew Engineering and Gildernew Environmental of Dungannon, and what is that company's relationship with O'Neill's Engineering and the recent pig-meat sector scare. (AQO 1726/09)

**The Minister of Agriculture and Rural Development (Ms Gildernew):** I have no relationship with either company, but I have family members who are involved in both businesses. I have no knowledge of any relationship between those companies and O'Neill's Engineering. Any enquiries with regards to those companies should be directed to the businesses themselves.

**Mr Paisley Jnr:** I thank the Minister for her answer. Is it possible for the Minister to update the Assembly on any investigation into the pig-meat or red-meat sector; to assure the House that she has no knowledge of the workings of any of the companies that were mentioned; and to explain whether she believes that it is appropriate that the company in question uses the Minister on its website to promote its activities?

**The Minister of Agriculture and Rural Development:** As the contaminated-feed issue is being investigated by the Garda Síochána and the PSNI, it is not appropriate for me to get into the details of the investigation. Indeed, I am not privy to the details. However, I am content that whatever dealings those businesses have are their business. If the Member wants to know more about those dealings, I suggest that he contacts those businesses directly.

**Mr McCallister:** Further to that reply about the scare in the meat sector, what work has the Department carried out with regards to compensating farmers? What discussions has the Minister had with farmers and their representatives? Her ministerial colleagues south of the border are partly responsible for the cost of that scare, so what work is being done with those colleagues to secure funding for the farmers?

**The Minister of Agriculture and Rural Development:** The Executive wrote to the authorities in the South and sought access for farmers and businesses in the North to the South's scheme of exceptional support measures, and we will continue to press that case. The deputy First Minister spoke, and subsequently wrote, to the Taoiseach in similar terms.

We have had a great deal of engagement and contact with farmers who were involved in the scare. A meeting between my Department and those farmers will take place shortly, but there has been ongoing individual contact with each of the farmers involved. Farmers have also been encouraged to consider

alternative sources of compensation, including insurance; applications to the Department of Agriculture, Fisheries and Food (DAFF) scheme; and legal action against the providers of contaminated animal product or feed.

In the circumstances, we are doing all that we can. However, I am not yet sure what the outcome will be.

**Mr O'Loan:** Will the Minister detail the method of identification for locally raised pigs? Will she tell us how our method of traceability differs from that in the Republic of Ireland, and can she make any useful comparisons?

**The Minister of Agriculture and Rural Development:** Hopefully, the pig sector is over the worst of the scare. As no locally born and bred pigs were affected, the indications are that there were no direct costs to primary producers, although some lower prices were paid in the week immediately following the discovery of the contamination.

Eleven pork processors indicated that they incurred substantial costs in respect of contaminated pork and pork products received from the South. Those costs are estimated at approximately £12 million. The advice from the Food Standards Agency — that retailers and caterers remove our pork products from sale — caused damage to consumer and customer confidence, which will have resulted in some stock losses for our processors. Such losses are estimated at £1.5 million.

In addition, there are the costs of measures required to restore customer confidence in export markets; that leads me to the responsibility for general food labelling, which rests with the Food Standards Agency (FSA). My Department is responsible only for the implementation of the EU-wide beef-labelling regulations, which require all operators in the supply chain — down to retail level but excluding food service — to label their beef with traceability and origin information. The FSA is responsible for pork products, so I am not in a position to answer the Member's question in the manner in which he would like.

## **Rural Poverty**

2. **Mrs McGill** asked the Minister of Agriculture and Rural Development what progress has been made in addressing poverty in rural areas. (AQO 1761/09)

**The Minister of Agriculture and Rural Development:** My Department is developing a policy framework for addressing poverty and social exclusion in rural areas. The framework will be used to disperse the £10 million that was awarded to the Department of Agriculture and Rural Development (DARD) from the Programme for Government in order to address poverty and social exclusion in rural areas.



Several priority areas for action have been identified, including rural fuel poverty, rural childcare, rural transport, rural community development and a challenge fund for projects that address poverty and social exclusion in rural areas. In the coming months, consultation with stakeholders will take place, and various impact assessments and business cases for each priority will be completed. It is my intention that priorities under the framework will open for applications in late spring or early summer.

**Mrs McGill:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her response. Will she provide further details about some of those priorities, such as those concerned with rural transport?

**The Minister of Agriculture and Rural Development:** Work on rural transport has been ongoing with the Department for Rural Development (DRD); we are examining ways to maximise the success of rural transport fund partnerships, and we are exploring ways to ensure more equitable access to transport for rural dwellers.

Details of our priorities concerning rural childcare include: supporting pilot, or demonstration, projects from community or regional bodies to tackle problems with access to childcare services; early-years integration; the quality and safety of provision; and the sustainability and affordability of services.

With regard to fuel poverty, we have been working with the Department for Social Development (DSD) and have contributed to the warm homes scheme up to the end of the financial year. Further discussions are planned to investigate other measures that might be appropriate.

A priority for community development is to support the creation of the capacity of, and leadership in, rural communities to identify and develop measures to alleviate poverty and exclusion. The rural challenge fund will address specific poverty and exclusion matters in a more locally or regionally driven project-based manner. That priority welcomes project-based proposals that directly address the poverty and social exclusion being experienced by farmers and farm families and which provide support and signposting to address rural stress and those that address the need of section 75 groups in rural areas.

**Mr Shannon:** I thank the Minister for her response. In the area that I represent, some people have expressed concerns about how funding to address rural poverty will be allocated. Will the Minister assure Members that funding will not be directed mostly to the west of the Province rather than to the east, and that it will go to unionist areas, because some people suspect that it will go to nationalist areas?

**The Minister of Agriculture and Rural Development:** Such funding, like other matters, will

be allocated on the basis of equality impact assessments (EQIA) and objective need. Where dwellers in rural areas have need, we will attempt to address that need, and that is what anyone would expect my Department to do.

**Mrs D Kelly:** I support the Minister's assertion that poverty should be addressed on the basis of objective need and not on whether funding should be for Catholic or Protestant cows.

Given that recent post-project evaluations demonstrate that DARD is behind on delivery in more than 20 of its projects — including the rural development programme, the rural housing estates programme and the natural resource rural tourism initiative — does the Minister agree that such lengthy delays are unacceptable and do nothing to address rural poverty, and what actions will she take to ensure their conclusion?

**The Minister of Agriculture and Rural Development:** My Department strives to avoid lengthy delays, and I want all projects in which my Department is involved to be completed within the timescale envisaged. Before becoming Minister, and in my capacity as an MLA representing a rural constituency, I often lobbied the Department on projects that were held up because of issues relating to planning permission, for instance, or other reasons that were outside the control of the Department. It is incumbent on the Department to ensure that any project under its auspices is completed in the timescale envisaged and that the relevant money is spent in that financial year.

### Farm Modernisation Scheme

3. **Mr Beggs** asked the Minister of Agriculture and Rural Development what progress has been made in providing farmers with more information regarding the farm modernisation scheme. (AQO 1716/09)

6. **Mr Doherty** asked the Minister of Agriculture and Rural Development how and when the farm modernisation programme will be opened. (AQO 1770/09)

**The Minister of Agriculture and Rural Development:** With your permission, a Cheann Comhairle, I will answer questions 3 and 6 together. The farm modernisation programme will open on 28 January 2009, and the documentation required for the application pack is being printed. The opening of the programme will be advertised widely, and application packs will be available on the DARD website and in DARD offices from that date.

The date for the receipt of applications will be from 17 February, and they can be submitted only through the eight DARD offices in Ballymena, Newry,



Downpatrick, Armagh, Coleraine, Omagh, Dungannon and Enniskillen. Alternatively, applications can be posted.

**Mr Beggs:** I thank the Minister for her answer. I declare an interest as a landholder, and my parents have a small farm business. Does the Minister accept that the delays have been disappointing to many in the farming community? Will she ensure that there will be no further delays and that money will begin to flow and benefit the farming community as soon as possible?

#### **The Minister of Agriculture and Rural**

**Development:** I accept that people have been disappointed about the delays. However, the delays arose because I wanted to ensure that the methodology for delivery was as effective and efficient as possible and that the list of eligible items covered all sectors, because there was disquiet among some groups of farmers who felt that one sector was being more heavily promoted in the farm modernisation programme than another. I wanted to ensure that those measures are open to as many farmers as possible and that we get the delivery mechanism right, because those concerns provided much food for thought over the past couple of months. I wanted to ensure that the farm modernisation programme was as good as it could be when it opened and that it could be tapped into by as many farmers as possible.

**Mr Doherty:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her answer. When applying to the farm modernisation programme, are applicants required to provide quotations for any purchases that they want to make, such as machinery.

#### **The Minister of Agriculture and Rural**

**Development:** No. We have adopted a simplified procurement process for the farm modernisation programme for which quotations are not required. However, applicants may wish to seek quotations for their own business planning purposes and to maximise the opportunities that the programme may present to their business, if successful. The Department has tried to keep bureaucracy to a minimum. We are using reference prices, and it is hoped that that will speed up the process and enable as many farmers as possible to avail of the scheme.

**Mr Speaker:** No other Members have expressed a wish to ask a supplementary question, so we will move on. I call Mr P J Bradley — sorry, I call Mr Poots.

### **DARD Direct: Lagan Valley**

4. **Mr Poots** asked the Minister of Agriculture and Rural Development what consideration is being given to cover the Lagan Valley area with a DARD Direct office. (AQO 1754/09)

#### **The Minister of Agriculture and Rural**

**Development:** Go raibh maith agat, a LeasCheann Comhairle. We are flying through the questions today. As the Member is aware, DARD customers in Lagan Valley access various DARD services from several locations. Most Lagan Valley customers fall into the Larne and Newtownards divisional veterinary office (DVO) catchments, but a small proportion fall into the Newry and Armagh DVO catchments.

Customers who require face-to-face access to veterinary services must travel to their appointed DVO to carry out some transactions. However, those customers — depending on which county they live in — have to go to Ballymena or Downpatrick to receive grant and subsidy assistance. There is a small DARD office in Lisburn, but its main purpose is to accommodate staff from a limited number of DARD branches who work in the area. The office is opened to the public for a half a day only on a limited service, and it is fairly inaccessible.

To illustrate those examples, Members should be aware that for 90% of a normal working week a Lagan Valley constituent farmer from Glenavy must go to Larne for veterinary transactions and to Ballymena for advice on grants and subsidies, and a constituent farmer from Ballynahinch must go to Newtownards for veterinary services and to Downpatrick for advice on grants and subsidies.

The DARD Direct proposal replaces that variable approach with a series of one-stop shops that will provide office access to all farmer-focus services five days a week. We arrived at our proposed locations for DARD Direct offices after considering the recommendations arising from the equality impact assessment and the public consultation exercises.

3.15 pm

The Lagan Valley area will be covered from the proposed locations of Newtownards and Downpatrick in the east and south-east, Newry in the south, Armagh in the south-west and Antrim in the north. The two farmers to whom I referred will be able to carry out all their transactions from the location that is most convenient for them.

During the stages of pre-consultation and public consultation, bodies representing the industry identified an improved quality of service provision as much more important than the location of the office.

**Mr Poots:** Does the Minister recognise that, when circles are drawn around the offices denoting the 25-kilometre zone, Lagan Valley is the only constituency in Northern Ireland that is wholly excluded? Just because Lagan Valley previously received a poor service does not mean that the Minister should continue that discrimination against the 1,000 farming families in that constituency.



**The Minister of Agriculture and Rural**

**Development:** I have already outlined the complicated service provision that is currently available to farmers in the Lagan Valley constituency, which, I hope that the Member will agree, is less than ideal. The DARD Direct proposals replace that variable approach with one-stop shops providing office access to all farmer-focused services five days a week.

The pilot project, which was based at Inniskeen House in Enniskillen, proved that farmers are happy with the level of service. They do not mind travelling a wee bit further in the knowledge that they will receive a one-stop-shop service that covers all their needs. Farmers can avail themselves of a range of services in one visit, and their feedback on the model has been positive. I hope that farmers in Lagan Valley will be equally impressed by the better service that will be delivered there and in all 18 constituencies.

**Mr Molloy:** Will the Minister outline the main issues that have arisen from the public consultation so far?

**The Minister of Agriculture and Rural**

**Development:** The consensus of those who responded was that they were supportive of the concept of DARD Direct. One of the main issues raised was accessibility for customers and staff. People wanted to know that they will be able to park at the offices. As the Member knows, there are parking difficulties for farmers at the current location in, for example, Dungannon. Farmers sometimes need parking space for a Land Rover and trailer rather than a car, and proper access for such vehicles is required. Sixteen miles is a reasonable distance to travel, and offices should be easily accessible and also cater for disabled customers and staff. The office must be designed to suit customers, staff, disabled people and children, and public transport links should be taken into consideration when identifying office locations.

A second issue raised was the flexibility of service delivery. People welcome offices being open from 9.00 am to 5.00 pm, but sometimes they need out-of-hours services. The new concept makes it easier for the Department to deliver those services as required. Alternative channels of service delivery must be well promoted, and appropriate training could increase the uptake of online services.

The importance of maintaining good relationships between customers and staff and focusing on a high quality of service delivery was highlighted. The Department also felt that it had to take cognisance of disruption to staff, and the potential impact of relocation to new offices will be greater for non-mobile grades.

Those were the headline issues to emerge from the consultation, and I will take all of them into account in formulating a final proposal.

**Mr K Robinson:** Does the Minister accept that large sections of the Larne area and its hinterland are more than what her Department describes as a “reasonable distance” from the nearest DARD Direct office? Under the current proposals, is a DARD Direct office in Larne not a necessity?

**The Minister of Agriculture and Rural**

**Development:** I have not yet made a final decision on the location and number of offices. I will do so after I have fully considered the EQIA, the views expressed at the meeting of the Committee on 2 December 2008 and the various correspondence that I have received to date. In implementing DARD Direct, I am seeking to deliver an improved and value-for-money service, and I am conscious that additional offices will incur additional expense.

**Mr Speaker:** Question 5 has been withdrawn, and question 6 was combined with question 3. I apologise to Mr Bradley for my earlier mistake.

**Safety of Schoolchildren on Rural Roads**

7. **Mr P J Bradley** asked the Minister of Agriculture and Rural Development what discussions she has had with the Minister of Education about the safety of schoolchildren who use rural roads when going to and from country schools. (AQO 1672/09)

**The Minister of Agriculture and Rural**

**Development:** I am particularly concerned about the safety of schoolchildren in rural areas, especially in light of the tragic accident in my constituency before Christmas. I have discussed the issue informally with my colleague Cairtriona Ruane, and my special adviser has been discussing potential initiatives with his opposite numbers in the Department of Education and the Department for Regional Development. My Department has already been involved in some initiatives to address child safety on rural roads.

In particular, £1 million was given via the Building Sustainable Prosperity scheme to Sustrans towards the implementation of the Rural Safe Routes to Schools project. That project involved two school-travel officers working with 18 schools to develop and implement school travel plans aimed at reducing the use of the car for the school journey, increasing walking or cycling to school and, most importantly, improving safety. The project was implemented in partnership with DRD Roads Service, the Department of Education and the Department of the Environment’s road safety unit. I have also highlighted transport issues for rural children through my membership of the ministerial subcommittee on children and young people, and will continue to do so.

**Mr P J Bradley:** I welcome the fact that the Minister shares my concern about the safety of



children on our rural roads. Given her rural brief and, more importantly, given the fact that she is the parent of small children, does she share my concern that no child should be forced by Government to walk to school along a road that is serviced by transport paid for out of the public purse?

**The Minister of Agriculture and Rural**

**Development:** I accept that a fine balance must be struck. As the Member has pointed out, I am the mother of young children. I live in a rural area without any footpaths or street lighting, and the road between my home and my children's school is not safe for them to walk, so that is an issue. I raised the matter of the problem in Fermanagh with the previous Minister of Education, Martin McGuinness, when he was in post. He said that he wanted to spend more money in the classroom. Therefore, a balance must be struck.

I welcome any proposals and thoughts on how to reduce the cost of getting children to school and on the safety issues involved. However, for me, safety is paramount. I would rather drive my children to school than have them walk along an unsuitable road on dark evenings. It is a conundrum, and we have limited resources. We all want to find a solution, but it will not be easy.

**Mr Savage:** Does the Minister agree that although the Sustrans project is of great benefit, much work must be carried out on safety measures — even in existing projects — to ensure better protection for children, and does she see that as an added advantage?

**The Minister of Agriculture and Rural**

**Development:** Absolutely; the Sustrans project has been fabulous. I visited several schools that have benefited from the project, including a school in the Member's constituency. It is wonderful to see the enthusiasm that the children have for cycling and walking to school, and I welcome the fact that they can do so safely. Eighteen schools benefited from the Sustrans project in the first round, and, if further funding is available, I will be delighted to see my Department involved. However, at this stage, we were able to fund 18 schools, which was fantastic. Nevertheless, I recognise that not every school can benefit because of the infrastructure in different areas, and I have described that challenge in my earlier answer.

**Mr Speaker:** No other Members have indicated that they wish to ask a supplementary question.

## Fallen Animals

8. **Mr Kennedy** asked the Minister of Agriculture and Rural Development what action has been taken to ensure that farmers are fully aware of arrangements for the collection of fallen animals. (AQO 1720/09)

**The Minister of Agriculture and Rural**

**Development:** When on-farm burial of fallen stock was banned under the EU animal by-products regulation, the Agriculture Departments in England, Scotland, Wales and the North introduced the National Fallen Stock scheme in 2004, which provided farmers with a legal, bio-secure and subsidised method of disposing of fallen stock. Around 11,000 of our local farmers are members of the scheme.

Information on the lawful options for disposal is provided by local veterinary offices, Department officials, the DARD helpline and the National Fallen Stock Company (NFSCo). Information is also available through the Department's and NFSCo's websites. Press releases have been published notifying changes to the scheme, such as changes to the subsidy rates. Collectors for the scheme also advertise in the local farming press.

On 18 December 2008, I announced by press release that the BSE testing age would increase to 48 months and over for all bovines from 1 January 2009, and that I was providing extra funding of £65,000 to the National Fallen Stock scheme towards farmers' collection and disposal costs for fallen 24- to 48-month bovines that no longer require BSE testing. On 19 December 2008, my officials wrote to approximately 26,000 herd keepers advising them of the increase in the BSE testing age and how to dispose of fallen cattle between 24 and 48 months that no longer require BSE testing.

The Member made a comment earlier. I am sorry if I am boring him with my answers, but if he asked more interesting questions, I could give more interesting answers.

**Mr Kennedy:** I thought that it was a very interesting question and a fascinating answer. *[Laughter.]*

Has any progress been made on establishing who was responsible for dumping the dead animals, including large number of chicken carcasses, that were found last week near Sixmilecross? Will the Minister confirm that she and her officials are actively co-operating with the PSNI in its investigation into the incident and will continue to do so?

**The Minister of Agriculture and Rural**

**Development:** Unfortunately, there will always be a small number of unscrupulous people who will dump carcasses unlawfully. I have committed funding for a scheme to help farmers to adjust to the costs of disposal and to encourage compliance with the European animal by-products directive, which prohibits burial.

As regards the incident last week in Altamuskin, membership of the National Fallen Stock Company is open to poultry farmers, and collection through the scheme is subsidised until the end of March. DARD currently contributes 20% of the farmers' collection



and disposal costs, and independent collection is also available at farmers' own expense. A representative from the poultry sector is on the NFSCo board. I want to take this opportunity to congratulate Moy Park Ltd, the poultry company that cleared up the recently dumped poultry carcasses. I regret the damage that that one incident has done to the good image of the industry as a whole.

**Mr Gallagher:** The Minister welcomed the work carried out by the food processor Moy Park Ltd. Following the incident, Moy Park Ltd issued a forthright response to say that sanctions would be put in place should it transpire that any of the carcasses came from farms with which it deals. Will the Minister give an equally forthright response to outline what DARD would do should it discover that the carcasses were dumped by farmers who are connected to the Department? The farmers might, for example, be receiving grant assistance from the Department.

**The Minister of Agriculture and Rural Development:** At this point, we do not know that we can identify the poultry farmer in question, but I can assure the Member that DARD carries out stringent enforcement procedures on an ongoing basis. We must protect farming as an industry and the reputation of honourable farmers, and we must ensure that there are no questions about how our farmers do business. It would be appropriate to ask the Environment Agency about this matter, because it has overall responsibility for it. However, DARD will certainly do all that it can to ensure that a small number of farmers are not putting the whole industry at risk.

### Performance of the Executive's Brussels Office

9. **Mr McCartney** asked the Minister of Agriculture and Rural Development for her assessment of the performance of the Executive's Brussels office and how much contact she has had with it. (AQO 1757/09)

**The Minister of Agriculture and Rural Development:** Since taking up office, one of my priorities has been to ensure that the local agriculture, fishing and agri-food sectors have an effective voice in Europe. The Executive's Brussels office has played a key role in supporting my efforts. I have personally lobbied the European Commission on a wide range of issues that have a direct bearing on the livelihoods of many local people. In addition to correspondence and telephone contact, I have lobbied for, and represented, the views of the North on nine separate occasions in Brussels, most recently at the December Fisheries Council, and once in Luxembourg. My colleague Conor Murphy has also represented our local views in Brussels on my behalf.

It is vital that we are seen to engage with European decision-makers in a consistent and coherent manner. That requires not only targeted ministerial intervention but constant personal contacts at official level to ensure that political intervention has the maximum impact. The Brussels office is there to provide advance warning of the most important issues and prepare the ground so that Ministers such as myself can be there to defend our interests when it counts. It is for that reason that my Department has posted an experienced member of staff to the Brussels office, and that person is our eyes and ears in the European institutions. The role has been a positive force for our local agriculture and fisheries industries, which are affected by a host of decisions that are taken in Brussels. I can assure the House that I will continue to press Brussels for the best deal that I can get for local farmers and fishermen, and I am absolutely satisfied with the support that I can get from our Brussels office.

**Mr McCartney:** Go raibh maith agat, a Cheann Comhairle. Will the Minister outline the contact that she has had with MEPs?

**The Minister of Agriculture and Rural Development:** I have offered to have meetings with all the MEPs when I have been in Brussels. As Members will know, MEPs spend one week of every month in Strasbourg, so they are not always in Brussels when I am there on DARD business. However, I have met MEPs in Dundonald House and in Belfast to discuss a range of issues. I am very happy to meet MEPs as and when they need to see me.

3.30 pm

**Mr Poots:** The Minister said that she wanted an effective voice in Europe. Is she suggesting that none of the current MEPs is an effective voice in Europe?

**The Minister of Agriculture and Rural Development:** Absolutely not. We all must work together, and I have welcomed the support that I have received from MEPs on a range of issues, such as the CAP health check. Not all the MEPs will meet with me, but I am very pleased with the level of co-operation and support that I receive from at least two of them.

**Mr Speaker:** That concludes questions to the Minister of Agriculture and Rural Development. I remind Members that they must rise in their places if they wish to ask a supplementary question. Members must rise much sooner and not wait until the Minister is almost finished before indicating that they want to ask a supplementary question. In fact, I am shocked that Members are shy about rising to indicate that they want to ask a supplementary question.



## CULTURE, ARTS AND LEISURE

### Private-Sector Contributions to the Arts

1. **Mr Cree** asked the Minister of Culture, Arts and Leisure what steps he has taken to facilitate the increase of private-sector contributions to the arts since coming into office. (AQO 1688/09)

**The Minister of Culture, Arts and Leisure (Mr Campbell):** I am committed to ensuring the development of the arts in Northern Ireland and recognise that sustainable development of the sector will require funding from a variety of sources — public, private and voluntary.

Although the current economic climate presents a more challenging environment in which to secure private-sector donations to the arts, I have supported, and will continue to support, activities that maximise funding from such sources. For example, my Department has ensured that strategic arts-infrastructure projects, such as the Lyric Theatre, Crescent Arts Centre and the proposed Metropolitan Arts Centre are proactive in seeking funding towards capital-project costs from the private sector. That includes a requirement for such projects to put in place a formal fundraising strategy and, where necessary, appoint a fundraising manager.

In addition, my Department, through the Arts Council, continues to fund Arts and Business Northern Ireland, which aims to promote mutually beneficial relationships between business and the arts in the public sector in order to increase private-sector investment in the arts. I am considering the findings in a recent report, 'Philanthropy and the Arts', which Arts and Business Northern Ireland commissioned on the future of philanthropic-giving in Northern Ireland.

**Mr Cree:** I thank the Minister for his comprehensive answer. Has he considered making an approach to HM Treasury and asking that private-sector arts contributions be made fully tax deductible to encourage the private and corporate sectors to support the arts?

**The Minister of Culture, Arts and Leisure:** I thank the Member for his suggestion. My guess is that HM Treasury and the current inhabitant of 11 Downing Street would take a particular view of his suggestion. However, I will examine his suggestion and respond to him in writing about the possibility of making such a representation.

**Miss McIlveen:** How is the level of philanthropic donations to the arts monitored?

**The Minister of Culture, Arts and Leisure:** I thank the Member for her question. Arts and Business Northern Ireland conducts a private investment in

culture survey (PICS) annually to determine the level of private-sector funding and, in kind, support that non-profit-making arts organisations across the United Kingdom receive. Therefore, there is comprehensive monitoring of philanthropic donations to the arts, and it is right and proper that that continue.

**Ms Lo:** The economic downturn must make it very difficult to entice the private sector to increase its contributions to the arts. Is it more realistic for the Department to seek an increase in public funding to the arts, given that Northern Ireland is way behind the rest of the UK and the Republic of Ireland in providing public funding for the arts?

**The Minister of Culture, Arts and Leisure:** I understand why the Member would make such a suggestion in the current economic climate. However, we will have to be very careful, as years have been spent ensuring that capital projects have robust mechanisms in place to try to assist in bringing in private-sector donations. The last thing that I want to do — and I hope that the honourable Member supports me on the matter — is to set that to one side because of the economic climate and to try to get scarce public resources to replace what has been built up over recent years, and then almost inevitably find that there was a difficulty in replacing scarce private-sector finance with even scarcer public-sector resources.

The public sector has invested in capital projects, and I listed a number of them. The better approach would be to continue doing that and to increase investment where possible, even in the current economic straits, which, hopefully, will pass in the next 12 to 18 months. Then we will be in a better position to ensure that the private sector continues its worthwhile propositions of investing in arts projects in Northern Ireland.

**Mr D Bradley:** Does the Minister agree that the arts provide substantial positive economic contribution both in terms of the economic multiplier and in terms of its contribution to tourism, the attraction of foreign investment and direct arts and creative industry exports? Furthermore, has his Department carried out an exercise to attempt to quantify the economic return on investments in the arts?

**The Minister of Culture, Arts and Leisure:** The Member poses a two-part question. The answer to the first part of his question is an unequivocal yes. I believe that the arts provide a positive contribution, and they benefit society in a number of ways. However, I am afraid that the second part of the question is more difficult to ascertain. It is difficult to come to a precise figure regarding the multiplier. There have been various attempts to try to gauge it, but there is a multiplier effect. It is good and positive to invest in



the promotion of the arts, and it is right and proper that the Department and the Assembly continue to do so.

### European Charter for Regional or Minority Languages

2. **Mr A Maginness** asked the Minister of Culture, Arts and Leisure to outline progress made on implementing the European Charter for Regional or Minority Languages. (AQO 1670/09)

**The Minister of Culture, Arts and Leisure:** Northern Ireland is in full compliance with the European Charter for Regional or Minority Languages. The details of the steps taken by my Department to implement the Charter are contained in a paper entitled 'Northern Ireland's input to the UK's third periodical report to the Council of Europe' which is awaiting Executive consideration. When the paper receives Executive approval, a copy will be laid in the Assembly's Library.

**Mr A Maginness:** I thank the Minister for his answer, but it shows that there has not been much progress in relation to the matter. Does the Minister agree that the best way forward is to introduce an Irish language Act that will secure the language, help in its development and bring it to its full potential?

**The Minister of Culture, Arts and Leisure:** I thank the Member for his supplementary question. He initially said that there had not been much progress. Indeed, he asked a similar question two months ago, in November, and he got the same answer then. We are in full compliance now, we were in full compliance in November, and, hopefully, we will continue to be in full compliance.

With regard to the second part of the Member's question, he knows fully without any equivocation what I have said.

There will be no Irish language Act. That is clear, concise and unequivocal. There was not one, there is not one, and there is not going to be one.

**Mr McClarty:** Thank you for giving me the opportunity to ask a question, Mr Speaker. All this bobbing up and down is the most exercise that I have had for quite some time. *[Laughter.]*

Given the fact that over the past four years, the Government's Irish-language helpline has, on average, had only seven telephone calls a year, is it not time that the Minister set up an audit into the cost and effectiveness of dual, and, indeed, triple-language provision?

**The Minister of Culture, Arts and Leisure:** The Member has raised a relevant point. When the information that he referred to became public knowledge, I noticed that the press placed considerable

emphasis on the lack of calls to the Ulster-Scots helpline, but very little on the Irish-language helpline. The fact is that the combination of both helplines has returned very few responses. Given our current economic climate, it is important and prudent that we monitor the expense, whatever it might be, of providing such telephone helplines. We should also monitor their usefulness, or, in many respects, their obvious lack of usefulness.

**Mrs McGill:** Go raibh maith agat, a Cheann Comhairle. Does the Minister accept that the EU Charter for Regional or Minority Languages contains a greater requirement to promote the Irish language than to promote Ulster Scots, for example? Go raibh maith agat.

**The Minister of Culture, Arts and Leisure:** The Member used the phrase "greater requirement". I suspect that she may be referring to the different stages of development that the two cultural outlooks of Ulster Scots and the Irish language have attained. If that is the case, she is right in that the promotion of Ulster Scots has not yet been developed to the same degree as that of the Irish language. That being the case, a dilemma is created for me in making sure that there is additional funding for Ulster Scots in order that it might reach the same level of development as that which has been attained by the Irish language. If the people who promote the Irish language wish to go down a route that they regard as favourable, I would not recommend that they take the route that the honourable Member has just taken.

**Mr Speaker:** Question 3 has been withdrawn.

### Ulster Orchestra

4. **Mr Burns** asked the Minister of Culture, Arts and Leisure what additional resources have been made available to the Ulster Orchestra to develop its outreach programme to schools. (AQO 1668/09)

**The Minister of Culture, Arts and Leisure:** The Ulster Orchestra provides a range of educational and outreach programmes for early-years through to third-level education. Those programmes help to deliver the curriculum in an accessible, entertaining and informative way.

In 2008-09, the Arts Council awarded the Ulster Orchestra a grant of £2,050,113 towards its core costs and programming. That grant amounted to just over 50% of the orchestra's overall estimated budget of approximately £3.8 million for the year. That core funding enables the orchestra to employ an education officer to co-ordinate education and outreach programmes in which the musicians are involved in addition to their orchestra work.



My Department provided a capital grant of £2 million in 2007-08 towards the complete refurbishment and restoration of the Ulster Hall. That support was dependent on the provision of a permanent home for the Ulster Orchestra at the venue. The refurbished accommodation includes education suites that will assist the orchestra in delivering its education and outreach programmes. The new facilities will open in March 2009 and will enhance the orchestra's education and outreach provision. In addition, the Arts Council has awarded the Ulster Orchestra a lottery grant of £86,860 in 2008-09 for 'The Pied Piper', which is a new musical presentation of the Robert Browning poem.

3.45 pm

In taking forward the project, a team of Ulster Orchestra musicians will work with approximately 260 schoolchildren, including those from socially deprived areas across Belfast, in a series of music and dance workshops. Those workshops will lead to a full orchestral event, developed specifically for families, on 14 March 2009 in the Waterfront Hall.

**Mr Burns:** Has the Minister made any representation to the private sector in an attempt to secure additional funding for the Ulster Orchestra?

**The Minister of Culture, Arts and Leisure:** The Ulster Orchestra attempts to do what all organisations in a similar situation have done, which is to try and access significant private-sector funding. If the Member had been listening to what I was saying he would know that the Ulster Orchestra's overall budget is £3.8 million. As the Arts Council awarded the Ulster Orchestra just over £2 million, that obviously means that the Ulster Orchestra was able to access £1.8 million from other sources, some of which were in the private sector. However, the Member is right to say that we should endeavour to include the private sector where possible and ensure that the Ulster Orchestra, and others, try and access private-sector funding.

**Mr McElduff:** Will the Minister confirm whether those who travel abroad as members of the Ulster Orchestra are contractually obliged to stay in five-star hotels?

**The Minister of Culture, Arts and Leisure:** I have had no advance notice of the Member's question so I am unable to provide a specific response. However, I will ensure that we check whether there are any contractual obligations along those lines and I will let him know the response.

**Rev Dr Robert Coulter:** It is generally accepted that music education is a key way in which to develop pupils' learning abilities and their abilities to interact socially. Will the Minister undertake — perhaps in concert with his ministerial colleague, the Minister of Education — to develop primary music education

using the capacity of the Ulster Orchestra and the Ulster Youth Orchestra?

**The Minister of Culture, Arts and Leisure:** I am familiar with some of the work of the Ulster Youth Orchestra, because I was involved in one of its projects, and most people are aware of the Ulster Orchestra. I am prepared to examine what can be done to assist both orchestras promote musical excellence among the youth of Northern Ireland to try to ensure that we give exceptionally talented young people the best possible opportunity to develop their talent. I am prepared to examine what the Member suggested.

**Lord Browne:** Does the Minister agree that all schools should have the opportunity to access the Ulster Orchestra's excellent education programme? In this modern era, young people listen to all types of music on the Internet, so will the Minister consider providing finance for a scheme that will allow for the free downloading of some of the Ulster Orchestra's recordings? Of course, that would have to be negotiated with a recording company or the BBC.

**The Minister of Culture, Arts and Leisure:** The Member mentioned the possibility of downloading Ulster Orchestra recordings to make them accessible to a wider audience. A few years ago that would have been regarded as quite a novel concept; however, it should not be regarded as such now. I do not know the cost implications; however, I will draw the attention of the Arts Council and the Ulster Orchestra to the Member's comments to see whether it is possible.

Dedicated education suites are part of the ongoing refurbishment of the Ulster Hall, to which, as I said earlier, my Department contributed £2 million. Those suites could be used in the context of what the Member said.

### Arts Sector: Additional Funding

5. **Mr Brady** asked the Minister of Culture, Arts and Leisure to detail his Department's actions to source additional funding for the arts sector.

(AQO 1764/09)

**The Minister of Culture, Arts and Leisure:** As part of the Budget for 2008-11, an additional £9.75 million of revenue funding over three years was secured for arts and creativity, £7.55 million of which was allocated to the Arts Council of Northern Ireland. The Budget for 2008-11 allocated £31.6 million of capital funding to the arts. That is a significantly higher allocation than the £18 million of capital funding that was awarded in the Budget for 2004-07. In addition, my Department has secured £5 million over three years for a new creative industries innovation fund to help support businesses in the



creative industries, which is an important growth sector of the economy.

DCAL has also secured additional funding for the arts through the various monitoring round exercises. For example, an additional £500,000 was secured in the September monitoring round exercise for the re-imaging communities programme. The Department has devolved to district councils the delivery of the £450,000 for the community festivals fund. Each council is required to match its individual allocation, and that provides further support for the arts and the creative sector.

**Mr Brady:** How does the business sector contribute to the development of the arts through investment and funding?

**The Minister of Culture, Arts and Leisure:** I would have to establish the full extent of the business sector's contribution. I do not have that information to hand, but I will endeavour to furnish the Member with a quantifiable and precise figure in writing.

**Mr I McCrea:** The Minister mentioned the creative industries innovation fund. How will that be delivered?

**The Minister of Culture, Arts and Leisure:** The Arts Council is responsible for the delivery mechanism, so I would imagine that it would have the criteria in place and that it would ensure that funding will be delivered to all of the groups that meet those criteria.

### Traditional Arts: Arts Council Assistance

6. **Mr Doherty** asked the Minister of Culture, Arts and Leisure to detail how the Arts Council assists the development of traditional arts. (AQO 1771/09)

**The Minister of Culture, Arts and Leisure:** The Arts Council takes a comprehensive approach to the development of the traditional arts sector, as is outlined in its traditional arts policy. The policy focuses on five key themes: providing assistance to traditional musicians; fostering and promoting our heritage of traditional music; enhancing understanding of cultural traditions and diversity; supporting initiatives in traditional music education; and supporting the showcasing of traditional arts.

The Arts Council provides funding to a range of traditional arts activities, including storytelling, dance, music, architecture and crafts. A number of arts development officers who have experience in various aspects of the traditional arts assist in meeting the requirements of the sector.

Traditional arts are funded from two streams — the Arts Council's exchequer funds and a cultural-traditions grant of £200,000 for 2008-09, which was made by the Department of Education. In total, £670,000 of assistance has been given to the sector in 2008-09 to date. The Arts

Council has granted a total of £3.19 million to that sector between 2004-05 and the current year to date.

**Mr Doherty:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his response. Does he encourage the Arts Council to employ a full-time traditional arts officer so that the potential of those highly popular art forms can be fully developed?

**The Minister of Culture, Arts and Leisure:** That issue was raised in a question that was posed to me several months ago.

As was the case then, the appointment of any type of arts officer is a matter for the Arts Council of Northern Ireland. The council is reviewing its staffing structure, including its provision for traditional music. It has advised that the new structure is likely to be confirmed by May 2009. The needs of the traditional arts sector will be considered as part of the review. There has been no shortfall in the support of the sector during restructuring, and all requirements have been addressed by the present arts development officers. The post of traditional arts officer was last filled in September 2007. It has existed for more than 20 years as a part-time post; however, it was recently made full-time, due to additional responsibilities relating to projects that have now finished.

**Mr McCausland:** Does the Minister agree that the marching-band tradition is the most popular community and traditional arts activity in Northern Ireland? There are some 600 to 700 bands. Will he encourage the Arts Council to consider enhancing its funding of musical instruments for bands?

**The Minister of Culture, Arts and Leisure:** The Member is right: there are hundreds of bands in Northern Ireland, although I do not know the precise number. They offer thousands of young people the opportunity to acquire and develop their musical talents. Sir James Galway, one of the most famous musicians to come from Northern Ireland, began his musical career as a member of one of those bands.

I hope that young people develop their talents in that sector. The Arts Council lays down criteria and is aware of its obligations on funding decisions. It has funded several bands and, as far as I am aware, those developments have been positive. No complaints or objections have been lodged about them, and I hope that they continue.

**Mr K Robinson:** In my constituency, the Carrickfergus Music Festival provided a beacon of normality and excellence throughout the Troubles. Will the Minister agree to set up a bursary through which musical career pathways may be designed, based on our local musical festivals, for young people who show musical talent?

**The Minister of Culture, Arts and Leisure:** I understand what the honourable Member means when



he speaks of a beacon of normality. I fear, however, that if I were to give an unequivocally positive response to his request, I may be inundated with requests from other equally bright beacons of normality in every part of Northern Ireland. However, in all seriousness, I wish to support such operations and projects, and I will look at what we can do to promote that project and others like it.

### Multi-Sports Facility

7. **Ms S Ramsey** asked the Minister of Culture, Arts and Leisure to explain the extended delay in deciding the location of a new multi-sports facility.

(AQO 1774/09)

**The Minister of Culture, Arts and Leisure:** I had intended to make an announcement on the multi-sports stadium last autumn, following Executive consideration; however, the absence of Executive meetings meant that that was not feasible.

I have made it known in the Chamber and at sports-related events such as the reception that I hosted for Linfield Football Club on 5 August 2008 and the launch of the Macdonalds National Football Festival on 21 October 2008 that I have reviewed all the material available to me in relation to the issue and have come to a conclusion, which I intend to present to the Executive in the very near future.

**Ms S Ramsey:** Go raibh maith agat. I thank the Minister for his answer. I distinctly remember the Minister saying, in response to previous questions, that, once the Executive met, he would be ready to make a decision. He uses the absence of Executive meetings to explain why the decision has not been made. The Minister says he will make a decision in the near future; will he set out a timetable showing when he hopes to make that decision? Can the Minister tell us whether the delay will have a negative impact on the 2012 Olympics?

4.00 pm

**The Minister of Culture, Arts and Leisure:** The Member elaborated on my response. It should be reiterated that the Executive not meeting for five months ensured that I could not physically present a paper to them. The Executive are now meeting, and I am now in a position to present a paper to the Executive, and I will do so in the very near future.

**Mr McGlone:** Go raibh maith agat, a Cheann Comhairle. Perhaps I could refresh the Minister's memory. It was, in fact, on 6 August 2008 when he said that he had not yet come to a conclusion, but was going to in the next few weeks. He went on to say:

"I'm then going to make an announcement in the Assembly in the autumn".

Will the Minister reassure the House that it will be this autumn when we have a decision on this matter, which has been lingering for a considerable time at huge cost to the construction industry and to other investors?

**The Minister of Culture, Arts and Leisure:** The Member will be aware that this is an exceptionally complicated issue. It did not become complicated in recent months; it has been complicated from the outset. There are a number of facets to the issue, most, if not all, of which I am sure the Member is aware. I have endeavoured in discussions with all three sporting organisations and others associated with the project — whatever that project may be — to ensure that we reach as quickly as possible the conclusion that we need to reach. I have been able and ready for the past few weeks to present a paper to the Executive, and I now intend to do so.

**Mr Speaker:** That concludes Question Time.

**Mr Ford:** On a point of order, I understand that at last week's meeting of the Committee for the Office of the First Minister and deputy First Minister, the junior Minister Mr Donaldson, in seeking the Committee's agreement for accelerated passage for the Financial Assistance Bill, agreed to respond to questions from the Committee and from members on certain matters. I am further advised that the draft Hansard report of that meeting bears out that point. I further understand that the Committee and, indeed, Naomi Long personally, wrote to OFMDFM to seek clarification on matters. Yet today, at Question Time, the First Minister indicated that no response could be forthcoming before the scheduled debates tomorrow on the accelerated passage and on the Second Stage of the Bill.

I leave aside entirely the issue of an Executive Bill being presented here without Executive approval, but I ask you, in defence of the Assembly and of one of its Committees, to consider overnight, and rule tomorrow, on whether this lack of proper consideration of the Committee's position is not a breach of Standing Order 42.

**Mr Speaker:** I hear very much what the Member has said. As Speaker, I cannot really get involved in, or comment upon, Committee business. Certainly, I am happy enough to examine the matter and come back to the Member.

**Mr Shannon:** Further to that point of order, my understanding of the meeting that took place last week was that the questions were to be asked and the questions were to be answered, but that it was not going to hold up the process in any way. So, if I may say this — *[Interruption.]* Mr Speaker, I am on my feet —

**Mr Speaker:** Order. I can take only one Member at a time.

**Mr Shannon:** My recollection of that meeting — as those Members who were at the meeting and who are



here now can recollect — was that the questions were asked, but not in any way to hold up the process. That was my recollection of the meeting, which I attended with Naomi Long.

**Mr Speaker:** As I said to Mr Ford, I am prepared to examine the matter and get back to the Member. However, the business of a Committee, and how that business is conducted, is really not a matter for the business of the House.

## COMMITTEE BUSINESS

### **Inquiry into the Development of a Museums Policy for Northern Ireland**

#### *Debate resumed on motion:*

That this Assembly approves the Report of the Committee for Culture, Arts and Leisure (7/08/09R) on its inquiry into the development of a museums policy for Northern Ireland. — [*The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff).*]

**The Chairperson of the Committee for Culture, Arts and Leisure:** Go raibh maith agat, a Cheann Comhairle. I reiterate the Committee's thanks to all who contributed to the inquiry, but especially to the Members who contributed to the debate today.

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

In my opening remarks, I referred to the changed economic realities. Those realities were changing even during the inquiry. During these difficult economic times, we must be innovative in our approach and put the assets that we have — in this case, our museums — to best use. It is clear that there is a huge untapped potential for our museums to help to grow the tourism industry, which could be a vital source of income.

If the vision for museums is to be realised, it must be set out in a policy to which the Government are committed on a cross-departmental basis.

I thank the Members who contributed to the debate. Nelson McCausland, a member of the Committee for Culture, Arts and Leisure, emphasised the need for a policy because there is a need to preserve our cultural wealth. He said that museums contribute to the shared-future agenda and help to explain our local culture to the world. He asked that the sector as a whole be considered strategically, arguing that museums should complement one other rather than being in competition. He further said that the Department, National Museums NI and the Museums Council must take a partnership approach, and suggested that, together, they could produce a policy.

Ken Robinson referred to the Titanic and to the importance of our industrial heritage. He argued that artefacts need a home and that, oftentimes, those in the industrial heritage sector feel left out of the museums sector, and that it is the role of the Department to address that problem. He called for an early decision to be made about a site for military history and he, again, acted as a champion for HMS Caroline. Ken Robinson should be made an honorary member of that committee because he has championed the issue consistently throughout the inquiry — I congratulate him for doing that.

Pat Ramsey referred to the independent museums in Derry that tell the stories of communities in their own



words, and he emphasised the importance of their independence. He stated that visitor numbers to independent museums are growing, and he spoke about how such museums contribute to tourism because they tell local, often regionalised, stories. He said that, given the money allocated to museums, there is need for a policy. Pat also praised the Museums Council for its work, and he questioned the savings that would be expected were its functions to be transferred to local government. He said that such a move is likely to cost the public purse more and could result in independent museums being left without vital support.

Kieran McCarthy said that people go to museums to explore their origins and their stories. He expressed support for all the organisations that give leadership and direction to museums and he, again, highlighted the Museums Council, which has been appreciated by a whole variety of witnesses. He said that museums must serve the needs of local communities as well as tourists and that they have a fundamental role to play in creating a better society. He reminded the Minister, who is no longer with us in the Chamber, that a first draft of a report should be produced within six months, thereby emphasising the timescale, which was helpful.

Jim Shannon referred to a lack of everyday knowledge among the public about our museums. It is not every day that I speak on behalf of Jim Shannon — *[Interruption.]* He said that children enjoy visiting museums, and he asked why there are no firm links between the museums sector and the Department of Education. He wants museums to be made much more accessible, mentioning the need for councils to look at their museum provision and arguing that the issue should be considered post-review of public administration.

Francie Brolly said that people should be made aware of the museums that exist and that a policy would do that. He also emphasised the need for a strategy. He talked about the hiddenness of museums and how they need to become more vibrant. He said there is no call whatsoever for consultants to be brought into the equation, when expertise, such as that of the Museums Council, exists. I think that Francie Brolly's call was for the Museums Council to be put in charge.

Wallace Browne emphasised that museums are a key spending area for the Department, quoting a figure of 20%, which highlights the significance of museums in relation to spending.

Lord Browne also called for the integration of local councils and national museums. He said that they should work in partnership, and mentioned the need for a strategy for administering the accreditation system, which is very important for independent museums in need of this type of support. He emphasised that military and maritime sectors need to be strategically

developed, and he called for a policy to co-ordinate the development of that sector. He also referred to the importance of sporting museums in the overall equation.

Dominic Bradley described museums as a brilliant educational resource. He feels that museums are not fully exploiting their potential in education, and he referred to the flatlining of schoolchildren-visitor numbers. He wants greater co-operation between the Department of Culture, Arts and Leisure and the Department of Education. As a former teacher, he said that children learn from being able to handle artefacts; it opens up a whole new world to them. His educational experience allowed him to observe that there are difficulties with school-transport provision and with the absence of curricular programmes. He suggested that a service-level agreement be developed between DCAL and the Department of Education.

Raymond McCartney highlighted how the absence of a policy has curtailed the development of museums and that we are presenting the Minister with an opportunity not a burden. It is a policy that we need to build. Mr McCartney spoke about the need for joint ventures; not on an ad hoc basis but a strategic approach. He also referred to the independent museums sector, which is very strong in the City of Derry. He said that a policy would help museums to benefit from interaction with national museums.

George Robinson's contribution was welcome, especially as George is not a member of the Committee; it was good that he saw fit to contribute to the discussion. His view was that we need museums in order to recall our history and to inform young people of our past. He supports the development of a policy, but urges caution given the current economic climate and limited budgets.

The Minister responded by saying that we have many fine museums and that he is committed to maintaining high standards; he emphasised the need to exploit tourism and educational potential. He wants to look at the possibilities, which the Committee welcomes. He said that he would consider the report and discuss it with other Departments and relevant bodies and come back to the Committee by 13 March. The Minister said that he would consider the case put forward by the Committee, saying that he has not been able to confirm which particular recommendation would or would not be deliverable.

The Minister queried the remark that I made that all witnesses who gave evidence to the Committee, except the Minister, were in favour of developing a policy. He gave a relevant quote from page 189 of the Committee's report. In the Minister's absence — and I do wish that he were here — I would like to refer him to the next page of the report; he should always read



the next page. On page 190, the Minister said in his evidence to the Committee:

“There is no vast body of opinion that the policy route is the one to deliver.”

The Committee took oral evidence from 25 key stakeholders all of whom said that a policy is needed. Does that not constitute a “vast body of opinion”? How many more people does the Minister need to hear from before he will accept that the consensus in the museums sector is that a policy is required? Is the Minister changing his mind? We will never know, because the Minister has absented himself from the debate.

**Mr McCarthy:** Does the Member agree that all those who gave evidence to the Committee and who answered my questions said that the absence of a policy was detrimental to museums’ activity throughout Northern Ireland?

**The Chairperson of the Committee for Culture, Arts and Leisure:** I thank the Member for that intervention. I am grateful for the additional five minutes, Mr Deputy Speaker; I was labouring under the impression that I had 10 minutes.

Today represents the conclusion of the Committee’s inquiry into the development of a museums policy, but it does not signal the conclusion of the Committee’s interest in the matter.

4.15 pm

The Committee looks forward to receiving a formal response from the Minister before 13 March detailing how he and the Department intend to respond to the Committee’s recommendations. We hope that the report has helped to highlight the contribution which museums can and do make to society.

The Committee calls on the Minister to draw on the expertise which already exists within the sector to develop a fit-for-purpose policy. As Kieran McCarthy pointed out, we must expedite that policy within six months; there is no need for delay. There is evidence of delay on the part of the Minister in other areas, but I will not get into that.

The museums sector deserves nothing less than a fit-for-purpose policy. I commend the report to the House and ask Members to support the motion.

*Question put and agreed to.*

*Resolved:*

That this Assembly approves the Report of the Committee for Culture, Arts and Leisure (7/08/09R) on its inquiry into the development of a museums policy for Northern Ireland.

## PRIVATE MEMBERS’ BUSINESS

### Penny Product

**Mr 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 10 minutes to wind up. All other Members will have five minutes. One amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes to propose and five minutes to wind up.

**Mr P Maskey:** I beg to move

That this Assembly calls on the Minister of Finance and Personnel to address the financial difficulties being experienced by District Councils in the calculation of the Penny Product, by initiating a process of consultation involving Councils and Land and Property Services, for the purpose of producing an accurate register of rateable properties.

Go raibh maith agat, a LeasCheann Comhairle. I declare an interest as a member of Belfast City Council, and I am sure that a number of other Members taking part in the debate will be councillors from other areas throughout the North.

I thank the Business Committee for selecting the motion; it concerns what I believe to be one of the most important issues presently faced by all local councillors and one that we hope can be resolved as a matter of urgency.

The motion calls on the Minister of Finance and Personnel to address the financial difficulties experienced by councils in the calculation of the penny product. We believe that the Minister should initiate a process of consultation, involving councils and Land and Property Services (LPS), for the purpose of producing an accurate register of rateable properties that allows councils to professionally plan for the future on the basis of accurate forecasts from Land and Property Services.

In some areas, the domestic rate accounts for approximately 75% of council income, while the regional rate makes up only a very small proportion of central Government income. In recent years, some councils have made efficiencies and put plans in place to achieve further efficiencies in the years ahead. Leading by example in that way enables local government to move into the future in a more sustainable manner. Although efficiencies have been made, there have been no cuts in front-line services or in the many other services for which councils have the remit.

Some councils have kept their rates down against the backdrop of rising costs, particularly in the areas of salaries and increased pension contributions, which can account for 45% of costs. Councils are facing huge financial pressures. Every citizen and business in every city, town and village is affected by the current



economic climate, and that is one of the main reasons why we tabled the motion.

Belfast City Council has experienced a significant fall — £2.6 million — in external revenue as a result of the financial environment in the areas of IT services, building control, business improvement services and investment income. Other revenue areas are likely to suffer due to the current economic climate. That story is replicated throughout all the councils in the North.

Therefore, problems have resulted from the economic downturn and from the estimation of the penny product.

At present, councils face an economic challenge, to say the least. They received the estimated penny product for 2009-2010 on 19 December 2008. For Belfast, that represents growth of 0.8%, which is a disappointing result for the city given the level of investment that has been made in Victoria Square and other major developments in recent times. Although major development has taken place in many council areas, they have not seen the benefit of the rate.

In October 2008, the Public Accounts Committee (PAC), which I chair, produced a report that states clearly that it is extremely concerned that the Department of Finance and Personnel (DFP) had not provided councils with sufficiently accurate information to enable them to undertake their corporate planning. Recommendation 20 of the report states:

“The accuracy of penny product information is essential to the effective financial planning of Council services. While the Committee recognises that forecasting is not an exact science, the Committee is of the view that DFP has not invested sufficient energy into developing systems for calculating the actual penny product and into estimating subsequent year(s) penny product.”

The PAC recommended that DFP places more resources into the system and develops a more robust budgetary model in order to estimate future council revenue. Some of councils' key concerns are rates bad-debt write-offs, valuation appeals, cost of collection, and vacant properties. Land and Property Services has written off some £10 million of bad debt in 2009-2010.

The estimated penny product shows that there has been a significant increase in some councils. Belfast City Council, which is the largest council in the North, is writing off bad debt that costs some £2.5 million. That is an increase of 224% from 2008's estimated penny product. Many councils were only made aware of the matter on 19 December 2008 and, therefore, had no opportunity to build it into their financial planning. The Minister must address that matter.

I accept that the level of debt that was written off in previous years was too low. I acknowledge the Department's responsibilities in respect of bad debt. However, a 224% increase in one year is excessive. It

will put even more pressure on Belfast City Council's ability to keep its rates increase at a reasonable level. All Members want to achieve that for citizens, especially during the current economic downturn. That is why I urge the Minister to reconsider the level of debt write-off in 2009-2010.

Representatives from Land and Property Services must meet council officers in order to discuss debt and to agree on a re-profiled debt write-off programme that will avoid steep increases in one year and will ensure a more balanced approach for the next three years. Working in partnership will help to tackle that and will also inform councillors and officers of key issues that they must deal with at an early stage.

Profiling of bad-debt write-offs should be done in the context of recommendation 23 of the Public Account Committee's Report on Statement of Rate Levy and Collection 2006-07, which was published on 16 October 2008.

Some councils have suffered exceptional rating-valuation appeals from such organisations as the Ministry of Defence (MOD). Transitional relief arrangements must be extended to cover the impact of the re-evaluations of MOD premises. I am sure that councils that are affected by MOD re-evaluations would welcome those costs being absorbed by central Government as they would have a serious impact.

That would result in reduced rateable values which amount to hundreds of thousands of pounds from 2009-2010 onwards and would also lead to backdated refunds that total millions of pounds, which would be included in the 2008-09 estimated-penny-product finalisation.

As I said earlier, due to the late notification of those items on 19 December 2008, councils have had little or no opportunity to respond to the impact of the district rate, with which they must deal. I urge the Minister to consider giving councils full transitional relief for one year in respect of the impact of reduced rateable values of the estimated penny product for 2009-2010 and backdated refunds. The estimated penny product for 2009-2010 demonstrates that some councils' share of the cost of collection will rise to over 40% in 2008-09.

The estimated-penny-product notification from Land and Property Services demonstrates that costs have increased because of investment in the revenue and benefits system and additional staff that are needed to implement several new rate reliefs.

We welcome the investment and the modernisation of the system. However, it seems unreasonable to burden councils with the costs of improving the revenue and benefit system in one year, as the improvements arising from the investment will be accrued over a long period of time. I urge the Minister to consider phasing the increased cost over a number of years.



I also seek assurances that the additional costs are being passed on in the context of recommendation 23 of the Public Accounts Committee's 'Report on Statement of Rate Levy and Collection 2006-07.' The Land and Property Services database has identified many vacant properties in many different areas. In Belfast alone, vacant properties have led to a loss of over £20 million in rates income.

In agreement with LPS, building control staff surveyed 12,100 properties and found that 44% of those properties were occupied. The relevant details have been passed on to LPS so that rates bills can be issued. I call on the Minister to ensure that the details of properties that are found to be occupied are put on the LPS database before a revised estimated penny product (EPP) is provided to the council. That would reduce the amount being lost from vacant properties and, therefore, provide a better EPP for all councils. I sincerely urge the Minister to give serious consideration to that situation.

I note that the Alliance Party has tabled an amendment. Indeed, they are serial movers of amendments in the Chamber. Today's amendment adds to our motion. Therefore, we will support the amendment. Go raibh míle maith agat.

**Dr Farry:** I beg to move the following amendment:  
At end insert

‘; and to consider urgently measures to provide transitional relief to those Councils that are carrying forward a significant loss from the 2007-2008 financial year due to differences between the estimated Penny Product used to calculate the level of district rates and subsequent finalisation figures provided by Land and Property Services’

I declare an interest as a member of North Down Borough Council, and I thank the proposers of this important motion for tabling it; it is very timely. We move amendments whenever we feel that they are appropriate. Obviously, we can support the motion. However, we want to take the debate a step further and, in particular, to consider transitional relief beyond the £400,000 cap.

Councils are seeking to strike their rates before the middle of February, and it is expected that there will be considerable rises in many districts across Northern Ireland. It is worth stressing that those hikes will not be due to more costly provision of goods, facilities and services. Indeed, most councils are seeking to reduce their costs through efficiency savings, the sale of land assets or the re-phasing of capital investments. Rather, those costs are essentially beyond the control of the councils and ratepayers concerned. In simple terms, a considerable slice has been taken off the rates base of several local councils. That was apparent in the penny-product finalisation figures for the 2007-08 financial year, which were only released after the closure of that year's accounts.

As in most years, councils will strike their rates based on the estimated penny product provided by Land and Property Services. EPP figures are usually struck at a very conservative level. Indeed, most councils usually expect to receive a significant financial windfall when the finalisation figures become apparent. That windfall is used to boost investment for subsequent years. In my 16 years' experience in local government, we have always received a positive finalisation figure.

However, many councils are in a clawback situation in which funds have to be found to go back to the centre. For North Down Borough Council, that amounts to about £860,000, which is the equivalent of an 8% rise in rates. That highlights the scale of the problem and puts it into context. I understand that in Belfast the scale of the clawback is over £4 million. The funds to finance the drop in revenue were not factored into the calculations for the 2007-08 financial year or the associated rate. The rates and budgets for 2008-09 were also calculated before the finalisation figures for 2007-08 became apparent.

Councils now have to either run down their cash reserves, pass on the costs, or cut services. That is not a good situation for councils to be in. In many cases, councils have been left to carry those costs through to the rates process for the incoming financial year, which they are considering.

4.30 pm

In some cases, the difference between the estimated penny product and the actual penny product is substantial. The extreme cases include Belfast City Council at -4.94%, Carrickfergus Borough Council at -4.48%, Derry City Council at -2.36% and North Down Borough Council — my own area — at a huge -5.9%. The scale of the swing in income for councils is much greater than those figures suggest, given that most councils expect, on finalisation, to receive a net income rather than experience a clawback situation. It is worth stressing that the regional rate is a relatively small element of the income of the Northern Ireland Administration. However, the district rate provides the major element of council income. In fact, I will go further than Paul Maskey and say that, in some councils, it provides over 90% of income. In some cases, income from services provides a balance.

It is important to avoid making a false comparison between the level of the regional rate and the district rate. It is futile for the Executive to point to the freeze on the regional rate when the district rate is under such pressure. Householders will make little distinction between the two elements of the rates bill when it arrives on their doorstep in early April. Given the economic downturn, we must be sensitive to the pressures that householders are under because of rises



in utility bills and the financial uncertainty arising from employment concerns and other factors. We must take the issue extremely seriously. Furthermore, the artificially low level of the regional rate has contributed to some hikes in council rates because costs have been inappropriately passed on to councils. Moreover, decisions taken in the Chamber have impacted on the local tax base. Ideally, the regional rate and the district rate should rise in relation to the level of inflation.

Several specific factors that are beyond the control of local officers and Members have led to the financial crisis in local government. Several major revaluations have taken place in the UK, most notably that of Ministry of Defence property. The MOD, like other organisations, is under financial pressure, and I understand that the revaluations are affecting Antrim Borough Council, Armagh City and District Council, Ballymena Borough Council, Coleraine Borough Council, Craigavon Borough Council, Down District Council, Fermanagh District Council, Limavady Borough Council, Newry and Mourne District Council and North Down Borough Council — the problem is Province-wide. The potential impact of those revaluations amounts to £390,000 in Limavady, £230,000 in Newry and Mourne and £460,000 in North Down. A similar problem is emerging with British Telecom.

The debate is not about the pros and cons of the principle of rate capping, rather its impact on local councils. The Assembly will soon consider the rates cap of £400,000, and the Minister of Finance and Personnel seems to be committed to introducing transitional relief to cover its first two years. That measure might help in the short term, but councils will still experience a significant shift in underlying baselines. However, no transitional relief was offered to address the impact of the £500,000 cap, which was introduced at the end of March 2007 before the restoration of devolution. More significantly, it occurred after councils had struck their rates for the 2007-08 financial year. Indeed, the impression was given — rightly or wrongly — that the cost of the cap in the first year would be entirely borne by the centre and that no costs would be passed on to the district rate. That proposal was never formalised, and it was only with the finalisation figures that councils were asked to cover the cost of that cap during the first year via the district rate. The net result of that, in cash terms, is that the cost of the cap for two years has to be borne within one financial year. Again, that is a major diversion that impacts on councils.

Furthermore, the effect of the cap is geographically concentrated. Although the overall distribution of the cap in Northern Ireland may seem benign, it is much more acute in some districts. Given that a major slice

has been removed from local rates bases, the costs of local services must be reallocated to citizens who live in that locality.

The effects of the cap, when considered in relation to the regional rate and district rate, are therefore considerably different. In North Down the £500,000 cap adds a cost of around £250,000 to the rates bill — around 2.5%. That amounts to 5% if one considers having to bear the cost twice in the same financial year. Other councils badly affected by that cap include Ards Borough Council and Belfast City Council.

It is clear that some genuine issues in relation to the property market are affecting the level of the estimated penny product. We accept that there are major challenges for Land and Property Services, including the decrease in new buildings, increased vacancies, and the problem of uncollected debt. However, there are issues that are under the control of the Northern Ireland Administration, and there are things that are not being done by Land and Property Services and the Department. The level of vacancies, to an extent, reflects delays in placing occupied or newly-built properties on to the valuation list. Those delays can amount to months, and, in some cases, years. That is clearly unacceptable.

There are also significant costs in relation to collection. It is unacceptable to have a situation in which councils accrue additional costs while providing a worse service. The accuracy of the estimated penny product figures is also an issue.

It is accepted practice that, whenever new policies and practices have a differential impact, some form of transitional relief should be introduced. Councils are facing major hikes in their rates, even if they make efficiency savings and cutbacks. Government must intervene to cushion the blow to households. The councils can go only so far without undermining the integrity of local services.

I appreciate that the Minister has spoken to the Northern Ireland Local Government Association (NILGA) on the matter, and is considering what can be done, but we need to go further than the simple measures that are available under existing legislation and consider fresh legislation, even if it is implemented during the next financial year.

**Mr Hamilton:** I declare an interest as a member of Ards Borough Council. I have been a member of that council for almost four years, during which I have had the dubious privilege of being the chairman of its rates subcommittee. Even if I say so myself, that period in the rates history of Ards Borough Council has been something of a success story. The increase in the percentage rate has been falling year on year — if that does not sound like a contradiction in terms — to the point when, last year, we struck the lowest rates increase



in six years. That was at a time when we were striving to continue to improve services and to get away from the yo-yo rates rises of the past and the uncertainty among rate payers as to whether there would be a double-digit increase — as occurred in some years — or a near-zero increase the following year. That allowed people to financially plan more effectively.

However, the challenge of having steadily diminishing rates increases while improving services will be most difficult in the upcoming rates year. I have certainly found that to be the case, as have my colleagues in the council. It can be seen most starkly where the losses to be borne by the council are increasing — not just increasing moderately, but rapidly and by serious amounts.

One may consider the cost of the losses arising from vacant properties — I will continue the tour of the greater Belfast area, beginning with the capital city, on to North Down, and then to Ards, and probably elsewhere. The losses to Ards Borough Council in respect of vacant properties potentially amount to £1.2 million, at a time when we, along with other councils, are endeavouring to clear some vacant properties. Some £600,000 of rates were cleared, but now the council faces a loss of double that amount. The cost of collection in Ards has increased to almost £385,000. The overall increase, including other costs and losses, amounts to around 68% compared with this time last year. That burden is clearly very difficult for the ratepayers of my local council area, and other areas, to bear.

One might ask why we are in that position. The problem was not created by the current Administration or by Land and Property Services (LPS), which inherited problems. The scale of the merger of four agencies into one, new IT systems, and an entirely new rating system obviously placed a lot of strain on that organisation.

Some one-off problems clearly caused difficulties, such as the revaluations of the MOD and British Telecom (BT). There have also been unanticipated problems, such as the unexpected extreme downturn in our economic circumstances, which — going back to the subject of vacancies — clearly created a substantial amount of additional vacant properties at the time when serious efforts were being made to reduce the number of vacant properties.

We have had to address all those problems, but I seek solace in the fact that the issue was recognised and that work is ongoing to try to resolve it. The Minister, LPS and NILGA met before Christmas to discuss the issue and various working groups have been established. I understand that a forum has been created with local government finance offices, representatives of chief executives and LPS to try to

modernise the system and evaluate how some of the problems can be overcome.

The reduction of the rates cap is an example of how the Department has been sympathetic by allowing transitional relief to be put in place. Knowing the impact that that would have on our two respective local council areas, that was something about which Mr Weir and I strenuously lobbied the Minister's predecessor. A debate that is entitled 'Penny Product' could appear to be an abstract academic debate, but those problems will have an adverse impact on virtually every household and business in Northern Ireland if they are not addressed. Along with others, I urge the Minister to extend the sympathy that he has already shown regarding this subject matter and to do what he can to relieve the burden that ratepayers in Northern Ireland are likely to face.

**Mr Beggs:** I declare an interest as a Carrickfergus Borough councillor. Accurate penny-product estimation is a vital component as it enables councils to have a more stable estimation of their rates base and to set the appropriate level of rates.

Local councils are currently involved in setting their rates for the next financial year. In order to do that, councils must estimate their expenditure over the forthcoming year and estimate the amount of money — which is collected by Land and Property Services — that they are likely to be able to draw in through the rates process. The councils must have an accurate calculation of their rates-raising capacity from the local domestic and non-domestic properties.

Regrettably, Land and Property Services and the Valuation and Lands Agency — its predecessor — both have a poor track record in that regard. Previous inaccurate calculations were discussed in an Assembly Finance and Personnel Committee in 2001. Predicting a rates base must be a difficult process, but the recent variation was way beyond what one would expect, given the detailed database that the Department of Finance and Personnel uses and the expertise that was available to the Department and its agency. Given their mutual interest in having an accurate rates base, there is clearly a need for closer working among the Department of Finance, Land and Property Services and local councils.

In a recent Assembly question, I asked the Finance Minister for a percentage variation among local councils. I was shocked when I discovered that Magherafelt District Council had a variance of +6.27%, North Down Borough Council had a variance of almost -6%, and Carrickfergus Borough Council and Belfast City Council have variances of approximately -5%. Those are huge variations — how on earth could one have an accurate estimation of one's rates? After that fails, local councils receive



unexpected bills during the course of the subsequent year. I understand that Belfast City Council's unexpected bills amounted to some £4 million, and my own council's figure was £300,000 — how are councils supposed to incorporate such unexpected bills?

I was part of the Public Accounts Committee that published the 'Report on Statement of Rate Levy and Collection 2006-07' in October 2008. I urge anyone who wishes to investigate that process further to study that report. It highlights that many of the failings were under the control of Land and Property Services.

4.45 pm

I shall focus largely on vacant property. Despite the fact that people have been living in properties that were listed as vacant, many of them have not been issued with a rates bill, which means, of course, that the cost burden is falling on their neighbours. Therefore, Land and Property Services must answer for those failings.

In 2006-07, Land and Property Services stopped inspecting vacant properties and — surprise, surprise — that was one of the reasons for the inaccuracies in the penny-product estimates. Many properties were labelled incorrectly as vacant; no rates bills were initiated and no funds were gathered. What private-sector business would virtually stop issuing invoices to new customers? It is unbelievable.

I acknowledge that LPS is working closely with councils to address the problem; however, the legacy of that shambles lives on. Consequently, there is merit in the amendment of Stephen Farry and Sean Neeson, which calls for transitional relief. Councils have been attempting to plan; however, through no fault of theirs, additional bills have been landing on them.

As a direct result of the failure of Land and Property Services, Carrickfergus Borough Council checked some of the properties and discovered that 37% of approximately 1,300 properties listed as vacant were, in fact, occupied. No doubt, that figure is replicated throughout council areas in Northern Ireland — a huge amount of money has not been collected, and everyone else must pay for that. Consequently, rate arrears have risen, and bad debts are predicted to rise from approximately £5 million a year to between £8 million and £10 million a year. Guess what? Ratepayers will have to pay for that shortfall as well, because the benefits of collecting extra rates are not being passed on to local councils.

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

**Mr Beggs:** This area must be addressed, Minister. We must bring about improvements and have a consistent rates base on which we can rely.

**Mr O'Loan:** I declare my membership of Ballymena Borough Council, and I state my support for the motion and the amendment.

Land and Property Services collects £1 billion per annum, so it plays an important role in the finances of the Executive and of district councils. Indeed, the implications for district councils are more serious than for the Executive. The regional rate contributes approximately 6% to the Executive's Budget; however, for councils, after income from charges, it contributes almost 100% of the revenue raised. I am not sure whether, as Stephen Farry said, the rates account for as much as 90% of overall council costs but they certainly account for a major proportion of income. Therefore, it is important to district councils that the system works well, and it is clear that a serious situation has arisen concerning the penny product.

We all understand the system, and we know that the penny product is essential information for councils preparing their budgets for the forthcoming year, so it is vital that that information is accurate. Recently, there have been significant errors in the estimated penny product, which, as some Members have mentioned, has resulted in substantial clawbacks and serious distress to several councils.

There is an important side issue concerning the distress that is being caused by the rating system. It is not only councils that are suffering distress; some ratepayers are suffering greatly, particularly the owners of vacant commercial property. Last week, at the Committee for Finance and Personnel, officials demonstrated considerable sensitivity to the problem of imposing rates on vacant domestic properties, and they were considering when and how such rates might be introduced. However, that measure is already in place for vacant commercial properties; it was introduced in good spirit, and it was intended to generate useful movement and activity in the commercial sector. However, when it was introduced, the environment was quite different to what it is now. The measure is creating serious pressure for a particular group of ratepayers, and I ask the Department to pay particular attention to that.

Returning to my main concerns, I am not impressed by the response of the LPS to the penny-product situation. An LPS spokesperson said that it was disappointing that Land and Property Services had been criticised, as many of its estimates were within 1% of the final figure. However, it is the job of LPS to get the estimates right, and too often it gets them wrong.

The 2007-08 figures show that the estimates for 12 councils were within 1% of the actual outcome; the remaining 14 were outside it. For instance, there was a 5% error for Belfast City Council; a 6% error for Magherafelt District Council; and a 6% error for North



Down Borough Council. Those errors are not acceptable; they show that the database and the estimation method are not sound.

I was shocked at one piece of evidence in the PAC report, which stated that LPS had to concede that errors were made in important work by one person whose work had not been checked or verified by anyone else.

Several Members mentioned the Public Accounts Committee's 'Report on Statement of Rate Levy and Collection 2006-07', which refers to "a history of errors" and states that councils expressed their concerns regularly. Furthermore, it contains an assurance from 2001 to the Committee for Finance and Personnel that future calculations would be accurate. That promise has not been realised.

The PAC report concludes that DFP has not invested sufficient energy into developing systems for the estimation of the penny product and recommends that the Department put more resources into the system and develop a more robust budgetary model. I support that recommendation.

I note that it is only now that LPS is developing protocols with councils towards using their substantial local knowledge and databases to improve the information base of LPS. That development is long overdue. The problem with LPS is symptomatic of a wider problem — the most evident being the large rate arrears to which Members have often referred.

The Committee for Finance and Personnel has taken a great deal of interest in LPS and its underperformance, and it has shown interest in my proposal that DFP commission a wide-ranging independent investigation into LPS. That matter was put on hold during the PAC inquiry, but we should return to it now.

I support the motion and the amendment, and I hope that their success will lead to some amelioration in an unacceptable situation.

**Mr Weir:** Like other Members, I begin my contribution by declaring an interest: I am a member of North Down Borough Council and vice-president of NILGA.

As several Members said, penny product is pertinent to the 26 councils in Northern Ireland; it has a different effect on each of them, but it is not restricted to one area. Consequently, the meeting that was held before Christmas between NILGA and the Minister was useful and productive. Representatives from the four major parties and various councils attended the meeting.

The DUP supports the motion; there was little in Paul Maskey's speech with which to disagree. It resonated so much with the position of the parties in

Belfast City Council that it could have been given, verbatim, by almost any of its members.

The DUP has no problem in supporting the Alliance Party's amendment, despite the serial nature of its proposer.

At the time of the Executive's welcome announcement on the freezing of the regional rate some years ago, a message was sent to local councils that they should not see the freezing of the regional rate as an opportunity to increase local rates.

Each council is different, and each has areas in which it can make cuts, but most have acted responsibly since that announcement was made and, for many years, have striven to provide the best possible value for the ratepayer. Considering the pressures faced by councils, I take issue with Dr Farry's hope that there would be some level of regional rates increase alongside the local increase. Given the pressures on local councils, the wisdom of holding back the regional rate and restricting the increases to ratepayers becomes more evident by the day.

I agree with Dr Farry that ratepayers do not differentiate between what they pay as a regional rate and what they pay as local rates. Consequently, the freezing of the regional rate at least eases the burden of ratepayers to some extent. However, whatever local councils have done, they are, undoubtedly, being hit by a range of issues, the common factor in which is that they are outside their control.

Mention was made, for example, that the amount received through rates, particularly in the non-domestic sector, is due to reduce over the next year because of the recession. Unfortunately, we will have to deal with that. What was not mentioned is the continuing pressure caused by the large increases in landfill tax over the past few years. Whatever its merits, and with the best will in the world, that tax is beyond the councils' control.

Furthermore, the mistakes that were made a couple of years ago placed a massive additional burden on Land and Property Services. As Mr Beggs said, there was a ridiculous situation at that time because someone took their eye off the ball on the control of vacant properties. Some of the changes to LPS, such as the computerisation of its system and changes to the rates, will benefit everyone in the long term. Practical efforts have been made to try to rectify the mistakes of a few years ago. A new closer working relationship has evolved between council officers and LPS not only in Carrickfergus Borough Council but in the bulk of councils. Perhaps it was driven by necessity, but it has proven to be a good system of close co-operation. However, the Assembly must put more meat on the bones.

It is clear from the problems in LPS, the trouble with estimating the penny product and the specific



issues that were mentioned in connection with the revaluation of MOD and BT sites that councils face a major short-term problem. If the Assembly is to deliver the best for all its ratepayers, continued efforts are required. The Department must consider sympathetically some sort of assistance or transitional relief to ensure that councils are able to do their jobs properly.

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

**Mr Weir:** I support the motion and the amendment.

**Mr McLaughlin:** Go raibh maith agat, a LeasCheann Comhairle. I declare that I do not have an interest because, in 1998, on my election to the Chamber for the first time, I resigned from Derry City Council.

I have considerable sympathy for the councils. I was a councillor in Derry for almost 20 years, and I am aware of the complex issues that can affect the annual process of striking the district rate. Councils can drive efficiencies only so far before coming up against the difficult choice of raising rates or cutting essential services. Many councils find themselves on the cusp of that dilemma now.

It is only fair that I say that I also have some sympathy with Land and Property Services, which inherited, rather than invented, the problem. It may have been tasked with driving an agenda of change that was too complex in too short a period, as was the considered view of the Public Accounts Committee. The issue, for instance, of retreating from developing the accuracy of the register to include vacant properties, or to establish whether properties are genuinely vacant, has a direct impact on the lack of accurate information on which the calculations are based.

From listening to the contributions from the parties in the Assembly, it is clear that Members have a good understanding of all the issues because they have had to deal with them annually. However, it seems slightly contradictory that the calculation of the estimated penny product is based on information that is out of date as soon as that process begins.

By the time it has been applied in the particular financial year, it is 18 months out of date, which compounds the existing problems.

5.00 pm

When Land and Property Services was established and took over from the Rate Collection Agency, we should, perhaps, have taken the opportunity to abandon the practice of estimating the penny product, and to reduce it to an annual process whereby, at a given point in any year, an agreement could be signed off between the district councils and Land and Property Services as to the valuation list, which would produce a single figure. The variations and the various impacts of the changes that inevitably occur in the built stock

right across the North can be factored into the following year. It compacts the process.

There may be an initial cost implication that would add a dimension to the amendment offered by the Alliance Party, because there may be a need to provide some transitional support to councils in the first year. However, if we were to deal with factual information — at least, information that was agreed to be factual at a given point — and we worked towards the upcoming 12 months before we revisited it, councils and the Department would know exactly the basis on which they were proceeding, and know the expenditure programmes on which council rates would be based. The compensation can be built into the process by regularly amending the valuation list.

An initiative for which I would argue strongly is that we make the necessary investment — again, a collaboration between Land and Property Services and the councils. The work could be carried out by the councils, and it would be a cost-effective operation in reviewing the vacancy list. We all know that therein lies the problem of delinquency, the consequence of lost revenues and the annual conundrum between Land and Property Services and the councils.

In supporting the motion and the amendment, I ask the Minister to give some consideration to reviewing the entire system and questioning the value of having an estimated penny product that so often turns out to be inaccurate and may not be needed at all.

**Mr McQuillan:** I declare an interest as a member of Coleraine Borough Council.

I believe that the Minister had a meeting with NILGA recently to discuss the difficulties councils may have in setting an appropriate rate for 2009-2010, so I congratulate him on taking a proactive approach to the current problem.

I am well aware of the steps that Land and Property Services has taken in engaging with local councils to update and inform them of the current state of play, so that councils can make a fully-informed and well-judged decision when striking their local rate. The bilateral meetings between Land and Property Services and each council has, using the key assumptions, been of value to the councils when trying to estimate their potential needs for 2008-09 and 2009-2010. A useful step will be the inclusion by Land and Property Services in 2009-2010 of quarterly outturns and discussions with councils, so that councils will be able to identify in advance any need to alter spending plans. It will also help to keep the rates bill for every property owner as low as possible.

However, we must not overlook the real financial difficulties that some councils will face as a result of the closure of Ministry of Defence sites. Although I appreciate fully that the Minister has to live within his



own budgets, and that his scope to assist councils is severely limited, I ask him to do whatever he can for those councils affected by MOD site closures and the BT situation.

I support the Minister in his efforts to deal with the issue in this most difficult financial climate. I am sure, too, that he will do all that he can on a practical and cost-effective basis to aid councils. I support the motion as amended.

**Mr Shannon:** I support the motion and the amendment. I declare an interest as a member of Ards Borough Council.

The issue is complex and one of which I am well aware, having been a member of Ards Borough Council for almost 24 years. The issue affects every member of each council area in the Province. The calculation of the penny product is difficult and is undertaken by Land and Property Services — I do not envy it its task.

There is much to be taken on board and considered, and the nature of estimation is such that there must always be some form of guesswork — although it is educated guesswork. I am also aware that the Minister and his Department are examining the process and are attempting to find a way forward that is helpful to all council areas in this difficult financial time.

Although, of late, the estimation in Ards has not been as far out as estimations have been in other council areas, such as the Belfast City Council area, we in Ards are not without a certain amount of fear for the future. Indeed, when I contacted the director of contract services for my council, he expressed several concerns, which I would like to reiterate. The main issue causing a negative impact as regards the penny product and advice to councils on striking the rate for 2009-2010 is the huge increase in the losses figure, which, in turn, dictates the percentage of rateable income. The losses for Ards Borough Council have increased greatly from £1·137 million to £1·342 million in 2008-09, to £2·259 million in this present year. As those figures clearly indicate, the projected losses are being increased by some 68% over the 2008-09 figures. If other Members have made those points already, I apologise for repeating them.

Deferring some of the costs from council to central Government would go some way to addressing the huge loss of funds resulting from a reduced estimated penny product. A forum has been sent up, which represents the Society of Local Authority Chief Executives (SOLACE) and the finance offices, and it is working very closely with LPS to address some of the issues. I understand that the Minister, in his response, will give some indication of where we are headed on this matter, and I hope that the news will be good.

In the interim, we all face the huge problem of the extra losses that we will have in the short term. As aware of those issues as I am, I have every confidence that our Finance Minister and his Department are equally aware of the issues, and I understand from discussions with the Minister that that is the case. They are working towards a solution that will mean as little added burden on the ratepayer as is possible in this time of financial strain and hardship. For some of my constituents, even paying £100 more this year will be a strain, particularly given the job losses and the reduction in working hours that they have experienced.

The Finance Minister has shown a keen mind for improvement in his previous ministerial position as Minister of Enterprise, Trade and Investment. We again look to him to improve on the system that he has inherited and to produce something that will work better for the councils and, subsequently, for the people of this Province. It is my belief that there will be the possibility for more accuracy once the Minister takes the situation in hand. He has already met NILGA and other bodies to show his commitment to getting it right within his Department. While he is in the process of doing that, it is my desire that councils be given a little help to offset the rise in costs. Take Ards Borough Council as an example; a 68% rise is a tremendous loss to offset. Indeed, it is quite crippling. The council will clearly need all the help that it can get from the Minister and his Department, and the constituents whom I represent wish to see assistance given.

I know that Ards Borough Council is not alone in carrying a large financial burden when it comes to the calculation and the variation of the penny product. I support the motion and the amendment, and I call for a review, which I know that the Minister is considering anyway. I have every faith in his ability to work through the problem and find a solution that we in the Assembly and in Ards are looking for. Like most other councils, Ards Borough Council is desperately seeking help. I look to the Minister — without the Santa Claus uniform — to give us some help on this occasion.

**Mr G Robinson:** I declare an interest as a member of Limavady Borough Council, one of the councils about which the press saw fit to speculate recently. I could not help but notice that the proposers of the motion are members of the same party as some councillors in Limavady who could not wait to see the British Army vacate Shackleton barracks. They are now crying false tears as they recognise the real cost to the ratepayers of Limavady borough and some other council areas. This is the real world, and actions have consequences. Indeed, some members of that same party would like to see the closure of Magilligan Prison, which is, as I understand it, another significant ratepayer to Limavady Borough Council.



I know that the Minister is aware of the situation in Limavady in particular, and our very real need to have some assistance to see us through to the RPA changes in 2011, when things will change on a large scale.

I appreciate the Minister's efforts in regard to empty properties and the collection of rates arrears, and I acknowledge both the hard work of the LPS and all its achievements to date. I recognise that Limavady is not the only council area that has been affected by MOD closures and BT rebates — the economic downturn means that all council areas will take a blow.

I appreciate that the Minister is limited in the ways in which he can assist the affected councils and that like every other Minister, he has a budget within which to operate. I am not asking him to throw money away without considering carefully the value-for-money criteria that is expected of every Minister. If the Minister could find a cost-effective way to assist councils in these unusual financial times, it would be much appreciated by the councils, but it would be appreciated especially by each ratepayer, who will benefit from any help that he can give. I support the motion.

**The Minister of Finance and Personnel (Mr Dodds):** I am grateful to the Members who tabled the motion, which has provided an opportunity to debate the importance of rates revenue to district councils' provision of services. For many years, the rating system has provided the funds and relative stability that allow councils to plan and deliver services to their ratepayers.

The current economic outlook and the abnormal combination of several factors, some of which were highlighted in the debate, have had an impact on the revenue levels that councils can expect to receive from district rates. As Members know, councils are not alone in facing a difficult and challenging future: financial pressures, which have been compounded by the downturn in the economy, affect the Executive's and the Assembly's plans, as well as those of households and people in business. Difficult choices must be made in order to ensure that the resources that are available are used to deliver and improve the key services that most benefit the community.

The debate has been useful, and I welcome Members' suggestions as to how to assist councils and ensure that the rating burden continues to be equitable. The motion urges me to take several actions to help councils through these difficult times. Every Member who spoke declared an interest as a member of a district council, apart from one Member, who declared 24 years of experience in local government. I, too, declare my membership of Belfast City Council.

Aside from what I can do to help councils, I do not doubt that councillors will be doing what they can to help their councils and their ratepayers through these

difficult times. That is an important point. Reference has been made to the positive impact that freezing the domestic regional rate for three years has had. Together with other changes, that has led to a situation where, over the three-year Budget period, households in Northern Ireland are £1,000 better off than they would have been under direct rule. Allied to that, we are freezing the business rate next year in real terms and introducing a small-business rates relief scheme. Those are positive developments and proposals to help people in difficult times.

Therefore, I reject Dr Farry's suggestion that the regional rate has been kept artificially low and should be increased. People will remember that under direct rule, when district councils were keeping their rates increases at a sensible level, there were sometimes regional rates increases of between 15% and 20%. Therefore, the action now is a sensible and proportionate response to the difficult times that we are in. Householders and businesses are grateful for the increased assistance to help them cope in difficult economic circumstances.

As we have demonstrated, actions, rather than words, matter. Indeed, action, not words, will improve the position of councils. As was mentioned, I had a very useful meeting with the Northern Ireland Local Government Association just before Christmas, and we discussed many of the issues that Members raised during the debate.

During the meeting, we talked about the unrecoverable debt issue, the increase in cost of collection, vacancy control issues, the possibility of more co-operation and partnership between local government and Land and Property Services, the increase in the landlords allowance from 10% to 15% for the Northern Ireland Housing Executive, the contribution of 3% towards housing benefit costs — which is a cost and collection for councils — transitional relief and the cap on valuations. All those issues and others were discussed, and it was a very useful meeting. As a result of that meeting, I promised not only to reflect carefully on what was said, but to make an announcement as soon as possible in the new year about what we can do to help, and I hope to make a statement shortly on that issue.

*5.15 pm*

I also listened carefully to the concerns expressed by the association — and as been stated by Members today — about the performance of Land and Property Services. Some Members highlighted some of the issues, and many made the quite proper point that many of the issues have been inherited and are historical. They reflect the fact that the new, combined Land and Property Services was asked to take on an enormous amount of change to the rating system all at



once. As a result, matters that should have been given attention did not get it. However, that issue is being addressed, and I am determined that issues such as rates arrears and the inspection of vacant properties should be given high priority, so that from here on in those issues do not become a matter of criticism, and they should not be neglected.

Land and Property Services is tasked with ensuring that the valuation lists upon which rates are levied are maintained to reflect new developments and alterations to, or the demolition of, existing properties. District councils have a statutory duty to assist LPS to support the maintenance of the valuation lists by providing any relevant information that they obtain. To determine the appropriate liability for rates, LPS must also establish who occupies or owns property. That is an important point to make about vacancies.

Out of 60,000 vacant properties, 47,000 have been inspected. In many of those cases where it can be established who is responsible for paying the rates and who owns the properties, the bills can be sent out immediately. However, there are many occasions when that is not possible. The property can be identified as being occupied, but it is not as easy to identify who is responsible for paying the rates. Sometimes that leads to the delay in getting vacant properties that are currently occupied onto the valuation list. However, progress is being made, and I commend the close working partnership that has developed between virtually every council in Northern Ireland and LPS.

I take the point that councils have been to the fore in the matter, but LPS has also played its part in developing arrangements that will lead to more efficient and effective processing of inspections of vacant properties and getting properties onto the valuation list, where they should be. That work needs to continue, and I am determined that the co-operation and partnership between LPS and local government should continue, and that the greatest possible co-operation, and working together, transparency and openness between local government on the one hand and LPS on the other should be maintained.

Some Members raised specific issues, which I want to try to address in the short time remaining to me. Some Members mentioned BT, and Ministry of Defence rates liability, and I listened carefully to the concerns that were expressed about those issues, in my meeting with NILGA and here today. Those bodies are entitled, as is any other ratepayer, to challenge their valuations. What happened is that they challenged, on appeal, what they pay in rates, which they are entitled to do just as is an individual ratepayer.

Of course, it must be remembered that a reduction in district-council income also means a reduction in income on the regional rate. Therefore, the Executive

and the Assembly will also suffer as a result of those revaluations. Just as there is less income for district councils, as well as a payback to BT and the MOD — going back 10 years in the case of BT and five years in the case of the MOD — so there is a reduction in income for the Executive, as well as the money that we must pay back to BT and the MOD. This is not only a hit on district councils but a hit on the Executive. However, I accept that the effect on local councils is greater, because a far greater proportion of their income is dependent on rates compared with that of the Executive. It is important to put that on the record. I await advice from my officials on what can be done quickly, and within existing powers, to cushion the impact on councils. I will consider that issue further and make an announcement shortly.

Some Members raised the issue of collection costs. In proposing the motion, Paul Maskey mentioned that issue, as well as the increases in those costs. Other Members mentioned the need for the changes that have been introduced to do away with the obsolete IT system. Not all the increases were passed on as quickly as they should have been in previous years, but we are now passing on those increases. However, I have listened carefully to what Members have said today. I have also listened to representations that were made, particularly about issues that were raised in the Public Accounts Committee's report, and I will consider all those issues further.

Several Members raised the issue of write-offs. The forecasted write-off for rating debt in 2008-09 is £5 million, but the forecast for 2009-2010 has risen to £10 million. The economic outlook means that it is assumed that, because people will find it harder to pay bills, as well as an increasing number of liquidations and bankruptcies, the amount of debt that will be written off will increase. That is a fact of life that we must take into account.

It might be easier to say that we will not increase the level of write-off, but what would be the consequence of that? The increased write-off forecast has been made in order to provide a prudent estimate of the income that councils might expect to recover, therefore avoiding a clawback situation. We must be as transparent as early as possible about the likely effect, rather than wait until later to tell councils that the debt write-off will be £10 million instead of £5 million and that we will claw it back from them. No one would be praised for taking that approach either. We must be realistic — if it becomes more difficult to recover debt, we must recognise that fact. That issue has been raised with me, and, again, I will consider it further.

I am also considering the issue of increased collection costs. Mr Farry and others mentioned the issue of the reduced cap and transitional relief. In reducing the cap from £500,000 to £400,000, I



indicated that transitional relief would be made available to councils. That measure was widely welcomed, and it will have a major impact on Belfast City Council, North Down Borough Council and other affected councils. Mr Farry tempts me to go further, but the £500,000 cap was introduced under direct rule. Again, that shows the benefits of devolution over direct rule. If we had had devolution when the cap was introduced, transitional relief might have been available.

I have already dealt with the issue of vacant properties. The amount billed so far for inspections that have taken place is some £5.6 million overall, for both regional and district rates. Members talked about vacancies, but it should be remembered that, although £1 billion is brought in by way of regional and district rates, we are talking about a figure in the region of £5 million, or perhaps a bit more. It is important that vacant properties be inspected and, where rates are liable, that that money be collected.

It must be borne in mind that, as an overall proportion of the total rates income, that amount of money is relatively small. Nevertheless, that money must be brought in. I believe that we have made significant progress on vacant properties. However, from now on, more must be done to address the issue. It is also important that councils examine not only domestic vacant properties, but non-domestic vacant properties, because, at present, rate income for non-domestic vacant properties is not being brought in.

In previous years, we have examined the reasons why vacancies were not inspected as they should have been. Inspections were never stopped, and we understand the reasons why they were historically not carried out in the way in which they should have been. However, I am determined that such accusations will never again be levelled. We must ensure that all vacant properties are inspected and that everybody who should be paying rates is paying rates.

Let me be clear: rates arrears do not impact on councils' revenue streams until such times as they are written off. Some spurious comments have appeared in the press about that matter.

On the issue of non-domestic empty property rates —

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

**The Minister of Finance and Personnel:** I will finish on this point. Mr O'Loan made a point about non-domestic empty properties. He will be aware that the Northern Ireland Executive decided to rate such properties at only 50%, and, even then, vacant factories were not included, whereas, in England, all non-domestic empty properties are rated at 100%. Therefore, we are significantly better off than our counterparts elsewhere in the United Kingdom. Again, I will monitor the impact of that policy.

**Mrs Long:** First, I also declare an interest as a member of Belfast City Council, because I do not want to break the cycle of council members declaring an interest when speaking in this debate. I thank Paul Maskey and his colleagues for tabling the motion and for accepting the Alliance Party's amendment. Despite the discomfort that our amendment obviously cost Paul Maskey, he conceded that it had added something to the debate, so I thank him for that. I also thank the Minister for his comprehensive response. Given the time constraints, I do not intend to summarise the issues that every Member raised. However, I wish to explore certain themes that arose during the debate.

All ratepayers — whether business or residential — live in a difficult financial climate. However, that climate also affects the councils themselves. At a time when most of us wish to cushion the public from the effects of increased bills, local councils face huge problems, such as the pressures of rising costs and overheads or issues around waste management.

Although those matters are predictable to an extent and can be budgeted for, unpredictability has increased in recent years over the estimated penny product for rates. Not least of all, that unpredictability has been affected by the issue of vacant properties, a point that several Members stressed.

The clawback from previous years — particularly last year where the outturn was much lower than predicted — together with the compounding effect of the expectation that money would be forthcoming, as opposed to clawed back, has made the situation worse. There are issues with the additional costs of collection, and the way in which that is being managed, particularly the changes in write off. I think that everyone accepts that it is necessary to change the way in which debt is written off. However, the timing of that and the way in which it is profiled is critical in the current context.

**Mr Beggs:** The Member for Strangford Simon Hamilton stated earlier in the debate that the failures were not the responsibility of the Department or Land and Property Services. Therefore, whose responsibility are they? Does the Member agree that some body must be responsible for those failures, whether it is the Department, the agency or its predecessor?

**Mrs Long:** I thank the Member for his intervention. It is true to say that the problems with LPS were largely inherited. However, it is also fair to say that, since devolution, there has been no real improvement in the way in which that body has functioned. In fact, many people would contend that the situation has actually worsened. The Minister conceded that the main improvement was council driven, and that is not necessarily the way that one would expect improvement to be driven.



Transitional relief, to which the Alliance amendment referred, will significantly improve the situation. Paul Maskey, Stephen Farry, Declan O'Loan and Simon Hamilton spoke about council income. However, at a time such as this, that income is likely to decrease. Discretionary expenditure by householders is likely to decrease, which will affect council income. The downturn in construction will also affect, for example, income from building control. All of those factors compound the difficulties faced by local councils.

Roy Beggs, rightly, raised the issue of the potential for increased bad debt in the current financial situation, as people find themselves unable to pay their rates.

Although the Minister has rightly said that that will not immediately affect the councils, it will have an impact down the line.

5.30 pm

Simon Hamilton, Stephen Farry, Declan O'Loan, and Peter Weir mentioned the importance of having good and robust modelling of the estimated penny product. Mitchel McLaughlin went further by questioning whether one was needed at all. Robust financial planning is good for local councils, many of whom have been taking it to the extreme when trying to manage their own finances more efficiently, but, every year, they have been confounded by that problem. The timeliness of the information is also critical. Even if there is variation in the information, it is important to have it in good time so that plans can be made.

In different ways, Simon Hamilton and Stephen Farry stressed the need for the avoidance of a boom-and-bust cycle in rates, fluctuating between almost no increase and huge double-figure increases. Members are looking for, and stressing to the Minister, the need for predictability over what people can expect from an increase in their rates so that households, businesses and individuals can budget much better.

The Minister correctly said that it was important that councils take action to bring their expenditure under control. I fully concur with that. The Minister will know that an efficiency saving programme has been in place at Belfast City Council, where he and I sit. He will be aware of the efficiency saving programmes of many other councils. However, those do not alleviate the current difficulties, and that is why our amendment asks the Minister to intervene. I look forward to the statements that he said that he will make in the future.

The Minister said that he will consider what he could do within his current powers. I ask him to consider Stephen Farry's suggestion that additional powers may be needed to deal with transitional relief. If the Minister is willing to tell councils that he will do that, they can factor that in, even if legislative change is needed.

**Ms J McCann:** Go raibh maith agat. I am not a councillor, although I was one for a short time. I ask Members to bear that in mind.

Most Members who spoke highlighted a number of financial pressures across all councils and how those affect everyone, including households. The inaccuracies with the estimation of the penny product and the lateness of that estimation have compounded those pressures. Although the debate was on a specific issue, most Members will agree that they do not want council services to be affected by those pressures.

I thank my colleagues Paul Maskey and Mitchel McLaughlin for tabling the motion. In his opening remarks, Mr Maskey outlined the importance of the motion and explained why councils are facing huge financial problems. Along with other Members, he mentioned some of the problems of Belfast City Council, of which he is a member, but I will not dwell on individual councils.

He said that the Department of Finance and Personnel does not provide the necessary information to councils, and he quoted the report of the Public Accounts Committee on the matter. The report stated that the Committee was extremely concerned that the Department of Finance and Personnel was not providing the councils with accurate information and that, therefore, it was difficult for councils to undertake any forward planning of their spend. Recommendation 20 of the report said that that information is essential. He also urged the Minister to meet council officials, and I know that the Minister said that he had already initiated consultations with several organisations.

Moving the amendment, Stephen Farry pointed out that the regional rate provides only a small income for councils and that, when households get the bills through their door, people do not make a real distinction between the different rates bills. Given the economic climate, we all must be aware of how those higher rates will affect people.

He also outlined some of the difficulties that his own council is facing: that no account is being taken of the reduction in the cap, and that the cost of that reduction is to be borne by councils over a one-year period yet it will affect their budget over two years. He called for transitional relief for councils, as did most Members.

Simon Hamilton said that Land and Property Services had inherited the problems it currently faces and that work to sort out the problems is ongoing.

Roy Beggs said that there was no reason for the inaccuracies given the detailed database and expertise possessed by the Department and by Land and Property Services. He, and other Members, pointed out that the failure to inspect vacant properties has added to the problem. Land and Property Services had



calculated the penny product without inspecting properties, and that has compounded the problem.

Declan O'Loan said that Land and Property Services collects £1 billion per annum and that estimation of the penny product is crucial to future planning.

Peter Weir talked about the freezing of the regional rate. He said that the vast majority of councils have acted responsibly, in ratepayers' interests, to try to keep down the size of rates bills.

My colleague Mitchel McLaughlin asked whether we need the estimated penny product. He called on the Minister to review the whole process and stressed that the accuracy of the register directly affects the accuracy of the estimate. He is the only Member who called on the Minister to review the process and try to find a better way of doing it. That will take co-operation between council officials and Land and Property Services.

Adrian McQuillan and George Robinson both spoke about the closure of MOD sites and how that affected rates. Jim Shannon said that a forum had been set up and that, given the economic climate, an added burden on ratepayers should be avoided at all costs. People are losing their jobs and ratepayers cannot afford to pay more than they are paying now.

The Minister said that councils are not alone in facing difficulties. The Executive, as well as the ordinary household, are facing financial difficulties. He stressed the positive impact that freezing the regional rate, and freezing the business rate next year, will have. He spoke about small business rates relief and how that will have a positive effect on business. He said that he has already consulted with a number of organisations about that. He referred to transitional relief and said he would be making a statement shortly on how the Department can help in all those issues.

With respect to vacant properties, the Minister admitted that there was a delay in identifying who was responsible for them. He referred not only to vacant domestic properties but to all vacant properties.

That was the gist of what was said by most Members. However, there has been a big change over the last year in some rates bills, and many people are now in arrears. I am sure that other Members are also finding that that is the case. Rates are now being assessed on the value of property and, for many people, that means a high rates bill. Land and Property Services is currently sending out letters to people who are already in debt. It must be sensitive about how that is done: the letter states that if the bill is not paid by a certain date, court action will follow.

I know that many of my constituents are finding it quite difficult to get by in the current economic climate. Therefore, it can be quite shocking for some

people, particularly some elderly people, to receive such letters.

We must be sensitive both with the collection of rates arrears and about the economic climate. People are losing their jobs, and although we know that rates need to be collected and that they are in place for services provided, their collection must be carried out in a way that is fair and sensitive to people's current economic situation. Go raibh maith agat.

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

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

*Resolved:*

That this Assembly calls on the Minister of Finance and Personnel to address the financial difficulties being experienced by District Councils in the calculation of the Penny Product, by initiating a process of consultation involving Councils and Land and Property Services, for the purpose of producing an accurate register of rateable properties; and to consider urgently measures to provide transitional relief to those Councils that are carrying forward a significant loss from the 2007-2008 financial year due to differences between the estimated Penny Product used to calculate the level of district rates and subsequent finalisation figures provided by Land and Property Services.

*Adjourned at 5.41 pm.*



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# NORTHERN IRELAND ASSEMBLY

Tuesday 13 January 2009

*The Assembly met at 10.30 am (Mr Deputy Speaker  
[Mr Dallat] in the Chair).*

*Members observed two minutes' silence.*

## EXECUTIVE COMMITTEE BUSINESS

### Financial Assistance Bill

#### Accelerated Passage

**The deputy First Minister (Mr M McGuinness):** I beg to move

That the Financial Assistance Bill proceed under the accelerated passage procedure.

Go raibh maith agat, a LeasCheann Comhairle. The Financial Assistance Bill fulfils a commitment that the First Minister and I gave during the debate that was held in the Assembly on 15 December 2008 on the impact of the global economic downturn. During that debate, we stated that we would introduce legislation early in the new year that would allow the Executive to respond quickly and effectively to the needs of our people.

The Bill aims to provide a firm statutory basis for the Executive to respond to exceptional circumstances or to provide additional financial aid when that is seen as a necessary element of the Executive's response to tackling poverty, deprivation and social exclusion. The fact that the legislation will confer the necessary legislative authority to enable us to assist households with fuel payments means that time is of the essence. For that reason, we are seeking support for the accelerated passage of the Bill.

Subject to the Assembly's agreement, that procedure will allow the Bill to pass all its Stages by the end of January and, in turn, will allow for the cost of resources that have been allocated for a fuel poverty scheme to be incurred during this financial year. Without the accelerated passage procedure, the earliest that we would anticipate having the necessary legal authority to incur such expenditure would be well into the next financial year. That would result in our losing the opportunity to use the allocated resources during this financial year.

I am sure that Members recognise that we need to get the fuel payment out as soon as possible in order for it to be effective in its aim of alleviating fuel poverty and hardship this winter. The only way to get that payment out to people is to pass the new legislation. We are taking this action in acknowledgement of the real hardship and urgent need of those who cannot afford to heat their homes this winter and of those who are struggling seriously to find a way to continue to heat their homes.

In coming to the Assembly seeking accelerated passage for the Financial Assistance Bill, we must all acknowledge that, in the past, we have not been able to respond adequately and swiftly to unfolding and unforeseen events.

The Assembly and the Executive have a responsibility to make provision for dealing with such events in a timely manner, so as to help alleviate suffering and distress in our communities. Surely no one wants to see our communities continue to suffer from deprivation, poverty and disadvantage.

The junior Ministers discussed their proposals for the Bill and its accelerated passage through the Assembly with the Committee for the Office of the First Minister and deputy First Minister at a special meeting on 5 January. We are grateful to Committee members for agreeing to that meeting and for agreeing to support accelerated passage. The Chairperson formally informed us of that support on 6 January, and for that we are also grateful.

During that meeting, in answer to concerns raised about the role of the Executive and individual Ministers regarding any designations made under the Bill, the junior Ministers advised the Committee that the requirement for any determination or designation under the Bill that would be brought to the Executive would be strengthened by an amendment to the ministerial code. The Committee has asked to see details of that amendment. Amendments to the ministerial code can be proposed to the Assembly only by the Executive; therefore, the amendment must be considered and agreed by the Executive at their next meeting on 15 January. We will forward to the Committee details of the amendment to which we are asking the Executive to agree.

Our proposal to the Executive is that paragraph 2.4 of the ministerial code be amended by the inclusion of a new subsection as follows:

"Any matter which relates to a proposal to make a determination and designation under the Financial Assistance Act 2009 shall be brought to the attention of the Executive Committee by the responsible Minister to be considered by the Committee."

In essence, it will mean that any exercise of powers under the Bill will be with Executive agreement.



I hope that I have explained the reasons for seeking accelerated passage and the consequences of its not being granted, as required by Standing Order 42(4). I trust that the Assembly can see the exceptional nature of the issue and the fact that a genuine and urgent necessity exists that has been brought about by the global economic crisis.

Standing Order 42(4)(c) also requires us to explain, if appropriate, any steps taken to minimise the future use of the accelerated passage procedure. I am aware that some members of the Committee for the Office of the First Minister and deputy First Minister suggested decoupling clauses 1 and 2 of the Bill. However, they need to be aware that the Bill is about addressing, as a matter of urgency, hardship, whether arising from unforeseen circumstances or from a person's experience of poverty, deprivation and social exclusion. The Executive need powers to respond urgently in either situation.

Our experience since restoration has shown that, as an Executive, we need to be in a position to react quickly to unforeseen events and to ensure that measures can be put in place urgently in order to deal with inadequacies in current provisions for tackling poverty, social exclusion, or patterns of deprivation. The Bill provides us with the legislative basis upon which to do that, and it is important that it be enacted at the earliest opportunity. We hope that the powers that the Executive will have under the Bill will avoid the need for urgent Bills to tackle unforeseen events in the future or gaps in the arrangements to tackle poverty, social exclusion or deprivation.

We assure the Assembly that, where time permits, our practice will be to take Bills through the Assembly under the normal process, as we have done, for example, in relation to the Public Authorities (Reform) Bill.

**The Chairperson of the Committee for the Office of the First Minister and deputy First Minister (Mr Kennedy):** I am grateful for the opportunity to provide an insight into the Committee's role in this important legislation. I will also offer some views on behalf of my own political party.

Standing Order 42(3) states:

"Where, exceptionally, a Bill...is thought to require accelerated passage...the member in charge of the Bill" —

or in this case, members —

"shall, before introduction of the Bill in the Assembly, explain to the appropriate committee —

(a) the reason or reasons for accelerated passage;

(b) the consequences of accelerated passage not being granted; and, if appropriate,

(c) any steps he or she has taken to minimise the future use of the accelerated passage procedure."

I intend to provide the Assembly with information on the role of the Office of the First Minister and deputy First Minister (OFMDFM) which is relevant to the requirements of the Standing Orders. The OFMDFM Committee became aware of the fact that the legislation before the House today would be required when the First Minister made a statement to the House on 15 December 2008. He announced that the Office of the First Minister and deputy First Minister proposed:

"to introduce a Bill to provide for permissive powers to implement remedial action in response to any circumstance that the Executive agree warrants rapid and effective action." — *[Official Report, Bound Volume 36, p122, col 1]*.

The Committee received a copy of the Bill and an explanatory memorandum on Wednesday 31 December 2008, and was briefed on the proposed Financial Assistance Bill by the junior Ministers on 5 January 2009. They explained the reasons as per Standing Order 42(3) for seeking accelerated passage for the Bill through the Assembly, and the Committee agreed to endorse the accelerated passage. I trust that my explanation of the Committee's consideration of the Financial Assistance Bill will assist the House in its consideration of the motion for accelerated passage.

I will now offer insights on a party political basis. The Ulster Unionist Party recognises fully the dire circumstances that many people are facing at present due to unprecedented economic circumstances. On a daily basis, we are becoming increasingly aware of how integrated the global economy really is, as job losses are on the rise, and production, exports and inward investments are all down.

The Ulster Unionist Party also supports the fact that the Executive, despite 154 days of self-imposed intransigence, have finally come up with some form of plan to help some of those most affected by the current circumstances, and this Bill forms a part of that plan. If the Executive had been able to meet sooner, those most in need may well have been assisted by now.

The Bill that was introduced yesterday, and which will be further considered today, will set out the legislative foundations that allow assistance to be given to those who receive pension credits and income support in order that they can further meet their fuel and energy needs. Although this Bill is, perhaps, not the perfect mechanism through which to provide such help, it is to be welcomed.

Therefore, the Ulster Unionist Party recognises the need to implement those measures quickly, and I accept the arguments for accelerated passage. However, the Financial Assistance Bill is a substantial piece of legislation. It proposes to give unique powers to the First Minister and deputy First Minister, which could have considerable ramifications on how Departments manage their budgets, and, indeed, what control they



have over the entirety of those budgets in the future. It is crucial, therefore, that the Bill is given the greatest amount of scrutiny possible because it will have a lasting impact. It is crucial, therefore, that we get it right. We do not want to legislate in haste only to repent at leisure.

Recently, the Local Government (Boundaries) Bill and the Commission for Victims and Survivors Bill were pushed through the Assembly by accelerated passage for less than satisfactory reasons. During the debates on those Bills, parties, including the Ulster Unionist Party, brought forward, in good faith, reasonable amendments that sought to improve those Bills for the benefit of the people of Northern Ireland. Unfortunately, all of those amendments were treated with impunity by the relevant Ministers, and Sinn Féin and the DUP ran roughshod over all attempts to improve those Bills.

10.45 am

If a Bill must progress through the Chamber by accelerated passage, all Members' opinions must be given due respect and serious consideration by the relevant Ministers. In this instance, I understand that there are quite serious reservations at Executive and Committee level about the current make-up of the Bill. I hope that the First Minister and the deputy First Minister will be open to reasoned and constructive debate and that any potential amendments to aspects of the Bill may be brought forward from any quarter. Not to do so would be an abuse of the accelerated-passage procedure and an abuse of power; not only by OFMDFM, but, in particular, by Sinn Féin and the DUP.

I look forward to the Bill's passage and the potential aid and relief that it may bring to people who suffer from fuel poverty throughout Northern Ireland. However, the desire and need to help those people should not be used as an excuse to allow a Bill to be passed that is either sloppy or detrimental to the principles of good Government.

**Mr Moutray:** I support the accelerated passage of the Financial Assistance Bill. Given the current volatile economic climate, it is welcome.

At present, we are witnessing those difficult times at first hand. Accelerated passage of the Bill will allow the Government to take remedial action in both the current situation and exceptional circumstances that may arise in the future. Initially, it will allow the distribution of £15 million in a bid to reduce fuel poverty in society. It will also provide the Executive with the legislative framework that will enable fast, effective financial assistance to be delivered to the people who are most in need.

We live in a time when people are in need. They need assistance now — not in six months' time. Accelerated passage of the Bill will enable such help to be provided. It will enable the Government to take

remedial action and to act swiftly to any exceptional circumstances that may arise. We have only to think back to circumstances such as flooding and the hike in fuel prices during the past year to see the benefits that the legislation will bring. It will allow the Executive and Government Departments to assist the people who are in greatest need.

I welcome the accelerated passage of the Bill.

**Mr Molloy:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the Bill and support its accelerated passage. The Bill is an important piece of legislation that will enable the Assembly to respond quickly to events that may arise in the future.

As regards the current economic downturn and concerns about whether the Assembly can meet the public's needs, particularly those of less-well-off people, the Bill will enable the Executive to provide payments to support them. It is important that the Assembly is able to respond. The general public expects a local Assembly to respond quicker than direct rule Ministers would have done. Therefore, it is important to have in place legislation that enables it to do so. Accelerated passage is the only way to enable payments to be made quickly in the present situation.

Junior Ministers, Mr Donaldson and Mr Kelly, provided the Committee with a detailed explanation of why accelerated passage is necessary. Members raised several questions and debate ensued. This morning, the deputy First Minister has explained the change to the ministerial code that will enable Ministers who may have concerns that the legislation will undermine their powers.

The legislation helps all Ministers collectively. Although its powers must be directed by the First Minister and the deputy First Minister, that must be done in conjunction with the other Executive Ministers. Therefore, it is important that the Assembly recognises that the legislation will bring Ministers together to provide a response to the community's needs. The Bill empowers all Ministers to make payments and legislation where required and to, therefore, be able to deal with situations that might arise in the future for which no legislation exists at present.

Although the Assembly has been up and running for several years, there is no legislation that ensures that it can respond quickly and efficiently to the community's needs in such circumstances.

It is important that the Bill not be held up at this stage. Before the Christmas recess, all Members were seeking to act quickly to meet the community's needs and to respond to requests from the business community and the public. The process must not be held up any further. We must grant the Bill accelerated passage so that the process can operate. Go raibh maith agat.



**Mrs D Kelly:** I welcome the opportunity to speak about the accelerated passage of such a wide-ranging and sweeping piece of legislation. The SDLP shares many of the concerns that Mr Danny Kennedy expressed on behalf of the Ulster Unionist Party.

As a member of Sinn Féin, the deputy First Minister's words of concern about the dire need and hardship facing people in our community ring particularly hollow. These are most exceptional times, but, for 154 days, the deputy First Minister's party, in partnership with the DUP, did not tackle the economic downturn.

I remind Members that, on 15 September 2008, the Minister for Social Development, Margaret Ritchie, submitted proposals for dealing with fuel poverty for discussion at the Executive meeting on 18 September, but that meeting was cancelled. On 2 October, she submitted proposals for urgent procedures to be used. That lends somewhat to Francie Molloy's lie that the Assembly did not have the ability to deal with an emergency situation, because urgent procedures and regulations are available to Ministers.

**Mr Molloy:** I thank the Member for giving way. Will the Member make it clear that Minister Ritchie did not have the legislation in place in order to make those payments, even if the proposals had been dealt with at that time?

**Mrs D Kelly:** I will not. The Minister put forward draft legislation and proposals on 2 October, and that day's Executive meeting was cancelled. Had that not happened, payments could already have been in the pockets of families who are facing hardship.

**The First Minister (Mr P Robinson):** Will the Member get it into her head that one must have resources in order to make payments? The Minister did not have those resources, because those resources only became available as a result of the December monitoring round.

**Mrs D Kelly:** Will the First Minister therefore explain why the Bill grants the First Minister and the deputy First Minister the ability to tell other Ministers how to spend and prioritise their budget, when they are not being given the money to do so? That is what the Bill states.

**Some Members:** Hear, hear.

**The First Minister:** That is absolute nonsense.

**The Deputy Speaker:** Order. The Member has the Floor. All remarks should be directed through the Chair.

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

**Mrs D Kelly:** I will.

**Dr Farry:** I am grateful to the Member for giving way. Does she agree that, if the Executive had been meeting, it would have been entirely possible for legislation to have been implemented last autumn? A

modality scheme could have been put in place, with the money allocated in the December monitoring round and handed out before Christmas.

**Mrs D Kelly:** I thank Dr Farry for his support, and, indeed, that is what I was saying. Had the Minister for Social Development been supported by the other Ministers in the Executive, the money would already be in the pockets of those who are most in need. Electricity bills are hitting the mats of homes throughout the North as we speak.

Only yesterday, in response to a question about the need for a full-time older persons' commissioner, the First Minister said that, by its very nature, it takes between one year and two years for such substantial legislation to be brought before the Assembly. However, the OFMDFM Committee received notice of last Monday's meeting only on New Year's Eve. That hardly gave any of us enough time to consider such a far-reaching piece of legislation.

We have difficulties with clause 2. However, because of its concerns for social justice and for the people facing hardship, our party will not oppose the use of the accelerated-passage procedure for the Bill. Nevertheless, we will seek amendments to the entire Bill, because we are concerned at some of the powers that the First Minister and the deputy First Minister, and their respective parties, are taking on to themselves.

**Mrs Long:** I will specifically address the issue of accelerated passage, and, despite evidence to the contrary, I do not want to repeat myself. If accelerated passage is granted, I will discuss the detail of the Bill during its Second Stage.

The Alliance Party sees a principled difference between accelerated passage being necessary for clause 1 and clause 2 of the Bill. I welcome the fact that the First Minister and deputy First Minister — particularly the latter — have indicated that they are willing to consider reasonable amendments. Furthermore, in the past few minutes, I have received notification from the private office in the Office of the First Minister and deputy First Minister that it intends to answer my queries as quickly as possible. I appreciate that development, because I was concerned yesterday after Question Time that that might not happen.

First, I will discuss accelerated passage of clause 1. Members have already referred to the current financial circumstances and the hardship that people in our community are experiencing. All Members recognise that we must take urgent action to address that problem. From that perspective, the Alliance Party thinks that the emergency provisions included in clause 1 merit accelerated passage. Although the party does not agree with every aspect of clause 1, it believes that its concerns can be addressed through amendments during the accelerated passage procedure. Therefore, the party is



happy to support the accelerated passage of clause 1 in the context that it can be subject to amendment, the details of which I will discuss during the Bill's Second Stage.

However, there is a significant difference between consideration of clause 1 and clause 2, which deals with social exclusion, deprivation and poverty. Everyone will agree that those urgent issues must be addressed. No one would have argued that those issues were not urgent when the Executive were established a year and a half ago or that they have not been urgent since that time. However, we must question whether accelerated passage is necessary in order to address the provisions in the Bill that cover those issues or whether they would be better addressed by the Committee, which could gather evidence from, for example, the community and voluntary sector, other Committees such as the Committee for Health, Social Services and Public Safety, the Committee for Social Development, the Committee for Enterprise, Trade and Investment, the Committee for Education and all other Departments that are involved in tackling patterns of social exclusion, deprivation and poverty. That procedure could determine the appropriateness of establishing any mechanisms.

During Committee meetings, I highlighted the fact that the Office of the First Minister and deputy First Minister has identified a gap — which affects clause 2 — in its ability to direct other Departments on cross-cutting themes, on which it is the policy driver but the delivery mechanism lies with other Departments. I agree that such a mechanism is necessary.

The matter has been debated in two contexts. First, during the inquiry into child poverty, it became apparent that, if a Minister decided to frustrate action on child poverty issues or tackling social exclusion deliberately, it would be difficult to force that Minister to adhere to the policy that was agreed by the Office of the First Minister and deputy First Minister. Secondly, the issue was debated in the context of the cessation of the Executive programme fund and the special programme fund, both of which provided an opportunity to draw together a central fund to tackle cross-cutting issues. After the cessation of those funds, and because of the lack of ring-fencing, important questions had to be answered about what levers existed in the Office of the First Minister and deputy First Minister to ensure delivery of key issues that might not be of high priority in individual Department budgets but are important to the Executive's overall function and the Programme for Government.

That matter caused a protracted debate. At the time, the junior Ministers suggested that such a capability gap did not exist. However, this legislation, particularly in the context of clause 2, indicates that such a gap does exist. At my request, the Committee commissioned research on how other devolved Administrations and

other Governments deal with cross-cutting issues. Of course, the situation elsewhere is often not as complex, because the Assembly is a mandatory coalition rather than a voluntary coalition that is based on the agreement of some form of programme for government.

However, that request was answered with a number of suggestions that are different from those that have been formulated in the legislation.

11.00 am

It is important that there should be a Committee Stage to consider the options that were outlined in that piece of research, the issues that arise in clause 2 of the Bill and, more importantly, the implications for other cross-cutting themes — such as sustainability, community relations and the many other important themes in the Programme for Government — and how they can be enacted.

We are conscious, in the current climate, of the urgency of tackling social deprivation and poverty, because those are particularly pressing issues in a time of economic hardship. However, my party believes that the provisions for exceptional circumstances that are outlined in clause 1 would give OFMDFM the power to intervene in areas of social deprivation and exclusion in the interim, while more reasoned ways of dealing with those issues on a longer-term basis could be subject to the Committee procedure, and more robust mechanisms could perhaps be put in place.

We have significant reservations about accelerated passage with regard to clause 2, though not with the principle that some action must be taken to tighten the way in which the Executive respond to the issues that are dealt with in that clause. There is a distinction between those. We are not claiming that the current arrangements are perfect; we are simply claiming that they could be better thought through if there were to be a Committee Stage, and perhaps alternative arrangements could be put in place. On the other hand, perhaps the Committee Stage would identify that alternative measures would not be robust enough to deal with the situation.

The requirement for accelerated passage has been outlined substantially in regard to clause 1, and we are willing to accept that. The consequences of accelerated passage not being granted are apparent. A number of Members have focused on the anticipated first use of the Bill. However, there is a distinct danger in focusing too much on that anticipated first use, because one must also consider other uses to which the Bill might be put in the future. We accept that, in relation to the first use of the Bill and with regard to clause 1, the need for accelerated passage has been established, and my party is content with that, although it is less content with that in respect of clause 2.

I will now consider the steps taken to minimise future use of accelerated passage. The need for legislation was



first identified towards the end of last summer when the Department for Social Development (DSD) was considering the issue of fuel poverty. At that point, it was identified that, if DSD — or possibly the Department of Enterprise, Trade and Investment (DETI) — was to bring forward some kind of mechanism to tackle fuel poverty, there would be no legislative cover for that. The Executive, quite rightly, decided that the issue should not be dealt with Department by Department, through a series of Bills, but that a single Bill should encompass all Departments. That is the right way to go; there is no dispute on that. However, no progress was made on that through the autumn. At a meeting of the OFMDFM Committee, I asked whether there was any reason why that legislation had not been progressed — other than the self-imposed hiatus in Executive functioning during the autumn. There was no other reason, or if there was, the junior Ministers did not provide any detail on it.

On the one hand, the formulation of a single Executive Bill — rather than a series of Bills from individual Departments — will avoid the repeated use of accelerated passage. On the other hand, I am concerned that accelerated passage could have been invoked earlier, if it was necessary, or that it might not have been needed at all had the lack of legislative cover been addressed in a timely fashion. I am not convinced, with regard to either option, that clause 3 has been satisfied.

Several Members have focused heavily on the anticipated first use of the Bill. Stephen Moutray, for example, said that it would enable such help to be given. However, we must be conscious of the fact that it could enable a wide range of other things.

I am loath to use the phrase “Trojan Horse”, but there is a danger that the need that precipitates the Bill, and its anticipated first use, become the only issues on which Members focus, rather than the Bill’s enabling powers.

I will discuss our concerns about the extent of the Bill’s enabling powers at its Second Stage, because there are some ways in which those concerns can be addressed through amendments. I do not want to get into that now, but we must be very conscious of the difference between what the Bill enables the Department to do and what the Department could use the Bill to do in the first instance.

The Good Friday Agreement afforded autonomy to Ministers within their departmental remits. That was slightly altered by the St Andrews Agreement. We have never been enthusiastic about that autonomy; we would prefer to see collectivity and drive towards that. My concern is that rather than being a drive towards greater collectivity, this Bill provides greater power for OFMDFM and a reduction in the autonomy of other ministries.

That is not necessarily the same as collective working, and I will explore that during the Second Stage.

As Members will have gathered from what I have said, we are not satisfied with accelerated passage for clause 2, but we accept that accelerated passage is necessary for clause 1. Clause 2 still forms part of the Bill, but we will be able to make amendments as the Second Stage progresses. We will, therefore, abstain from voting on the issue of accelerated passage.

**Mr Shannon:** I support accelerated passage for this Bill. The comments from across this Assembly are very clear. Although Members may have some concerns, the need for accelerated passage is obvious. It is imperative that the Executive and the Assembly are able to respond to conditions, whether financial or otherwise. My colleague Stephen Moutray listed some of the occasions on which it was necessary to do so — I believe that it is necessary now.

Every one of us is aware of the issue of fuel poverty. Accelerated passage is needed so that the money will be available to the people who need it most. As I am sure that other Members are, I am in constant contact with elderly people and vulnerable families. The dire circumstances that those people face are very clear. When I come to this Assembly, my duty is to deliver for those people. I hope that this Assembly will also deliver for them — it is very important that it does so.

It is imperative that this Assembly is able to respond when the need exists; not in a few months’ time when the problems and difficulties have become worse and the financial hardship that people face has become almost unbearable. The legacy may be there in two months’ time, but the need to respond exists today.

We are in very difficult circumstances. Some have lost their jobs, and the occupations of others are in doubt. People are worried about water rates and their prospects for the future. Fuel poverty is very clearly one of the issues about which people are concerned. It is important that we are able to respond to the needs of all the vulnerable people whom we meet on a daily basis. The spectre of fuel poverty hangs over the heads of hundreds of thousands of our constituents like the sword of Damocles. That is all the more reason to grant accelerated passage to this Bill so that progress can be made very quickly.

Accelerated passage will enable the Ministers, the Executive and this Assembly to respond in an urgent and effective manner. Let us not get bogged down in rhetoric — instead, let us ensure that our constituents feel the benefits of a fully working Assembly and Executive. I support the motion.

**Mr O’Loan:** I speak about the issue of accelerated passage for this Bill, and I will have more to say during its Second Stage. Most people will think that this is an innocuous, well-intentioned piece of legislation that is



merited by the situation. I describe it as a loathsome, dishonest piece of legislation. In fact, I find it particularly loathsome because it is so dishonest.

We are told that motivation for the Bill has come from the fuel poverty issue, and, no doubt, we will be asked to reflect on matters such as last year's flooding situation. We are told that a fast-track mechanism is needed — and I agree — but it must be the right fast-track mechanism, and this Bill is not that.

I deeply resent being pushed into accepting accelerated passage for the Bill in order to get fuel poverty payments to the people who need them. The SDLP will agree to accelerated passage, because those people need payments, but it deeply resents being forced to do so.

Members should take a glance at what is happening in the USA today, where the Senate is holding confirmation hearings for Senator Hillary Clinton's nomination to be that country's Secretary of State. That is democracy at work. The decision to appoint the Secretary of State or other members of his Cabinet does not lie with the President or the President to be. The legislature there protects its democratic rights jealously; it recognises that it represents the people, and it subjects even the President's decisions to scrutiny. That is what should be happening in the Assembly; however, it is not happening and, most importantly, it will not happen if this piece of legislation goes through without amendment.

The Assembly and its scrutiny Committees should be examining the Bill line by line. Were they to do so, they would not like what they would see and they would demand changes. The Bill makes far-reaching changes to how decisions on major issues, with major financial implications, can be taken in the Assembly. It places power in the hands of the First Minister and the deputy First Minister, which is an arrogation of the rights of the entire Executive, the Assembly and its Committees. It is a disgrace that this is being done under the pretext of getting money to the fuel poor.

Earlier, I referred to dishonesty in the Bill. I shall quote from the letter that was sent to the Chairperson of the Committee for the Office of the First Minister and deputy First Minister and from the Bill's explanatory and financial memorandum. I do so because those documents tell us that the Bill is a measure by which the Executive will take action. The letter to the Chairperson states that there will be:

“powers to implement remedial action in response to any circumstance that the Executive agrees warrants rapid and effective action.”

We are told in paragraph 4 of the explanatory and financial memorandum:

“The aim of the Bill is to provide the Executive with flexibility in the allocation and distribution of resources across all Departments”.

In paragraph 7 we are told:

“the Executive needs to be prepared, both financially and legislatively, to deal with exceptional, extreme and unanticipated circumstances ... The legislation will provide them with the flexibility to take remedial action to respond to circumstances that the Executive agrees warrants rapid and effective action.”

I ask Members to examine the Bill and to find where it is stated that the Executive will decide what action is required and what remedy will be applied to address the situation. Members can look, but they will find that it is not there — the powers are given entirely to the First Minister and the deputy First Minister.

The Committee for the Office of the First Minister and deputy First Minister had sight of the Bill only at the last minute and briefly. It, too, was railroaded into accepting accelerated passage, and the argument used, which is the same as has been used on all of us, was that it is essential to get the fuel poverty money out — would you want to stand in the way? None of us wants to stand in the way.

11.15 am

**Mr Kennedy:** I am interested in what the Member has said. I object to his use of the word “railroaded”. The Committee had little time to organise the meeting, but a full and frank discussion of the Bill was held with the junior Ministers. The Committee did not feel railroaded into accepting accelerated passage.

**Mr O’Loan:** I apologise if there is any —  
[Interruption.]

**Mr F McCann:** Further to Mr O’Loan’s assertion that accelerated passage is being sought through dishonest means, does he agree that the Minister who has made most use of accelerated passage is the SDLP Minister — the Minister for Social Development?

**Mr O’Loan:** I do not speak for, or defend, the actions of the Finance Minister in seeking accelerated passage; I make precise arguments relating to the Financial Assistance Bill. Under the pretext of achieving a good end, attempts are being made to push through the Assembly a very wrong piece of legislation.

**Dr Farry:** Does the Member accept that the Minister for Social Development’s use of accelerated passage was to achieve parity legislation? Accelerated passage is a well-established means of introducing parity legislation. For instance, its use was required to ensure that social security payments in Northern Ireland remained in line with those in the rest of the United Kingdom, and that was a matter of urgency.

**Mr O’Loan:** I welcome and support the Member’s comments. I resent any imputation on the use of accelerated passage from members of parties that held up fuel poverty payments for 154 days, as my colleague Dolores Kelly said.

It is incredible that the Financial Assistance Bill will not be considered by the Committee for Finance and



Personnel — of which I am a member. It is even more incredible that the Department of Finance and Personnel (DFP) did not inform the Committee that such a Bill was being proposed. The only information that members received about the Bill was a passing reference made to it by officials who attended the Committee to talk about another matter. Such treatment shows contempt for the Committee for Finance and Personnel.

Are Mitchel McLaughlin, the Chairperson of the Committee for Finance and Personnel, Simon Hamilton, its Deputy Chairperson, and the eight remaining members of the Committee prepared to tolerate such treatment?

Members must raise their voices, here and at Committee meetings, in protestation at what is being done. The democracy of the Assembly is being subverted; it is being stolen right in front of our eyes. Members must examine the Bill, recognise it for what it is and protest against it.

I urge members of other Committees not to think that this is a private matter for OFMDFM and, perhaps, DFP. It is not. It is possible that emergency regulations involving any Department will be created. Look at the references to tackling poverty, social exclusion, patterns of deprivation and the catch-all phrase “exceptional circumstances”. That affects all Members, their Committees, Departments and Ministers. Wake up and stop the authority, which has been conferred on you as Assembly Members, Committee members and Ministers, being taken away.

I will say more at the Bill’s Second Stage. At that Stage, and at the Bill’s Consideration Stage, the time will be right for the Assembly to stand up for itself and to assert its proper democratic rights.

As Dolores Kelly said, the SDLP will table amendments to the Bill, and I ask Members to pay close attention to them. The democracy of the Assembly is under fundamental assault in the Bill. Do not allow that to happen.

**Dr Farry:** My party and I are wary of the use of accelerated passage in these circumstances. Accelerated passage should be used sparingly for such legislation as budget Bills and urgent parity legislation, which, for instance, would ensure that social security payments here remain in line with those in the rest of the United Kingdom. That has been the accepted practice over many years. I fear that the practice is being abused and that a run of Bills is being forced through the Assembly without the proper and deserved scrutiny.

It is to be hoped that it is no more than a coincidence that the three most controversial pieces of legislation to have progressed over the past 12 months — the Commission for Victims and Survivors Bill, the Local Government (Boundaries) Bill and the Financial

Assistance Bill — have been subjected to accelerated passage.

Are controversial Bills that involve major issues and that divide the parties to follow that pattern? Will the parties, having been denied a Committee Stage, be able to sort out those issues only on the Floor of the Chamber, whereas the more routine Bills, on which parties can reach consensus, will be dealt with by Committees at their leisure? If so, that is a matter of deep regret, and it has major implications for democracy in the Chamber.

I believe that the legislation, particularly clause 2, contains major issues that merit proper scrutiny. Some relate to the nature of power sharing in Northern Ireland, and, given our legacy, parties must be sensitive to that. We must ensure that we bring everyone with us as we make progress in Northern Ireland. I appreciate the argument that the measures that are contained in the Bill could, if phrased correctly, strengthen the cohesion and collectivity of the Executive, and that is to be welcomed. Equally, I can see —

**Mr O’Loan:** To the Member’s knowledge, does the word “Executive” appear in the Bill?

**Dr Farry:** At this stage, it does not, and the Member’s party and my party will wish to address that important point over the next few days.

**Mr O’Loan:** In that case, will he defend his point? As the word “Executive” does not appear in the Bill, how exactly will it contribute to cohesion in the Executive?

**Dr Farry:** I thank the Member for his intervention, but he was slightly too hasty. I was in the middle of one of the Alliance Party’s “on the one hand, on the other hand” routines. *[Laughter.]*

The point that I was making is that, if the Executive were properly referenced in the Bill, I recognise the potential for the measures in clause 2 to enhance collectivity and cohesion in the Executive and between Ministers. Equally, I recognise the danger that the measures, particularly as they are currently framed, could lead to more acrimony in the Executive, increased division, and the alienation of parties and Ministers. For that reason, clause 2 requires proper debate and scrutiny, so that parties can tease out all the arguments and satisfy themselves that the measures are in the interests of Northern Ireland.

A broader issue relates to the financial procedures that are used by the Assembly and, as Mr O’Loan mentioned briefly, by the Executive. Members must ask themselves why the Bill’s measures and objectives, particularly those in clause 2, cannot be addressed through the Budget and, more particularly, the monitoring rounds. Those are the established procedures for dealing with such matters. The Bill may offer some added value, but, equally, it may undermine the existing ways



in which the Assembly conducts its financial management. Again, that issue requires proper scrutiny.

Also, Members must be conscious not only of the powers that are being set out on paper, but of the uses to which they may be put. I am concerned about the implications that they will have for parity between Northern Ireland and the rest of the UK and the Assembly's wider relationship with its parent Government in London. Members must be mindful of situations in which money is spent in Northern Ireland that has implications for that relationship.

In particular, if people in Northern Ireland end up with a more generous settlement of financial support than our fellow citizens in the UK, that may be a source of tension. In responding to that point, I would like either the First Minister or the deputy First Minister to clarify whether the Bill has implications for the principle of parity that has, in its strictest sense, been established for 60 years.

Beyond that, even if the Bill is not a direct threat to the parity principle, are there dangers in using resources that could jeopardise the funding relationship between Northern Ireland and the rest of the UK? I appreciate that there is building tension in the current debate between the Scottish Government and the Treasury and that that is reflected in the UK Parliament.

Northern Ireland has not fallen under the same degree of scrutiny due, in part, to our peace process. As society normalises and we have stability in the Assembly, that debate may well move on. We must be wary of what we are putting in place and the implications that it may have for the relationship between a devolved Administration and the UK Parliament as a whole.

My other point relates to the urgency of the measure. I accept fully that there is an urgency to issue winter fuel payments as quickly as possible. Part of my argument is that the money could be better spent in insulating homes so that people benefit not only this winter, but in subsequent winters. Obviously, £15 million can only go so far in insulating homes, but a start could have been made. However, at this stage, there is an urgency to get money into people's hands to alleviate their difficulties.

Nevertheless, the Assembly should not be in the position of having to consider accelerated passage for the Bill. Legislation could have been approved by the Executive in September; proper scrutiny could have taken place on the Floor of the Assembly and in Committee during the autumn where modalities could have been put in place to enable payments to be made once the legislation was signed off; and the money could have been allocated to places where it did not already exist in the December monitoring round, which would have allowed payments to have been made, potentially, before the winter recess. Even if the Bill were to be put

in place by the end of January, there may well be a further delay and the winter will be almost over.

However, we are where we are, and we will do our best to try to make this happen, but much of the delay has been due to the inability of the Executive to meet and the inability of Ministers to agree. The people of Northern Ireland have suffered as a consequence.

The Alliance Party will not object to accelerated passage today, because it appreciates the urgency of putting in place a measure that will allow emergency payments to be made. It sees the urgency of clause 1, but it does not see the urgency of clause 2. Clause 2 deserves proper scrutiny by a relevant Committee, either by the Committee for Finance and Personnel or the Committee for the Office of the First Minister and deputy First Minister. My party believes that that issue could be addressed through an amendment to decouple clause 2 from the Bill and for the Executive to bring that matter back at a future stage. That would have been a more appropriate way of dealing with the issue, rather than tying ourselves in knots over accelerated passage, when, in fact, one half of the Bill needs to go through and the other does not.

**Mr B McCrea:** Danny Kennedy spoke in quite measured terms about the concerns that the Ulster Unionist Party has with the Bill. He stated, and I restate, that we support fully the need to get payments to those in need and to act quickly. We share the concerns of other Members about the potential to use what is undoubtedly a crisis measure to sneak through, or to bring through — which is perhaps the appropriate language — legislation that may well be ill-considered and that in future situations may prove not to have the most rigorous of safeguards. We view this as a fundamental change in the relationship between the Ministers, the Executive and the Assembly. We are concerned about its implications, and we do not think that it is something into which we should be rushed.

My party seeks to put to the House, in measured tones, the fact that it is incumbent on those seeking to use accelerated passage to recognise the fact that it does away with many of the democratic safeguards. Therefore, they must listen carefully to what other Members, particularly those from other parties, have to say. A balance must be struck.

In previous forms of legislation or in previous cases where accelerated passage has been used — as has been highlighted by other Members — the precedent has not been helpful. Where there is genuine concern, that concern should be reflected. I will listen to what the deputy First Minister and the First Minister say about how they will deal with the legitimate concerns that we will raise.

There is a case for making amendments, and I urge the House collectively not to reject all amendments out



of hand, but to find a way to build consensus. We all share the concern that fuel poverty payments must be made to people as quickly as possible, but that it should be done by building consensus.

11.30 pm

**Ms Purvis:** I have many questions about the Bill, as I am sure do all Members, including those who sit on the Committee for the Office of the First Minister and deputy First Minister. However, as Naomi Long rightly pointed out, those Committee members are not being given the chance properly to scrutinise the legislation and the intentions behind it. The agreed legislative process is being circumvented by attempting to grant the Financial Assistance Bill accelerated passage.

I have to ask why accelerated passage is being sought for the Bill. Mrs Long outlined the distinctions between clause 1 and clause 2, and they are important. I agree with much of what she said, but I believe that the entire Bill deserves scrutiny as to whether it merits accelerated passage. The Department for Social Development already has a framework in place to deliver payments to alleviate fuel poverty, so I do not think that the focus on the need for this Bill should take away from the debate and scrutiny that it deserves.

This enabling legislation would allow for a fundamental shift in the way in which the Executive operate. It would create for the Office of the First Minister and deputy First Minister powers that are not part of the Good Friday Agreement or the St Andrews Agreement. At the core of those agreements are the principles of power sharing and collective responsibility. Those are the fundamental ideas on which the peace process and the Assembly are based. That is what we told the people of this country that we had agreed, and those are the principles that make this Province a destination for delegations from around the world to examine peace processes.

This piece of legislation undermines those principles. It will weaken the Executive system whereby Executive members must collectively agree on decisions on how money is spent. This legislation will suck power away from that arrangement and shift it to the Office of the First Minister and deputy First Minister by allowing that office to make unilateral decisions on how money is spent. It will undercut the operational autonomy of Ministers and the Executive's responsibility to agree collectively on their programmes, strategies and how budgetary decisions are made.

**Mrs D Kelly:** It appears that the Member shares my party's concerns that clause 2 has the potential to amount more to a carve-up of power and resources than to a power-sharing arrangement?

**Ms Purvis:** I agree with the Member. I also agree that there have been some hiccups in the way in which the Assembly and its decision-making processes operate

and that they must be examined and addressed. However, that must happen deliberately, collectively and through agreed and existing structures. We are in a dire economic situation, and we need to intervene quickly and creatively to deal effectively with the serious consequences of the job losses and the financial declines that are now occurring. However, the provision of emergency additional moneys to address fuel poverty, and, in particular, to provide for the winter fuel allowance, is already supported by well-functioning structures. Why do we suddenly need new ones, and how would such a change be financially efficient?

To my mind, the consequences of accelerated passage have not been clearly explained, as it is unclear how often, and when, the legislation will be invoked. Its terms of use remain vague; we all expect that it will be used in the immediate term to deliver the additional financial assistance that was proposed in December, but what about after that? When, and under what circumstances, will it be used again? At best, the legislation is unconvincing; at worst, it is anti-democratic and control freakery in the extreme. It appears to be a classic case of using a critical situation to mask a power grab. I do not support the motion.

**The deputy First Minister (Mr M McGuinness):** Go raibh maith agat, a LeasCheann Comhairle. I have listened very carefully to the views that Members have expressed, and I am grateful for the constructive tone that was struck, and by the queries raised.

Danny Kennedy and Naomi Long's contributions demonstrated that they are anxious to be helpful and constructive. They made reasoned points, which were diametrically opposed to the bit of a rant that some SDLP Members went on. I express my appreciation to the members of the OFMDFM Committee for supporting the Bill's accelerated passage.

I will now address the key concerns and questions that have been raised. I will focus on the issues that relate to the accelerated passage of the Bill, as there will be an opportunity to address questions and comments on the policy in the debate on the Bill's Second Stage.

Danny Kennedy raised the issue of full consultation with Executive Ministers. Following consultation with our Executive colleagues and our departmental Committee, and in light of the views that they expressed, we have recommended to the Executive a series of amendments to the Bill. Those amendments cover the approval role of the Assembly in regard to schemes under clause 2, the timing of the making of the regulations and the duration of schemes. Although it is not appropriate to discuss the detail today, we will advise our Committee of the amendments and consider them in detail at the Executive meeting on Thursday 15 January.



**Mr Ford:** I am grateful to the deputy First Minister for giving way. He said that it is not appropriate to provide details of the proposed amendments. However, given that the Bill has been tabled for debate in the Assembly today, before it was taken to the Executive Committee, why is it not appropriate to explain in detail, or to publish the details of, those amendments?

**The deputy First Minister:** The appropriate approach is for us to first discuss the proposed amendments with our Executive colleagues.

**Mr O’Loan:** The deputy First Minister indicated that he is minded to table at least one amendment, and he mentioned giving some rights to the Assembly. I find it very strange that the First Minister made frequent interjections during my speech, and other Members’ speeches, about the nonsense that we were speaking, when it is clear that even he and the deputy First Minister feel that the Bill requires amendment.

The Bill has been printed and has reached its First Stage in the Assembly, and the First Minister and deputy First Minister are already telling us that amendments are necessary. That tells me that the Bill is a half-baked piece of legislation, which should never have come to the House in its present form.

**The deputy First Minister:** That is not a helpful contribution. Given the nature of the situation that the Bill seeks to address, it is important that we face up to the challenges that lie out there for our people and ensure that the Bill receives accelerated passage so that we can ensure that people are assisted and helped. The approach that Declan O’Loan adopted suggests clearly that he wants to put that day off, which the public would not welcome.

**Mr Kennedy:** I am grateful to the deputy First Minister for giving way and for his statement that amendments are being tabled and will be considered at the Executive meeting on Thursday. Given that the deadline for Members to table amendments is 4.30 pm on Thursday, it would be helpful, in the spirit of co-operation, if the deputy First Minister considered giving some type of briefing to the OFMDFM Committee at its meeting tomorrow afternoon, so that we know what to expect in regard to the agreed or proposed amendments to the Bill.

**The deputy First Minister:** We will consider that, and I am sympathetic to the point that the Member makes.

I want to emphasise that the Bill will not impact on departmental budget management. Any financial requirements arising from the exercise of powers onto the Bill will be handled through the normal budgetary processes.

Dolores Kelly, Danny Kennedy and Stephen Farry raised the issue of the five-month impasse during which the Executive did not meet. Some people may

not want to believe it, but work on the deteriorating economic situation continued over the summer. The First Minister and I held a series of meetings with key stakeholders, including banks, the business sector, trade unions, the community and voluntary sector, community representatives, the construction industry, energy companies and the energy regulator.

After that series of meetings, we presented a package of measures dealing with the credit crunch and the economic downturn to the Executive, which was subsequently presented to the Assembly on 15 December 2008.

The need for accelerated passage comes from the Executive’s desire to make fuel payments available as quickly as possible. On 15 December, the Executive meeting on the December monitoring round agreed to fund such a scheme. We then moved to prepare the Bill over the Christmas period so that it could be introduced at the earliest opportunity after the Assembly’s return from recess.

Some Members said that the Bill concentrates greater power on OFMDFM, but it is not intended to have that effect. In fact, the Bill is intended to improve the Executive’s collective decision-making. We cannot envisage circumstances in which Departments would not prioritise addressing hardship or poverty. The Bill is also aimed at responding to exceptional circumstances and will work with the agreement of the Executive. The Bill is about managing public expenditure.

**Mr O’Loan:** I have already made the point that the word “Executive” does not appear anywhere in the Bill. In light of what the deputy First Minister has just said, will he bring an amendment that will contain reference to agreement by the Executive? I note that the First Minister is intervening to say no.

**The deputy First Minister:** For some time, Members have spoken about cohesion and about the Executive’s ability to work collectively. As Minister of Education, I was a member of an Executive that was led by David Trimble and Séamus Mallon. On countless occasions, at countless Executive meetings, Séamus Mallon, as deputy First Minister, emphasised, at every opportunity, the responsibility on individual Ministers to deliver their parties for Executive decisions. However, the SDLP’s general approach to the Executive now seems to be the total opposite of that, and it repudiates what Séamus Mallon said. *[Interruption.]*

With respect, I wish to finish my point. On 15 December, the First Minister and I attended the Executive meeting to discuss the December monitoring round, and I did not hear the SDLP Minister oppose the decision or vote against the Executive’s decision. However, she then ran out to the media and accused the Executive of being involved in a smash-and-grab raid —

**Mrs D Kelly:** Will the deputy First Minister give way?



**The deputy First Minister:** No, I will not give way. The Member is trying to prevent me from making my point, but I am going to make it anyway. When a Minister sits mute at an Executive meeting and then, at the first opportunity, runs out to the media and claims that there was a smash-and-grab raid on her Department — which was total and absolute nonsense — it makes me have serious concerns about the role being played by the SDLP in the Assembly and in the Executive.

**Mrs Long:** The deputy First Minister reflected on his time as a member of the Executive when Sinn Féin was one of the smaller parties and other parties were in charge, and I wish to comment on that point.

When they appeared before the Committee, the First Minister and the junior Ministers stressed that the ministerial code, as contained in the Northern Ireland Act 1998 and amended at St Andrews, prevents the Office of the First Minister and deputy First Minister from intervening in individual ministerial business without due regard to the views of Ministers. Furthermore, any changes would have to go through the Executive.

11.45 am

I accept entirely that that gives protection to Sinn Féin and DUP Ministers. However, it does not make clear, for example, whether a scheme initiated by the First Minister and the deputy First Minister and administered through OFMDFM — which the Bill would allow them to do — but which would interfere with the remit of the Departments of Health, Employment and Learning or Social Development could be approved by the Executive without the acceptance or agreement of the Ministers concerned.

I asked at the time whether I could have some detail on the relevant parts of the ministerial code.  
[Interruption.]

The First Minister is interjecting; perhaps it would have been more helpful if he had picked up the telephone and told me this when I asked. I wrote to the First Minister and asked whether he could indicate what would prevent such interference from happening, because that is one of my party's key concerns about the structure of the Bill. Can someone — preferably the deputy First Minister, given that he is addressing the issue — give us the assurances that we are looking for and show us the details? It is not a very important point for his party in its current position, but it was a key Sinn Féin negotiating point in 1998 to ensure that Sinn Féin Ministers were protected within their departmental autonomy. That is one of the issues that the other parties are concerned about.

**The deputy First Minister:** I fully understand the Member's point, and I agree with her. When it comes to implementing the decisions that will flow from the proposed legislation, it comes down to our motivation as the leaders of the two largest parties in the Executive

and the Assembly. There have been attempts to engage in scaremongering. I do not attribute it to the Ulster Unionist Party or the Alliance Party, but there have been attempts to impugn my motives and those of the First Minister for bringing this legislation to the Executive. That is a ridiculous approach, particularly in the context of the dire economic circumstances.

The Bill is about managing expenditure at Executive level and ensuring, with Executive agreement, that resources are directed in response to exceptional circumstances and to address urgent unmet social need. The decisions to be taken on those provisions will, almost invariably, be cross-cutting; therefore, they will have to be taken by the Executive Committee. As we have already explained, we intend to amend the ministerial code in order to make it explicitly clear that any proposal for a determination or a designation must be agreed by the Executive. The rights of smaller parties must be at the forefront of the minds of Executive Ministers.

Dolores Kelly said that DSD could have made the payments in December. The fact of the matter is that the Social Development Minister did not have the legislative powers to make fuel poverty payments. This legislation will provide the necessary powers.

Naomi Long raised the issue of the use of accelerated passage for the powers that are included in clause 2 of the Bill. The Bill's purpose is to urgently address hardships that arise as a result of unforeseen circumstances, or from a person's experience of poverty, deprivation or social exclusion. In our view, the Executive need powers to respond urgently in both situations. Our experience since restoration has shown that the Executive need to be in a position to react quickly to unforeseen events.

**Mr Ford:** Surely the point made by Naomi Long and others is not about whether the Executive need powers to respond urgently, but whether the Executive urgently need powers without proper scrutiny?

**The deputy First Minister:** As I said, our experience since restoration has shown that the Executive need to be in a position to react quickly to unforeseen events. There have been quite a number of unforeseen events over the course of recent years. The Bill provides us with the legislative basis on which to deal with such eventualities, and it is important that the Bill be enacted at the earliest possible opportunity.

Under the provisions of the Bill, the Executive will be involved fully in all decision-making, the relevant Committees will perform their normal scrutiny role, and the Assembly will have control of the scheme that will be created under the regulations. Therefore, protections are clearly in place.

Naomi Long asked whether the Bill could have been introduced earlier, thereby avoiding the need for



accelerated passage. With the benefit of hindsight, any legislative proposal that is designed to improve local conditions could be criticised for not being thought of earlier. The need to have a legislative basis through which fuel payments can be made is the catalyst for the Bill. It was only as recently as 15 December that the Executive reached agreement on funding such a scheme and the consequent need for urgent legislation for it.

**Mrs D Kelly:** I thank the deputy First Minister for giving away. Will the deputy First Minister confirm that the Minister for Social Development had intended to introduce proposals at an Executive meeting that was scheduled for September but was cancelled?

**Ms Ní Chuilín:** These interventions are actually more robust than the supplementary questions that are asked during Question Time.

The fact is that the Committee for Social Development did not even have a copy of the necessary budget in order to scrutinise what was discussed at the December monitoring round because the Minister for Social Development was incapable of providing it.

**Mrs D Kelly:** That is nonsense.

**Ms Ní Chuilín:** No, that is true; it is a fact.

**Mrs Long:** I appreciate that the deputy First Minister has given away to many Members, so I thank him for giving away to me also.

With due respect, the benefit of hindsight does not apply, because during the summer, it was noted that there was a lack of legislative cover to allow for fuel payments. At that point, the Department for Social Development produced draft legislation. As I mentioned earlier, OFMDFM and the Executive felt quite rightly that it was better to provide cover not simply for one Department, but for all Departments simultaneously. That need was identified in August or September, but OFMDFM drafted no legislation in the intervening three months.

My point is that the benefit of hindsight does not apply. I accept the First Minister's interjection about funds becoming available only through the December monitoring round. However, proper legislative cover to allow for the distribution of payments could have been introduced in the three months before December. Therefore, my point is that the problem was actually identified much earlier than December.

**The deputy First Minister:** I thank my party colleague for answering the SDLP's question; it saves me repeating her remarks.

**The First Minister:** Will the deputy First Minister give way? *[Laughter.]* Does the deputy First Minister recall the Minister for Social Development telling the Executive that she had the power to allocate the money when clearly she did not?

**The deputy First Minister:** I confirm what the First Minister said. Dawn Purvis raised this issue. The reality is that the Department for Social Development did not propose draft legislation. To give the impression that it did is totally and absolutely erroneous.

In response to Declan O'Loan, I emphasise that the Executive must be at the heart of this process. The Bill is designed to give the Executive the flexibility to allocate and distribute funds across all Departments so that they can respond to any crisis or hardship situation.

Harking back to what Mrs Long said, OFMDFM decided that it had to implement legislation that would allow it to deal comprehensively with any situation with which it might be confronted; for example, we had to deal with the floods and concerns about the safety of cattle and pork consumption. We are confronted with those types of situations almost annually, so it is important that we can deal with them.

Prior to making any determination or designation on fuel payments, the First Minister and I will bring the matter to the Executive for consideration and agreement — although that is required already under the current ministerial code — in order to put this aspect of the process beyond doubt. On 15 January, the First Minister and I will ask the Executive to agree a proposed draft amendment to the ministerial code that will require all future proposed designations and determinations under the Bill to be brought to the Executive for consideration and agreement.

Subject to Executive agreement, the draft amendment to the ministerial code will be brought to the Assembly for approval by cross-community support. However, it is not appropriate to seek the Assembly's agreement to the amendment until the Bill has received Royal Assent. As I explained earlier, I confirm that any proposals that are required under the legislation before the code is amended will be brought to the Executive, as is required by the current ministerial code.

**Mr B McCrea:** The Ulster Unionist Party feels a bit left out of the discussion, because we have tried to take a fairly responsible attitude. Earlier, I spoke about the need for appropriate language, but I have been surprised by the tenor that the debate has taken. Perhaps the deputy First Minister will address that issue. Will he assure the House that, when he brings those matters to Executive colleagues, he will specifically address the concerns of the smaller parties in the Executive, particularly as they have the larger chunks of the Budget to manage? I heard him say that he understood that position. Such an assurance would go some way to helping us through that issue.

**The deputy First Minister:** I am willing to give that assurance. I was a member of a previous Executive in which Sinn Féin was not one of the larger parties, so I understand the situation that is faced by Ministers



Empey, McGimpsey and Ritchie. It is important that the Office of the First Minister and deputy First Minister and the other Ministers recognise that. I want a harmonious situation in the Executive, because that is what the public want. I want all Ministers to behave positively and constructively, and that includes the First Minister and the deputy First Minister. We have a duty and a responsibility to lead the Executive in a way that enables them to produce results for the people whom they represent.

Stephen Farry talked about the issue of breaching parity. He seemed to be suggesting that we should not assist our communities because others are failing to help their communities. That is a mistake; the Bill is concerned with devolved Government working for our people.

I thank all Members who spoke in the debate. I look forward to discussing the issues further during the onward passage of the Financial Assistance Bill.

*Question put and agreed to.*

*Resolved (with cross-community support):*

That the Financial Assistance Bill [NIA 4/08] proceed under the accelerated passage procedure, in accordance with Standing Order 40(4).

## Financial Assistance Bill

### Second Stage

**Mr Deputy Speaker:** I remind Members that interventions must be made through the Chair. In the previous debate, 31 interventions were made through the Chair, and a countless number were made across the Floor of the House. I remind Members that there is no accelerated passage for that practice. I hope that the debate runs smoothly, through the Chair.

**The First Minister (Mr P Robinson):** I beg to move

That the Second Stage of the Financial Assistance Bill [NIA 4/08] be agreed.

We meet today as Members of a local Assembly that has been elected by the community that we all serve. In return for the votes that the people of Northern Ireland gave us, we promised that devolved Government would put their needs first. The Financial Assistance Bill is an important milestone in delivering upon those promises.

*12.00 noon*

Governments, especially devolved Governments such as ours, must be able to act swiftly and decisively and we must use our expert local knowledge to deliver in a way that the direct rule Administration did not and could not.

Every day, we strive to provide shelter where there is homelessness, heat where there is cold and food where there is hunger. The rights to shelter, heat and food are basic and inalienable, and it is our duty to protect them. Protecting such rights at all times is the essence of the Financial Assistance Bill. It will ensure that, for the first time, immediate action can be taken in the face of any emergency. The Bill will provide the legislative framework to ensure that — no matter what situation should arise — all the elements of Government can co-ordinate to provide immediate respite.

The biggest crime that any Government can commit is to procrastinate in the face of a crisis. It is an even greater crime if such procrastination is the result of bureaucracy and red tape. The Financial Assistance Bill will ensure that the Executive will be able to act immediately to provide financial assistance regardless of the situation or emergency faced.

Emergencies and crises are not new to us; we have dealt with them in the past. The flooding in 2008 left many households with repair bills that they could not afford. Sudden increases in fuel costs left many older people with the choice of either heating or eating. The crisis in meat production at the end of the year had the potential to threaten the jobs and livelihoods of those who depend on the agrifood industries.



The Executive dealt with each of those situations in the best possible way, but not always in a manner that the people deserved. All too often, assistance has been delayed. We must have the ability to act quickly, effectively and decisively at the moment when action is most needed. At present, we cannot do that. We do not deny that, in some instances, responsibility for a crisis will fall to a single Department, which may have the legislative cover necessary to provide appropriate financial assistance. Crises may, however, impact on more than one Department and the legislative cover necessary to provide an appropriate financial response may not exist. Even when the emergency is the responsibility of a single Department, that Department may not have the necessary legislative authority to meet the needs that arise.

The Bill will fill the hole that currently exists in local legislation. It will ensure that the Executive can, for the first time, work as a unit to tackle the hardship that arises out of any crisis and target resources at specific areas of need and deliver to those at greatest risk.

There has been much speculation regarding the exact nature and intention of the Bill. I take the opportunity to correct some of the wildly ill-informed conjecture that we heard from some quarters. The Member for North Antrim Declan O'Loan has now absented himself from the Chamber. That is unfortunate, and I will hold back some of my remarks that relate to his comments on the off chance that he will return.

The Executive will use the Bill to determine when an emergency has arisen and when financial assistance should be provided. I said "the Executive". Where there are no arrangements for providing assistance, or where existing arrangements are — or are likely to be — ineffective, inadequate or unsatisfactory, the Bill will give the designated Department or Departments power to make a scheme that will provide financial assistance in exceptional circumstances. Crises are often the responsibility of several Departments. When that is the case, the Bill will allow the Executive to designate OFMDFM as the lead Department, in order that it can develop a scheme.

It is important, when putting together legislation to deal with emergency situations, to be as flexible as possible. For that reason, the Bill allows for financial assistance to be given in any form — grant, loan or guarantee — and for it to be direct or indirect. The Bill also provides for any scheme to be made by means of regulations, subject to negative resolution, and to provide for the matters to be included in a scheme.

This Bill will provide the First Minister and deputy First Minister — as the heads of the Executive — with the necessary statutory powers to take remedial action to respond to any crisis that the Executive agree

warrants rapid and effective intervention, where current arrangements for doing so do not exist.

Again, the House will note that I have indicated that the Executive should agree. The Member for North Antrim Declan O'Loan has expressed his views, but he clearly does not understand the present legislative position. Under the Northern Ireland (St Andrews Agreement) Act 2006, there is a statutory basis for the ministerial code, and that ministerial code requires Ministers to bring any novel or contentious issues before the Executive. Therefore, even though the word "Executive" is not contained in the Bill, all these matters would have already come — by way of the ministerial code — to the Executive. There is no need to have the word "Executive" inserted as the legislation is already in place that requires these matters to come to the Executive.

However, to put it beyond any doubt — and as the deputy First Minister has indicated — we are currently improving the ministerial code with a proposal, which we will putting to our Executive colleagues, to expressly cite this Bill as a requirement for any scheme to be brought before the Executive for agreement. Therefore, the Executive, at all times, would be asked to examine and agree to the matters contained as a result of schemes in this legislation.

The Bill introduces an element of flexibility, desperately needed in any emergency, to allow the allocation and distribution of resources across all Departments. That will allow the Executive to respond to any future crisis or hardship situation.

I am aware that many Members have concerns in relation to the breadth of the Bill; those concerns are legitimate and should be addressed. The Bill will not diminish or override the authority of individual Ministers to allocate resources. Furthermore, it does not touch upon the responsibility of the Finance Minister to carry out his normal role in relation to spending plans. Moreover, it will not cut across the relationship between individual Ministers and their accounting officers in respect of the management of public funds. The Bill is enabling legislation, not a spending proposal.

As joint chairpersons of the Executive, the deputy First Minister and I will be responsible for determining the situations that warrant intervention under the legislation. We will also have the authority to determine the most appropriate Department or Departments to develop schemes. That process will be carried out in consultation with, and with the agreement of, the Executive as already provided for in the ministerial code. To make that absolutely clear, we have made the necessary proposal for an amendment in respect of this legislation.



The Financial Assistance Bill does not attempt, in any way, to bypass the normal Assembly scrutiny procedures. Once a designation has been made, the subsequent scheme or schemes and associated regulations will be subject to the normal process of Committee and Assembly scrutiny.

The OFMDFM Committee and other departmental Committees have stressed the need for urgent and decisive action in the face of the current economic downturn, and addressing fuel poverty among the most vulnerable is clearly an area where urgent action is needed. That is particularly the case given the unacceptably high levels of fuel poverty in Northern Ireland, the increases in fuel bills and the sustained period of cold weather that we have experienced. However, we cannot legislate for each situation as it arises, and this Bill provides the enabling legislation so that unforeseen circumstances can be responded to by the Executive quickly, effectively and — it is important to say — legally. Therefore, this Bill provides us with the capability to respond more effectively to unforeseen circumstances, to mitigate financial hardship and to provide a more effective, co-ordinated response.

The Financial Assistance Bill is the most important piece of legislation to be tabled since the return of devolved Government. The Bill will ensure that, for the first time, the Northern Ireland Executive have the ability to examine the wider picture and the problems that we face as a single, dynamic unit, and to flex and shape around the challenges that arise.

In direct response to the comments that were made by Mrs Naomi Long, representing the Alliance Party, I assure the Assembly that this Bill increases the collectivity of the Executive and puts the Executive at the centre of the decisions that will be taken, particularly those when emergencies arise. We live in unprecedented times, in which there is great uncertainty. Over the coming months, many people will face hardship that has not been experienced in, perhaps, two generations. Make no mistake: the man and woman on the street are afraid and are looking to their elected representatives and to the Assembly for answers.

This Bill provides the leadership and security for which the community is looking. In times of crisis, Northern Ireland was often placed low on a direct rule Government's list of priorities. Devolution means that that is no longer the case — locally elected politicians are securing and delivering what is needed by local people. No one could have predicted the events that have unfolded, and we certainly cannot predict what lies ahead, but we can, and should, be ready for whatever the future throws at us. I commend the Bill to the Assembly.

**The Chairperson of the Committee for the Office of the First Minister and deputy First Minister (Mr Kennedy):** I am grateful again for the opportunity to contribute to the debate. Initially, I will speak as Chairperson of the Committee for the Office of the First Minister and deputy First Minister and will then make some observations on the Ulster Unionist Party position.

As the First Minister outlined, the Bill provides powers that will regularise the allocation and distribution of funds in response to any crisis or hardship situation, and extend the Executive's powers to deal effectively with poverty.

On Monday, 5 January, the junior Ministers briefed the Committee on the proposals in the Bill, for which the Committee is grateful. The need for such legislation has been prompted, principally, by the need to provide a statutory basis for the fuel payments that were announced as part of the Executive's response to the economic downturn. That will authorise fuel poverty payments totalling £15 million being made to those who are most in need. The Committee wishes to see those payments made as quickly as possible to help to alleviate the difficulties of those who are experiencing fuel poverty.

The OFMDFM Committee was advised that the Bill provides a firm statutory basis for the Executive to respond to future exceptional circumstances. Such circumstances may involve hardship for specific groups or individuals, or a situation arising that is related to the Executive's response to poverty, social exclusion or deprivation, and which requires financial intervention but for which arrangements do not exist or are not fit for purpose.

During the briefing by the junior Ministers, members of the Committee asked a number of questions and sought clarification on the Bill and its clauses. Committee members queried the definition of the term "exceptional circumstances" and how that would be interpreted by the First Minister and deputy First Minister. The Committee also asked about the decision-making process and how individual Ministers, the Assembly and the Assembly Committees can raise an issue of concern under the term "exceptional circumstances", which is in the Bill.

The Committee asked about the position of individual Ministers and the Executive in relation to decisions to use the clauses in the Bill. The junior Ministers reiterated the importance of the Executive's agreement when deciding whether the term "exceptional circumstances" applied, and they advised that there would be an amendment to the ministerial code to take the Financial Assistance Bill into account.

The junior Ministers — as OFMDFM did today — gave an undertaking to the Committee that it will have sight of changes to the ministerial code as soon as



possible. The junior Ministers also advised that they wished to ensure that when the legislation is fully enacted, the changes to the ministerial code will be in place. I hope that the Ministers from OFMDFM can take the opportunity provided by this debate to assure us that that will be the case and is their intention.

The Committee has written to the First Minister and deputy First Minister seeking further information on the amendment to the ministerial code and on the decision-making process in the Executive in relation to the Financial Assistance Bill.

Members asked a number of questions about the delivery of such financial assistance schemes and, in particular, the fuel poverty scheme. The junior Ministers advised that it would be more than likely that the Department for Social Development would be in charge of the fuel poverty scheme and that the Executive are considering all options for payment of the £15 million that is available.

12.15 pm

The Committee questioned the junior Ministers on discussions that had taken place with the Treasury about parity with social security payments. The junior Ministers confirmed that the scheme would not contravene the principle of parity. Members also questioned the junior Ministers about scrutiny arrangements for the use of the Bill should an exceptional circumstance apply and also the mechanism to discuss that matter with the Committee when required. The junior Ministers assured members that there is no intention to exclude the scrutiny role of the Committee in relation to either the exceptional circumstance provision or the poverty, social exclusion and deprivation aspects of the Bill. It would be helpful if that point could be reiterated today.

The Committee has been advised that the First Minister and deputy First Minister have proposed amendments to the Bill and to the ministerial code. I welcome the indication from the deputy First Minister that the Committee will have the opportunity to consider those proposed amendments at its regular meeting tomorrow afternoon. That would afford members the opportunity to make further comment at Consideration Stage of the Bill next week.

I turn now to observations made on behalf of the Ulster Unionist Party. My party fully supports the intentions of the Bill. The need for the Bill has been amply demonstrated by the hardships caused over the past year through the impact of the vast rise in food and fuel costs. The suffering of those most in need has been palpable. Although those prices are now declining, and food and fuel are becoming more affordable, the legacy is increased debt for those who can least afford it. Our hope is that the Bill will contribute, and is necessary, to the proposal that additional relief from fuel poverty be provided urgently.

As the fast-moving economic crisis develops and deepens, there will undoubtedly be other emergency financial measures that will need to be enacted under the provisions of the Bill. It is worth saying that had these powers been in place in 2008, the Executive may have been able to act in order to obviate the most adverse effects of the vast rise in the prices of life's necessities; or perhaps they would not have done so, given that the Executive did not meet for five months during the most critical period of that year.

Although my party supports the intentions of the Bill and its accelerated passage, it is concerned. I have listened, and continue to listen, carefully to the responses given by the First Minister and deputy First Minister in the debate. I have been quietly surprised at the rank bad form that the First Minister appears to be in, but, nonetheless, I am interested in his responses to this important debate. We are concerned that the Bill should be subjected to effective scrutiny and, where appropriate, suitable amendment so that it may prove timely and effective in its operation.

We are also concerned that although the Bill should provide the potential for fast and effective Executive action in emergency situations, it should not be so overbearing that it would provide virtual dictatorial powers to the Office of the First Minister and deputy First Minister.

When the First Minister spoke in the Assembly on 15 December 2008, he advised Members that OFMDFM proposed to bring the Bill to the House. He spoke of how the Bill would extend the Executive's power to deal effectively with poverty and disadvantage. However, it is OFMDFM's powers that the Bill will extend, enabling it to operate without, effectively, reference to the Executive. In parliamentary business, it is known as a Henry VIII measure; in other words, centralising powers in OFMDFM at the expense of the wider Executive. It is worth pondering what poor old Henry might think of this place and this legislation; however, it seems a bit unreasonable to drag him into the debate.

Centralising power in OFMDFM at the expense of the wider Executive is important because we are operating a voluntary coalition, or, to use the First Minister's own words, a four-party mandatory coalition, comprising all the main parties represented in the Executive. *[Interruption.]*

I hear a response from the Alliance Party, which claims to be Her Majesty's — or the Government's — opposition; rather, it appears to be the Government's nuisance factor.

**Mrs Long:** I thought that that was you.

**The Chairperson of the Committee for the Office of the First Minister and deputy First Minister:** No.



A voluntary coalition should make for a consensual Government operating without an official opposition. Mr Robinson has continually lectured the SDLP and the Ulster Unionist Party about the responsibilities involved in being part of a four-party mandatory coalition. The Bill highlights that we are part of that coalition perhaps only when it suits Mr Robinson and Mr McGuinness. It is of genuine concern that they are showing such little respect for Executive and parliamentary procedures. The proof of the pudding will be in the eating.

In our view, for effective consensual government at Executive level, there has to be a coming together of the complete Executive in order to create that consensus. The Bill, as it stands, does not appear to meet that necessity. Instead, it provides powers for the First Minister and deputy First Minister to, potentially, dictate to the Executive what will be enacted. Any action taken will be decided by negative resolution, offering no room for debate and, again, highlighting the fact that the DUP and Sinn Féin do not respect parliamentary procedures.

The Bill, potentially, sidesteps the vexed questions of where money will be diverted from in order to fund emergency measures and how the impact of that diversion from existing programmes will be handled. We have forsaken a contingency fund to provide for such emergencies, using, instead, the midterm financial review for such purposes. However, the midterm review procedure is too long-winded and does not facilitate a fast response as is required under this legislation. The likelihood is that OFMDFM will, or could, arbitrarily allocate moneys from other programmes over the heads of the Ministers concerned.

Where will that money come from? It will come from the highest spending Departments of course, which are, respectively, Education, Health, and Employment and Learning, followed by the Department for Social Development. When decisions to reallocate resources are made at short notice — decisions that will affect the execution of existing programmes — it is absolutely necessary that they are taken by the whole Executive. I am not arguing that money should not be reallocated in response to a crisis or a hardship situation; I am simply arguing that any reallocations should be made in a way that limits collateral damage.

**The First Minister:** Will the Member give way?

**The Chairperson of the Committee for the Office of the First Minister and deputy First Minister:** No, the First Minister will have an opportunity to respond later.

The reallocation of money must be done in such a way that limits collateral damage, lest a second crisis is created and hardship is deeper than that which we seek to alleviate.

I will give way to the First Minister.

**The First Minister:** It is clear that the Member's speech was written before he listened to anything that has been said during the debate. The deputy First Minister and I have made it clear that all those matters must be brought before the Executive. They are already required to be brought before the Executive under the current ministerial code.

In order to put the issue beyond doubt, I reiterate that the ministerial code is to be changed. A proposal to that effect will be put to the Executive on 15 January 2009. Although the issue will be brought to the Executive, the Member continues to argue that the First Minister and the deputy First Minister will make a decision on it without reference to the Executive. Why does he continue to make that point when he has been told that the Executive will make decisions on all those matters?

**The Chairperson of the Committee for the Office of the First Minister and deputy First Minister:** I am pleased that the First Minister has taken the opportunity to, apparently, put the issue beyond doubt, which should be the position. However, although that response is helpful, in the absence of sight of changes to the ministerial code and of direct confirmation that those changes will be in place before the legislation is enacted, I have to say that the proof of the pudding will be in the eating.

**Mrs D Kelly:** Given that it is not explicit in the legislation that the Executive will be required to give prior approval — which is, after all, by negative resolution — the comments of the First Minister and the deputy First Minister are all fine and well. Why, however, is that not explicit in legislation? Why must the ministerial code be changed? Why not change the legislation?

**The Chairperson of the Committee for the Office of the First Minister and deputy First Minister:** Again, events will unfold —

**The First Minister:** I thank the Member for giving way. In fact, I asked the legislative draftsmen that question in order to determine whether the matter could be put beyond doubt in legislation. I was told immediately that such matters cannot be put into legislation because they are already the legal position. That is a duplication of legislation. The ministerial code is already legislated for and is the legal position. The requirement is already in place. The deputy First Minister and I are putting the matter beyond doubt by expressly referring to this piece of legislation in a new amendment to the ministerial code.

**The Chairperson of the Committee for the Office of the First Minister and deputy First Minister:** Again, I thank the First Minister for his clarity. I raised the matter at the briefing meeting between the Committee and the junior Ministers. The fact is that my Committee has a role to scrutinise legislation, but not



the ministerial code. It was not brought before us. Therefore, the clarity that the First Minister provides is helpful. The Committee will seek to measure it.

Finally, I reiterate my party's support for the need for the Bill and, indeed, the necessity of accelerated passage. However, I point to potential pitfalls in how the Bill's powers are, or could be, concentrated in OFMDFM at the expense of the wider Executive, and the need for any amendment to make the Bill acceptable to the spirit of democracy, freedoms and liberties that the Assembly should embody.

**Mr Deputy Speaker:** It is normal practice to suspend business at 12.30 pm for a Business Committee meeting. However, the Speaker has asked that the debate continue until 1.00 pm. Before I call Mr Shannon, I ask Members to stick as closely as possible to the subject of the debate. A mention of Henry VIII is probably all right; however, his six wives do not need to be mentioned as well.

**Mr Shannon:** Unlike Henry VIII, I have only one wife, which is enough for me.

I want to put on record my support for the Financial Assistance Bill and for the need to have this legislation in place as soon as possible. I thank the First Minister for his clarification of matters. I hope that the Members who queried them — some of whom seem to have vacated the Chamber — have taken note of what he said.

Members do not need to stand in the Chamber and elaborate on the causes of the economic crisis or discuss to whom the fault for it belongs. It is enough to know that everyone feels its effects. We understand that it is real. It adversely affects the lives of people throughout the Province.

It is our duty to alleviate those effects as much as we can; we have all been elected to make a practical difference.

*12.30 pm*

Fuel poverty is a major issue in the Province, especially during this cold winter. The 2006 house condition survey found that 34% of Northern Ireland households were in fuel poverty at that time. That was before the recent 33% hike in electricity, gas and oil prices. The price of gas has now been cut by some 10%, but that still leaves people with over 20% more to pay than last year.

With money so much tighter, people have been left in a shocking predicament. The Executive have recognised that fact, among other issues, and decided that this is a time of crisis in which there may be deaths due to some people being unable to eat healthily or pay for fuel.

It wasnae sae lang ago that a' redd hoo twau oardinary pensioners, haein paed fer fìd, haetin an fer whut they needit, wur left wi' only £2, er wor, wi' jist 47 pence tae dae them tha rest o' tha week. It's hard tae tak in whun ye think this tuk place afoar tha reacint hike in price.

It canny be a' 'Tak in oan tha chin' tiem fer them yins whua wull undootably hae reel herdship wi' this new rise. As Help tha Aged hae scriven en noted, whun we strip awau aw tha blether, tha elderly er left tae ither dae wi'oot a' meal er pit oan anither jumper an tichts, er sit in tha coul.

A while ago, I read about two pensioners who, having paid for food, heating and the bare essentials, were left with £2 and 47p respectively to do them for the rest of the week. Those were average pensioners who could have been anywhere in the Province. Indeed, that situation is even more unbelievable and shocking in that it occurred even before the most recent price hike.

People who will have major difficulties cannot be left simply to take the new price rise on the chin. As Help the Aged has noted, when the rhetoric is stripped away, elderly people are left to choose between not eating a meal or putting on another jumper or a pair of tights and sitting in the cold. The situation is that simple and that frightening. The thought of someone in Northern Ireland dying due to a lack of heating can never be tolerated.

The Department for Social Development's 2004 document, 'Ending Fuel Poverty: A Strategy for Northern Ireland', states the Government's intent to eradicate fuel poverty in vulnerable households by 2010, and in all households by 2016. It will be impossible for that, or any other, Government target to be met if we do not step in and make a practical difference. The purpose of this Bill is to allow us to step in and make that practical difference before it is too late.

We have had other problems and catastrophes in the past, such as the pork crisis just before Christmas, the beef crisis about a year ago and the flooding calamities. We will hear calls in the Chamber — both later today and in the future — that every motion needs to be dissected, discussed and debated, and there is no doubting that that is true.

However, every crisis needs an urgent response. That is why we are implementing measures to ensure that the Executive can make warranted, rapid and effective financial interventions in times of need. It is not a diversion of democracy; it is a path to provision. We are passing a measure that every Member agrees with and that will help people in times of trouble. None of us would refuse help that is available to our constituents, and we all fight for them as hard as we can. Therefore, I see no point in not backing a Bill that is designed simply to implement measures to allow needs to be met at the time when they are greatest.

I try to be positive in my attitude to life, and I am a firm believer that there is light at the end of the tunnel. However, some people in the Province are so financially weighed down that they cannot lift their head long



enough to see, or hold on to, that light. It is our job to guide those people towards the light, and the Financial Assistance Bill is a signpost in the tunnel to indicate that the light is coming closer.

Accelerated passage should not be used simply to cut out the middlemen. It should only be used in exceptional circumstances. The financial situation in the Province, and in the UK as a whole, will lead us all to the conclusion that these are exceptional times that require exceptional legislation. We must be prepared to meet the needs of our people in these times of trouble.

Members of the OFMDFM Committee are tasked with tackling many issues, such as child poverty, fuel poverty and our constituents' quality of life.

The Bill will help people in greatest need when they need it most — not after they have been floored by the burden. I support the Bill and its accelerated passage, and ask Members to do the same.

**Ms Anderson:** Go raibh míle maith agat. I welcome the opportunity to speak during the Second Stage of the Bill, which has the potential to make a real difference to people in the North.

It is important to reflect on the reality of life for our constituents, which is the reason for the introduction of the legislation. We are debating the Second Stage of the Financial Assistance Bill during one of the coldest winters in memory and when our economy and our people face a recession that will devastate many businesses, communities and families. Against that bleak background, people are, rightly, seeking assistance from their political representatives. There is an onus on all Members to do everything in their power to provide the necessary help and assistance as quickly as possible. Therefore, I welcome the Bill and hope that it passes swiftly through the legislative process.

I welcome the Bill's headline-grabbing initiative — the £150 fuel poverty payments. I am sure that all Members have been dealing with constituents who have been crippled by the recent scandalous hike in the cost of heating their homes. The phrase "heat or eat" is not a campaign slogan for countless families in the North, rather a stark and devastating reality for many of them. People in our community — a western twenty-first-century society — cannot afford to heat their homes and put food on the table. That should, and does, shame all of us.

The Bill alone will not alleviate all those problems, and I am conscious that the Assembly's lack of fiscal sovereignty limits its power to intervene. We will be unable to implement the changes that the people demand and deserve until all parties are prepared to take control of our economic destiny, realise the full potential of all-Ireland economic co-operation and cut the threadbare purse strings with Britain. Nevertheless, given the Assembly's operational parameters, the Bill

is a step in the right direction. Therefore, I was surprised and disappointed that the SDLP failed to support the accelerated passage process at last week's meeting of the Committee for the Office of the First Minister and deputy First Minister.

**Mrs D Kelly:** On a point of order, Mr Deputy Speaker, Ms Anderson is incorrect. There was no opposition noted. The information is misleading.

**Mr Deputy Speaker:** That is not a point of order.

**Ms Anderson:** It is not a point of order. The reality is that the SDLP did not support the Bill in the OFMDFM Committee — that is a fact.

The people of the North are crying out for power-sharing to work and to make a real difference to people's lives, and the Bill is intended to do just that, as well as enabling the Executive to issue the fuel hardship payment. Furthermore, it will create powers to make similar interventions in the future.

I particularly welcome clause 2, and I believe that many in civic society will do so, too. The Committee heard evidence from many groups and organisations that are struggling, and clause 2 gives the First Minister and deputy First Minister — acting jointly — the power to determine situations whereby financial assistance needs to be provided in order to tackle poverty, social exclusion or patterns of deprivation.

I welcome, too, the assurance given by the First Minister and deputy First Minister on the proposed amendment to the ministerial code, which will ensure that determination of schemes must be agreed by the Executive.

I note also the comments that were made about the Assembly's role in the approval of such a proposed scheme, as well as the guarantees that Ministers will determine their own budgetary priorities.

The present funding arrangements are clearly unsatisfactory. The Executive have no power to intervene and provide financial assistance to tackle poverty, social exclusion or deprivation when it is determined that such a situation exists. The new legislation will change all of that. It will allow effective intervention, including financial assistance, to be made when the Office of the First Minister and deputy First Minister determines that any given situation requires it. That is a significant sea change, with the potential to help make a real difference to those who are in greatest need.

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

**Ms Anderson:** There have been enough unhelpful comments today; I do not intend to subject us to any more.

I believe that people of all communities and constituencies will welcome that sea change. The Bill will close a capability gap that existed throughout the



lifetime of the last Executive — the UUP and SDLP First and deputy First Ministers did not address it. Thankfully, the First Minister and deputy First Minister of this Executive have done so, and I commend them both. Go raibh maith agat.

**Mr B McCrea:** On a point of order, Mr Deputy Speaker. I distinctly heard you say at the start of this discussion that Members should try to keep to the point of the Bill, and should discuss what is actually in front of us. Ms Anderson, who is now seated, proceeded to discuss a completely different Bill — one that will be used at the whim of the Executive to change all sorts of spending priorities. That is not what this Bill is about, and the Member did not stick to the point.

**Mr Deputy Speaker:** Order. I am sure that Members will take my advice and stick to discussing the Bill. For information, when it is clear that a Member does not wish to give way, that decision should be respected.

**Mrs D Kelly:** Although I want to discuss the Bill, I cannot let the opportunity pass without correcting Ms Anderson, who seeks to misrepresent the SDLP. The SDLP did not vote against accelerated passage; in fact, no vote was taken. *[Interruption.]*

**Mr Deputy Speaker:** Order. I have asked Members, several times, to respect the Chair and to speak through it. I am repeating that request again.

**Mrs D Kelly:** It is rich that members of Sinn Féin who held up progress and measures to deal with the economic downturn are asking us to be responsible. It was Sinn Féin that would not allow the Executive to meet. The First Minister — I did not realise that he was at the side of the Chamber — said last autumn that he had passed some 24 papers to the deputy First Minister for approval. Where are they now? The momentum that they tried to gain in their meetings before Christmas now seems to be lost.

I wish to make some points about the Financial Assistance Bill. The SDLP welcomes the principle that there must be some action to enable the Executive to help to alleviate the effects of emergency or hardship situations through financial assistance. In particular, the Bill seems to be an appropriate vehicle for the introduction of the fuel credit scheme. However, there are a number of points on which I would welcome clarity, or which merit further consideration.

In view of the potentially sweeping powers contained in the Bill, and the potential financial implications of schemes that may be established under its authority, I would have expected the Assembly procedure to be affirmative, rather than negative, resolution.

**Mr B McCrea:** Having just mentioned the sweeping powers of the Bill, does the Member share my surprise at the apparent split in the Sinn Féin position? The deputy First Minister clearly gave an undertaking that

he was sensitive to the needs of the smaller parties in the Executive and that the Bill would be used only in extremis. Yet his party colleague, Ms Anderson, appeared to say that it would be a fundamental change in our relationship. In fact, I think that I heard the First Minister say that it was the most significant form of legislation to come before the House. Does she share my surprise that there appears to be a dichotomy in that position? Will she seek further clarification on that point?

12.45 pm

**Mrs D Kelly:** The Member has expressed concerns that were articulated earlier. Non-explicit terms lead people to suspect the motives of other parties — particularly when not everybody trusts the motives of other parties.

However, I will return to my script. The SDLP is concerned that there are potential resource implications of schemes — made under the authority of this Bill — that we would have expected to have required DFP consent, rather than just the approval of OFMDFM. As drafted, it seems that the intent of the Bill is that the determinations of the First Minister and the deputy First Minister will not require the consent or agreement of the Executive or the relevant Minister.

I urge the First Minister to further expand on what level of consultation and consent is required from the Minister of the relevant Department. It is difficult for the other Members of this House to work in a vacuum and to make assumptions about what might be contained in the amendments to the ministerial code. We can deal only with what is before us. We do not have details of the amendments in writing, although the First Minister has made some attempts —

**The First Minister:** There is no requirement for the Member to continue on her current trail, so I will save her some energy. This piece of legislation is not in isolation; it is part of an overall statute book that already states that the Executive will consider any legislation that requires controversial or novel decisions. Therefore, all the schemes in this Bill would normally have come before the Executive.

To put it beyond doubt, we are expressly including that in the ministerial code in terms that are being drawn up by the draftsmen. The statute book already contains the requirement for us to bring those schemes before the Executive. Therefore, there is no power grab — neither I nor the deputy First Minister are taking decisions ourselves. All those matters will be decided by the Executive, which will increase their collective decision-making power.

**Mrs D Kelly:** I thank the First Minister for his time-saving exercise on my behalf. However, clause 2 of the Bill — which is the most problematic clause and the one that most concerns our party — states that it enables the First Minister and the deputy First Minister,



acting jointly, to designate a Northern Ireland Department to establish, by regulations, a scheme to provide financial assistance to:

“tackle poverty, social exclusion or patterns of deprivation based on objective need”.

The First Minister said that the legislation on the statute books is not required to double up, so one wonders why that clause is needed, given that the Good Friday Agreement and St Andrews legislation put a statutory commitment and requirement on the Executive to tackle deprivation, poverty and social exclusion.

At a Committee meeting last week, the junior Ministers stated that some Departments needed to sharpen up their practices of tackling poverty. That was somewhat rich, as it came from a Department that has yet to publish its anti-poverty strategy and action plan and its cohesion, sharing and integration strategy and action plan. That strategy, by junior Minister Kelly’s own admission, should have been before this House by the end of November 2008.

The majority of people who are living in poverty are women, including women with dependants and older female pensioners. However, that Department has not, to date, published an action plan for the gender-equality strategy. The group that was established on a cross-departmental basis by the Department’s equality unit has not met since May 2008. One wonders what level of urgency is given to tackling poverty by OFMDFM.

**Ms Ní Chuilín:** On a point of order, Mr Deputy Speaker.

**Mrs Long:** Does the Member agree that it would be helpful were OFMDFM to position itself to respond to —

**Mr Deputy Speaker:** There is a point of order.

**Ms Ní Chuilín:** Although I do not wish to challenge your status, Mr Deputy Speaker, you stated clearly that Members should stick to discussing the Bill. Although I am enjoying Mrs Kelly’s rhetoric, I have not heard much that is associated with the Bill under discussion.

**Mr Deputy Speaker:** The Member will be pleased to note that I was about to draw Mrs Kelly’s attention to that point; however, she had returned to the subject of the Bill. Once again, I remind Members to stick to the subject in question.

**Mrs D Kelly:** With all due respect, Mr Deputy Speaker, clause 2 refers to:

“patterns of deprivation based on objective need”.

Furthermore, under clause 2, we are dealing with special measures to tackle poverty, so OFMDFM has not done its homework in order to develop an action plan to tackle poverty.

**Mrs Long:** The Member’s point about tackling patterns of social and economic deprivation is important,

because the inquiry into child poverty that the OFMDFM Committee undertook resulted in recommendations on two fronts: first, on how to tackle child poverty; and, secondly, on the departmental levers that are available to ensure policy delivery from OFMDFM. Does the Member agree that it would have been helpful to have received a formal response to that inquiry before inserting the clause 2 provisions into the Bill?

**Mrs D Kelly:** I must support Mrs Long’s comments. Perhaps the First Minister — who is in a position to know — can tell us whether his Department’s failure to respond to that inquiry is because of a lack of agreement between the two largest parties, or has its response been delayed as a result of the backlog that the Executive’s failure to meet for five months created?

**Dr Farry:** I am grateful to the Member for giving way. Would she care to speculate about the rationale underlying clause 2? That limits the Bill to tackling:

“poverty, social exclusion or patterns of deprivation”.

Although tackling those matters is a cross-cutting theme for the Executive, there are other important themes, such as co-ordinating the economy — the top theme — community relations, and so on. Is it not strange that such areas, in which additional spending might be required in certain circumstances, have not been included in clause 2?

**Mrs D Kelly:** I was going to ask the First Minister to illustrate, using examples, how clause 2 might be used. Such a response might address Dr Farry’s concerns.

There is much concern in our party, and in other parties, that Departments’ budgets will be raided to fund particular parties’ pet projects. Although such concerns are not explicit in the cases mentioned in the Bill, real concerns exist. When the Committee for the Office of the First Minister and deputy First Minister asked the junior Ministers to define “exceptional circumstances”, they were unable to do so.  
[Interruption.]

**Mr Deputy Speaker:** The Member has the Floor. Two conversations are going on, and that is not fair.

**Ms Ní Chuilín:** I was having a conversation with Martina.

**Mr Deputy Speaker:** I hope that no one is questioning my ruling. Please continue, Mrs Kelly.

**Mrs D Kelly:** Apart from on spending powers, the SDLP has some concerns with other provisions in the Bill. There is no mention of budgets or of potential resource implications that might arise from schemes proposed under the authority of the Bill, particularly those that concern compliance with the requirements of managing public money. Therefore, I would appreciate some clarification about intentions, particularly on whether it is envisaged that money to fund schemes



that might be created to deal with extraordinary circumstances would come from additional, centrally supplied funding or from within existing departmental budgets. That key point requires clarification.

Regardless of earlier comments, a great deal of concern about the Bill remains, particularly about clause 2, and it would be helpful were the First Minister to inform Members whether his, or the deputy first Minister's, intended amendments will result in a decoupling of clause 1 and clause 2. The SDLP fully appreciates the hardship that communities and individuals are facing, and, therefore, it did not entirely oppose the Bill's receiving accelerated passage.

However, the SDLP has many concerns, particularly those that I raised about clause 2, and we will table amendments for the Bill's Consideration Stage.

**Mr Deputy Speaker:** The Business Committee has arranged to meet immediately on the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. Naomi Long will be the first Member to speak on resumption of the debate.

*The sitting was suspended at 12.55 pm.*

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

*2.00 pm*

**Mrs Long:** Word of my impending speech must have permeated the corridors; hence there is a low turnout.

I speak as deputy leader of the Alliance Party, which has endeavoured, over the past several years, to provide constructive opposition in the House. Mr Kennedy, in labelling the Alliance Party the "Government's nuisance factor", demonstrated that he does not appreciate that concept or recognise the need for opposition in the House. I contend that those who are in Government and, at the same time, think that they can be the opposition are the greater nuisance factor. Perhaps it would be better for them to resolve that issue rather than casting aspersions on others.

However, I want to deal now with the general content of the Bill. All Members who spoke in today's debates on accelerated passage for, and Second Stage of, the Bill mentioned the exceptional financial hardships and the global economic downturn. Both have, undoubtedly, had a direct and negative effect on our constituents across the board. In particular, people who were already experiencing social and economic deprivation have felt the squeeze more intensely than others.

No one would dispute that the serious issue must be addressed in a timely way. The deputy First Minister's concluding remarks in the previous debate, and his interpretation of my colleague Dr Farry's comments on parity were, to put it mildly, ungenerous. The Alliance Party did not suggest that the principle of parity should be used as an excuse not to intervene to assist those who are in dire financial straits.

However, it is important for the Assembly to maintain a good relationship with the Treasury to ensure that its Budget is sufficient to facilitate continued interventions. Therefore, the Alliance Party's concern that the Assembly should not be seen to breach parity is a valid one, particularly given that clause 2 of the Bill refers specifically to matters that would traditionally be addressed through the social security system. The Alliance Party raised the issue simply to ensure that the Assembly does not do anything to breach parity or to jeopardise the sensitive relationship with the Treasury. I doubt, frankly, that anyone in the Executive who had time to think the matter through would have done other than to consider that issue carefully. The Alliance Party felt that it was important to raise the matter, but it is not an excuse for a "do nothing" attitude.

The Alliance Party is not opposed to the general thrust of what clause 1 of the Bill seeks to achieve and is not opposed to those provisions being made available. We recognise the need to empower the Executive to act swiftly in exceptional circumstances,



and we could, and will, debate how best to achieve that. However, we have concerns about the mechanism to be used.

I listened carefully to interventions from the deputy First Minister and the First Minister on the extent of such powers, their curtailment under the Northern Ireland Act 1998 and subsequent amendments made to that Act at St Andrews. Although any legislation made by the House can overrule its previous legislation, it remains subordinate to that Act, and I accept the point that was made about that.

The First Minister rightly said that the 1998 Act and the ministerial code require any proposals that make explicit reference to the Executive to be brought before that body. The point that I made in my earlier speech on accelerated passage is, however, slightly more subtle. I pointed out to the deputy First Minister that my party's concern is not such matters being required to come before the Executive, but the extent to which the Executive would be in position to accept or reject them.

Moreover, the majority of the Executive are members of the two parties that hold the positions of First Minister and deputy First Minister. Therefore, they could, essentially, agree to a package of measures that was opposed by a Minister from a minority party, despite the fact that it may affect that Minister's Department.

The First Minister, despite his extensive parliamentary experience, seems intent on making all his interventions from a sedentary position. I am happy to give way if he wishes me to do so.

**The First Minister:** I thank the Member for giving way. We can do all those things already with existing legislation. The Executive, through its ministerial code, requires every Minister to accept the decisions of the Executive; therefore, the Executive, by their numbers at present and without this piece of legislation, could decide what would happen in any Department, and the relevant Minister would be legally bound to follow.

**Mrs Long:** What the Executive cannot do at the moment is intervene directly with financial assistance — and that is the purpose of this legislation. That is not in their gift; otherwise we would not be having this debate. The Executive would be able to make such direct financial assistance without regard to the relevant Ministers.

**Mrs D Kelly:** The First Minister's explanation of how Ministers are bound to agree to the decisions of the Executive is exactly the reason why other Ministers who disagree with the Executive's decision have to agree to it during the Executive meeting; otherwise they will be hounded out of office. Furthermore, if all those powers are already possible under legislation, what is the purpose of clause 2?

**Mrs Long:** That is precisely the point that I will come to; however, I want to stick with clause 1 for the moment.

**The First Minister:** I am grateful to the Member's generosity in giving way; however, I must respond to the nonsensical intervention of the SDLP. Because a Minister has to agree with an outcome does not mean that that Minister has to agree with it during an Executive meeting. The point that was raised by the deputy First Minister was that the SDLP's Minister agreed during the Executive meeting with the proposition and disagreed with it outside. If there is a disagreement with the proposal before the meeting, that is where the disagreement should be aired — not outside afterwards having remained silent inside.

**Mrs Long:** My understanding of the legislation is that it is in the gift of any Minister to vote against a proposal in the Executive without breaching the ministerial code, but that it is not in his or her gift to frustrate the delivery of an Executive decision once that decision has been taken. That is my understanding of the matter, but I am not in the Executive so that is irrelevant. However, I seem to be better informed than some parties with Members in the Executive.

The first issue that I have with the Bill is that the threshold for "exceptional" is determined by OFMDFM. There are issues around that, but they are less important than the issue of delivery. The delivery of the financial scheme can be with any Department or with a third party. Therefore, OFMDFM can intervene directly in what would normally be delivered by another Department.

The First Minister is correct that the Executive can overrule the view of a Minister. However, that Minister would then have to deliver those decisions within his or her own departmental remit. That is giving power to OFMDFM to intervene and deliver a financial package that would affect a Minister's departmental remit without his or her agreement, which is a significant change. Therefore, I am concerned with some of the issues involved.

I raise the matter because the Alliance Party has not championed the arrangements for Government here. I make no excuse for that, because they are a contrived and, at times, ridiculous way of doing business. Nevertheless, they are there for a purpose: to provide protection for people who felt that their position in Government might be exploited and ignored by others in a more powerful position. This piece of legislation changes significantly that position in that some of the autonomy given to Ministers has been ceded. In principle, I do not object to that. I believe that it would be better if Ministers were less autonomous and more collective.



However, I am not convinced that the Bill proposes a move from autonomy to collectivity. I think that Danny Kennedy suggested that it proposed a sort of directional form of leadership, almost akin to dictatorship. That is not collectivity, and that is where my issue with the balance lies.

Neither I nor my colleagues dispute that there is an issue with the delivery of cross-cutting themes within OFMDFM. The policy drivers lie with OFMDFM, but the delivery mechanisms lie with other Departments. The Committee for the Office of the First Minister and deputy First Minister has debated the matter ad nauseam, and we have debated it at length with the First Minister and deputy First Minister and the junior Ministers. In fact, the topic has become something of a hobby horse of mine. Thus, it is not in dispute that there are issues. However, every time that the Committee and I have raised the issue, we have been told that the current legislative framework and mechanisms and ministerial code are sufficient to ensure that Ministers deliver on those cross-cutting agendas. It, therefore, seems bizarre that we are now accepting that more needs to be done.

That said, my issue with clause 2 really comes down to delivery. I accept that there is a need to deal with cross-cutting measures in a more appropriate way, but there are other mechanisms for doing that, and they should have been considered. For example, the Minister of Finance and Personnel can choose to ring-fence proportions of budgets for specific purposes; that is what happens in other places, and that mechanism may be appropriate here. The Executive programme funds are a mechanism that has been tried, tested and abandoned, but similar mechanisms are used in Scotland, Wales and other places, where Ministers pool resources to follow a particular agenda.

I am concerned that the measures in the Bill tackle only one aspect of the cross-cutting nature of OFMDFM. I am saddened that the opportunity has not been taken to consider the delivery of cross-cutting themes more widely; for example, themes such as sustainability, equality, community relations and good relations. Consideration could have been given to how they will be delivered and what policy and financial levers are in place to ensure that Departments deliver on those policies. When I raised that point, the answer that I received was that no Minister would resist such action, which begs the question why special powers are needed. However, I will set that issue aside, because we could go round in circles forever.

Careful consideration must be given to the issue of autonomy for individual Departments, specifically when the Ministers in question are from the smaller parties in the Executive, because their degree of protection in the Executive is much weaker. That sensitivity must be accepted and acknowledged by all.

It is not much of a response to say that it is OK because we can simply ride roughshod over them now.

When I raised that issue with the deputy First Minister, he indicated that, to some degree, we are dependent on the trust — so to speak — in the goodwill of the First Minister and deputy First Minister. Far be it from me to suggest that that trust is not universally given, but it is not just a matter of trust in the two individuals in question, nor is it even about trust in their two parties; it is a matter of trusting in perpetuity that anyone who holds those posts is a trustworthy and well-meaning individual. That is quite a different issue when it comes to the legislation. It is not a matter of understanding.

It is frustrating that Members completely fixate on the first use of the Bill rather than the Bill itself, because the debate is not just about trusting the motivation behind clause 1, it is also about knowing that it will not be used for other purposes. The issue is not necessarily about the lack of trust in the two individuals who, in the initial stages of the legislation, will hold the post of First Minister and deputy First Minister; it is about the general concern about where powers lie within the Executive and the Assembly.

Again, that matter could be resolved through amendment. I have written a letter to the First Minister and the deputy Minister in which I have expanded on the points that I am making today. I am not, in any way, suggesting that I do not accept the reassurances that were given to the Committee. Junior Ministers Donaldson and Kelly were insistent that the Bill was not intended to be a power grab. I do not dispute their motivation, but if the legislation could be used for other purposes, we should be sensitive to that and take full cognisance of it when we decide how to proceed.

2.15 pm

The First Minister said that the Bill was enabling legislation, not a spending proposal. Unfortunately, some Members have become fixated on the spending proposal and the benefits that will accrue from the Bill, and they have lost sight of the enabling powers that it contains. That is the concern. However, I accept that the First Minister made that point after he said that there would not always be money available and that the powers would not be as open to abuse as some Members had suggested.

I want to raise an issue from the viewpoint of the protection of OFMDFM. It is conceivable that an incompetent Minister, having failed to deliver within his or her departmental remit for the public, could formulate bizarre proposals for financial assistance. That Minister would wish OFMDFM to be the perpetual bad guy who says no in every situation — although that might come more naturally to some than to others, people could be put in a very difficult



situation. Therefore, the co-operation and the collectivity between the Departments and OFMDFM is crucial and goes far below the surface of the Executive, because, as I said, it would be possible for people to exploit the powers in the Bill in that way if they so wished. That would be detrimental to collectivity, harmony and good government, and it is another concern.

I appreciate that the First Minister and the deputy First Minister have been present throughout the debate and have responded and made some helpful interventions. That has been a useful part of the debate.

I am concerned that the ministerial code provisions are to be strengthened but have not yet been agreed by the Executive. I understand the timing issue, because the ministerial code cannot refer to a piece of legislation that has not been passed. However, the proposed changes have not even been agreed at an Executive meeting, which leaves — for want of a better term — a confidence gap. Despite the good will of the First Minister and the deputy First Minister, the Executive could reject the proposed changes. Therefore, there is an issue about the Assembly making decisions on the Bill in, essentially, a gap period in which no formal decisions have been made.

I referred earlier to the notion of the Bill as a potential Trojan Horse. I do not want the Bill to be seen as a Trojan Horse. The Bill can be tied down in such a way as to eliminate that allegation, which has been bandied about. It would be to everyone's benefit if amendments were to be respectfully considered and responded to fully, because the opportunity to close down the fear surrounding the Bill would be helpful.

In one of his interventions, the First Minister said that the Bill would be used in cases where powers did not already exist or were insufficient. It is worth drawing to the attention of the House that clause 4(5) states:

“Financial assistance may be provided under this Act even though other powers to provide financial assistance exist.”

Therefore, the powers will not be used exclusively in cases where powers do not exist or are shoddy.

The Bill could be used in circumstances where that is not the case. That is a catch-all term, because there could, to be fair, be a provision of which Ministers or officials are unaware, and they could be caught foul of it if it were not there. Therefore, I am not disputing it. However, it is important that we debate the issue in sufficient detail and that we do not make broad-sweep comments that are less than accurate. I would like clarification that the issue around the definition of the threshold for it to be an exceptional circumstance would have to be agreed fully by the Executive. They have indicated that, for action to be taken, the issue would have to be agreed fully by the Executive, but I would like clarification on that.

We have not had sight of the amendments that the Executive are proposing, but we intend to bring amendments to deal with some of the issues that we have suggested. We do it not in any way to unpick what is happening, but because we believe that there are significant issues here.

The significant issue about clause 2 is that it should be considered in much more detail. I would like it to be deleted and dealt with — not over a protracted period, because we recognise the importance of dealing with the issue in a timely way, but quickly, with a proper Committee Stage — even a short one — to allow those measures to be addressed.

The measures in clause 1 would allow the First Minister and deputy First Minister to undertake whatever interventions they wish in the interim while the Bill is being subjected to a Committee Stage. Therefore, I do not believe that it undermines the power of the Executive to act and intervene.

Finally, the role of the Assembly has been raised in relation to the issue. There have been a lot of interventions, and I apologise if I am attributing them to the wrong individuals — it is not with malign intent — but I think that it was the deputy First Minister who said that there may be amendments to the Bill. One of the issues was the timing of schemes and another, I believe, was the approval role of the Assembly.

There has been some debate about the Bill being subject to negative resolution, which, in my understanding, does not necessarily preclude debate on it, but it does change the context slightly. However, regulations will be brought forward, and, normally, they would be retrospectively considered by Committees and the Assembly. In that case, it is worth noting that people should not be fixated on the opportunity to deal with the regulations, because, essentially, they would be dealt with retrospectively. The Assembly needs to be conscious that when the powers are being granted, much of this will move away from the Floor of the House to be dealt with by the Executive directly and by Committees only retrospectively.

**Mr Moutray:** I support the Financial Assistance Bill. It is a timely and appropriate Bill that will help people in our society who have been worst affected by the global economic downturn. I welcome the fact that the Bill has been prompted by the need to provide a statutory basis for the fuel payments announcement as part of the Executive's response to the economic downturn. I also welcome the fact that the legislation will award the Executive with powers to react swiftly in response to any circumstances that they agree warrant express and effectual action. The legislation will grant the Executive the flexibility to deal with those who are at risk of poverty or social exclusion



owing to exceptional circumstances or because of inadequate or unsatisfactory funding arrangements.

The Bill provides the ability to respond to not only the prevailing climate, but to circumstances that could and may arise. The Bill will help to protect local interests and provide the legislative framework that will allow the Office of the First Minister and deputy First Minister and, indeed, other Departments to work and provide rapid and effective financial intervention to arising circumstances. There is no doubt that that is what our local economy needs.

We are living in exceptional circumstances, and witnessing at first hand a situation in which many are struggling to survive with sudden financial strain. However, I have no need to tell Members about that, as I am sure that they hear it day and daily from concerned constituents who are facing the strain and squeeze that many are experiencing.

I am glad that the Bill will allow us to deliver to people on the ground. It will allow the Executive to get down to business and disburse the £15 million that will address fuel poverty by providing payments to some of those who are most in need at this time. For too long under direct rule we were unable to take action; this legislation will enable us to intervene financially and assist the most vulnerable in society. The Bill will allow the Executive to manage public expenditure and ensure that resources are directed in response to exceptional circumstances and in such a way that addresses urgent and unmet social need.

The Bill will also allow Departments to respond promptly with financial assistance where the Executive warrant it. Departments must utilise the Bill to do whatever they can to alleviate any hardships that may arise. There are dark days ahead for many in society, and I believe that the Bill will allow the Executive to intervene financially both rapidly and effectively.

I welcome the accelerated passage of the Bill, and I encourage its continued momentum. It is important that we proceed speedily with this action, given that the Bill will benefit many of our constituents who are suffering at this time. The Bill has the potential to have a positive impact on those individuals, groups or areas that could suffer from poverty or social exclusion. I commend the Office of the First Minister and deputy First Minister for the swift production of the Bill, and I look forward to seeing it being used to its full potential.

**Mr B McCrea:** When I was speaking about the Bill's accelerated passage, I intimated that we were mindful of the good intent behind the Bill and the need to tackle some of the issues that are before us, but I also suggested that concerns had been raised about how the Bill might be used inappropriately in future. However, the more that I listen to the contributions

from Members from both the major parties, the more concerned I become.

Although there was a reassurance from the First Minister and the deputy First Minister that this was not an attempt to grab power or an initiative that was designed to centralise power, other Members appear to see the good, as they put it, that the Bill might do. Mr Moutray has just spoken about the dark days to come, and I agree that many challenges lie ahead of us, but surely that was not the purpose of this legislation — it was designed to deal with any unexpected emergencies to which we could respond quickly.

**Mrs Long:** I thank the Member for giving way. That is precisely the point that my party colleagues and I made. The provisions to deal with exceptional circumstances are contained in clause 1 of the Bill. One could choose to intervene routinely under the provisions of clause 2; the two clauses are clearly distinct.

**Mr B McCrea:** I thank the Member for her intervention. Not for the first time she has been able to put her finger on the points that cause great concern. I am sorry if I cause her some embarrassment, and I promise not to do it too frequently, but I share her concerns about clause 2. The provisions of the Bill that seek to sort out immediate problems will, of course, have the full support of the House. However, to look in general for nebulous things that might go wrong and prepare ourselves to respond to them on a sixpence will require either a great deal more thought, or the ability to deal with them under existing provisions.

Ms Anderson is not in the Chamber, but I listen to her contributions on many subjects during Policing Board meetings. I was somewhat disheartened to hear her talk about the need to break the threadbare economic relationship with the United Kingdom. It seemed to be a much bigger political stance than that which I was prepared for. It is not the wisest course of action to try to ally ourselves with people who are also facing significant financial pressures.

When the time comes to make amendments to the Bill, I will look for some reassurance that, as the First Minister and the deputy First Minister said, it is not a Trojan Horse, nor is it calculated to take power away, but that it will enable sensible decisions to be made in the right manner.

2.30 pm

I come to Mrs Long's point about clause 2. I am not sure why, in clause 2(a), we decide:

“to tackle poverty, social exclusion or patterns of deprivation based on objective need”.

Surely, other issues could be included, or fewer issues included. It seems that the clause is worded in an unnecessarily specific way. In fact, the whole of clause 2 causes me some angst.



The key issue is confidence. The conditions for confidence required to give this Bill accelerated passage without proper scrutiny do not exist. Whether for the right or wrong reasons, the Executive did not meet for 154 days. I am not saying that both sides did not have their reasons, but that did cause a considerable amount of concern in the country.

I hope that I do not embarrass the deputy First Minister in the way that I did Mrs Long, but I do share with him a view that the country wants to see all parties getting together collectively to tackle these very real problems as a corporate body. It is disappointing when these issues are used divisively. Therefore, the question is: can we frame this legislation, and, indeed, this debate, in a way that reassures people that, collectively, we will tackle these problems while being mindful of the powers of those Ministers who have specific responsibility?

I make my next point gently and reasonably: the difficulties that the Minister for Social Development had with the budget, fuel payments and suchlike did not go unnoticed and caused concern. Surely, there is a better way to deal with such issues, because we are trying to work for the good of all.

Another factor that undermines confidence relates to education. I do not hold that the Minister of Education cannot take different views, but the country is crying out for us to reach some form of decision on that matter. It does look, collectively, to —

**Mr Speaker:** Order, I would want the Member to try to come back to the Bill, if possible.

**Mr B McCrea:** Thank you, Mr Speaker. I stand corrected. I thought that I wavered for only a fraction, but your eagle eye obviously spotted it.

The issue is about moving forward with some form of collective responsibility. I asked, when accelerated passage was being considered, that those Members moving the motion would heed legitimate concerns that were put properly. Those concerns have been expressed. I say with some reluctance that the Bill in its current form would pose some difficulties in gaining support. However, with a bit of imagination and by working together, I am sure that we could find provisions that would satisfy all concerned. That would be a useful proposal.

The Ulster Unionist Party fully supports the initiative of finding ways to get money to those in poverty, particularly in fuel poverty, and understands the need for a proper legal mechanism with which to do that. However, it asks respectfully of the House that we find a way of doing so that builds confidence and community consensus in a proper manner.

**Mr O'Loan:** We are debating the principle of the Bill, and I support the principle of a Bill that deals

with emergency procedures such as the situation created by fuel poverty. There is a need for legislation, and there is a need for the right legislation. This Bill is not the right legislation. Despite what was said by the First Minister and the deputy First Minister, serious concerns about the Bill remain.

The First Minister said:

“the Financial Assistance Bill is the most important piece of legislation to be tabled since the return of devolved Government”.

Those are his words, not mine.

He said that the Bill would give a local Administration the real powers to deal with our local problems, which is a clear indication that the right mechanisms have not been in place to create local solutions to local problems. If that is the case, it suggests that the Bill is not merely concerned with the introduction of emergency powers for occasional use. Rather, it suggests that the Bill is concerned with the introduction of a mechanism for OFMDFM to circumvent the existing, agreed processes of Government. Perhaps it will be used as a way for OFMDFM to create its own measures for its favourite schemes. Members are entitled to have serious concerns about the Bill and the way in which it has been presented to them.

As other Members have stated, the most serious concerns arise from clause 2, which relates to “unsatisfactory funding arrangements”. Once again, it confers powers on the First Minister and deputy First Minister. Why are those powers not conferred on the Executive? We were told not to be silly, because all the powers would come with the agreement of the Executive, and I shall say more about that later. If that is the case, why is that not stated on the face of the Bill?

The powers in the Bill are exercisable when:

“a situation exists which requires financial assistance to be provided to tackle poverty, social exclusion or patterns of deprivation based on objective need”.

I am not surprised, therefore, that Stephen Farry said that other powers may be included — for example, to rescue the economy. Who knows what other powers might be included? I can see why his mind moved in that direction. If special powers are to be introduced around a wide sphere of action, that begs a very serious question.

I wonder whether any of that reminds Members of the debate that took place on the Programme for Government and the attendant Budget. The Programme for Government and the Budget were created out of a considerable process involving widespread consultation with the Assembly and the wider public, through representative groups and individuals who were given an opportunity to comment on an annual Budget. I will talk about my view that the Budget ought to be annual, but the Programme for Government and the Budget have legitimate processes that are



clearly laid down. Why, then, should a substitute process be introduced, which the Bill gives every appearance of creating.

I also remind the House of the existing processes to deal with changes to the political, social and economic environment during the year. There are three-monthly monitoring rounds. Those have a due process, under which all Ministers can bid for any funds that have been released, and they can make a case for those funds based on need. The Department of Finance and Personnel and the Minister of Finance and Personnel reflect on that in order to bring proposals to the Executive, where a decision is made. That is the proper way to do business, and I doubt that there is not proper legal cover for that. Therefore, the procedures that are governed by the Bill need to be used only when those normal procedures are not adequate. I see no protections to say that those would be used only in exceptional or extreme circumstances.

Members will remember that the Minister of Finance and Personnel has refused to table a revised Budget for 2009-10 in the Assembly. The most to which he would yield was a strategic stocktake and, very grudgingly, an Assembly debate on his statement. We wanted a proper revised Budget that would give proper consideration to issues such as poverty, social exclusion and patterns of deprivation. The same Ministers who would not carry out a proper process on a Budget for next year say that the situation is so extreme that extreme measures are needed. There is a fundamental contradiction in what the Ministers tell us.

Even if there is no proper Budget for next year, in his stocktake I presume that the Finance Minister will bring to the Executive his best call on the reallocation of resources to address these issues. However, to accept this Bill, Members must believe that there is some emergency on the horizon that will face us very soon in these policy areas and that will need the railroading through the Assembly of a measure that gives the entire power to the First Minister and deputy First Minister.

This morning, we were reminded that, under the ministerial code, any such matters would have to come before the Executive in any case, and asked what we were worried about. The process in front of us is open to political chicanery; of that, there is no doubt. Under it, OFMDFM can bring a proposal to the Executive. There must be serious concern for the smaller parties in the Executive, because the parties of OFMDFM hold the majority of seats in the Executive. That situation was reflected upon this morning by the First Minister. He used the word “trust” as the ultimate defence of these proposals. The SDLP’s experience in the Executive has tested whether that Committee is operated in a collective fashion, and that makes us ask whether we can depend on trust. Most Members would

prefer to examine the letter of the Bill and to place their trust there.

I turn to the phrase used in the Bill: “based on objective need”. How can OFMDFM possibly assess objective need across policy areas that rest in other Departments? That is simply not convincing. Assessing objective need requires substantive analytical work — probably involving several Departments — and that is not within the capacity of the Office of the First Minister and deputy First Minister. Furthermore, data sharing is a serious and major issue. Departments may not be legally empowered to share personal data collected for a particular purpose. Those issues are not addressed in the Bill.

There is an extraordinary failure in the Bill: namely, to refer to the role of DFP and the Minister of Finance and Personnel. No other financial decision can be made without such reference. There is no clarity as to where the money will come from.

The First Minister referred this morning to the proposals made, some considerable time ago, by the Minister for Social Development to deal with fuel poverty. The First Minister said that the money was not there. However, what was needed at the time was the creation of a scheme and regulations to support it, and after that, the First Minister said, the money would be available. He said that it was not available until the December monitoring round, which means it was available at the December monitoring round. Had the Executive been meeting, they would have been perfectly capable of stating that that extreme situation would have first call on moneys released — as they were — in the December monitoring round. That was perfectly possible, and it had been done for the Department of Health, Social Services and Public Safety in the Budget at the start of the year.

The First Minister knows perfectly well that that was a possible way of dealing with the situation. OFMDFM failed to come up with that remedy, yet it now comes before the House and claims that there is such urgency that it needs this incorrect set of proposals.

I have serious concerns about the Bill. The SDLP will table amendments to it, once it sees what amendments Ministers themselves bring forward. The First Minister claims that the SDLP Minister and other individual Ministers enjoy total protection under the ministerial code with respect to this Bill. To test that, the SDLP may table an amendment to the effect that the First Minister and deputy First Minister in conjunction with the relevant Department will determine whether financial assistance may be provided. However, we will have to formulate the wording of our amendments with due consideration and in the light of any others put forward.



If the First Minister and the deputy First Minister are serious about not attempting to overrule any individual Minister, the SDLP is interested in the reaction to such a proposal.

2.45 pm

The SDLP is very sceptical about the need for clause 2 at all. Furthermore, we endorse the point that Danny Kennedy made that all Members should be entitled to see the ministerial amendments well before the deadline for Members tabling amendments for Consideration Stage. That all points to the unacceptably rushed procedure of:

“the most important piece of legislation to be tabled since the return of devolved Government.”

By the manner in which they have handled the detail of the Bill, the First Minister and the deputy First Minister have not provided a proper service to the Assembly.

**Mr McCallister:** I am pleased to speak to the Bill, and I am also pleased that the First Minister and the deputy First Minister have helped speed its progress through the Assembly. Although I welcome the Bill in general, it is not ideal.

I am sure that every Member in the Chamber still laments the loss of the 154 days in which the Executive did not meet. Not only could those people who have suffered have had their problems resolved by now, but we now face dealing with another other potentially contentious and, it appears, ill thought-out Bill.

The Bill will place unique and unprecedented power in the hands of the First Minister and the deputy First Minister. If the decision was made by design, it is another example of the desire of the DUP and Sinn Féin to accumulate power. If it is by defect, it highlights the rushed nature of the legislation. Either way, although I support the Bill's intentions, it will not deliver good or effective government in its current form.

I was very surprised when I was informed that no powers and no system were in place to distribute the fuel payments announced as part of the December monitoring round. I find that difficult to accept, particularly given that two successful rounds of hardship-relief payments to householders who had their homes flooded had previously been made, the second of which was paid just a few months ago, in August 2008.

On 15 December 2008, the First Minister announced that his Office would introduce a Bill to:

“provide for permissive powers to implement remedial action in response to any circumstance that the Executive agree warrants rapid and effective action. That power is intended to regularise the allocation and distribution of funds in response to any crisis or hardship situation.” — [Official Report, Bound Volume 36, p122, col 1].

However, this Bill does not mention the need for Executive consent. The deputy First Minister mentioned the change to the ministerial code, but the Bill itself does not mention the Executive at all. All powers to initiate such remedial action are placed with the First Minister and the deputy First Minister, acting jointly. All powers to decide what those exceptional circumstances are, as well as the power to designate a Department to tackle those circumstances through financial aid, also lie with them. The allocation of such powers could be to the detriment of smaller parties in the Executive.

Clause 2(1)(b) states that the powers conferred are exercisable if the First Minister and deputy First Minister, acting jointly, determine:

“that arrangements to provide such financial assistance are not in place, or that such arrangements as are in place for that purpose are, or are likely to be, ineffective, inadequate or for any reason unsatisfactory”.

That paragraph has serious implications for the ability of Ministers and departmental accounting officers to manage their departmental budgets autonomously. An accounting officer's ability to balance a Department's books effectively is one of the founding principles of the administration of government in the United Kingdom. Therefore, the impact of the Bill should not be underestimated.

Where the money comes from is also a major issue. The financial package agreed in December was sourced from a monitoring round, which, at the Minister of Finance and Personnel's discretion, is usually subject to Executive approval, in the procedure at least.

However, there is no stipulation in the Bill designating where the money should come from. It appears that, in its current form, the Bill allows the First and deputy First Ministers to redirect moneys within departmental budgets, thereby overriding departmental Ministers and diminishing the role of the Minister of Finance and Personnel.

The Bill has the potential to create much hostility between Ministers and to allow the larger parties to dictate the workings of Departments that are run by Ministers from smaller parties. In short, the Bill takes a step away from power sharing between all parties toward a two-party diktat.

There is a need to ensure that the Bill is based on the consent of the entire Executive, especially the Department that will have to deliver, and potentially pay for, remedial action. There needs to be clear procedures concerning where the money will come from and transparency regarding what constitutes a crisis or hardship situation. In its present form, this is an imperfect Bill that will potentially damage the workings of the Executive.



The Bill will help us to implement the fuel payments. Much has been made of that when explaining the reasoning behind the Bill and, in particular, the need for accelerated passage, which I believe is right and proper for that reason. However, this Bill has far-reaching and long-standing implications for the decision-making process of the Northern Ireland Executive and the Assembly. We are told to trust this process and are presented with the threat of not getting fuel payments out to those who need them — I hope that that matter is not being used as a scare tactic to get this extensive Bill through the Assembly.

Some intentions of the Bill are extremely commendable, and a mechanism to help the most vulnerable in our society in times of crisis is also very necessary. However, we must ensure that we get the correct mechanism, rather than one that does not facilitate good Government.

**Dr Farry:** The Alliance Party will not frustrate the Second Stage of the Bill; however, we are very far from being satisfied with its contents. In particular, we have major reservations regarding clause 2. We feel we can support — or, rather, not frustrate — the Second Stage on the basis that we look forward to seeking to decouple clause 2 from the Bill and to the Department bringing that matter back to the Committee for full scrutiny at a future stage.

I appreciate the need for a special emergency fund to be set up and the associated powers put in place. It is important that we decouple that principle from any proposed use of the fund — we have been in danger of confusing those two issues during today's debates. However, it goes without saying that we cannot anticipate the future. We do not know what lies around the corner and cannot foresee what social or economic problems, or what natural or man-made disasters, may afflict our society. Therefore, it is wise that we prepare for such eventualities — that argument has been well made and, essentially, won. That is accepted.

That leads to the issue of parity, which has been bounced around this morning. It is important to recognise that, as things stand, winter fuel payments must go ahead. We are where we are; people need financial assistance. We have, perhaps, lost the opportunity to do something a little more creative with the funds involved, owing to the delays over the past months. We must get payments out to people in order to see them through this winter as best we can.

That said, it is important to appreciate the arguments regarding how that money could be used better. The funds could be used to improve the insulation and energy efficiency of the homes of vulnerable people in society. Rather than a one-off payment being made to see them through this winter, such investment could provide people with assistance for a number of

winters. If we were to roll out that level of funding on an annual basis, we could make a lot of progress.

I think that the proposed expenditure has to be placed in its proper context. However, with respect to our current situation, we need to proceed with the payments: that is accepted.

Clause 2 is causing the most controversy for Members, and I have a number of concerns about the implications that lie before us. The terms of reference for the special emergency fund are essentially open-ended, which may be perfectly logical, because we cannot anticipate the emergencies that may confront us. However, clause 2 is defined by poverty, social exclusion and patterns of deprivation. I recognise the importance of those issues, but why have other issues not been considered within the same framework? Other important matters cut across Departments: a number of important cross-cutting themes have already been highlighted in the Programme for Government.

Indeed, the economy has — quite rightly — been highlighted as the number-one priority in our society. It is easy to make the argument that the Government must provide special assistance measures to address the current economic downturn. Indeed, the First Minister can recite the different measures that were announced by himself and the Finance Minister immediately before Christmas. However, there is still a frustration in society about the lack of a coherent and sufficient level of response from the Executive, especially when one compares the degrees of responses that have come from different jurisdictions; not just on these islands, but elsewhere.

There may be a situation in which Departments are either not able or not willing to play their role in a co-ordinated and effective joined-up response by the Executive to dealing with the economy. The clause may need to be reconsidered in order to include other areas, such as the economy or tackling a shared future, which again cut across all Departments, or, indeed, tackling the environment and combating climate change. That, again, is a challenge for all aspects of Government, as is how we engage with the green economy, which involves several Departments in a situation in which some may be willing while others are not.

Clause 2 may have its uses, but my question is this: why has it been defined in such a narrow way when there are so many challenges facing Government that require a joined-up response?

The second issue relates to the role of the Finance Minister. The Finance Minister may not always come from the same parties as the First Minister and deputy First Minister, and issues regarding co-ordination among the different parties involved may need to be considered in the future.



Members have asked where the money will come from for this. Presumably, two things could happen: first, money could be ringfenced from the annual Budget — which begs the question how much? Secondly, money could be surrendered through the monitoring rounds, with the first call on resources going to this special fund in order to deliver financial assistance to a number of different schemes. The danger in that type of approach is that it risks jeopardising and distorting the existing patterns of funding through the Departments. How much distortion from the current provision of funding is anticipated by the First Minister and deputy First Minister, bearing in mind that our budgets are currently very tight?

**Mrs Long:** Does the Member agree that it would be helpful to get clarification about whether the funding to facilitate the packages has to be, as is anticipated for the first use, from a special pot of surrendered money, or whether the powers could be used to direct spending within departmental budgets in future?

**Dr Farry:** The last point is the bigger concern — whether there would be powers of direction whereby ministerial decisions made about spending priorities in Departments could be overruled.

I am concerned about the implications of the Bill for the nature of power sharing in our society. Power sharing is a concept that most of us support and appreciate the need for, although there are different forms; from voluntary coalition to the current mandatory four-party coalition.

3.00 pm

I am frustrated by the current system of government, whereby parties pick up different portfolios based on the lucky dip of d'Hondt. Policy outcomes can be heavily skewed, depending on which Minister holds a relevant post. To give an example, with the Speaker's indulgence: the Sinn Féin Minister of Education has a particular viewpoint, which is resisted by other parties in the Chamber. Equally, on the other side of the fence, the Minister of the Environment has adopted a policy towards an environmental protection agency that is supported only by his own party. I understand that that can be deeply frustrating for parties in the Executive.

In any Government, people do not surrender their interest in the outcome of portfolios that they do not directly control. In joined-up government, everything must be knitted together to provide co-ordinated and cohesive solutions for society. There is a problem with the very nature of the Government, which exposes some of the contradictions of mandatory coalition. The Bill may go some way to correcting that problem by bringing more cohesion to Government, and I would welcome the greater sense of collectivity that that would bring to the Executive.

However, is that the wisest way to proceed? Perhaps a more comprehensive approach is required — through the Assembly and Executive Review Committee — in order to examine the nature of the Government rather than matters being conducted in a piecemeal fashion that could potentially lead to more acrimony and disagreement in the Executive, especially if individual Ministers find that things are being done over their heads or without their direct consent. In a voluntary coalition, everyone signs up to a single programme for government, so those contradictions do not exist. However, the debate has demonstrated the contradictions of a mandatory coalition.

How the money is spent has implications for Northern Ireland's wider relationship within these islands, particularly its relationship with the UK Treasury. The expenditure that is provided for under clause 1 or clause 2 could result in measures that lead to the financial assistance given to citizens in Northern Ireland being more generous than that given in the rest of the United Kingdom.

The parity principle has been very dear to the Assembly and to its predecessors, from the late 1940s onwards. A relatively low tax base has enabled the citizens of Northern Ireland to have the same level of social protection as their counterparts elsewhere in the UK. Although it is true that, under devolution, we are free to break that parity principle, we do so at our peril. I appreciate that Members have been told — by the First Minister and deputy First Minister, and the Chairperson of the Committee — that there is no threat to parity from the proposed funding for warm homes, and I will take that at face value. However, the potential exists for the introduction of other measures that will create difficulties. Even if, strictly speaking, the parity principle is not broken, that could still cause problems with the UK Treasury.

There is a debate about the relationship between the Scottish Government and the UK Parliament, and a number of English MPs have expressed their unease. Northern Ireland has escaped much of that scrutiny, largely due to the peace process. However, some caution must be exercised about how money is spent — which leads to those differential outcomes — lest it come back to bite us in the future. That is the case, particularly when there is uncertainty in the UK about wider financial settlements, and issues such as revisions of the Barnett formula are being discussed. As we move towards a more normal and stable society, those risks may become more acute. We need to be somewhat cautious about how quickly we jump into certain funding measures, and all implications must be properly assessed.

All Members who contributed to the debate recognise that the Bill is a very important piece of legislation.



Obviously, some Members have expressed their intent to have the matter dealt with speedily. Other Members have urged a degree of caution when dealing with certain aspects of the legislation. Elements of the Bill are to be welcomed. I envisage that they will be progressed rapidly, which will be good for society.

Equally, we must pause for a moment in order to have much greater debate in the Committee on issues that range from the nature of power sharing to the implications for the system of financial management and the purposes for which special financial assistance can and cannot be provided. Those important debates affect all aspects of Government, and we should not rush those discussions. Those issues can be dealt with through amendments during the Consideration Stage of the Bill.

**The First Minister:** I suppose that it is the nature of politics that a Second Stage can deal with the detail of a Bill, rather than what it should deal with — its general principles. The purpose of Second Stage is to reach agreement on a Bill's general principles. Details are supposed to be dealt with at Consideration Stage.

For the most part, Members' contributions have been constructive. I welcome those that have clearly supported the Bill. Members who have not given unqualified support to the Bill fall into two categories. First, there are those who have put forward their concerns in a constructive manner — I include the Member who has just resumed his seat in that category. Secondly, there are those who have gone out of their way deliberately to make a party-political rant; to attempt to throw in red herrings; to engage in scaremongering; and to tell what might be described — if I were permitted to do so — as half-truths or worse.

It is clear that those Members have no interest in what the Bill says and means, as opposed to what they want the public to believe when it reads the newspaper headlines that they attempt to create. It is clear who belongs in that category. I will deal with those Members more directly as I continue my speech.

If he were present, I would tell the Chairman of the Committee, who considers me to be in "rank bad form", that I arrived at the Chamber in very good form. Certain Members' contributions to the debate changed that. I consider the behaviour of some Members, who are prepared to allow people who are in poverty and deprivation to be secondary to their party-political point-scoring, to be rank bad form. That is pretty despicable.

During the course of the debate, it became clear that certain Members, or their research assistants, had written their speeches beforehand and had them typed up nicely. Even though the facts became clear during the debate, those Members were not quick enough to amend their speeches and, therefore, spewed out the

inaccuracies that were already contained in them; in particular, the Ulster Unionist Party Member for South Down came out with the greatest lot of drivel that I have ever heard in the Chamber. Had he listened during the debate, he would have recognised the inaccuracies that he repeated. I hope that he examines the Bill and discovers just how wrong the points are at which he has arrived.

The Chairman of the Committee, who is not present, seemed to assume the form of a Jekyll-and-Hyde character in the debate. He divided himself when he indicated that he would speak first as the Chairman of the Committee, and then as an Ulster Unionist Party Member. He is a much nicer person when he is the Chairman of the Committee. Perhaps, next time, he would concentrate more on that role than the other.

Several Members, including the Chairperson of the Committee, raised the issue of the Executive's role in decision-making under this legislation. I have repeatedly made it clear that the existing legislation states that decisions on these issues will be taken by the Executive. Despite that, Members continued to speak as if I had not repeatedly made that point. I would have expected Members to be familiar with the laws that determine how decisions are made in Northern Ireland since the changes were made to the St Andrews Agreement. However, lest there be any doubt, I will set out the position clearly.

Section 28A(1) of the Northern Ireland Act 1998 makes it clear that a Minister:

"shall act in accordance with the provisions of the Ministerial Code".

The present ministerial code was agreed by the Assembly on 20 March 2007. In paragraph 2·4, under the heading "Duty to bring matters to the attention of the Executive Committee", it states, *inter alia*:

"Any matter which:-

(i) cuts across the responsibilities of two or more Ministers;"

and

(v) is significant or controversial and is clearly outside the scope of the agreed programme referred to in paragraph 20 of Strand One of the Agreement;"

— that is the Programme for Government —

"shall be brought to the attention of the Executive Committee by the responsible Minister to be considered by the Committee".

The ministerial code goes on to make it clear:

"no expenditure can be properly incurred without the approval of the Department of Finance and Personnel".

That deals with two issues about which we have been talking: the role of the Department of Finance and Personnel and the role of the Executive. It is abundantly clear that any schemes under this legislation would be crosscutting or, by definition, significant or controversial, and would, therefore,



require Executive approval. Indeed, section 28A(10) indicates that a Minister has:

“no Ministerial authority to take any decision in contravention of a provision of the Ministerial Code made under subsection (5)”.

That subsection requires Ministers to bring matters to the Executive. Therefore, it is clear that the law already requires Executive approval for any scheme that would be made under this Bill. The amendment to the ministerial code that we are now contemplating is merely to make that explicit in case there should be any doubt in the mind of any Member or any Minister. Given that, it would not be appropriate to refer to the Executive on the face of the Bill because it is already in legislation and in our ministerial code.

The way in which our legislation operates is to confer powers on Departments, but to make those powers subject to the agreement of the Executive. If OFMDFM was interested in a power grab, which was referred to by several Members, it could utilise the powers that it already enjoys under section 17 of the Northern Ireland Act 1998 to determine the functions to be exercisable by each Department. In short, we do not need new legislation if we wanted to put powers into the Office of the First Minister and the deputy First Minister, or to take functions away from any other Minister. If we wanted to have a power grab, the necessary legislation is already on the statute book.

Several Members referred to parity. If we were merely to adhere to parity on all issues, devolution would be unnecessary and a lot of people here would be redundant. The benefit of devolution is that it allows those directly elected by the people of Northern Ireland to respond to the needs of the people of Northern Ireland. Does any Member in the Chamber seriously believe that the kind of use that we intend to make of this legislation in its first use would have been made by direct rule Ministers if we did not have the provisions of the devolution settlement? It would not have been, nor has it been anywhere else in the United Kingdom. Let us be very clear, therefore: devolution allows a local administration to tailor its own policies and public expenditure to best meet the needs of that local community.

If Members really believe that parity in all matters is of the uppermost importance, they will vote against the Bill and they will publicly tell people on income support and old-age pensioners, who might benefit from fuel-poverty payments, that they believe in parity and that given that other people in the UK are not receiving those payments they should not receive them either. That is the logical extension of their case, which will deny the people of Northern Ireland the benefits of our announcements. That tenable and legitimate argument supports total integration. However, I suspect that, in the present circumstances, few recipients of the fuel-poverty payments will support that view.

3.15 pm

I will discuss the Bill's purpose. Many Members have said that clause 1 is jolly good and will be supported but that they will not support clause 2. We must be clear about the direction and terminology of the Bill. Clause 1 deals with unforeseen hardship whereas clause 2 deals with hardship that has been identified in the Programme for Government. Therefore, we are dealing with hardship.

When Dr Farry asks whether environmental and economic issues should be included, my answer is that the Bill deals with how the Executive respond to hardship. Although everything could be thrown into the Bill, it has not been designed with the intention of resolving all the problems of Government across the panoply of ministerial responsibilities. The deputy First Minister and I have no intention of using clause 2 for any purpose other than to realise the agreed goals in the Programme for Government.

I am sorry that the deputy leader of the Alliance Party is not in the Chamber to listen my comments. At the moment, OFMDFM does have a responsibility when it comes to poverty issues, and so on. In fact, the terminology with which the SDLP Member for North Antrim was unhappy arose directly from the St Andrews document. It was not something that we dreamed up: it was a duty placed upon us following St Andrews, and the terminology used in the Bill is the exact terminology that was used then.

It is clear that although OFMDFM has a role to play in dealing with those issues, a mechanism is required to enable it to do so, because they are cross-cutting issues. Such a mechanism has been put into place in clause 2, which will bring the matter to the Executive. It will be for the Executive to decide whether to proceed on the recommendations of the First Minister and deputy First Minister.

Members mentioned the Finance Minister, who I am glad to see is in the Chamber. None of the terms of the legislation interfere with his role. All of his responsibilities to find the money that the Executive might decide they want to spend will remain with him. It is right to say that he will carry out those responsibilities through the in-year monitoring rounds, or he might be able to squeeze new money from the Treasury, which can be a difficult task. It could also be achieved through reprioritisation within Departments or between one Department and another. Those are his options. Clearly, when schemes are brought to the Executive, it will be up to the Finance Minister to indicate whether he can find the money for them and from where that money will be found.

Those are the normal issues in which the Executive, and the Finance Minister in particular, have a role to play.



There is no Machiavellian plot for the deputy First Minister and I to “suck out” — I think that that was the term that was used — functions and powers from various Departments and to make their decisions for them. I suspect that that refers to the three Departments that are not under the control of the deputy First Minister and me. Those Ministers are bound already by the ministerial code. Therefore, they are bound already by the Executive’s decisions. If the Executive, yesterday, today, or at any time before the Bill receives Royal Assent, were to make a decision on a matter that relates to any of those Departments, the relevant Ministers are required by the ministerial code to accept and to act upon that decision.

There is nothing new in relation to the roles and responsibilities of Ministers. Ministers will still be under the authority of the decision that is made collectively by the Executive. As I said earlier in response to an intervention — there were perhaps one too many interventions earlier — the legislation will improve the collectivity of the Executive massively.

I accept the criticisms that have come from several quarters — they have certainly been offered by my colleagues on this side of the House — about the system of government. However, we have to deal with the system of government that we have. It is not an ideal situation; I do not believe that anybody thinks that mandatory coalition is the best possible form of government. We take many of the steps that we have to because of the odd system of government within which we have to work. If there were a voluntary coalition, there would effectively be no need to take some of the steps that are outlined in clause 2 of the Bill.

I think that one of the SDLP Members indicated that the difference between the systems is that in a voluntary coalition, everyone would have signed up to the Programme for Government. Let me make it very clear: everybody in this mandatory coalition signed up to the Programme for Government. That Programme for Government, having been signed up to unanimously by every Minister in the Executive, was brought before the Assembly and signed up to by the Assembly. Therefore, the Programme for Government has all the greater authority because it has the Assembly’s support.

Some of the required changes are necessary because of the awkward system of Government that we have. However, even if we had a voluntary coalition, we would not have the powers that the Bill will give us to deal with emergency circumstances. To that extent, the Bill will provide us with the enabling power to spend money in circumstances where the Executive agree that it should be spent.

Mrs Kelly, a Member for Upper Bann, raised the issue of resource implications. She is right; the Bill

does not provide additional funding for particular schemes. The purpose of the Bill is not to provide; it is to enable the Finance Minister and the Executive to be able to allocate funding if the case merits it and if there is an emergency. It should not be any surprise that the Bill itself does not indicate how money should be either gathered or spent. That is a role that has been decided already and one that the Finance Minister will exercise. Therefore, DFP remains responsible for those issues and will report to the Executive when their decision is made. The Minister for Finance and Personnel is as responsible as any other Minister for the decisions that the Executive make, but I think that he would soon tell the Executive if they are making a decision on a matter for which he cannot find the money. I do not believe that any Executive Minister would wish to get into that situation.

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister, a Member for Newry and Armagh, requested details of the amendments to the Bill. I hope that my reply will be a sufficient response to Basil McCrea, the absent Member UUP from Lagan Valley, who wanted to hear assurances and to be convinced that we are willing to consider amendments to the Bill and to have it improved. I hope that he is listening in his office, as he is not in the Chamber.

The SDLP Member for North Antrim said that he was appalled that we were considering amendments to this Bill at its Second Stage. That was a remarkable comment. We consider it a duty on ourselves to listen to the Committee, which made suggestions about changes that could be made, as did ministerial colleagues — including the SDLP Minister. We will propose to our Executive colleagues that some changes should be made to the Bill. I hope that those changes will improve the Bill and, perhaps, allay some of the concerns that Ministers and Members have.

As far as the Committee being given details of those amendments is concerned, the deputy First Minister and I have always been co-operative with the Committee. The deputy First Minister indicated that he sees good sense in assisting the Committee. As I speak, a letter is in the final stages of being drafted that will provide Mr O’Loan with the information that he seeks.

I find it somewhat strange that the people who most readily state that these issues should be dealt with by the Executive — and who ask where the Executive’s name is in the Bill — are the ones who are asking us to give answers before we consult with our Executive colleagues. I enter the caveat that, while we will provide the Committee with the details of what we propose to the Executive, we listen to our Executive colleagues, and it will be them who collectively take the decision. They may want to make other amendments, they may not want some of the current



amendments, or they may want to modify some of the amendments that we make. In that context, we are happy to provide that information to assist the Committee in doing its job.

Mr O'Loan also complained that while the Committee will have a role in scrutinising legislation relating to OFMDFM, it will not have a role in relation to any amendment that we might make or consider regarding the ministerial code. Just as the ministerial code was approved by the Assembly, any change to it must be approved by the Assembly. Therefore, Assembly Members will see and, no doubt, debate those changes. If it wishes, the Assembly can set up a Committee. Mr Speaker, I am sure that you will be able to draw Members' attention to the procedures if they want to set up a Committee to consider that issue.

The leader of the Alliance Party said that several other issues of Government needed consideration. I have canvassed for an Alliance Party place on the Assembly and Executive Review Committee. That party should have had that place from the beginning — I agree with him on that matter. I will seek his support for changes to improve the way that we govern in Northern Ireland. I hope that we will be able to convince colleagues around this Chamber of the need to constantly improve and reform the way that we do business in the Assembly.

I will touch on a further issue that was raised by Mrs Kelly: the strategy to tackle poverty. Anybody who wandered into the Chamber or the Galleries would have thought that nothing had happened in OFMDFM in relation to that matter. Of course, the St Andrews Agreement already deals with the subject matter of clause 2 of the Bill by placing a duty on the Executive to tackle poverty.

**Mrs D Kelly:** I said that.

**The First Minister:** The Member did not say all that I will say, so I advise her to listen further.

The St Andrews Agreement places a duty on the Executive to adopt a strategy to tackle poverty. After devolution, one of our first actions was to examine Lifetime Opportunities, the anti-poverty strategy. We revised that strategy and included a new proposal for a ministerial subcommittee on poverty. The Member should have been aware of that; she considered that proposal as a member of the OFMDFM Committee some time ago. Last year, the Executive endorsed that strategy.

3.30 pm

In addition, the Member referred to the Executive's response to the anti-poverty inquiry, which was co-ordinated across all Departments and was agreed by the Executive on 11 December 2008. The following day, the response was forwarded to the Committee for

the Office of the First Minister and deputy First Minister for consideration, which I understand has been scheduled for 28 January 2009.

The Member for Newry and Armagh Mr Kennedy — I am not sure whether he was speaking in his Dr Jekyll or Mr Hyde mode, although I suspect it was in his less pleasant form — mentioned the potential removal of Assembly scrutiny powers, and several other Members raised the negative resolution procedure. Without saying anything about what the deputy First Minister and I might propose in relation to negative or affirmative resolution matters, it is sufficient to say on this occasion that, even under negative resolution, the Assembly has the power to annul resolutions made as a result of this legislation. Members will probably accept that there is a stronger case for negative resolution powers — which are, by nature, emergency powers — for clause 1, and we will want to further consider clause 2.

I was touched when the deputy leader of the Alliance Party, Mrs Long, adopted the mode of wishing to protect OFMDFM from irresponsible Ministers who might wish to use the force of the legislation to blame the First Minister and the deputy First Minister for failing to agree to some proposition that he or she might have in mind. The ability to say no comes with the territory and with politics. The Member for East Belfast probably knows that it is every Minister's responsibility to take such decisions; they must have the ability to say no when it is appropriate to do so, rather than pass the buck.

However, although irresponsible Ministers could use the legislation to pass the buck to the First Minister and the deputy First Minister, those same irresponsible Ministers could publicly — as has happened in the past — call for measures to be taken that they know they have neither the power nor the money to take, and, therefore, leave it for other people to say no. So, introducing the legislation will save us from few problems, because Ministers will continue to publicly claim that something should be done in his or her Department and that, if only those terrible fellows and girls in the Executive would not stop it from happening, he or she would be happy to do it. In fact, Ministers have been acting in that manner, which the deputy leader of the Alliance Party described as irresponsible. I will not add to her definition of irresponsible; nevertheless, under the present circumstances, those Ministers can still act irresponsibly. If someone intends to act irresponsibly, he or she will do so regardless of whether the legislation is introduced.

The deputy leader of the Ulster Unionist Party, who has now returned to the Chamber, made some other points. His position in the party may change now that it has been taken over by the Tory Party. If we follow the Tory example, we will not be talking about dishing out money as a result of this legislation; cuts will be



coming from the Ulster Unionist Party/Conservative Party alignment, because, no doubt, the Ulster Unionist Party will adopt the planned Tory cuts and will, therefore, be happy to tell the Minister of Health, Social Services and Public Safety that his budget will be reduced as a consequence of the new tie-up. I hope that Danny Kennedy has a greater knowledge of legislation than he has of the Henry VIII powers to which he referred.

Obviously, he does not know what Henry VIII powers are. If he did, he would not have said that OFMDFM had given itself those powers in relation to the Financial Assistance Bill. The Member should know that Henry VIII powers apply to cases in which a Minister succeeds in getting a piece of legislation passed that he or she can subsequently amend or repeal. There is no such provision in the Financial Assistance Bill. Therefore, Henry can stay at rest; he has no role in this legislation. The Member knows as much about Tudor monarchs as he does about Tudor crisps. *[Laughter.]*

I hope that the Member reads the Hansard report tomorrow to see what I said about him before he came into the Chamber.

**Mr Kennedy:** I can hardly wait.

**The First Minister:** I provided advice on how he could be a nicer person.

The Member for East Belfast Naomi Long said that clause 2 is not required for cross-departmental working because existing arrangements should suffice. If the member reads clause 2, she will see that determinations will be made only in the event of existing arrangements being unsatisfactory. If existing arrangements are unsatisfactory, they are not sufficient; therefore, determinations will not be used if the existing arrangements are satisfactory.

I have dealt with the Member for Lagan Valley Basil McCrea's concerns that the wording of clause 2 is too specific. The wording of the clause is the same as that of the Northern Ireland (St Andrews Agreement) Act 2007, which requires the Executive to agree a strategy to tackle poverty, social exclusion and patterns of deprivation based on objective need.

I trust that I have dealt with all the main concerns that were raised during the debate. Today, we are dealing with the principle of the Bill, for which there is, from what I have heard today, general support; although some Members may wish to propose amendments. Indeed, they may wish to support the amendments that the deputy First Minister and I hope to table. Notwithstanding Members' concerns and queries, I sense that there is broad appreciation for the need for the provision in the Bill that will enable us to deal decisively and urgently with the financial hardship of the most vulnerable.

I have attempted to address Members' concerns, but I — or my officials — will trawl through the Hansard report lest I have missed anything; if I have, I will reply directly to the Member. I commend the Bill to the Assembly.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Financial Assistance Bill [NIA 11/07] be agreed.

**Mr Speaker:** That concludes the Second Stage of the Financial Assistance Bill. Members may take their ease as we move quickly to the next item of business.



## EXECUTIVE COMMITTEE BUSINESS

### Building Regulations (Amendment) Bill

#### Consideration Stage

**Mr Speaker:** 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 two groups of amendments, and we will debate the amendments in each group in turn.

The first debate will be on amendment No 1, which deals with enhancing the duty of district councils in relation to protected buildings. The second debate will be on the Minister's opposition to clause 10, which deals with maintaining civil liability procedures for breach of building regulations. Consequential technical amendment Nos 3 to 5 are included in this grouping, as well as amendment No 2, which deals with repeals. Amendment Nos 3 to 5 are consequent on clause 10 falling, so I will only call them if that is the case.

I remind Members intending to speak that during the debates on the two groups of amendments, they should address all the amendments in each particular group on which they wish to comment. Once the initial debate on each group is completed, any subsequent amendments in the group will be moved formally as we go through the Bill, and the Question 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 (Protected buildings)**

**Mr Speaker:** We now come to the first group of amendments for debate. There is only one amendment, amendment No 1, which deals with strengthening the duty on district councils in relation to protected buildings.

**The Minister of Finance and Personnel (Mr Dodds):** I beg to move amendment No 1: In page 2, line 28, leave out "have regard to" and insert

"take account of".

The amendment reflects the proposal made by the Committee for Finance and Personnel. I record my gratitude to the Committee for its thorough scrutiny of the Bill during Committee Stage and particularly for its conclusions in relation to this clause. I agree with the proposal, and I have tabled the amendment on the basis that "take account of" strengthens the statutory duty on district councils and makes them more accountable in relation to preserving the character of protected buildings.

**The Chairperson of the Committee for Finance and Personnel (Mr McLaughlin):** A Cheann Comhairle. I want to recount briefly the Committee's work on the Committee Stage of the Bill. As part of its scrutiny of the Bill, the Committee took oral evidence from 14 key stakeholders, including professional bodies, environmental groups and building control practitioners from this and other jurisdictions. Several witnesses proposed specific amendments to clauses, as well as further amendments to the Building Regulations Order 1979. In addition, concerns were raised on important policy issues, including the debate on mandatory microgeneration. Those policy issues are an important part of the wider remit of building regulations, but they did not engage specific clauses in the Bill.

At a later stage in the legislative process, I shall detail the issues outlined in the Committee's report on the Bill, including the various commitments that the Department has given to address its concerns.

I want to put on record the Committee's gratitude to the various stakeholder bodies that provided evidence, and to the Minister, his predecessor and their officials who worked with the Committee on the Bill.

The Committee broadly welcomes the provisions of the Bill, not least because they extend the general principles of the primary legislation to reflect the increasing significance of energy conservation, sustainable development and environmental protection.

I turn now to the proposed amendment to clause 2, as outlined by the Minister. The Committee agreed to reflect a call from Building Control and the Association of Building Engineers to strengthen the statutory duty on district councils to preserve the character of protected buildings. The Department, having liaised with the Office of the Legislative Counsel, responded positively, as the Minister outlined.

The Committee, therefore, welcomes the Department's acknowledgement of the calls for the appropriate strengthening of that statutory duty on councils. On behalf of the Committee, I support amendment No 1 to clause 2, on which the Committee and the Department had previously agreed.

3.45 pm

**Mr Hamilton:** I support amendment No 1. I echo the comments of the Chairman of the Committee for Finance and Personnel. I welcome and support the Department's amendment to change "have regard to" to "take account of". That was one of the issues that was teased out during the Committee's evidence sessions, as it was not as strong in its wording and, therefore, as strong in its duty, as the Committee would have liked. At that time, the Committee was grateful to hear that the Department was tabling the amendment, as it toughens up the stronger duty that will be placed on local government building control departments not



to dismiss the character of listed buildings, but to seriously weigh up and examine such character and consider carefully any proposed alterations to a building in the context of why it has been listed.

It can sometimes be forgotten that our built environment is an important part of our heritage. We have all seen examples in our own and other Members' constituencies of fantastic listed buildings — buildings with history and heritage — that have been destroyed. The amendment, however, does not relate to that aspect. Buildings can still be destroyed, and unique character can be removed by alterations that are not in keeping with the building and why it was listed in the first place. With that in mind, I support the amendment and look forward to seeing local government building control departments take account of the character of listed buildings. I hope that that power will allow them to exercise the duty to step in, where necessary, to stop alterations that will damage our built heritage.

**Mr O'Loan:** I support amendment No 1. Anything that gives local authorities slightly stronger powers to protect listed buildings is desirable.

I take this opportunity to comment briefly on one or two other matters in the report. It is right to put on record the many hours that the Committee spent examining the Bill. I always look forward to the votes piling up at the next election, when I know that my electorate will be remembering with great gratitude the many hours that I spent listening to debate on this Bill. It is a typical example of much of the Assembly's work, of which many members of the public are unaware. However, it was important for the Committee to take evidence and to relay it to the Department through its report. That report will feed through into this and future legislation.

The Committee has suggested the need to update the legislation on dangerous buildings and places, and the Department has agreed to progress that. An important and tricky issue surrounds the varying building control standards between here and Britain and between here and the Republic of Ireland. That has particular relevance on the island, because the same builder can operate both North and South of the border and must work with two sets of regulations, which can create difficulties. There is quite a lot of co-operation between the bodies; nevertheless, the Committee has made some recommendations.

The matter that most exercised the Committee and the witnesses was the energy efficiency of buildings. The Committee is concerned that the legislation applies only to buildings of the future, and it is most anxious to see an enhancement of the energy efficiency of existing buildings. The Committee asks the

Department to pay serious attention to its recommendations.

**The Minister of Finance and Personnel:** I welcome the Members' support for amendment No 1, and I reiterate my thanks to the Committee for its scrutiny of the Bill. This is a sensible amendment. Although Mr O'Loan said that he supports anything that gives greater powers to local councils, it is worth reiterating that the amendment strengthens the duty on district councils and will make them more accountable for preserving the character of protected buildings.

With that clarification, I am happy to take on board some of the wider comments that have been made. Again, I thank the Committee for its contribution, particularly on the issue of enhancing the duty of councils on protected buildings.

*Amendment No 1 agreed to.*

*Clause 2, as amended, ordered to stand part of the Bill.*

*Clauses 3 to 9 ordered to stand part of the Bill.*

#### **Clause 10 (Civil liability)**

**Mr Speaker:** We now come to the second group of amendments for debate, which is the opposition to clause 10's standing part of the Bill. The clause deals with civil liability for breach of building regulations. The group also includes consequential technical amendment Nos 3 to 5, which would amend clause 16 and the schedule, and amendment No 2, which deals with the related matter of repeals.

*The Minister of Finance and Personnel gives notice of his intention to oppose the Question that clause 10 stand part of the Bill.*

*The following amendments stood on the Marshalled List:*

No 2: In clause 16, page 7, line 17, leave out "repeal of paragraphs (8), (9) and (13) of" and insert

"repeals relating to". — [*The Minister of Finance and Personnel (Mr Dodds).*]

No 3: In clause 16, page 7, line 22, leave out from "repeal" to "Article" in line 23, and insert

"repeals relating to Article 22 of the principal Order". — [*The Minister of Finance and Personnel (Mr Dodds).*]

No 4: In the schedule, page 8, leave out line 14.

— [*The Minister of Finance and Personnel (Mr Dodds).*]

No 5: In the schedule, page 8, line 15, leave out "paragraphs (3) and (4)" and insert

"paragraph (3)". — [*The Minister of Finance and Personnel (Mr Dodds).*]

**The Minister of Finance and Personnel:** I oppose clause 10 because I have agreed that the civil liability provisions in the Building Regulations (Northern



Ireland) Order 1979 should be retained. That decision reflects comments that the Executive made before the Bill's First Stage to the effect that such provisions may aid compliance with the building regulations by allowing non-compliance to be used to support a claim for injury or damages. Amendment Nos 2 to 5 are consequential on the decision to retain the civil liability provisions and to simplify the wording of the commencement provisions.

**The Chairperson of the Committee for Finance and Personnel:** I shall comment on the Committee's consideration of clause 10, which relates to civil liability. That clause was not agreed to, because the Committee accepted the Department's proposal to remove the clause and, therefore, retain the provision for civil liability for breach of duty imposed by building regulations, which is currently contained in article 20 of the principal Order. In that regard, the Committee noted OFMDFM's views that the retention and commencement of the existing article 20 is preferable as a measure to encourage compliance with the regulations.

The Committee also noted that the decision not to repeal article 20 would result in consequential amendments to clause 16, which deals with commencement, and to the schedule of repeals. Committee members were also content with that. I, therefore, oppose the Question that clause 10 stand part of the Bill, and I support the consequential amendments to clause 16 and the schedule. Go raibh maith agat.

**The Minister of Finance and Personnel:** I want to thank formally the Committee and its Chairperson for their work and for their contribution on that issue.

**Mr Speaker:** The Question is that clause 10 stand part of the Bill. All those in favour say Aye.

**Some Members:** Aye.

**Mr Speaker:** Contrary, if any, No.

**The Minister of Finance and Personnel:** On a point of order, Mr Speaker. You asked whether clause 10 should stand part of the Bill, but the proposal is that clause 10 should not stand part of the Bill.

**Mr Speaker:** It is for the House to oppose clause 10; it is up to Members to say No.

**The Minister of Finance and Personnel:** That should be easy.

**Mr Speaker:** Let me put the Question again.

*Clause 10 disagreed to.*

*Clauses 11 to 15 ordered to stand part of the Bill.*

### **Clause 16 (Commencement)**

**Amendment No 2 made:** In page 7, line 17, leave out "repeal of paragraphs (8), (9) and (13) of" and insert

"repeals relating to". — [*The Minister of Finance and Personnel (Mr Dodds).*]

**Amendment No 3 made:** In page 7, line 22, leave out from "repeal" to "Article" in line 23, and insert

"repeals relating to Article 22 of the principal Order". — [*The Minister of Finance and Personnel (Mr Dodds).*]

*Clause 16, as amended, ordered to stand part of the Bill.*

*Clause 17 ordered to stand part of the Bill.*

### **Schedule (Repeals)**

**Amendment No 4 made:** In page 8, leave out line 14. — [*The Minister of Finance and Personnel (Mr Dodds).*]

**Amendment No 5 made:** In page 8, line 15, leave out "paragraphs (3) and (4)" and insert

"paragraph (3)". — [*The Minister of Finance and Personnel (Mr Dodds).*]

*Schedule, as amended, agreed to.*

*Long title agreed to.*

**Mr Speaker:** That concludes the Consideration Stage of the Building Regulations (Amendment) Bill. The Bill stands referred to the Speaker.



## PRIVATE MEMBERS' BUSINESS

### Rural School Closures

**Mr Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make the winding-up speech. All other Members who wish to speak will have five minutes.

**Mr Gallagher:** I beg to move

That this Assembly calls on the Minister of Education to halt rural school closures, other than those where agreement has been reached locally, until the Sustainable School policy is agreed and implemented; and to ensure that rural proofing of that policy is underpinned with school viability criteria that are appropriate for schools serving rural communities.

The motion was tabled because of the deep concerns of many people over the fate of small schools and, in particular, the impact of the closure of small rural schools. I thank the Chairperson and the Deputy Chairperson of the Committee for Education, Mervyn Storey and my colleague Dominic Bradley, for supporting the motion and adding their names to it.

The Bain Report, which was published in 2006, examined in detail the emerging problem of the marked decline in school enrolments in almost all schools across Northern Ireland as well as the issue of provision. Whatever view one takes of the Bain Report — and there are some parts of it that I do not agree with — it had a stark message for the Department of Education about the development of a strategy framework. The report states:

“This is a vital leadership task for DE. DE’s policy approach on ‘sustainable schools’ will be a key element of an overall framework.”

As Members know, no policy had emerged when we went home last night. However, a policy emerged overnight. I will say no more about that coincidence other than that we are debating a very serious issue, which deeply affects families and communities, and the Minister and her officials should treat it in an appropriate, professional way.

4.00 pm

A vacuum has existed since the publication of the Bain Report: small schools have felt very vulnerable; some were threatened with closure, and some have even closed. The loss that some communities have felt as a result of those closures, or threats of closure, has caused damage that will not be repaired easily. Such loss has been experienced across the political spectrum.

In an area close to my home, two post-primary schools have provided excellent education for generations of children: the Duke of Westminster High School closed some years ago, and St Mary’s High School in Brollagh has recently been threatened with

closure. Members in other constituencies will no doubt be aware of similar situations.

It is not possible to overstate the role that good schools can play in rural communities. St Mary’s High School, Brollagh, is the local secondary school, and it has been at the centre of the community not only in providing first-rate education for students and enabling them to achieve excellent examination results, but in playing a key role in providing community cohesion and in facilitating economic, social and cultural development in a rural area. Sport, music and drama are central to that school, not only for the young people but for the adult population, as it provides opportunities for lifelong learning and skill improvements.

The Executive are theoretically committed to developing sustainable rural communities. The Department of Agriculture and Rural Development is preparing a rural White Paper and preparing submissions on rural proofing.

Rural schools are central to rural communities. Many rural areas are witnessing a steady decline in services; more and more public services are being removed, and each decision is taken without any consideration of the consequences that it will have. A coherent vision for the long-term future of sustainable rural communities will take cognisance of the role of the rural school in influencing families to remain in an area, in attracting new families, in providing new skills and in creating new investment in that area.

I have highlighted the school’s role in the community. However, more important, I wish to highlight the impact that being educated in a small school has on educational achievement. The outcome of a recent Scottish consultation tells us something about the link between educational attainment and the rurality of a school. Research showed that Key Stage 4 attainment appears highest in rural schools and lowest in large urban areas. The results showed that out of every 100 school leavers, six more go on to higher education from remote rural schools compared with the average Scottish school. The same research draws attention to the advantages of smaller classes, such as the fact that pupils are well known to all the staff and they feel a sense of security in a smaller school.

Due to time constraints, I cannot deal with journey times for pupils, but there are issues around hardship and safety. In some cases, the question now facing children in rural areas is whether they will have to make a 50- or 60-mile round trip to get to school.

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

**Mr Gallagher:** I will give way for a short time.

**Mr Storey:** The Member will get more time as a result.



The Member knows that when we visited Brollagh, in his constituency, it was made clear that one pupil who lived closer to Enniskillen was still able to get to Brollagh more quickly, conveniently and safely than to Enniskillen because of the traffic there. Transport and access issues must also be taken into consideration.

**Mr Speaker:** The Member will not get any extra time.

**Mr Gallagher:** I understand that, Mr Speaker; that is why I am rushing ahead. I might try to get my own back later.

From 2009, all post-primary schools must provide access to 24 subject areas; that will pose significant challenges of co-operation and collaboration with other schools. The education partners, in striving to secure the future of small schools, are coming together to explore opportunities on a cross-sectoral basis, and there are positive signs in the controlled and maintained sectors that arrangements that can deliver the curriculum can be put in place.

The rationalisation that is required in our school system as a result of falling enrolments and curriculum challenges must ensure equality of opportunity and accessibility to education. The latter aspect is mentioned in the new sustainable schools policy; however, I note that equality of opportunity is not given as one of the policy's criteria. Those criteria can be met only in a system based on a strong network of rural schools.

My constituency is in the west and is served by the Western Education and Library Board. One hundred and eighty-seven primary schools are open in that board area. If we applied the Bain criteria, 50% of primary schools — every second primary school in the Western Board area — would face closure. One in four post-primary schools in the Western Board area fails to meet the Bain criteria, which set a 300-pupil enrolment.

In order to ensure the real stability of our rural schools, the Assembly must replicate the action of the Scottish Parliament and introduce a rural schools Bill; such a Bill would provide the best support and security for our rural schools. That does not mean that schools will not close; however, at least widespread consultation will take place before any do.

**The Chairperson of the Committee for Education (Mr Storey):** My initial comments will be made as the Chairperson of the Committee for Education. It is good that the House be made aware of the process that the Committee has embarked on with regard to the examination of policies.

The Committee received the policy paper on 3 July 2008 and a follow-up briefing from departmental officials in September 2008. Individual parties forwarded their responses to the Minister. On 22 December 2008, in her response to the Committee's concerns, the Minister agreed that:

“enrolment figures are only one aspect”

of schools' sustainability. The policy will read more positively for small schools where it is demonstrated that there is no alternative but to maintain one. For example, the Minister says that the finalised policy document will agree that:

“support should be made available, if required, to ensure that the school is educationally sustainable.”

The issue of better performance of school-leavers who receive free school meals and who live in rural areas or who attend rural schools compared with an urban school has been clarified. The Minister contends that pupils receiving free school meals in rural areas were only marginally better performers at GCSE level, and schools may contain a mix of rural and urban pupils. The Minister also agreed that:

“accessibility is an important issue in many communities and will need to be considered on an area basis that takes account of pupil travel patterns.”

The Minister also points out that the accessibility times indicators in the initial policy document are for guidance only, and are not “absolutely prescriptive”.

I take off my Education Chairperson's hat to speak in my capacity as the DUP spokesperson for education. I welcome the fact that two parties — the SDLP and the DUP — tabled this motion. That underlines the point that education in Northern Ireland should not be about a pupil's skin colour or religious denomination. Our children are of the utmost importance. Young people regularly visit this House, and I am delighted that there are some here today. I trust that their visit is profitable and that they will not go home with a bad view of what happens in the Chamber.

Rural schools play a key role in local communities, particularly where small, isolated communities live alongside one another. Such schools are often the focal point for communities, and their proposed closure causes concern among the people who live there.

It is regrettable that the Minister of Education resorted to an old-fashioned republican activity of working at night. In the darkness, the Minister decided to put on her educational balaclava and bring this policy document into the light. I hope that she learns the lesson that this debate is about ensuring that we have a policy that is fit for purpose, rather than skulduggery, which is the way in which the document was released last night. However, that is enough on that issue.

Some rural settlements have become polarised and their demographic make-up has changed over time, often because of the terrorist campaign that we endured. A school is sometimes seen as the last manifestation of a community's identity in a particular area. I had the privilege and opportunity to visit St Mary's High School in Brollagh, Co Fermanagh, with



members of the SDLP. I visited other schools in Fermanagh, including Lisnaskea High School, and across Northern Ireland. I have seen the important part that small rural schools, even in the post-primary sector, play in the future of our educational system.

Of course schools require a critical mass to provide pupils with the best education, including a broad range of extra-curricular activities. That is crucial, because a school should be about more than just the lessons that are offered to its pupils. We appreciate that if pupil numbers fall, schools can incur extra financial pressures. Schools with small pupil numbers can be forced to rely on composite classes, which may not be ideal.

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

**The Chairperson of the Committee for Education:** It is difficult for schools to deliver the entire curriculum. We welcome elements of the policy; however, much work remains to be done to protect our rural schools.

**Mr O'Dowd:** Go raibh maith agat, a Cheann Comhairle. I support today's motion. My party might have signed the motion, had it been asked to do so, but, unfortunately, it was not. Had all parties been asked, the motion could have received all-party support before it reached the Floor of the Chamber. Perhaps, that is a lesson for the future.

The motion came about as the result of the campaign to save St Mary's High School in Brollagh. I say fair play to the parents from that community who campaigned to save the school. In December, I too visited the school and met a large group of parents and community activists from the area. I was very impressed by their enthusiasm for the school and by the fact that the school played a part not only in the education of the local community, but in the local community itself.

It is worth noting that the process of re-evaluating schools, which included St Mary's in Brollagh, was begun by the Council for Catholic Maintained Schools (CCMS). It began a wide-scale examination of its school estate not only in Fermanagh, but across the North. The Western Education and Library Board is also involved in a wide-scale examination of its estate in Fermanagh.

What is the main driving force behind falling pupil numbers at rural secondary schools in Fermanagh? The answer is grammar schools in Enniskillen. Those schools are sucking the lifeblood out of secondary schools in rural Fermanagh.

When the Chairperson of the Education Committee visited Brollagh, I doubt whether he pointed out the fact that, every day, hundreds of pupils are being bussed, free of charge, past St Mary's — a perfectly

good school, which delivers excellent academic results year on year — to be educated in Enniskillen, which is 26 miles away. Therefore, the grammar sector —

4.15 pm

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

**Mr O'Dowd:** I will not, because I have only five minutes.

The grammar school sector in Enniskillen is a major part of the problem. One of the bishops said that one of the schools was acting in a selfish manner. That is correct; they were looking after their own backyard, rather than looking after the entire school estate, which the Western Board and the CCMS are doing.

The issue of sustainable schools has been widely debated since the Bain Report was published. The current draft policy was first sent out in January 2007. The draft for the next policy was sent to the Education Committee in July 2008. It is worth noting that none of the party responses stated that closures of rural schools should stop. Many of the responses mentioned the need to support rural communities, which I am 100% behind.

The policy states:

"The policy will be of assistance to all those involved with schools, including Boards of Governors, teachers and the local community in helping to assess the position at the school and whether early intervention is required."

Early intervention is the key to sustainable schools. Today, one of the education correspondents said that:

"alarm bells are likely to ring if a school fails to meet a number of the criteria."

However, the important point is what to do when an alarm bell rings. People can stand back and watch the building burn down or they can call the fire brigade. The sustainable schools policy is about calling the fire brigade. It is about ensuring that boards of governors, teachers and the local community know what is expected of their school and how their school can be supported, not only by the local community but by the CCMS or, in the future, the education and skills authority (ESA) and the Department of Education. If a school can be made sustainable, it must not be left too late so that the numbers fall so low that staff and pupil morale is affected and the local community stop sending their children to the school because rumour mill states that that school is to close.

As its title suggests, the sustainable schools policy is about sustaining schools. However, the fact that there are 50,000 empty school desks — with an expected 4% fall in coming years — cannot be ignored. Urban areas are also affected; a 17% fall is predicted in the Castlereagh area. We cannot turn our eyes away from that or hope that the problem goes away.

In the future, difficult decisions will be made on schools. I will support any community that defends its



school, but schools are about education and educating young people. That principle must be defended; the education of young people in those schools is paramount. If boards of governors and local communities use the sustainable schools document to intervene early, more schools can become sustainable and can continue to be a part of the education system. Go raibh maith agat.

**Mr B McCrea:** If the Ulster Unionist Party had been asked, it might also have been able to support the motion. There is an interesting contrast with the discussion that took place two debates ago. Let us see whether we can find some consensus on the way forward.

To contradict Mr O'Dowd's comments, the Ulster Unionist Party's submissions to the Minister show that we do not think that efficiency and financial matters are the pre-eminent issues. We think that a rural school offers much more than that alone. Rural schools form the bedrock of the community, and other issues must be considered, such as whether it is reasonable for children to have to travel a long distance to school. Those factors should be taken into consideration.

We are a little disappointed that it has taken so long for the report on sustainable schools to be published. I do not see much in it that is new, so why was it not published earlier? People will worry at the lack of change. The Bain Report states that 60·4% of rural primary schools will fall below the required threshold of 105 pupils, and 77% of rural secondary schools will fall below the threshold of 500 pupils. That is a massive change to the cultural infrastructure of Northern Ireland. It is not something to be taken lightly.

When the Minister responded to us, we asked her to consider cases — not in the abstract or in some mechanistic value-pot — but in a reasonable way that best deals with them. She said that she would proceed on a case-by-case basis. Unfortunately, when things are considered on a case-by-case basis, strange anomalies are produced, and we must find a way of fixing them. I refer to the case of Maghera High School: it is an excellent school, with an excellent record of looking after children with special needs, and is thoroughly integrated into the community. It is a small school but is nevertheless an integral part of that region and society.

I make the following point to the Minister of Education, though it will probably go unheeded: her policy appears to be one-size-fits-all. That is a failed, direct rule policy. We need to find a way for local politicians and people to take local decisions. In our submission, we asked the Minister whether she would consider setting up area-based planning that included a range of stakeholders encompassing the transferors and others, to try to sort things out through some form of resolution. However, that was not to be.

The nub of my argument — and I thank the proposer of the motion for the opportunity to make it — is the issue of distance. In the Minister's now notorious proposals for post-primary transfer, much is made of community comprehensives, whereby, as the Minister states, "from 2010 the criteria" for transfer — "will include community, geographical and family criteria."

However, when, in response to the sustainable schools policy, we pressed the Minister on accessibility issues and the legitimate right of parents to place their children in a post-primary school of their choice, the Minister stated in her comments that a distance indicator is not relevant in the case of post-primary schools, as parents choose to send their children further afield.

**Mr Kennedy:** Does the Member accept that a further criterion should be added to those listed, one which is political with a small "p" and which ensures that small schools, situated either in overwhelmingly nationalist or unionist areas, should be afforded the chance to survive on the basis that, in a shared and better future, it is better that they continue to exist?

**Mr B McCrea:** I am grateful to my colleague for that point. It is a sign of political maturity when we realise that not every community fits neatly into boxes, such as the Department of Education would like them to. We must find ways of making sure that small, modest, rural schools, supporting and reflecting the community in which they are based, are accommodated in our education system. That is the key point: its acceptance shows political maturity and is what the House should aim at.

I ask the Minister: will her commitment to distance mean the death of the community comprehensive, and what ramifications does that have for her area-based planning?

The Ulster Unionist Party is keen to work with all parties. We recognise that there are legitimate concerns, but a one-size-fits-all mechanical process, based solely on economic and financial efficiency, cannot be the right way forward.

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

**Mr B McCrea:** Mr Speaker, I thank you for your indulgence. We ask the whole House to work together to resolve this issue.

**Mr Lunn:** I support the motion. The Alliance Party would be more enthusiastic about it had our amendment, which sought to advance the area-based planning debate and recognise the potential of the integrated sector to help solve those problems, been accepted. However, it is not easy to argue against a motion that seeks to put a temporary stop, at least, to rural school closures, so we will be supporting the motion.



In an ideal world schools would not close as new schools offering new options open. However, in a world of budget restrictions, declining populations and 50,000 empty desks — and rising — change is inevitable. We must plan a long-term system to deliver appropriate skills, appropriate provision for parents and the local community within our financial means.

To do that, it is clear to some, if not all, of us that an education system that is pointlessly segregated along religious lines does nothing for us. It divides children from the outset and means that money must be spent on bricks and mortar for two schools where often one would suffice, leaving no money to be spent on pupils. Such a system is unsustainable, given declining roles and changing needs. The Alliance Party acknowledges the legitimate differences of opinion about how to correct that unfortunate and expensive reality. However, anyone who is serious about a shared future will not dispute that the system must change, and it is about time that groups other than the Alliance Party began to acknowledge it.

**Some Members:** Hear, hear.

**Mr Storey:** It is interesting that the Member from Sinn Féin, Mr O'Dowd, earlier referred to the document that was brought out in July 2007 — yet it has taken the Minister of Education from 2007 to 2009 to release a document even at night. A shared future is mentioned in the 2007 document but not in this one. Why is that?

**Mr Lunn:** My memory is not as good as that of the Chairperson of the Committee for Education, and I will have to take his word for that; however, a shared future should be included in the document.

The Alliance Party welcomes the final sustainable schools paper, and we impatiently await the results of the area-based planning deliberations. Ideally, those projects should never have been separate but should have been merged. There seems little point in considering them separately, and it is for the same reason that we have asked for a review of the viability criteria for integrated schools.

Like it or not, the integrated sector, which may in future be defined differently, has a role to play in solving the problem under debate today. The Alliance Party backs today's motion on the assumption that the implementation of the sustainable schools policy proceeds quickly in tandem with the new approach to area-based planning. The potential for an integrated approach, whether through integrated schools or through the integration of existing schools — and not excluding on a cross-sectoral basis — must be acknowledged as part of the solution.

The motion is reasonable in that it seeks to put a stay of execution on rural school closures. However, we must be realistic about maintaining unviable

schools just because they serve the needs of a particular community, and that was the Alliance Party's difficulty with the second part of the motion. If we can proceed in a way that prioritises a shared future over narrow local or sectoral interests, we will have done a service to our children and to the next generation.

In closing, I congratulate Mr Gallagher for tabling the motion. His action appears to have triggered the release of the sustainable schools document. In the light of that success I encourage him to table further motions on post-primary transfer, area-based planning or perhaps the Maze stadium.

**A Member:** Hear, hear.

**Mr Lunn:** Many rural schools are an important part of their community, but unless we consider radical solutions those schools will continue to close. Perhaps, as the proposer of the motion suggested, a rural schools Bill based on the Scottish model could help, but educational sustainability is paramount, and that means numbers. We have heard frightening statistics from various Members. However, to do nothing is the worst thing that we could do. Schools will close, but there may be ways to work with the system to maintain them for reasons other than pure numbers. I certainly hope so. The Alliance Party supports the motion.

**Mr Irwin:** I welcome the motion. Only last week, colleagues and I met the South Eastern Education and Library Board (SEELB) and the staff of Keady Primary School to discuss this issue. Rural schools are an important part of rural life and in many ways bind the rural community together. Parents and staff associated with rural schools are extremely concerned at the possibility that their local primary school may close. Closure would be a step backwards for the community in Keady and for many others in a similar position.

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

In many areas where minority communities exist, the local primary school is a vital part of that community, and in many instances the nearest primary school is a considerable distance away. Closing their local school would greatly disenfranchise those communities.

Moving children to schools in other towns would cause the community that they came from to lose its sense of identity. That applies equally to Protestant and Catholic schools.

4.30 pm

Primary schools in rural areas do not just provide facilities for children; they also allow the community to hold events, which reinforces the foundations of such communities. Closing a rural school that caters for a minority community — especially if the nearest alternative school is some distance away, in another



town or village — is not acceptable, as it does not help to sustain rural communities.

The sustainable schools policy mentions the need to consider smaller, rural schools in a different light to urban, larger schools — that is a welcome acknowledgment of the fact that there is a different situation in rural areas. The Rural Development Council has contributed to the sustainable schools policy and the case for rural proofing. In its publication 'Striking the Balance', that organisation's vision is described as being:

"To promote, enhance and protect the rural assets of a living working countryside so that it makes a significant contribution to the sustainable development of the region for us all".

As someone who represents a largely rural constituency and has firm ties to the rural economy, I support wholeheartedly the vision of sustaining the rural economy and the rural community.

The school viability criteria must be capable of identifying, where appropriate, the need for, and benefit of, maintaining a rural school. We must move away from a position of simply applying the numbers game when deciding which schools stay open and which close. There is much more at stake than just buildings. I support rural schools and I support the motion.

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. I will speak in favour of the motion even though it is, perhaps, somewhat out of date. I welcome yesterday's publication of the sustainable schools policy, although I am not sure whether all Members welcome it — it seems that people complain if they do not have something and then complain when they get it. Perhaps, Minister, you are damned if you do and damned if you don't.

I also represent a rural constituency and am, therefore, only too aware of the significance of a rural school for those who attend it and for the surrounding area. As other Members have indicated, quite often a rural school is the hub of its community. Therefore, the potential closure of such schools impacts on more than just the educational experience of the children or young people attending them; it impacts also on the wider community.

In recognising that as a crucial element to the sustainable schools policy, I am delighted that the Minister has set out both quantitative and qualitative criteria in that document. The policy sets out six criteria to be considered. Other Members have referred to those, but it is important that we mention them again in order to emphasise that it is not just a numbers game. The other criteria that are going to be included are: the quality of the educational experience; stable enrolment trends; sound financial position; strong leadership and management; accessibility; and strong links with the community.

Those criteria are intended to provide a framework for the early identification of emerging problems, which can then lead to remedial action being taken. As John O'Dowd said, the sustainable schools policy is about calling the fire brigade when there is a fire. It is only in cases when the remedial action cannot rectify a given situation that the matter will need to be opened to a fuller consultation, in order to ensure that all decisions are taken on a case-by-case basis and are fully reflective of local circumstances. Despite Basil McCrea's interpretation of it, the sustainable schools policy is not proposing a blanket approach to our schools' futures, which is something that must be welcomed.

The policy has also adopted enrolment thresholds as recommended in the Bain Report, which recognised that lower enrolment thresholds are necessary for rural schools. The policy also recognises that, when a small school is to be retained, it must be given all the support and resources that it requires to provide a high quality of education.

Given that all areas outside Belfast and Derry city are considered to be rural, we will always have a large number of small rural schools. That is inevitable, and it is unfortunate that one of the biggest threats to our rural schools is that they may not be receiving enough local support. As other Members have mentioned, quite often it is the case that people drive past their local school in favour of another school. We all have a responsibility to keep local schools — and local rural schools — viable.

The motion calls for rural proofing of the sustainable schools policy. I believe that that has happened and that Department officials have consulted the Department of Agriculture and Rural Development (DARD) and the rural proofing checklist published by the Rural Development Council. As far as I am aware, no adverse impact has been identified — perhaps the Minister will tell us more about that.

In conclusion, I support the motion. Decisions on the future of our schools should be taken on the basis of good, qualitative data and other information, and should involve consultation with all concerned. Go raibh maith agat.

**Mr McCausland:** I support the motion. Although I represent a constituency that is anything but rural, I nevertheless understand the reasons behind the motion and the concerns of people in rural communities.

A school is an important part of the infrastructure of any community. It is right at the heart of that community, and a school's closure can have a devastating effect. That is true for both urban and rural areas, although I think that it is particularly the case for rural communities. The motion calls on the Minister to halt rural school closures — except where there has been



agreement — until the sustainable schools policy has been agreed and implemented.

Yesterday, we did not have a sustainable schools policy. By some remarkable and inexplicable coincidence, it appeared this morning. I received a note telling me that the Committee Clerk had downloaded the policy from the departmental website and had kindly circulated it to the Education Committee. I am grateful to him for doing that. It is very regrettable that it had to be circulated in such a manner and that it could not have been done more appropriately. I think that it shows a lack of respect for the Committee and for the Assembly that it was done in that way and that the policy was in the public domain before the Committee even had a chance to look at it.

Now that I have had the opportunity to examine the document, I note that some points of it are interesting, yet there are elements that give us some cause for concern. I welcome the fact that the document states that:

“Education is central to our future.”

That is true, not just for children and families, but for Northern Ireland as a whole. It is important that we have a good education system, and sustainable schools are a crucial element of that.

The document also provides figures of school size, and it was pointed out that 37% of primary schools currently have fewer than 100 children. That is true, but when that figure is compared — as it is in the document — to those for Scotland and Wales, which would be in many ways comparable to Northern Ireland, the figure for Scotland was 35% and for Wales it was 31%. Therefore, the number of small schools that we have in Northern Ireland is not that much different than the number of such schools in Scotland and Wales. I am, therefore, a little concerned that for those who are looking for a new school, there seems to be an infatuation with the enrolment threshold figures of 105 for rural schools and 140 for urban schools. I understand that there must be some guidance on pupil-intake numbers, but highlighting the figure of 37% of primary schools with fewer than 100 pupils gives me some concern.

I am also concerned, not just about the policy itself, but about how policy in general is implemented and by whom. One can have all sorts of policies, but there is always a certain amount of flexibility in them. That is clearly the case with this policy — the flexibility is there, so given all the restructuring of the education system that is taking place, how will it be implemented and by whom? That also gives me cause for concern.

Having expressed those concerns, I nevertheless welcome the fact that the document has been provided. As the Chairperson of the Committee for Education pointed out, the production of this document has taken rather a long time. If children in school were asked to

produce homework and they operated in the same timescale as the Minister —

**Mr Storey:** They would have left school.

**Mr McCausland:** They might have left school, indeed. They would certainly be kept in after school for the tardiness of their work. I do not know whether the Minister should be considered in the same way. Having said that, the document is now with us, the motion is before us, and I hope that the Minister will pay attention to what is said and will abide by what we are proposing. I hope that we will see some security for the rural schools, which are so central to rural communities.

**Mr K Robinson:** I declare an interest as governor of Whiteabbey Primary School and Hollybank Primary School, both of which are in Newtownabbey, and I am a former principal of a rural, two-teacher school in County Tyrone.

At 10.25 am today, I received a hand-delivered, still-warm copy of the sustainable schools programme in my office. That is what we have come to expect from the Minister of Education, who heads up a Department with a terrible record for responding late to Members questions, and which was involved in the recent confusion over the which-ministerial-statement-are-we-responding-to-today debate.

In Northern Ireland, around one third of the population are rural dwellers — approximately 600,000 people. That represents a significant proportion of the overall population and makes Northern Ireland one of the most rural parts of the UK. The first Northern Ireland Assembly introduced rural-proofing for all legislation as a means to safeguard rural populations from unnecessarily harsh or disproportionate impacts of any new laws which might be promulgated at Stormont.

A neutral observer of the proposals within ‘The Independent Strategic Review of Education’, commonly known as the Bain Report, could not fail to notice that those proposals would result in over 60% of rural primary schools falling below the minimum requirement of 105 pupils, and in 77% of rural secondary schools falling below the minimum threshold. If ever there was a disproportionate impact, surely this is it.

The damage that such a change would cause to the pattern of rural life would be immense. Rural schools play a central role in the bonding of those communities: to dismantle the local school is to dismantle that community. That, I am sure, is the last thing that the Assembly should be seeking to do. It is comparable to the decision to regenerate urban Belfast. The bulldozers moved in, the buildings were demolished, and the heart was torn out of those communities: 30 years on, they have not recovered. If we are not careful we will tear the educational heart out of the rural communities with a similar outcome.



To my mind, it would be better to take the glass half-full approach. Instead of wielding the axe on local primary and secondary schools, it makes more sense to expand their community role by turning them into village and rural development centres, offering not just school-age education, but acting as an arm of the strategic Executive aim to reskill communities, including rural communities.

Perhaps the Minister might take a leaf out of the areas in rural England, including East Anglia, where the concept of the village college has been working very successfully for many years. Such centres can be created in the context of educational — particularly information and communications technology — and cultural resources. Surely that is a much more acceptable vision than the alternative of endless rural school closures and the consequent disintegration of those communities.

The Rural Development Council has put out just such a strategy within the broader social and economic aims of the Northern Ireland 'Sustainable Development Strategy', and the rural development policy agenda. To my mind, that needs to be fleshed out ahead of any major decisions being made about the Bain recommendations.

The important factor to keep in mind is the disproportionate impact that rural school closures will have on children from poorer backgrounds. That was precisely the point made by the Rural Development Council in its submission with regards to the strategy:

"Children from poorer backgrounds are disproportionately affected by travel problems within rural areas. Such children are more likely to be dependent upon the school bus for travel to and from school, and therefore have difficulty in accessing both informal and formal after-school hours activities. Those who are most likely to benefit from homework clubs, access to computers and leisure activities are therefore least likely to be able to participate unless these activities are provided close to their homes."

It is important to realise that when we talk about rural schools and their pupils we are not talking about a marginal number of people. One third of all school pupils — approximately 82,000 — are in rural settings. Ultimately, what is decided on the Bain proposals will have a major impact on one third of all school pupils. The future provision of 562 schools is at stake. Consideration of this issue needs to be central to forward planning and not peripheral to it.

Having taught in a rural school, I can assure Members that the educational experience provided by the staff that I had the pleasure and privilege to work with was one of the best that I ever encountered during 37 years in primary education. I support the motion.

4.45 pm

**Mrs D Kelly:** I congratulate my colleagues Mr Tommy Gallagher and Mr Dominic Bradley for securing the debate. I want to put on record that the

SDLP is pleased that the Minister has adopted in the document many of the ideas and suggestions for rural-schools provision for which we have long campaigned.

Having attended rural schools — as, indeed, did all of my children — I well understand the contribution that they make to the life of any community. The two rural schools in my own parish of Aghagallon provide children and young people with not only an excellent education, they also provide support for pre-school children, mothers and toddlers, and facilities for sporting organisations, the local Women's Institute, and many of the activities that take place in any parish. I recall that even the drama society met in the school at Aghagallon. Therefore, as many Members have mentioned, rural schools have much to offer local people.

I hope that parents who live in rural areas will support rural schools. I am sure that the Minister will join me in that call. It is up to parents not to bypass the local rural school in order to send their children to schools in towns, but to support, and be fully integrated into, their local community.

Mr Robinson referred to the Rural Development Council's contribution to the consultation, which, as he quite rightly pointed out, was to lead the debate on rural schools. The council made many valid points, one of which was that although no one argues that schools that are attended by children in single numbers, or even in numbers in the teens, should remain open regardless, there must be a vision for rural communities in order for them to be self-sustainable.

Mr Robinson also mentioned rural transport. Recent media coverage suggests that rural transport is to be slashed. That will cause great consternation to many people who rely on local bus services to get to not only the local school, but sometimes to get to the post office, where it is used for more than one purpose. At a time when the Assembly is trying to promote a more active lifestyle and encourage children and parents to walk or cycle to schools using safe routes, not to have a rural school would be a great loss on many fronts.

My party is pleased that a paper has finally arrived and happy that many of our ideas have been adopted. Certainly, I support the continued existence of rural schools because I well understand from personal experience that they are the lifeblood of communities.

**Mr Poots:** The issue of rural schools is very important for many people in Northern Ireland because many people live in rural communities. Certainly, it was important in my constituency, but most of its rural schools have already been affected.

I have a list of 17 schools that have been closed or amalgamated: Magheraknock Primary School; Ravarnette Primary School; Legacurry Primary School; Cargycroy Primary School; Hillhall Primary



School; Drumbo Primary School; Charley Memorial Primary School; Lambeg Primary School; Hilden Integrated Primary School; Tullymacarette Primary School; Kinallen Primary School; Gransha Boys High School; Newport Primary School; Hillsborough Primary School; St James' Primary School; St John's Primary School and Maze Primary School.

That list may not be exhaustive. It demonstrates that during the past 10 years, all of those schools have been affected by amalgamation or closure, with significant consequences for their local communities.

In other areas, there has not been as significant a rationalisation of the schools estate as there has been in constituencies such as Lagan Valley. Certainly, education and library boards have been more proactive than the CCMS in rationalising the schools estate.

I questioned the Minister on that issue on 11 November 2008, and she indicated that there were a total of 41 school closures and 13 amalgamations in the five-year period from 2003 to 2008. There were 31 closures and six amalgamations in the controlled sector, and nine closures and seven amalgamations in the Catholic maintained sector. Quite clearly, there are far more school closures as a result of education board decisions than there are in the CCMS sector.

There is a challenge to bring about equity. If the Minister's report is to have any meaning, it must be applied equitably. The Minister is very good at talking about equality; let us have delivery of equality in the school estate. Let us not have Irish-language and integrated education set on a pedestal. Children whose parents have sent them to Irish-language or integrated schools must not be in a better, higher or greater class than children who go to school in another sector. If the Minister is to be true to her words of equality, let all children be treated equally.

I know from experience that it is very challenging for many rural schools to meet the required education provision when numbers fall. In some cases, a decision has to be made to either close or amalgamate those schools. I understand and respect the fact that some children are granted greater opportunities by moving to a school that has more children, more teachers, more after-school activities and better facilities. Great cognisance must be given to that fact when a decision that affects a particular school is being made.

I want to ensure that there is equity and fairness in how practices are carried out in the education system. I suggest that that has not been the case to date. I suggest that children in the controlled sector — under the education and library boards — have not been treated as well as children in the CCMS sector, the integrated sector and the Irish-language sector. I trust that the Minister will be prepared to ensure equality. She talks the game of equality, but it has not been very

clearly demonstrated thus far. We await a change in her policy on equality.

**The Minister of Education (Ms Ruane):** Go raibh maith agat, a LeasCheann Comhairle. I welcome today's debate, as it will help to put the sustainable schools policy, which I have now published, into context. The strategic education landscape is being improved for the benefit of all children, regardless of what school type or sector they are in.

Tá beartas um scoileanna inbhuanaithe ríthábhachtach d'fhorbairt an oideachais amach anseo, lena n-áirítear pleanáil bhunaithe sa cheantair agus soláthar an chreat teidlíochta.

The sustainable schools policy is crucial to the future development of education, including area-based planning, delivering the entitlement framework and post-primary transfer. My Department is also taking forward its school improvement policy, which sets out how we plan to deliver improvement at every level in our education system, with a focus on self-evaluation leading to sustained self-improvement. Those policies will help to ensure that all our children get a first-class education, regardless of their background, where they live, the colour of their skin, or their gender. The policies recognise that we should make best use of the resources available for education.

Diríonn díospóireacht an lae inniu ar scoileanna tuaithe, agus cuirim fáilte roimh an deis seo le míniú a thabhairt ar an dóigh a n-aithníonn an beartas um scoileanna inbhuanaithe na riachtanais ar leith a bhíonn ag pobail tuaithe.

Today's debate focuses on rural schools, and I welcome the opportunity to explain how the sustainable schools policy fully recognises the particular needs of rural communities. My Department consulted with officials from the Department of Agriculture and Rural Development in developing the policy. The policy was also assessed against the Rural Development Council's rural proofing checklist, which is set out in its 'Striking the Balance' report.

The policy outlines six criteria to assess the viability of schools. It is particularly important to rural communities that those criteria are quantitative and qualitative. Factors such as the educational experience of the children, leadership and management, the school's accessibility, financial position, enrolments and community links will be considered. Above all, the overriding consideration must be the provision of a quality education that is based on equality.

The policy incorporates school viability criteria that are appropriate for schools that serve rural communities. A lower enrolment threshold is applied to rural primary schools than to urban primary schools. Moreover, the accessibility criterion and its guidance on home-to-school travel times is particularly



important in a rural setting. Crucial practical questions that matter to parents and pupils — such as whether the distance to schools and pupils' travel times are reasonable, and what transport arrangements are in place — will always be addressed.

I welcome all the parties' concerns that children spend too much time on buses. As I have said in the House previously, under the current system, I have more influence over climate change and transport policy than Conor Murphy and Sammy Wilson collectively. A huge number of children pass each other daily on buses to and from local schools in places such as Enniskillen, Antrim, Armagh, Derry, Down, Fermanagh and Tyrone. The logical conclusion of the comments made by Mervyn Storey, Tommy Gallagher, Basil McCrea and others is that they will support the proposals on post-primary education that I will bring to the Assembly. I look forward to that support.

Ar an triú dul síos, tá critéar “Naisc Láidre leis an Phobal” curtha san áireamh leis an bheartas. Déanann sé seo cinnte go gcuirtear san áireamh aon bhaint atá ag an phobal leis an scoil agus aon chuidiú a thugann an scoil don phobal ó thaobh breithniú a dhéanamh ar inmhharthanacht scoile.

The policy includes a criterion to create strong links with the community. That will ensure that local community and parental involvement with the school, and the contribution that the school makes to the community, are included during consideration of a school's viability. I know that there have been concerns about the possibility of a threat to small schools, particularly small rural primary schools, which are often at the heart of their communities and provide valuable resources and facilities. I want to reiterate comments that I have made in the Chamber previously: schools will not be closed simply because they fall below thresholds. Enrolment trends is only one of the six criteria outlined in the policy, which covers a wide range of indicators. Indeed, the policy clarifies that, where a small school is to be retained, additional resources should, if required, be made available to ensure that the school can continue to provide a high-quality education.

The rural nature of the North means that there will always be a significant number of small rural schools. I commend small rural schools' contribution to educational attainment and community cohesion, and I recognise — as we all do — that many small schools encounter difficulties delivering the curriculum and struggle to operate within their budget. Those challenges increase when primary schools use composite classes that encompass more than two age groups. Furthermore, small post-primary schools face several challenges, particularly ensuring the continuing availability of teachers with sufficient specialist experience and qualifications to allow the school to

provide effective teaching and assessment in all areas of the curriculum.

However, I must reiterate that any review of a school's future viability will be handled carefully and sensitively and will consider local circumstances on a case-by-case basis.

Since this institution — as well as the North/South Ministerial Council and the British-Irish Council — was established in May 2007, there have been 30 school closures, encompassing 18 primary schools, two Irish-medium units, two nursery units, two special schools and six post-primary schools. All the primary schools had fewer than 50 pupils at the date of closure, and five of the six post-primary schools had fewer than 100 pupils throughout their entire range of classes. During the same period, a further 22 schools were reduced to 10 schools through amalgamations.

5.00 pm

I would also like to highlight the fact that there is a statutory requirement for a development proposal to be published when a school is being closed, or is undergoing any significant change in size or character, such as amalgamation. The development process provides the opportunity for extensive local consultation. Before a proposal is published, there is a statutory requirement for boards, and subsequently the ESA, to consult with any schools that may be affected by the proposal. There is also a statutory duty on the proposer to consult with the governors, parents and teachers of the schools that are the subject of the proposal.

The publication of the development proposal initiates a statutory two-month period during which representations — including objections — can be made directly to the Department. At the end of that period, I take into account all information pertinent to the development proposal, including the representations received as part of the decision-making process.

There are currently 11 published development proposals. Five of those — involving three primary and two post-primary schools — propose closure. There is no facility in the statutory process to allow for a deferment of a decision on a proposal, nor can the Department place a moratorium on educational bodies or others bringing forward new proposals. I assure the Assembly, however, that the proposals under discussion will be assessed thoroughly against the criteria outlined in the sustainable schools policy.

The sustainable schools policy is a key element of the new area-based approach to education planning. Any review of a school will take place in the context of the area-based approach to education planning. It will centre on the quality of the education that a school provides to its pupils and the particular needs of the local area. It will also explore the way provision can be improved through collaboration and partnership with



neighbouring schools. Area planning and the sustainable schools policy represent a significant change to the way the provision of education is planned.

My objective is to have a strong, sustainable system of schools, planned on an area basis, with equality at its core, to provide a high-quality education for our children and young people. I assure Members that all the sectors will be treated on an equitable basis. I ask that Members do the same and make the point that the integrated and Irish-medium education sectors have the right to be treated in the same way as other sectors. I worry when I hear unnecessary attacks on the Irish-medium and integrated sectors, and I urge all Members to show leadership and to refrain from making those attacks.

Ba mhaith liom a chinntiú go gcuirfear ar fáil do gach páiste an t-oidreachas ardchailíochta atá ar fáil do roinnt daoine óga, i suíomhanna uirbeacha agus suíomhanna tuaithe, agus go gcuirfear ar fáil i gcóiríocht inrochtana, nua-aimseartha atá oiriúnach don fheidhm. Beidh scoileanna láidre, rathúla, inmharthana mar thoradh ar an bheartas um scoileanna inbhuanaithe, agus beidh siad teoraithe ag a gcuid gobharnóirí agus iad mar ionadaithe do riarshéalbhóirí áitiúla, do phríomhoidí agus dá bhfoirne.

I want to ensure that the excellent quality of education available to some young people is made available to all, in both urban and rural settings, in accessible, modern, fit-for-purpose accommodation. The sustainable schools policy will produce strong, successful and viable schools, well led by their principals, local stakeholders, governors and staff, but with children at the core. It is a very exciting time in education; a time of immense change.

We have brought forward a revised curriculum, and a significant amount of investment is going into the schools estate, more so than at any other time in the past decades.

Equality will be at the core of the education system so that every child has a fair chance. Under new proposals in relation to transfer from primary to post-primary schools, the admissions criteria will be exactly what I heard from all sides of this House when they reiterated their support for rural schools: community, geography and family.

The new proposals will keep communities and families together, rather than brothers, sisters and neighbours passing each other in buses and going to perhaps 12 different schools in their local area. Go raibh maith agat.

**Mr D Bradley:** Go raibh míle maith agat, a LeasCheann Comhairle. Tá áthas orm achoimriú a dhéanamh ar an díospóireacht shuimiúil seo. Go deimhin, labhair 14 Chomhalta sa díospóireacht; mar sin, is dócha go raibh seans ag gach uile dhuine a

bharúil a nochtadh. Is maith an rud go bhfuil an tAire anseo lenár gcuid smaointe a chloisteáil, agus tá súil agam go ndéanfaidh sí beart de réir.

I am glad to conclude today's debate. It was an interesting debate in which all interested parties had the opportunity to express their opinions. I am glad that the Minister is present, and I hope that she will take cognisance of the views that were expressed by the 14 Members who spoke — including the Minister and me.

My colleague Mr Gallagher began the debate by proposing the motion. He expressed the deep concern in the community throughout the North of Ireland about this issue. He mentioned that the Bain Report highlighted the effect of declining rolls, and he called on the Department of Education to provide leadership on this issue.

We had to wait a considerable length of time for the sustainable schools policy to be published. Mr Gallagher referred to the somewhat mysterious emergence of the policy last night on the Internet without prior notice being given to any parties or to the Education Committee. Although that is regrettable, we should be glad that we have the policy now at long last.

Mr Gallagher also referred to the closure of the Duke of Westminster High School in his area and of the threat that St Mary's High School in Brollagh faces. In the company of Mr Gallagher, the Chairman of the Committee and I visited St Mary's. We were extremely impressed by the high quality of education that was provided in that school.

In addition, Mr Gallagher highlighted the fact that rural schools and the education that they provide influence families to stay in rural areas and, indeed, attract new families to rural areas. They, therefore, play a very important role in ensuring that rural communities are sustainable. Furthermore, Mr Gallagher referred to research carried out in Scotland, which showed that pupils at Key Stage 4 in rural post-primary schools perform better, largely because the quality of education is better and because of the lower teacher:pupil ratios. We could benefit from that in Northern Ireland.

Mr Gallagher also outlined the fact that 50% of primary schools and a quarter of post-primary schools in the Western Education and Library Board area could face closure if the raw numerical viability quotas of the Bain Report were implemented. Hopefully, that will not be the case. The policy that has emerged from the Minister seems to have somewhat softened the focus on the raw numerical quotas. That is to be welcomed, as is the greater emphasis on qualitative factors.

Mr Storey spoke as the Chairperson of the Education Committee. He underlined the fact that enrolment figures are only one aspect of sustainability. He also referred to the importance of the travel issues that pertain to rural areas.



In his capacity as the DUP's education spokesperson, he underlined the facts that children are vital to our community's future and that rural schools play a key role in sustaining rural communities. Moreover, Mr Storey mentioned small, isolated, minority communities, which are often the last manifestation of a community in a particular geographical area, and, in order to ensure diversity and maintain a shared future, he said that those communities' schools should be given special consideration. Indeed, although that point was mentioned in the Bain Report, it does not appear to have been reflected to the same degree in the Department's published policy, and that is regrettable.

Mr O'Dowd said that Sinn Féin would have supported the motion if it had been given the opportunity to do so, but I remind him that his party was given the opportunity to contribute to the wording of the motion. Mr Gallagher asked Mr O'Dowd to reply with his preferred form of words, but, unfortunately, he failed to do so — a point that I wish to clarify.

Furthermore, Mr O'Dowd referred to experiences in Fermanagh, where he said that grammar schools are sucking the life out of rural post-primary schools. He said that the sustainable schools policy will assist school leaders and will act as a form of early intervention, equating the policy to calling in the Fire Service. Unfortunately, he did not mention that often by the time the Fire Service finishes, a great deal of damage has been done by water and fire. Sometimes the smell of damp never goes away.

He also mentioned the 50,000 empty desks, and that figure is expected to increase by 4% in coming years. All parties recognise that that situation must be dealt with, because it cannot be avoided. Nevertheless, it is the way in which we deal with it that is important. We must not cut a swathe through a third of Northern Ireland's rural schools by starkly implementing the Bain proposals.

Basil McCrea spoke on behalf of the Ulster Unionist Party, and he said that efficiency and financial matters should not be the sole considerations. He called rural schools the bedrock of the community, and he said that 60% of primary schools and 77% of post-primary schools in Northern Ireland fall below the Bain criteria. In particular, he mentioned the role that Maghera High School plays in that community. He also accused the Minister of implementing a one-size-fits-all policy, which he suggested came from the direct rule Administration. Mr McCrea wants a wider range of stakeholders to be involved in area-based planning and the distance issue dealt with properly.

In an intervention, Danny Kennedy reflected what Mr Storey said, and what other Members would go on to say, about minority schools in certain areas being given special consideration in order to retain population diversity.

Trevor Lunn referred to the fact that segregation incurs greater costs and is unsustainable, particularly if we are to have a shared future.

Willie Irwin spoke about the plight of Keady Primary School, which is an example of a rural primary school that represents a minority population struggling to remain open.

Michelle O'Neill mentioned the publication yesterday of the sustainable schools policy; however, she failed to mention the secret manner in which it was released, with no announcement or fanfare. One wonders why the Minister, who usually loves to bask in the glow of publicity, sought to sneak the policy quietly into the public domain. Why was that the case?

Nelson McCausland said that education is central to our future. He said that 35% of schools in Scotland and 31% of schools in Wales are small and rural, with under 100 pupils. The situation in those countries is similar to that in Northern Ireland. In Scotland and England, the policy is to retain those schools, and we should be adopting the same attitude here. Ken Robinson mentioned the disproportionate impact that the closure of rural schools could have here and the cohesive impact of rural schools.

As one would expect, the Minister largely extolled the virtue of her own policy. She mentioned the special considerations that were given to rural communities: lower enrolment thresholds; accessibility; home-to-school travel times; and the community criteria. She also said that decisions to close schools would not be based solely on enrolment numbers, and everyone welcomes that.

All options should be considered in order to sustain rural schools.

**Mr Deputy Speaker:** Will the Member please draw his remarks to a close?

**Mr D Bradley:** Rural proofing should include specific financial support to aid sustainability, particularly in relation to schools that are joined in federation. We need specific criteria to help to assess the effectiveness of rural proofing in education. The policy must be implemented with sensitivity to local needs, alongside a vision for quality education. If those two requirements are met, we will do a service to our rural communities. Gabhaim buíochas leat, a LeasCheann Comhairle, agus tá mé réidh anois le suí síos.

*Question put and agreed to.*

*Resolved:*

That this Assembly calls on the Minister of Education to halt rural school closures, other than those where agreement has been reached locally, until the Sustainable School policy is agreed and implemented; and to ensure that rural proofing of that policy is underpinned with school viability criteria that are appropriate for schools serving rural communities.

*Adjourned at 5.17 pm.*



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# NORTHERN IRELAND ASSEMBLY

Monday 19 January 2009

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

*Members observed two minutes' silence.*

## ASSEMBLY BUSINESS

**Ms Ní Chuilín:** On a point of order, Mr Speaker.

**Mr Speaker:** I will take the point of order from the Member.

**Ms Ní Chuilín:** Go raibh maith agat, a Cheann Comhairle. I wish to make two points of order. The first relates to the debate on the Financial Assistance Bill that took place last Tuesday, 13 January. During the debate, Mr Declan O'Loan made remarks about my colleague Mitchel McLaughlin's role at a meeting of the Committee for Finance and Personnel that had taken place the previous week. Will the Speaker check the Hansard reports of that Committee meeting and of Tuesday's debate to determine the accuracy of those remarks?

My second point of order relates to the education debate on 13 January, during which Mr Mervyn Storey made remarks about my party colleague Caitriona Ruane. He said that she had "put on her educational balaclava". I consider those remarks to be unparliamentary, and I ask the Speaker to check the Hansard report of that debate.

**Mr Speaker:** I thank the Member for her points of order. On the first point, I will review the Hansard reports and come back to her.

On the second point of order, I have studied the Hansard report of the debate on the closure of rural schools on Tuesday 13 January. Yet again, I find myself reminding Members of the standards that are expected during any debate in the House. Members should know by now that direct, unsubstantiated allegations of criminal behaviour against another Member are highly unparliamentary.

The comments that were made directly about the Minister of Education fell short of the moderate or good temper that is expected in the House and were, at least, very discourteous. However, I do not consider that they crossed the line into unparliamentary language. I have repeatedly warned Members, and I do

so again, to take care about what they say about each other to ensure that they do not cross that line. I say that to every Member of the House, because debates can become heated, and sometimes things are said that, on reflection, should not have been said. I again remind Members on all sides of the House to be mindful of their language.

**Mr Storey:** Further to that point of order, Mr Speaker, will you clarify how you came to the conclusion that any of my remarks could have implied criminal behaviour? Where did you get that assessment of the issues that I raised or the statement that I made, which I have no difficulty with and will repeat? I find the sensitivity of the Members opposite astounding, bearing in mind their past and what they were engaged in for 40 years. All of a sudden they have become very sensitive about allegations and things that are said in this House.

**Mr Speaker:** I did not accuse the Member of making allegations of criminal behaviour. I was making a general point to Members concerning what they say and do in the House. I was not accusing the Member of accusing another Member of criminal behaviour.



## MINISTERIAL STATEMENT

### North/South Ministerial Council

#### Education Sectoral Format

**Mr Speaker:** I have received notice from the Minister of Education that she wishes to make a statement about the outcome of the North/South Ministerial Council meeting in education sectoral format.

**The Minister of Education (Ms Ruane):** Go raibh maith agat. With your permission, Mr Speaker, I wish to make a statement regarding the meeting of the North/South Ministerial Council (NSMC) in education sectoral format, which was held in the Mont Clare Hotel, Dublin, on 10 December 2008. I represented the Executive as Minister of Education, along with junior Minister Jeffrey Donaldson. The Irish Government were represented by Batt O’Keeffe, Minister for Education and Science. This statement has been agreed with Jeffrey Donaldson and is made on behalf of us both.

A Cheann Comhairle, ba mhian liom ráiteas a thabhairt maidir le cruinniú de chuid na Comhairle Aireachta Thuaidh/Theas i bhformáid na hearnála oideachais. Tionóladh an cruinniú sa Mont Clare Hotel, Baile Átha Cliath ar 10 Nollaig 2008.

I will summarise the main points from the meeting, ranging across all the agreed areas of education co-operation. The North/South Ministerial Council endorsed proposals for future work on education underachievement, which will focus initially on interventions to support parents and families in helping their children with education and on challenges facing children from the most disadvantaged backgrounds.

Tabharfaidh mé achoimre ar na príomhphointí a ndearnadh plé orthu ag an chruinniú, thar na réimsí comhaontaithe ar fad maidir le comhoibriú san earnáil oideachais.

The Council noted the positive report from the successful first joint conference on numeracy, which I attended. The areas identified in the report for further development, including possible collaboration in the areas of mathematics in initial teacher education, are under consideration by the two Departments.

We welcomed the establishment by the Department of Education of a task force on Traveller education, jointly chaired by Irish Traveller Catherine Joyce and Dr Robbie McVeigh, which will bring together a wide range of stakeholders across the island; the proposal to hold a North/South conference on best practice in Traveller education in March 2009; and the proposal to hold a peer learning event in March 2009 on the subject of school attendance.

On the issue of teacher qualifications and teachers’ superannuation, the Council noted the collaborative work on the portability of teachers’ pensions; the seminars for student teachers to provide information on the Irish language qualification requirements for teaching in Southern schools; the communication and co-operation between the inspectorates of both Departments of Education in relation to the professional development of inspectors; and the collaborative work on leadership development issues and the joint research project on how best to attract and develop new school leaders.

Thug an Chomhairle dá haire an tuarascáil dhearfach d’éirigh as an chéad chomhdháil ar uimhearthacht ar éirigh go hiontach léi agus a raibh mise i láthair aici. Tá breithniú á dhéanamh ag an dá Roinn maidir leis na réimsí a sainithníodh sa tuarascáil a raibh tuilleadh forbartha de dhíth orthu, lena n-áirítear comhoibriú féideartha i réimse na matamaitice in oideachas tosaigh na múinteoirí.

We also welcomed the findings of a study on the North/South student teacher exchange programme, which has been a great success in developing greater knowledge of each other’s education system and curriculum.

I now turn to special education needs. The Council noted the further progress that has been made in the past six months on the services provided by the all-island Middletown Centre for Autism, including the development of the centre’s training schedule for the current academic year. We also noted the completion of the centre’s detailed consultation with parents and other interested parties on how its services can be best provided.

We noted the main conclusions and findings of the consultation exercise, which will be published on the centre’s website. Some 90% of those who responded agreed with the centre’s residential approach. We noted that the centre is developing, with key partners, the important processes and criteria for referral to, and attendance at, the centre. In addition, we noted that a planning application had been made for the main rebuilding and refurbishment programme, and welcomed the completion of the refurbishment of the office accommodation.

Chuir muid fáilte roimh thorthaí an staidéir a rinneadh ar an chlár malartaithe ábhar múinteora Thuaidh/Theas, ar éirigh go hiontach leis maidir le níos mó eolas a fhorbairt ar chóras oideachais ar churaclam an dá limistéar.

The Council also welcomed plans by the two Education Departments to organise jointly an autistic spectrum disorder conference in November 2009.

I now turn to school, youth and teacher exchanges. The Council welcomed the ongoing commitment to



cross-border school, youth and teacher exchanges as a means of fostering mutual understanding and exploiting opportunities for mutual benefit. We also welcomed the work programme for the North/South Exchange Consortium, which will support the work of the two Departments in developing a joint approach for the management and funding of educational exchanges. The Council will consider at a future meeting a report on progress achieved.

Mar fhocal scoir, shocraigh muid gur chóir an chéad chruinniú den Chomhairle Aireachta Thuaidh/Theas i bhformáid na hearnála oideachais a thionól in Aibreán/Bealtaine 2009.

In closing, we agreed that the next meeting of the North/South Ministerial Council in education sectoral format should take place in April/May 2009. Go raibh maith agat.

**The Chairperson of the Committee for Education (Mr Storey):** As Chairperson of the Committee, I want to ask the Minister about her references in today's statement to the Middletown Centre for Autism. The Committee for Education heard directly from Gary Cooper, chief executive of the centre, and his senior colleagues, at its meeting on 8 October 2008. We received a detailed written response to follow-up questions from Mr Cooper and the Department on 12 November and 14 November 2008.

The Minister said in her statement that the Council noted the further progress that has been made in the past six months on the services provided at Middletown. However, one of the Committee's major concerns was: why the delay in providing the key assessment and learning support services for children and young people until spring 2010?

It was announced in 2002 that the Middletown centre provided those services. With estimated annual running costs of £3.5 million, and several million pounds being pumped into the centre over the past seven years, I will ask again: why will the centre not be fully operational to provide its key services for yet another year? I note the Department's written response to the Committee for Education last November, which said:

"it is regrettable that the centre has been subject to delay".

In her reply to my question, can the Minister inform the House precisely how much public money — resource and capital — has been spent to date on the Middletown project, and when will we really see delivery on an issue that has been dragged on for far too long?

**The Minister of Education:** Go raibh maith agat as an cheist sin. Thank you for that question.

The decision to establish the Middletown Centre for Autism jointly was endorsed by the North/South

Ministerial Council at its education sectoral meeting on 11 April 2002.

12.15 pm

The project was initially delayed because the vendors were unable to sell until April 2004. The property was then purchased in June 2004. Following the purchase, the project was delayed while the Department of Education carried out an extensive revised economic appraisal, which was approved by the Department of Finance and Personnel in July 2006.

I take no responsibility for that delay; it happened under a direct rule Minister. Members know that I believe that the centre is a very important project. One of the first visits that I made as a Minister — with deputy First Minister, Martin McGuinness — was to the centre. I am very impressed with the centre's work.

The two Education Departments, along with the integrated design team, have been progressing matters pertaining to the rebuilding and refurbishment programme. The centre has provided training courses since December 2007 and a research function since the summer of 2008. The assessment services cannot come on stream until the completion of the building programme in spring 2010.

However, next year will see the modelling of the two-day education assessment service for children and young people with autistic spectrum disorder. The centre is developing a three-year corporate plan and a business plan, which will be made available once approved. All Members are aware of the importance of providing services for children on the autistic spectrum. The Middletown Centre is a centre of excellence.

Funding for the purchase and running costs of the Middletown Centre has been provided on a 50:50 basis by the Department of Education in the North of Ireland and the Department of Education and Science in the South of Ireland. The Department of Education spent £1.5 million on the purchase of the property. The running costs of the centre are estimated at approximately £3.5 million per annum and are shared equally between the two Departments.

The refurbishment costs are being considered by my Department and the Department of Finance and Personnel as part of an updated economic appraisal. The Department of Health and Children in the South also funds half the therapy and day costs. I hope that no Member believes that funding should not be provided for children who deserve to attend the centre. In fact, I know that Members will join me in wishing the centre all the best in the wonderful work that it is doing. The amount of money involved is relatively modest, given the services provided in what is a very exciting project.



**Mr P Maskey:** Go raibh maith agaibh, a Cheann Comhairle agus a Aire. My West Belfast constituency contains many children from the Travelling community. What provisions are available for children from the Travelling community, including Roma? Sometimes many of those children are left to their own devices for far too long.

**The Minister of Education:** I welcome the Member's focus on Traveller and Roma children, who are among some of the most disadvantaged children throughout the island of Ireland.

The common funding formula resulted in schools receiving £983 per Traveller child for 2008-09. In the same year, earmarked funding of £364,000 was provided to education and library boards for the education of Traveller children. Therefore, a total of more than £1 million was provided as additional funding for the education of Traveller children in the North of Ireland, 92% of whom do not have formal qualifications. That is a staggering number of young people from any ethnic group, and a figure about which I am very much concerned.

My Department recognises the need to build a more co-ordinated approach to Traveller education; therefore, the creation of a centralised service is a high priority. I have established a task force on Traveller education that brings together representatives from statutory and non-statutory bodies from all of Ireland. They will help the Department to develop an action plan that will be a catalyst for real and lasting change in the education of children from the Traveller community. The task force will build on current engagement with the voluntary sector in order to explore how the statutory sector and organisations that support the Travelling community can work together in an effort to ensure better educational outcomes.

As I said in my statement, a North/South conference on good practice in Traveller education is scheduled for 11 March 2009. That will be aimed primarily at educationalists. Relevant non-governmental organisations will also participate. The conference will raise awareness among principals and teachers of a range of good practice, and encourage the associated changes in schools.

Updated guidance, in the form of a school circular, will be provided to schools in 2009 on the education of children from the Travelling community. After it has been considered by the Task Force on Traveller Education, the circular will be issued to schools for consultation. As I said, Catherine Joyce, who is an Irish Traveller, co-chairs that task force with Dr Robbie McVeigh.

I am also aware that Roma children are enrolled in some schools in the North. Although there is no census information on those children, from next year there will be a "Roma" category in the annual school census,

which means that we will be able to obtain a more accurate picture of where they are enrolled. Many Roma children have never been to school, and those who are enrolled in schools have attendance and significant attainment problems.

Roma children also have language requirements, for which my Department is already providing funding, because they are classed as having English as an additional language (EAL). We are also planning additional funding for the incoming year, in recognition of the barriers to learning that Roma children face, which are similar to those that Irish Traveller children face. That means that schools with such children will obtain additional funding under two separate categories — Roma children will be classed as both EAL children and children from the Travelling community. In the past, Roma children were not entitled to free school meals, and all Members will agree that no children should go hungry in our classrooms. Therefore, we have put in place interim arrangements to ensure that Roma children get a meal during the school day.

**Mr B McCrea:** Before I ask my question, is it in order to raise a point of order?

**Mr Speaker:** No, it is not. However, the Member can raise it when questions to the Minister on her statement have finished.

**Mr B McCrea:** I will do that, Mr Speaker.

We are in a strange situation in which the Minister's answers to questions are longer than her statement. One might be forgiven for thinking that the Minister had a little bit of prior information about the questions.

The Minister cited the developments on educational underachievement in the Republic of Ireland, which has a comprehensive education system. Is she aware of an Irish Government report that states that one in 10 children still leave school without basic reading and writing skills, which rises to one in three children from disadvantaged communities? Given those statistics from the South, will the Minister agree that academic selection is a red herring that has nothing to do with tackling educational underachievement? Will she also admit that her efforts in the past 18 months have been a waste of time, because they have failed to address the real issues that our communities face?

**The Minister of Education:** Educational underachievement is unacceptable, wherever it occurs on this island. One reason why I place educational underachievement at the top of my agenda for North/South Ministerial Council meetings is that I want to see all children on this island get access to the best possible education. We must ensure that we do not leave any child behind and that every child gets a fair chance. If children do not get a fair chance in Mayo, Galway, Cork, Derry, Donegal or Belfast, we must do



something about that. Children get one chance in life, and we must ensure that every barrier to opportunities for children is removed. I would appreciate if the Member listened to my answer to his question.

With regard to the use of academic selection, if any Member thinks that it is acceptable that 12,000 young people leave school without GCSEs in English and maths or Irish and maths, I do not share that view. I will not be a Minister who presides over educational apartheid. If Members are happy that 92% of the Travelling community leave school without any formal qualifications, let it be on their consciences, because it will not be on mine. My party and I will take every possible step to ensure that the best possible education system is in place for Traveller children, Roma children and all children who face barriers. *[Interruption.]*

**Mr Speaker:** Order.

**The Minister of Education:** I was asked whether I thought that I had wasted my time — absolutely not.

The debate that we have been having in recent months has been crucial. Thankfully, there is no more 11-plus — it is gone. I hope that we can reach agreement on the matter, and I will do everything that I can in order to ensure that we can reach agreement in the House. However, if we cannot do so, I will issue guidance. I will not stand idly by and watch while our children are failed. We should not compare educational underachievement in the South with that in the North. We should celebrate children who achieve and ensure that those who are not achieving have the opportunity — that they richly deserve — to do so. We have failed generations of young people, and that cannot continue.

**Mr D Bradley:** Go raibh míle maith agat, a Cheann Comhairle. I heard an echo of the former Taoiseach Jack Lynch when the Minister said that she would “not stand idly by”.

Cuirim fáilte roimh an ráiteas atá déanta ag an Aire inniu, agus gabhaim buíochas léi as. Ach mar sin féin, tá ceist nó dhó agam di. Ba mhaith liom a fhiafraí den Aire an bhfuil aon dul chun cinn déanta aici maidir le cúrsaí a chur ar fáil i gcoláiste oiliúna anseo sa Tuaisceart do oiliúint in-seirbhíse múinteoirí agus do oiliúint ábhar oidí sa cháilíocht Gaeilge atá riachtanach i gcoláistí sa Deisceart.

I thank the Minister for her statement, which I welcome. Has she made any progress in providing in-service and initial teacher-training courses for the Irish-language qualification that is necessary in the South? Has she made any provision for such courses in a training college in the North of Ireland?

**The Minister of Education:** Go raibh maith agat as an cheist sin. As the Member knows, a review of Irish-medium education is taking place, and there have been major consultations on it. I am sure that the

Member's party has made a submission to the review, and, if it has not, I urge it to do so. All the submissions will be studied carefully, and we will introduce a programme for every aspect of Irish-medium education.

**Mr Lunn:** I thank the Minister for her statement. To follow on from Dominic Bradley's comments about teachers' qualifications, a seminar will be held to provide information on the requirements for the Irish-language qualification. Did the Minister get any sense that, in the South, those requirements may eventually be relaxed slightly rather than done away with?

**The Minister of Education:** Go raibh maith agat as an cheist sin. As the Member knows, teachers from here who wish to teach in the primary sector in the South but who do not hold the requisite Irish-language qualification — an scrúdú le haghaidh cáilíochta sa Ghaeilge — are granted provisional recognition as teachers by the Department of Education and Science, and they are allowed five years in which to acquire the qualification. On attainment of that qualification, they are then recognised in the South of Ireland as being fully qualified. Provisionally recognised teachers are placed on the appropriate point of the salary scale, and they are entitled to qualification allowances.

In the case of post-primary schools, the Irish-language requirement applies only to teachers who are employed in Gaeltacht schools — where every subject is taught through the medium of Irish — and to teachers who teach any subject through the medium of Irish. I am sure that Members will understand that in the South of Ireland, the Irish language is taught in the same way as the English language and that many different subjects are taught through the medium of Irish. It is a key part of the curriculum, and children learn in a bilingual way from the moment that they start school.

We have done everything that we can to ensure that no one is disadvantaged, but we must respect the native language of a country at the same time.

**Mr McCausland:** In the Minister's statement, she said that she would treat children from the Travelling community as children for whom English is an additional language. What was the basis for that decision? What research has been carried out on the competence of children from the Travelling community in the English language and in the language that is traditionally associated with that community, which, I think, is either Cant or Shelta?

12.30 pm

**The Minister of Education:** Plenty of research has been done on the subject of English-language education for Traveller children. The Member will be aware that the Travelling community was a key focus of a recent Equality Commission conference. Report after report has shown the serious disadvantage that



the Travelling community experiences. Education in the cultural traditions and language — Cant — of Traveller children is now a part of the curriculum in order to avoid the racism that the Travelling community faces in Ireland, North and South. I take the matter very seriously.

**Mr McKay:** Go raibh maith agat, a Cheann Comhairle. I welcome the Minister's statement, and I especially welcome the work that is being done on educational underachievement. What were the main outcomes of the discussions that took place at the most recent North/South Ministerial Council meeting in education sectoral format?

**The Minister of Education:** Go raibh maith agat as an cheist sin, a Dhaithí. Appropriately, the most recent North/South Ministerial Council meeting in the education sectoral format was held in Dublin on 10 December 2008 — International Human Rights Day. At that meeting, Ministers endorsed proposals for future work on educational underachievement. That work will focus initially on interventions to support parents and families from disadvantaged backgrounds in helping their children to face educational challenges.

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

We noted the positive report from the successful first joint conference on numeracy, which I attended, along with Seán Haughey TD from the South of Ireland. The areas that were identified for further development in the report included possible collaboration on mathematics and initial teacher education. The two Departments are considering those issues, but it was useful that that conference focused solely on numeracy and mathematics. It brought together some of the best minds on the island, North and South, to develop strategies to deal with poor numeracy.

We welcomed the establishment of the Task Force on Traveller Education. A follow-up conference on best practice in Traveller education will take place in March 2009, and a proposal has been made to hold a peer learning event in the same month. Some good work has been done on leadership. We all know that school leadership and the role of principals is very important, and we are putting a huge amount of energy into implementing the Organization for Economic Co-operation and Development (OECD) recommendations on school leadership and on how to tackle some of the issues.

**Mr Ross:** I wish to return to the subject of educational underachievement. We know that it is an important issue, particularly in Protestant working-class areas; however, the biggest barrier may be educational aspiration. In discussing the matter with her counterparts in Dublin, or even looking to GB for an example, does the Minister now recognise that, where geographical criteria are used for admissions to

schools, the evidence backs up the fact that parents who have more money can buy houses that are closer to the most popular schools, and children from disadvantaged areas lose out more than they would under a system of academic selection?

**The Minister of Education:** First, I am glad that the subject of educational underachievement is now firmly on the agenda. When I came into this post many months ago, people were talking about a world-class education system, without focusing on educational underachievement. Thankfully, how to deal with that is now on the agenda. Thankfully, the 11-plus is gone. I welcome the fact that we are now considering how our children will transfer from primary education to post-primary education.

I have brought proposals to the Executive, and I have made no secret in the House of my views on academic selection. I say to those who are concerned about a postcode lottery, let us look at the lottery that currently exists. In the past, I gave Members statistics on children from areas such as —

**Mr Storey:** The Malone Road.

**The Minister of Education:** The Malone Road or Hillsborough, for example. Those areas would be viewed as affluent, and they would not appear at the top of the Noble index or be considered under new targeting social need. I also gave Members statistics for the Shankill Road, the New Lodge and other parts of the North.

Those statistics are very worrying. I welcome Mr Ross's question about how we will ensure that the new proposals do not recreate the postcode lottery that currently exists. That can be achieved in a couple of ways. We should keep families and communities together, which is a good way to build strong communities and to make sure that children are not bypassing local schools.

Members will be aware that in the proposals that I brought forward, a very small number of free school meals is provided in the grammar school sector, and a much higher 19% in the secondary sector. Therefore, because I have listened to what Members said, my proposals look at social justice criteria in order that the number of children getting free school meals is spread fairly right across the school system, thereby avoiding a situation in which some schools have 34% and 58% of children getting free school meals, and some schools have 0%.

**Mr McCallister:** Despite the Minister's update on progress at Middletown, is it not the fact that it is unlikely that children will be at the centre before 2010, and that given her High Court humiliation over contracts, that deadline may be put even further back?



What has been the staffing cost at Middletown since 2005? It hardly takes hundreds of thousands of pounds to put a programme together. However, that is all that seems to have been achieved at Middletown so far. Given all the consultations that the Minister alleges that she has had – and there are concerns about the centre, the numbers attending and its location – has she made any concrete arrangements for health cover?

Finally, is the Minister willing for her Middletown folly to be the subject of a full debate in the Chamber?

**The Minister of Education:** It worries me when I hear constant criticism of a centre that will be for our most vulnerable children. It worries me greatly, and I am very disappointed that some Members are trying to diminish the centre. This is a key centre of excellence for our children —

**Mr McCallister:** How many?

**The Minister of Education:** Excuse me; there is no need to interrupt. I did not interrupt you.

The centre will provide key services for some of our most vulnerable children. I am very surprised to hear that the Member may have concerns about location. The Member comes from the constituency of South Down. Surely, it is his role to ensure that services are located not just in the Belfast area. I hope that the Member will read the Bain Report on the issue of decentralisation.

The qualification must be made that some people think that there is a problem with the centre's location. I believe that the location is very good; the centre is strategically located so that children can travel to it from all parts of the North and the South. It is very good that we have that centre in the North of Ireland.

**Mr McCallister:** What about the funding?

**The Minister of Education:** I have already provided the funding figures. The four key services to be provided by the centre are a learning support service, an educational assessment service, a training and advisory service, and an autism research and information centre. The centre will be multi-disciplinary and operate in support of local services, but will not offer a primary referral service.

This may be news to the Member, but the centre has already begun to deliver training courses. Approximately 360 education professionals have been trained. A planned training schedule of almost 30 training sessions, delivering training to education professionals and allied professionals, statutory and voluntary, is in place for 2009. Research has commenced on data collection for internal analysis by the centre and a review of literature on diet and its impact on autism. That was one of a number of research issues that were identified during the centre's public consultation. The education assessment and learning support services will come on

stream when building works are complete, which is expected to be in the spring of 2010.

With regard to the North/South dimension, the Southern Government's Department of Health and Children and Department of Education and Science are funding the centre. Unfortunately, in the North, only the Department of Education is providing funding.

**Mr Attwood:** I refer the Minister to the final section of her report to the Assembly, which deals with school, youth and teacher exchanges. I am concerned about that section because, as she is aware, a proposal was made during the first mandate to create a trust in which the work of the British Council, the Youth Council and Léargas would be integrated in order to maximise North/South educational exchanges.

Since the current Minister took up her position, an economic appraisal and a review of that proposal have been carried out, but the Minister has not come to the Assembly to explain what is happening with that proposal. Where is the review that arose from the economic appraisal? Is the Minister concerned that a good model for joined-up educational exchanges on this island — the proposal for a trust — is in jeopardy and that a lesser model will be put in place?

**The Minister of Education:** As the Member knows, an unprecedented amount of North/South work has been carried out at all levels. I outlined the amount of work that is going on, and I will continue to do North/South work, as I do British-Irish work.

During the North/South Ministerial Council meeting, we welcomed the work programme for the North/South Exchange Consortium, which will support the work of the two Departments in developing a joint approach for the future management and funding of educational exchanges. At a future meeting, the NSMC will consider a report on the progress that has been achieved.

**Mr Deputy Speaker:** I call Mr Francie Brolly.

**Mr Molloy:** Thank you. *[Laughter.]*

**Mr Deputy Speaker:** Mr Francie Brolly.

**Mr Brolly:** Go raibh míle maith agat. Does the Minister agree that teachers who move either way between North and South should be able to transfer their pension benefits?

**The Minister of Education:** I agree that teachers should be able to transfer their pension benefits. It must be ensured that there is maximum North/South mobility, and it is in everyone's interest that that happens. That has been on the agenda, and we are waiting for a report on the obstacles to mobility and how we ensure that across all sectors — not only the education sector — there are no barriers to teachers moving from North to South or from South to North.



**Mr Deputy Speaker:** I call Mr Francie — watch my lips — Molloy.

**Mr Molloy:** Go raibh maith agat. I thank the Minister for her statement, particularly for the detail that she provided on the autism centre and the work that has been done there.

What process has been put in place to assist teachers to attain the qualification for teaching Irish in the South of Ireland?

**The Minister of Education:** Go raibh maith agat as an cheist sin. As I said in an answer to an earlier question, a review of Irish-medium education has been completed, and an extensive consultation has taken place. The Department will study all the proposals in detail and will then introduce its final proposals.

**Mr Deputy Speaker:** I call Mr Tom Elliott.

**Mr Elliott:** Thank you. I am just glad that I am not called Francie Elliott.

The Minister's statement mentioned the seminars for student teachers to provide information on Irish-language qualification requirements. I also noted Mr Lunn's half-hearted request for a relaxation of that measure. Is it not time that the Minister tried to impress on, and strongly lobby, her Southern counterparts that it is time to abandon that outdated policy and practice and to develop a policy that is much more reflective of a shared future and positive co-operation?

**The Minister of Education:** I am not sure that I understand the Member's question. Is the Member suggesting that the practice of speaking Irish be abandoned, or that children in the South of Ireland should not be entitled to their rights? I welcome the fact that children in the South of Ireland and, increasingly, in the North of Ireland who do not go to an Irish-medium primary school can learn Irish in primary school. As Members know, I put in place an optional primary languages programme for Irish and Spanish, because children learn languages far too late in the North.

12.45 pm

In the South, thankfully, children learn two different languages from the moment they enter primary school. It is a pity that children here do not learn languages earlier. However, I have remedied that to some degree. The Irish language is the native language of Ireland; it is a beautiful language. I take seriously my duties under the Good Friday Agreement and European legislation.

**Mr B McCrea:** On a point of order, Mr Deputy Speaker. The Assembly is striving to achieve a more lively debate at Question Time. Will you bring to the Speaker's attention the suggestion that we adopt the same rules for questions on a Minister's statement? After all, they are also questions. To facilitate a more

interactive engagement with the Minister who makes the statement, Members should not read prepared questions.

**Mr Deputy Speaker:** I thank the Member for his point of order. I will report it to the Speaker and he will respond at a later date.

**Mr Attwood:** On a point of order, Mr Deputy Speaker. A particularly good example of what Mr McCrea referred to occurred during the Minister's reply. I asked a useful question — *[Interruption.]* Such is the nature of SDLP Members' questions. However, in response to my question, the Minister repeated part of her report verbatim.

**Mr O'Dowd:** On a point of order; the Member is supposed to be raising a point of order.

**Mr Attwood:** This is a point of order — the Minister repeated, verbatim, the second last paragraph of her statement. Therefore, further to what Mr McCrea has said, I ask the Speaker to consider whether it is in order for a Minister who is not in a position to answer a question to concede the point and to provide a written answer to the Member who asked it. It is not acceptable that, in reply to a question, a Minister should read out her statement a second time. What is the point of asking questions if that is the standard of reply?

**Mr Deputy Speaker:** I thank the Member for his point of order. He has made his point well, in not only his own opinion, but in the opinion of others. The point will be brought to the Speaker, who will respond in due course.

Nonetheless, it is a convention of the House that if several questions are put to the Minister by a Member, the Minister may choose to answer one, two, all, or only a few of the questions put.

**Mr B McCrea:** On a point of order. I thank you for your clarification of that convention, Mr Deputy Speaker. However, the point is that the reading out, verbatim, of a statement already before Members is not answering the question. The purpose of these proceedings is the furnishing of answers to questions.

**Mr Deputy Speaker:** As previously stated, the Speaker will respond at a later date.



## COMMITTEE BUSINESS

### Amend Standing Order 64

**Mr Deputy Speaker:** The Business Committee has allocated up to one hour for the debate and up to 20 minutes for the Committee Chairperson to move the motion and to give his winding-up speech. All other Members who wish to speak will have five minutes.

#### **The Chairperson of the Committee on Procedures (Lord Morrow):** I beg to move

In Standing Order 64, delete “all” and insert —

#### **“64. MATTERS OF JOINT CONCERN: OPTIONS AVAILABLE TO COMMITTEES**

Where a matter may be of concern to two or more committees (“the relevant committees”) it may be dealt with by —

(a) one of the relevant committees disposing of it, in accordance with Standing Order 64A;

(b) the relevant committees sitting concurrently, in accordance with Standing Order 64B;

(c) an ad hoc joint committee established for that purpose, in accordance with Standing Order 64C.”

#### **64A. MATTERS OF JOINT CONCERN: DISPOSAL BY ONE COMMITTEE**

(1) The chairpersons of the relevant committees shall consult and agree which committee the matter should fall to for disposal. Where they are unable to agree, they shall make their views known to the Business Committee which shall rule on which committee the matter should fall to for disposal.

(2) The committee to which the matter falls for disposal shall seek the views and establish the interests of the other relevant committees before arriving at any conclusions and may invite the other relevant committees to carry out the consideration of any stated issue and provide it with a draft report.

#### **64B. MATTERS OF JOINT CONCERN: COMMITTEES SITTING CONCURRENTLY**

(1) The relevant committees shall consult and agree that the matter be disposed of by the relevant committees sitting concurrently.

(2) The procedures normally applicable to committees shall continue to apply to concurrent sittings, save that the relevant committees shall, as far as practicable, operate as a single committee. While operating as a single committee, they shall, for example, deliberate and consider any evidence together, produce a single set of minutes, and prepare any reports together.

(3) The chairpersons of the relevant committees shall consult and agree that—

(a) one of them shall act as chairperson and another as deputy chairperson, or

(b) the posts of chairperson and deputy chairperson shall be rotated between them.

The chairpersons shall prefer that a person not act as chairperson at the concurrent sittings if he or she is of the same party as a Minister (including the First Minister and deputy First Minister) who the concurrent sittings may advise or assist.

(4) Where the chairpersons of the relevant committees fail to agree on one of the alternatives set out in paragraph (3), they shall

make their views known to the Business Committee which shall rule on the matter.

(5) For the avoidance of doubt —

(a) a person acting as chairperson at a concurrent sitting, who is a chairperson of one of the relevant committees, shall not be regarded as breaching any prohibition in Standing Order 48(13) or 51(10);

(b) a quorum shall be present at a concurrent sitting if there is a quorum present for each of the relevant committees;

(c) all questions at concurrent sittings shall be decided by a simple majority of all members present; voting shall be by a show of hands unless otherwise requested by a member of a relevant committee.

#### **64C. MATTERS OF JOINT CONCERN: ESTABLISHMENT OF JOINT COMMITTEE**

(1) The relevant committees shall consult and agree that the matter be disposed of by the establishment of an ad hoc joint committee.

(2) Save as is set out below, the ad hoc joint committee shall be established in accordance with Standing Order 53.

(3) Membership of the ad hoc joint committee shall be drawn from the memberships of the relevant committees.

(4) The ad hoc joint committee shall appoint its own chairperson and deputy chairperson, and if it fails to do so, it shall make its views known to the Business Committee which shall rule on the matter.”

In June 2008, the Committee on Procedures brought before the Assembly its ‘Report on Committee Systems and Structures’. That report was approved by the Assembly and included a recommendation on joint Committees. The Committee has been working on a Standing Order to give effect to the recommendation and the result is the motion Members have before them. It covers the current provision in Standing Orders for overlap of Committee business. As currently written, Standing Orders allow for one way in which Committees may deal with overlap of business. The amendment to Standing Orders provides for three ways in which that may be done.

I wish to outline some of the processes used in developing the motion to amend, which is for approval by the Assembly today.

In accordance with the provisions and principles of the proposed motion to amend, the Committee held in-depth discussions over a significant number of meetings. The Committee on Procedures takes its remit seriously, and it examined each of the three proposed options against a number of operational and procedural criteria. Those include what permissions, if any, are required to establish chairing arrangements; arranging meeting rooms; membership of Committees and proportionality; quorums; and criteria for voting and decision-making.

After making initial policy decisions on those and other matters, the Committee drew up the first draft of the motion to amend, which was subsequently



amended several times as the Committee sought to improve its clarity and readability. Before tabling the amendment, the Committee also consulted with — and took the opinion of — the Chairpersons' Liaison Group, and it also worked closely with the Speaker and the Business Committee. Therefore, the Committee has put substantial effort into ensuring that the proposed amendment is as good as it can be, and for that I thank the Committee for its time and commitment.

The proposed amendment has four parts, and I will explain each in turn. Proposed new Standing Order 64 is a gateway provision that allows Committees three options when dealing with matters of joint concern. One Committee can take the lead — as per the provision in current Standing Order 64 — or it can act jointly through one of two new provisions.

Proposed new Standing Order 64 specifically sets out not to create a hierarchy, but to allow maximum choice. Committees do not have to use one option above the others, and the options are not mutually exclusive, meaning that it may be appropriate to begin by using one option and then to move to another. The whole idea is to allow for maximum choice and the greatest flexibility, but once a route or option has been chosen, the relevant Committees must abide by the rules that govern that option.

Proposed new Standing Order 64A is a reworked version of the current Standing Order 64, which deals with the overlap of Committee business. It is important to point out that the essential principles and provisions in the current version will not be altered by the amendment. However, the Committee has made some editorial and grammatical amendments, such as replacing the words “affected committees” with “relevant committees”. Another editorial change is the replacement of the term “A committee taking the lead” with:

“The committee to which the matter falls for disposal”.

Those editorial changes address any concerns that one Committee may have a superior or lead position over another. The Committee on Procedures has also taken the opportunity to remove some duplicate and surplus wording and believes that this amendment is clear and, more importantly, can be read and understood more easily by Members, staff and the public.

The next part of the proposed amendment is proposed new Standing Order 64B — “Matters of Joint Concern: Committees Sitting Concurrently”. The provisions in that are new and allow two or more Committees to meet together and operate as one Committee, with the procedures applicable to Committees also being applicable to the concurrent sittings. The text of the proposed amendment in proposed new Standing Order 64B(2) gives some examples of how such procedures would apply, such as producing “a single set of minutes”. The list is not

definitive and is provided as an example and to help to avoid confusion. Other procedures and powers such as those that are contained under section 44(1) of the Northern Ireland Act 1998 and that deal with the powers for Committees to call for persons and papers also apply, and no permission, other than the agreement of the relevant Committees, is required to enact that option.

Provision has been made that the Chairpersons of the relevant Committees can agree between them that one will act as Chairperson and the other as Deputy Chairperson, or that they can agree to rotate the post between them. In making that decision, the Chairpersons are asked to be guided by — but not strictly held to — the provision that it is preferable that the Chairperson is not of the same party as the Minister. That provision is set out in Standing Order 48(5), which deals with Statutory Committees, and suggests that it is preferable but not mandatory that the Chairpersons are not of the same party as the Minister.

If there is no agreement on who will chair the concurrent meeting, the matter will be referred to the Business Committee, which will decide the issue. The Committee on Procedures does not envisage that happening very often and expects that the Chairpersons will be reasonable on that issue.

The Standing Orders on Committees do not allow a Member to be a Chairperson of two Committees, but that provision has not been enacted for concurrent meetings. The proposed amendments to Standing Order 64 would not work were that provision to be enacted.

Standing Order 64B(5) lists a number of provisions. Members will note that this Standing Order is introduced by the phrase “For the avoidance of doubt”. That is stated because those provisions are all self-evident and arise from the fact that the same procedures will apply to concurrent meetings as apply to a single Committee meeting. The provisions are included to emphasise that point and to ensure that there is no doubt about issues such as the quorum and voting.

I hope that I have explained the proposed Standing Order 64B. It may be useful for Members to recall that, during a survey, a majority of MLAs indicated that they were very supportive of such a provision. That support was based on an understanding that concurrent sittings would provide better scrutiny. An example may help to make things clearer. The Budget process and the Programme for Government are closely linked and interwoven, yet they are scrutinised separately by the relevant Committees. The proposed provision would allow for joint — and, hopefully, even better — scrutiny.

Another example could involve a hypothetical Bill on matters relating to children. Such a Bill might cut across two or more Committees, which, in the interests



of efficiency, may decide to take evidence together. It is up to the relevant Committees to decide to meet concurrently — if they do not want to do so, they cannot be forced.

The final draft amendment, Standing Order 64C, allows for the establishment of ad hoc joint Committees. It has been included to allow, specifically, for issues that may cut across three or more Committees. If three or four — or even more — Committees are involved in an issue, they may not find it physically possible to meet concurrently due to a lack of suitable meeting space or the unavailability of members. In other cases, it may be considered more effective to set up an ad hoc joint Committee because the issue may be of such importance, may need such in-depth consideration or will take a long time to complete.

An ad hoc joint Committee would operate in exactly the same way as an ad hoc Committee that might be established under Standing Order 53, with the following two exceptions. First, the relevant Committees would have to agree that an ad hoc Committee is required. The relevant Committees would then make a request to the Business Committee, which would bring a motion for the creation of an ad hoc joint Committee to the Assembly for approval.

Secondly, ensuring proportionality of membership was very important for members of the Committee on Procedures, and the proposed amendment provides for the Business Committee to establish the membership of the ad hoc joint Committee and ensure its proportionality by drawing on the membership of the relevant Committees. That will result in the expertise and knowledge of each Committee being brought to the ad hoc joint Committee.

The ad hoc joint Committee would appoint its own Chairperson and deputy Chairperson. Otherwise, as I said earlier, the same rules and procedures as those in Standing Order 53 would apply. As Members are already familiar with Standing Order 53, I see no reason to go into detail on it now.

I shall illustrate the provision and principles in draft Standing Order 64C by the following example. Imagine the possibility of establishing a national park for Northern Ireland. Such a matter would fall for scrutiny across many Committees. However, the establishment of an ad hoc joint Committee would allow for fuller and better scrutiny of the matter than if it were divided among the different Committees.

I trust that I have outlined the rationale behind the motion to amend. I look forward to hearing what my colleagues will say in relation to the matter.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. Sinn Féin supports the motion. I acknowledge the work of the Chairperson in steering the Committee through this particular piece of work.

I also acknowledge the work of the Committee Clerk and her staff in taking the Committee through the issue, as outlined by the Chairperson. We feel that it is an appropriate change to Standing Orders, which will allow for more efficient and appropriate scrutiny. Rather than have two or three Committees undertake the same work, it will allow them to work in a joint fashion. With that in mind, we support the motion. Go raibh maith agat.

*1.00 pm*

**Mr O’Loan:** I also support the motion, and I thank and congratulate the Chairperson of the Committee for the manner in which he has conducted the discussion of the issue. Equally, I thank and congratulate the Committee Clerk, who has served the Committee very well in this matter.

This is a useful addition to the scrutiny procedures of the Assembly. Once the measures are put in place, I hope that they will be used, particularly in the case of joint Committee working. That will prove to serve the interests of the Assembly well.

**Lord Morrow:** I do not wish to add to what has been said. I thank Members for their support. I believe that this will be a very useful amendment to our Standing Orders, and I commend it to the House. I also wish to record my appreciation, as Chairperson, to the Committee Clerk and to those who have assisted the Committee.

**Mr 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):*

In Standing Order 64, delete all and insert -

“64. MATTERS OF JOINT CONCERN: OPTIONS AVAILABLE TO COMMITTEES

Where a matter may be of concern to two or more committees (“the relevant committees”) it may be dealt with by –

(a) one of the relevant committees disposing of it, in accordance with Standing Order 64A;

(b) the relevant committees sitting concurrently, in accordance with Standing Order 64B;

(c) an ad hoc joint committee established for that purpose, in accordance with Standing Order 64C.

64A. MATTERS OF JOINT CONCERN: DISPOSAL BY ONE COMMITTEE

(1) The chairpersons of the relevant committees shall consult and agree which committee the matter should fall to for disposal. Where they are unable to agree, they shall make their views known to the Business Committee which shall rule on which committee the matter should fall to for disposal.

(2) The committee to which the matter falls for disposal shall seek the views and establish the interests of the other relevant committees before arriving at any conclusions and may invite the other relevant committees to carry out the consideration of any stated issue and provide it with a draft report.



#### 64B. MATTERS OF JOINT CONCERN: COMMITTEES SITTING CONCURRENTLY

(1) The relevant committees shall consult and agree that the matter be disposed of by the relevant committees sitting concurrently.

(2) The procedures normally applicable to committees shall continue to apply to concurrent sittings, save that the relevant committees shall, as far as practicable, operate as a single committee. While operating as a single committee, they shall, for example, deliberate and consider any evidence together, produce a single set of minutes, and prepare any reports together.

(3) The chairpersons of the relevant committees shall consult and agree that—

(a) one of them shall act as chairperson and another as deputy chairperson, or

(b) the posts of chairperson and deputy chairperson shall be rotated between them.

The chairpersons shall prefer that a person not act as chairperson at the concurrent sittings if he or she is of the same party as a Minister (including the First Minister and deputy First Minister) who the concurrent sittings may advise or assist.

(4) Where the chairpersons of the relevant committees fail to agree on one of the alternatives set out in paragraph (3), they shall make their views known to the Business Committee which shall rule on the matter.

(5) For the avoidance of doubt—

(a) a person acting as chairperson at a concurrent sitting, who is a chairperson of one of the relevant committees, shall not be regarded as breaching any prohibition in Standing Order 48(13) or 51(10);

(b) a quorum shall be present at a concurrent sitting if there is a quorum present for each of the relevant committees;

(c) all questions at concurrent sittings shall be decided by a simple majority of all members present; voting shall be by a show of hands unless otherwise requested by a member of a relevant committee.

#### 64C. MATTERS OF JOINT CONCERN: ESTABLISHMENT OF JOINT COMMITTEE

(1) The relevant committees shall consult and agree that the matter be disposed of by the establishment of an ad hoc joint committee.

(2) Save as is set out below, the ad hoc joint committee shall be established in accordance with Standing Order 53.

(3) Membership of the ad hoc joint committee shall be drawn from the memberships of the relevant committees.

(4) The ad hoc joint committee shall appoint its own chairperson and deputy chairperson, and if it fails to do so, it shall make its views known to the Business Committee which shall rule on the matter.”

## PRIVATE MEMBERS’ BUSINESS

### Reducing the Number of Government Departments

**Mr Deputy Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. All other Members who wish to speak will have five minutes. One amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes to propose and five minutes to make a winding-up speech.

**Mr Hamilton:** I beg to move

That this Assembly recognises the importance of ensuring that the maximum amount of public spending is directed at front line services; and calls on the First Minister and deputy First Minister to bring forward proposals to reduce the number of Government Departments.

I declare an interest as a member of the Assembly and Executive Review Committee, which has taken an interest in the subject in the past.

This is one of the most important issues that the Assembly will debate during this term: the ongoing need for efficiencies in government and a particular need, in this case, for a reduced number of Government Departments. I do not want to dwell on how we got to where we currently are; everyone knows that the creation of 10 Departments was a carve up between the then biggest parties, the UUP and the SDLP, who were basically out to serve their own interests. The legislation permitted up to 10 Departments to be put in place, and they took full advantage of that by putting those 10 Departments in place.

The DUP has consistently supported the reduction of that number, and now that the roles are reversed and we are the biggest party, we are consistent in our support for that reduction. That stems partly from the fact that there is an utterly disproportionate number of Government Departments in Northern Ireland.

We have a population of just over 1·7 million; yet we have 11 Government Departments. Scotland has a much bigger population — around five million — and it has reduced its number of Government Departments from nine to six. I do not think that anyone would say that Scotland is not a country that is governed well; in many cases we use it and some of its procedures as examples of best practice within devolution. We should take lessons from that. In many ways, I think that the argument is made by making that point alone.

Another devolved region can do what we do, but with significantly fewer Government Departments. I think that that makes the case, and there is almost no need to elaborate further.



There are two principal reasons to look at a reduction in the number of Government Departments. The first concerns resources, and now is absolutely the right time to consider that. These are difficult economic times, and there are pressures on every budget. As many resources as possible must be released for front line services. Any sane and rational person can see that the duplication required in order to sustain 11 Government Departments is unnecessary; only six or seven Departments are necessary. Such a move could release significant savings for the public purse.

**Mr B McCrea:** I am supportive, in principle, of what the Member has said, but the Office of the First Minister and deputy First Minister (OFMDFM) has the responsibility for this matter. Will that Department reduce its number of junior Ministers? Will it reduce its number of ministerial advisers? Will it reduce its number of civil servants? If OFMDFM is going to do all that, when will it start?

**Mr Hamilton:** Hopefully, it will start after the Member votes for the motion. Then, OFMDFM can get stuck into the issues that he raised.

**Mr B McCrea:** I am voting for the motion.

**Mr Hamilton:** I am very glad to hear that. I noticed the Member's comments in the 'The Irish Times' this morning, which, in supporting the motion, represented an olive branch. However, that is contrary to the views of some of his colleagues — I will perhaps come to that later.

Releasing precious resources for front line services could easily be achieved by reducing the number of Government Departments. However, this is not simply about resources; there is also the important aspect of creating a more effective system of government in Northern Ireland. In my travels, I have found widespread support for that from various sectors, and it is an issue that I come across on a regular basis.

I have spoken with members of the community and voluntary sectors who point to issues such as women's groups having to deal with three or four Departments on certain matters. They also point to the difficulties that community and voluntary groups have faced in respect of regeneration. That point has been echoed in discussions that I have had with the Northern Ireland Independent Retail Trade Association, which provided the example of a group in Belfast, which included traders, that had to work with seven Government Departments — and, probably, the council — to deliver a single project. That is utterly unacceptable; the cross-checking and auditing that that requires is just not appropriate in this day and age.

The Business Alliance strongly supports the need to reduce the overall size and structure of the Government in Northern Ireland. Perhaps I am condemning myself, but in 'The Irish News' today, an editorial stated:

"There can be no real doubt that we have many more MLAs and ministers than can be completely justified in a fairly small jurisdiction."

Indeed, even the Alliance Party has regularly gone on record as supporting the reduction of the number of Government Departments. There is widespread support for that measure politically, and within key areas such as the business, community and voluntary sectors. The need for a reduction in Government Departments is echoed repeatedly by those who are experiencing the bitter reality of having to deal with so many Government Departments; there is too much support for this motion to be ignored.

I have noticed some criticism of the motion, and I am surprised by some of it. Principally, that criticism has emanated, I am sorry to say, from the Ulster Unionist Party. Over the weekend, comments that I made elsewhere managed to raise the ire of Reg Empey. I now know what Denis Healey meant when he said that he had been savaged by a dead sheep. I do not regard Reg Empey's opposition as very Conservative; it is, perhaps, more the policy of a wide boy liberalista.

**Mr B McCrea:** For the record, as it may temper the debate, the Ulster Unionist Party will be supporting the motion. We fully support efforts to streamline government and to make things more efficient. That has been a manifesto commitment, and we are happy to support the motion. The Member does not need to go on about not having our support; he has it.

**Mr Hamilton:** Wonders will never cease. I did not realise just how effective the power of my argument was. I thank the Member for his support.

I notice that some of Mr Basil McCrea's colleagues are not present. I hope that his message gets back to them. I noted that at the weekend, his party leader made some disturbing comments that were critical of the motion. Mind you, it is not the first time that the Member has diverged from the views of his party leader.

I am glad that the Ulster Unionist Party now adheres to what, I would have thought, were its instinctive principles; not, of course, those that it demonstrated during the late 1990s, but its instinctive principles for smaller and more effective government. I welcome that. Indeed, I recall that the Ulster Unionist Party started the process of the review of public administration back in 2000. There was much fanfare at its party conference at that time, which I recall because I was there that day. I was surprised to hear Councillor Empey say yesterday that, as with most reorganisations, it will cost millions of pounds and will take at least three years to settle down. He did not seem to have that view in 2000 when the review of public administration was proposed.

Criticism has also come from the perspective that reduction of the number of Government Departments will harm inclusiveness somehow and will be a power



grab by the DUP and Sinn Féin. Nothing could be further from the truth. The motion's objective is to reduce the number of Government Departments in order to deliver effective and efficient government for Northern Ireland's people, who have craved that.

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

**Mr Hamilton:** I will give way if the Member bears in mind that my time is limited.

**Mr McCallister:** I am grateful to the Member for giving way. When Mr Hamilton talks about reducing the number of Departments, does he accept that that can be effective only if the number of civil servants is reduced? How many civil servants is he prepared to make redundant?

**Mr Hamilton:** I am on record as saying that the public service's objective is to deliver services; it is not a job-creation agency. The motion's objective is to deliver better services. I have said from the outset that better services are the absolute objective. How they are to be achieved is a matter for the review to determine.

There are notions that reducing the number of Departments represents a power grab and will be detrimental to inclusiveness. No one is owed a position. A person must get support from the public in order to get a position in Government. It is important to bear in mind that inclusiveness may not be a requisite of any system of government that might exist in the future. Certain criticism that has emanated from different quarters on that matter shows that some people are still more interested in accumulating power for themselves than in the better exercise of that power.

Therefore, the motion — which is backed up, of course, by the Programme for Government's commitment to review the number of Government Departments — is sensible and has sound objectives. I hope that it will gain widespread support in the Chamber, as it has in the business sector and in the community and voluntary sector. I urge Members to trot through the Aye Lobby with me to vote in favour of the motion, which will be well received in the community.

**Mr Durkan:** I beg to move the following amendment: Leave out all after "services;" and insert

"notes that the Assembly and Executive Review Committee (AERC) has unanimously agreed that issues around efficiency and the number of Government Departments would be part of its programme of work and asks that the AERC addresses such issues; agrees to establish a new Assembly standing committee to focus on controlling the cost of government; calls on the First Minister and deputy First Minister to review and report on the administrative savings to be achieved from the various measures and proposals associated with the review of public administration; and to bring forward proposals to the Executive and the AERC to streamline management and reduce overheads of Government Departments including options for more shared services and policy support, reducing tiers of bureaucracy, reconfiguring Departments and reducing their number."

The amendment retains the premise of Mr Hamilton's motion, namely:

"That this Assembly recognises the importance of ensuring that the maximum amount of public spending is directed at front line services;"

Everyone wants to achieve that. To that end, the Assembly must constantly control and curb the costs of government in order to ensure that it does not consume money, resources, and dedicated time and talent that could be much better deployed on front line services. For that reason, the SDLP considers Mr Hamilton's motion to be limited in what it asks the Assembly and the First Minister and the deputy First Minister to do.

The motion simply asks the First Minister and the deputy First Minister to do something that is already in their power. It is entirely within the competence of their office to come to the Assembly and to propose a redistribution of the functions of Departments, including a reduction in their number. Therefore, an Assembly motion that gives the First Minister and the deputy First Minister such a power, competence or right is not required. To simply call them to bring forward their proposals is, perhaps, a criticism of the First Minister and the deputy First Minister for not having done so already, given the time that they have been in office.

**Mr B McCrea:** I want to pick up on the Member's point briefly. Is it not the case that legislation dictates that the matter is OFMDFM's responsibility and that it alone should take action? The sooner it starts to do so, the better.

**Mr Durkan:** That reinforces my point. That responsibility is among the statutory powers and functions of the Office of the First Minister and deputy First Minister.

1.15 pm

OFMDFM has the power not just to reduce these things but to make proposals that the Assembly can then determine on a cross-community basis. There is, therefore, no need for a motion from the Assembly to do that.

However, the Assembly should not say that the cost of government is simply a matter for the First Minister and the deputy First Minister or the Executive. Our amendment seeks to point out that there are wider and deeper roles, responsibilities and issues concerning the cost of government than just the number of Departments. Therefore, if we are serious about dealing with the cost of government, we should be tackling it at all levels and on all fronts. That is what our amendment does.

The amendment addresses the issues that are the responsibility of the First Minister and the deputy First Minister and points out those issues that are the



responsibility of the Assembly and the Executive. It also points out that the Assembly and Executive Review Committee has already unanimously agreed to look at issues of efficiency, including the possible reduction in the number of Government Departments. When that Committee has already signalled that it wants to do that, it is important that we give it the necessary encouragement to do so, and, at the same time, to encourage the First Minister and the deputy First Minister to bring their ideas and proposals about a possible reorganisation of Government Departments to the Executive Committee and the Assembly and Executive Review Committee.

Our amendment is not saying that there should be no reduction in the number of Government Departments. Rather, it is asking: what is the right context in which to explore that issue alongside other issues concerning the cost of government?

**Mr Paisley Jnr:** Does the Member accept that we are beyond the time of looking at these issues and that it is time for action? The benefit of our motion is that it allows the Office of the First Minister and deputy First Minister to give impetus to an ideal to which everyone signed up in the Programme for Government. Let us get on with delivering that rather than merely doing more talking about it.

**Mr Durkan:** I thank the Member for making that point, which seems to suggest that the motion is a criticism of the First Minister and the deputy First Minister for not having moved on this issue before now. Although it was in the Programme for Government, various manifestos and all sorts of other statements, they still have not moved on the issue. Therefore, when the Member says that it is time for action rather than merely looking at the issue, I take that to be a criticism of the First Minister and the deputy First Minister.

The Assembly needs to ensure that it is not merely calling on Ministers to make moves that will, on a one-off basis, hopefully contain some of the inbuilt costs of government. We, as an Assembly, need to ensure that we will permanently interrogate and confront the cost of government. That is why our amendment proposes that the Assembly should have a new Standing Committee, modelled on the Public Accounts Committee (PAC), which will permanently interrogate the cost of government and be able to call in and challenge representatives of various Departments on the amount of money that they are spending on their own administration and overheads.

It is the Assembly's job constantly to scrutinise Government and to ensure that money is going to front line services and not being consumed by the system. It would be a dereliction of duty if the Assembly displayed a lack of interest in the cost of Government,

did not use its scrutiny role and merely questioned Ministers on the matter now and again.

The Public Accounts Committee has shown through the good work that it has done that it can call in Departments in ways that individual departmental Committees cannot always do. However, although the Public Accounts Committee does very good work, it tends often to deal with secondary and tertiary government budget-holders and rarely the Departments themselves. The Public Accounts Committee rarely challenges Departments in a significant and strategic way on what they are spending, internally and centrally, on the cost of government. That is a missing element of the Assembly's scrutiny. Therefore, our motion calls on the Assembly to address that by agreeing to set up a permanent Standing Committee to scrutinise the cost of government. We are serious about carrying out that scrutiny permanently, and not on just a one-off basis.

**Mr P Maskey:** The Member acknowledged the good work of the PAC, but is the scrutiny of Departments not the job of the scrutiny Committees?

**Mr Durkan:** In some ways, it is the job of the scrutiny Committees, but I believe that the scrutiny Committees cannot do that job adequately. Even though the PAC strays into other Committees' areas of responsibility, its work effectively complements the scrutiny carried out by departmental Committees. Similarly, an additional element of scrutiny is needed to tackle the cost of government, such as Departments' central costs, buried administrative costs and overheads and what Departments spend on themselves.

That new Committee could work well — as the PAC does — on the basis of the intelligence and insights of the Audit Office, and it could seriously and permanently challenge the cost of government. The Assembly must take such steps if it wants to make a difference and be permanently vigilant on those issues.

The debate is not only about the number of Departments. We must consider the question of the assumed overheads that are built into the establishment of each Department. Our various Departments — whether at the current number or a reduced number — should not have separate establishments for policy, financial management and personnel reasons. We need to consider shared services and shared support across government, or between groups of Departments, in order to rationalise the system and reduce costs.

Furthermore, we must examine the savings that the review of public administration is supposed to achieve. The First Minister and deputy First Minister have not yet provided, on behalf of the Executive, an updated review or report on the position of those projected and presumed savings. Many Members of many parties believe that some of the review's changes might not



only increase costs for a period of years but lead to permanently increased costs. Therefore, we must consider how we expect savings to create part of the context in which the Assembly and Executive Review Committee, the Executive and the Assembly will consider wider issues.

Mr Hamilton believes that the number of Departments causes confusion, because different groups in the economic sector and the community and voluntary sector say that they have to deal with too many Departments. A reduction in the number of Departments will not automatically guarantee a solution. Moreover, when we had fewer Departments, many of those groups dealt with several Departments or even different divisions in the same Department. They complained that there was no coherence or consistency between different divisions and that contradiction and confusion existed. Therefore, although a reduction in the number of Departments might achieve other gains, it will not necessarily remove that problem completely. We must revise and address that issue.

We must ensure that people have a one-stop-shop experience when applying for Government funding on cross-cutting issues. Rather than melodeon government into one Department, there is a case for revisiting the concept of cross-cutting funds, such as the Executive programme fund, through which people could apply to a central fund rather than busk around several different Departments. However, the DUP and Sinn Féin abolished that fund and created the difficulty whereby people have to approach more than one Department.

**The Chairperson of the Assembly and Executive Review Committee (Mr Spratt):** The proposer of the motion and the Member who tabled the amendment acknowledge that the Assembly and Executive Review Committee has a locus on this subject. I will explain the Committee's role. The Committee was established by the Northern Ireland (St Andrews Agreement) Act 2006, section 11 of which is entitled:

"Committee to review functioning of Assembly and Executive Committee."

Therefore, the clue is in the title.

The Committee has a work programme that lasts until 2015, by which time it is required to report on the operation of the provisions of Parts III and IV of the Northern Ireland Act 1998. The St Andrews Agreement Act states explicitly that the Committee should make its report to the Secretary of State, the Assembly and the Executive. Part III of the Northern Ireland Act 1998 deals with "Executive Authorities". Sections 16 to 30 are relevant, and, in particular, section 21 deals with "Northern Ireland departments". Therefore, the Assembly and Executive Review Committee

undoubtedly has the power and authority to determine the correct number of Northern Ireland Departments.

Moreover, the Committee has been active on the issue. In May 2007, my predecessor, the Rt Hon Jeffrey Donaldson MP, and Raymond McCartney, who continues to serve as Deputy Chairperson, met the then First Minister, and the deputy First Minister, to discuss their intention to establish an efficiency review panel.

The Ministers gave a commitment to consult with the Committee on that matter.

**Mr B McCrea:** I thank the Member for the helpful explanation. On a point of clarification, is the Committee in receipt of a letter from the Office of the First Minister and deputy First Minister seeking to delegate authority to the Committee on this matter? I thought that that authority rested, in legislation, with OFMDFM, but I understand that perhaps that office is attempting to delegate the authority to the Committee of which the Member is Chairperson. Has the Committee received correspondence?

**The Chairperson of the Assembly and Executive Review Committee:** Any correspondence received has been placed before the Committee. I was about to say that there have been subsequent exchanges of correspondence, and the Committee looks forward to receiving formal proposals, including details of the terms of reference. Should those proposals emerge, it is only right and proper that the Committee is given its place, and is fully involved in, and consulted on, the development and implementation of those proposals.

I assure the House that the Assembly and Executive Review Committee takes its responsibilities very seriously indeed, and I — and, I imagine, the other members of the Committee — will be paying close attention throughout this debate, and will have due regard to what Members, from all sides of the Assembly, have to say on the matter.

**Ms Ní Chuilín:** Go raibh maith agat, a LeasCheann Comhairle. I wish to make it clear from the outset that Sinn Féin Members will abstain from the vote on both the motion and the amendment. The reason for that is that a review that seeks to reduce the number of Departments predetermines the outcome. My party is not opposed to a review, or, indeed, the result of any such review, be it a call to reduce, or to maintain, the current number of Departments. However, that process must be gone through. Jimmy Spratt has outlined the authority with which the Assembly and Executive Review Committee will consider the matter at some stage soon.

The issue at hand does not just concern the way the Government look and operate. That is relevant, but it is also concerned with fairness — as Members have mentioned — with making sure that we get things right, and with value for money. I am sure that most



people will argue that we need to protect front line services, but that should not be done at the cost of everything else. Bringing forward a proposal to reduce the number of Departments, which considers only front line services, is premature.

There is a need to take account of a number of issues in relation to the economy, some of which were raised by Mitchel McLaughlin last week on the BBC's 'Hearts and Minds' programme. This is a very small country — one island. We need to consider matters from an all-island perspective. Peter Weir is laughing — I am sure that he is not surprised that I mentioned that. We must consider an all-island approach to health, energy, the economy, and so on, as a way of achieving good government.

As a former party spokesperson on health, I was sad to hear of families, both North and South of the border, who could not find a hospital bed for a child — the child had to be put on a plane and sent to England. It does not make sense for a country of this size to operate two massive health budgets. Despite that, there is still a big gap in need.

Equally, we must consider the provision of energy on an all-island basis.

**Mr B McCrea:** Will the Member provide some clarification on that point? Surely the level of public service is much higher in Northern Ireland in comparison with the Republic of Ireland. Will the Member not join with others in the House in seeking to reduce the number of junior Ministers, of ministerial aides, and, if necessary, the number of civil servants that are not utilised properly? Surely we must find ways of using resources that are more in line with other parts of this island.

**Ms Ní Chuilín:** I thank the Member for providing me with an extra minute. I take it that a part of his argument is that there would also be a reduction in the number of MLAs — sometimes that does seem a tempting prospect.

1.30 pm

A review is needed to consider how we do business better, but a review with a predetermined outcome is certainly not needed. Members will expect me to talk about an all-island approach to health, the economy, energy and much more besides.

It was mentioned that the Good Friday Agreement and St Andrews Agreement contain an agreement to review and examine efficiencies and value for money. Mention is made of the ability to scrutinise the functions of Departments. My understanding is that that meant that the review would consider the ability to scrutinise structures. However, if a review is to take place, everything must be considered.

We also need to consider that the review of public administration (RPA) is an ongoing programme of work, as is the work that will come through the Assembly and Executive Review Committee. I accept the points that Mark Durkan made in relation to the ability of Committee members to scrutinise. As a Committee member trying to scrutinise a budget, I have found it very difficult. Anything that will enhance my ability to scrutinise a Minister and a Department is to be welcomed.

I want to talk about the way that we do business. I think that Simon Hamilton raised the issue of communities having access to different Departments, which is very true. We debated a White Paper about the relationship between Government and the community and voluntary sector. That also needs to be factored in.

I am aware that my time is up. At this stage, it is premature to agree to reduce the number of Departments and their functions without having a review first. We will, therefore, abstain from voting on the motion and the amendment. Go raibh maith agat.

**Mr Kennedy:** I preface my remarks by saying that I and my party are strong supporters of more efficient and cost-effective government. However, today's motion makes two propositions that are not necessarily linked. One calls for public spending on front line services to be maximised, and the other calls for a reduction in the number of Government Departments.

It would be perfectly possible to have fewer, and bigger, Departments and still employ the same number of civil servants to deliver services. The only real reduction in numbers would be among the comparatively few senior staff at the top of each Department. The actual monetary savings that would be achieved by reducing the number of Departments might be quite small when considered as part of the overall expenditure of Government.

The majority of civil servants who provide the services of the Departments would still have to continue to provide those services — unless, of course, the services were cut. I presume that the proposers of the motion do not advocate that services should be cut and large numbers of civil servants sacked, because the motion states that the maximum amount of spending should be directed at front line services.

**Mr Hamilton:** The number of permanent secretaries is commensurate with the number of Departments. At present, the salaries of those individuals amount to something like £1.3 million. Reducing the number of Departments to six or seven could save £500,000 in that respect. That is not a massive amount of money, but it is not insubstantial either. I am sure that plenty of Ministers in the Executive would happily take that.



Does the Member recall that, when his party was in the predominant position in the Assembly, questions were asked about the cost of the Departments? At that time, it cost approximately £19 million to run a Department. Reducing the number of Departments by three, four or five would realise substantial savings for the Northern Ireland block grant.

**Mr Kennedy:** I am grateful to the Member for his intervention. In financial terms, the case is not yet proved on the amount of real savings that would be made. Would we simply be reducing the number of Departments, or would we ultimately be reducing the number of jobs and the number of people who hold those posts? That debate is needed.

**Mr B McCrea:** Does the Member accept that there are already targets for increased efficiency in Departments — a 3% real-terms reduction, and a 5% reduction in administration costs — and that many of the savings that Members have mentioned are already planned?

**Mr Kennedy:** I accept the Member's point, which was well made. That must be taken into consideration as we examine these matters.

There is an apparent contradiction that demonstrates the woolly thinking behind the motion. Some people might consider the motion as simply a headline grabber, or an example of grandstanding by the party that proposed it, because tomorrow the Assembly will debate the early stage of creating a policing and justice Department. It seems a bit rich for Members to talk of saving money today, when tomorrow we will begin a process that will create more costs.

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

**Mr Kennedy:** No. I am sorry, but I have given way at least twice. The motion is superficial in respect of how it treats a complex subject that directly impacts on many thousands of civil servants' jobs. The matter deserves mature and intelligent discussion.

In itself, reducing the number of Departments would not downsize government bureaucracy by an appreciable degree. There would be several fewer permanent secretaries, but that is where the savings would end. The problem with the size of government bureaucracy is more complex and, therefore, it requires a more thoughtful analysis than simply cutting the number of Departments.

Unfortunately, Northern Ireland, in common with most political units, suffers from a lack of economies of scale, and a great deal of Departments' work is concerned with supplying services to the public in areas such as health, social services, education, or roads; in providing support for farmers; or in managing the skilling of the working population. Those are all public services, and, in a modern country, the public

expect them to be provided. In our case, they must be provided for a population of 1·7 million people.

Although the Scottish Parliament has only seven Departments, and the Welsh Assembly, which, like Northern Ireland's, is run on a small scale, has 10, the key question that must be answered is: how effective have the departmental structures been in delivering services?

For those reasons, and having clearly outlined its reservations, the Ulster Unionist Party will support the motion.

**Dr Farry:** I support the motion. As Members know, the Alliance Party has a wide agenda for reforming the institutions and the system of government in Northern Ireland, whether that be the system of designations in the voting system, moving from a mandatory to a voluntary coalition, or making better use of North/South institutions in order to deliver tangible benefits for the people of Northern Ireland. The size and the nature of government in Northern Ireland is included in those considerations, and it goes without saying that the matter of the number of Departments must be considered as a critical part of that agenda for change.

The DUP motion sends a clear message of intent in that regard, and there is merit in the Assembly signing up to it. The SDLP amendment is worthy; however, the suggestions in it could be met within the Assembly's existing structures. Indeed, elements of the amendment may be counterproductive, because they might trample upon existing authorities and cut across the roles of Committees, so we must be wary.

Without doubt, reducing the number of Departments would produce a degree of financial saving, and no one could argue with that. However, at times, the scale of that saving is overstated, and the savings that the DUP envisages would not, as many people wish, release enough money to rebalance public services and modernise the economy. Nevertheless, it is worth making a start.

The Alliance Party believes that the real prize from reviewing the number of Departments lies in being able to deliver more effective joined-up government.

The lines that divide our Departments are arbitrary. The Department for Employment and Learning (DEL), for instance, is responsible for the needs of the unemployed, but the Department for Social Development (DSD) looks after a large part of the benefit system. Likewise, both the Department of Education and the Department for Employment and Learning have responsibilities for functions within education.

A number of Departments have roles relating to the economy. The Department of Enterprise, Trade and Investment (DETI) plays quite a small role in that area:



it has responsibility for tourism, and, in that regard, interfaces with the Department of Culture, Arts and Leisure (DCAL).

The most acute example of the failure to deliver joined-up government relates to planning. At the macro level, the Department for Regional Development (DRD) is responsible for strategic planning and the Department of the Environment (DOE) for the implementation of planning. DOE has the lead in the consideration of individual planning applications, and, alongside that Department, Roads Service and Northern Ireland Water, under the remit of DRD, play a consultative role. Those overlaps create obstacles. The Department for Social Development comes into the picture for matters relating to urban regeneration. Therefore, three Departments have a role to play in planning. That is baffling for individuals in Northern Ireland — and even more so for businesses that are trying to deliver results.

The Assembly has set out a strong, rhetorical message of the need to reform the public sector and to make it more user-friendly. We are seeing some progress in that regard, but more is required. A review of the nature and number of our Departments is key to that, and it is important that the Government are able to provide a robust response to that message — particularly in view of the economic downturn. In that global context, the role of the Northern Ireland Administration is limited, but the speed and responsiveness of the Government to those in society who are trying to create wealth and provide jobs can make a difference. That is why we need to look at our Government.

The Assembly and Executive Review Committee plays an important role. The Alliance Party is not represented on that Committee, but we recognise and respect its function. The past year has seen the establishment of the performance and efficiency delivery unit, which is within the remit of the Department of Finance and Personnel (DFP). It has an important role in cutting across government to try to find and drive efficiencies. The Department of Finance and Personnel plays an important central role with regard to departmental budgets. Its Committee, on which I sit, could play an expanded role in looking at such issues as shared services and the delivery of more efficient outcomes across Departments.

The Assembly has a broad agenda, but it is important that it sends out a strong message: let us get working on the number and nature of our Departments.

**Mr P Maskey:** Go raibh maith agat, a LeasCheann Comhairle. The debating of the motion is akin to putting the cart before the horse in some respects. As Carál Ní Chuilín said, a number of questions have to be answered before we can support the motion or the

amendment. For instance, Members must ask themselves whether all the Departments are fit for purpose and whether they are delivering value for money. Are they delivering what they set out to deliver? Have the citizens of the North got confidence in the number of Departments and the services that they are providing for the people? Those questions need to be answered.

The number of Departments and the structure of our Government were established under the Good Friday Agreement. The Good Friday Agreement and the St Andrews Agreement provided ways and mechanisms of ensuring an efficient Government, and that included the number of Government Departments, among other things. It is important, therefore, to state that the Good Friday Agreement caters for a review of the arrangements in relation to efficiency and to equality, which are at the core of what we have done.

The number of Departments was set out and endorsed by all parties in the first Assembly.

*1.45 pm*

**Mr Weir:** I appreciate that the Member is keen to defend the Good Friday Agreement where possible. However, does he accept that the agreement referred to, and permitted, a maximum number of Departments but did not specify that there should be 10?

**Mr P Maskey:** That is exactly right, and other parties were in the ascendancy at the time of the Good Friday Agreement. All parties in the Chamber agreed that there should be 10 Departments. That number was so high because many people, particularly in the community that I represent, did not think that any Government could work for them. However, Sinn Féin never says never when it comes to considering the number of Departments, particularly from the perspective of making efficiencies.

As Carál pointed out, however, front line services should not be diminished. That is already happening, and every citizen of the North wants those services to be maintained. Even considering cutting front line services has a knock-on effect on every individual, and that is wrong.

I listened to Mark Durkan talk about the role of the Public Accounts Committee (PAC) as he moved the amendment to the motion. The PAC and the Audit Office will continue to produce good reports. The PAC determines how much money has been misspent or what mistakes Departments have made. The Committee has done much good work and will continue to do so. It brings the Departments to book and ensures that they deliver effective services for everyone.

Mark has left the Chamber, but I must make a point about his amendment, which calls on the Assembly:



“to establish a new Assembly standing committee to focus on controlling the cost of government”.

I asked Mr Durkan for a point of information because the role of the existing Standing Committees is to scrutinise the Departments. Is Mark Durkan telling the House that the role of the Committees has diminished and that they cannot do their job, or is he saying that he has failed in his job as Chairperson of one of the Committees? We, as MLAs who were elected to represent every citizen, must ensure that we continue scrutinising the Departments to make certain that they deliver front line services, provide value for money and are fit for purpose.

The remit panels will examine that issue, and, therefore, Sinn Féin supports neither the motion nor the amendment. We cannot do so until we study the outworkings of the RPA, because it provides accountability. The review is still being implemented, and local councils are still working through how it will affect them and their systems. It is important to ensure that all levels of government, including local government, deliver for all of us. Go raibh míle maith agat

**Mr Weir:** It is no great surprise that I support the motion. It is important for the Assembly to get back to basics. The Assembly's role is not simply to provide additional structures for the convenience of MLAs, but to ensure the front line delivery of services to the public. As such, we should root out unnecessary layers and levels of bureaucracy.

I share Simon Hamilton's disappointment at some of the remarks made by leading members of the Ulster Unionist Party at the weekend, although I was heartened by the words of Basil McCrea. The almost schizophrenic attitude of the Ulster Unionist Party is interesting; indeed it ranges from a denial that it was in any way —

**Mr Kennedy:** I am grateful to the Member for giving way. His reference to schizophrenia is particularly relevant.

I ask the Minister — sorry, I ask the overlooked Member who may yet become a Minister — whether he, as one of the proposers of the motion, is not surprised that no response is forthcoming from OFMDFM because of the lack of agreement therein? Would it not have been better to seek such agreement before tabling the motion?

**Mr Weir:** I thank the Member for the promotion that he tried to thrust on me. With respect to the Member, it is clear that the motion is directed to the Assembly as a whole. Some of the criticism that has been made of OFMDFM was simply unilateral action being taken by OFMDFM. I suspect that the Member — and the SDLP — will be howling with outrage at the prospect of that being imposed on them.

The attitude of the Ulster Unionist Party is schizophrenic; that party has gone from a denial that it was in any way opposed to this to the enthusiastic support of Mr McCrea, which I welcome. It is in sharp contrast to his party leader's headline of:

“DUP under fire for proposal to cut departments”.

Mr Kennedy has managed to find a middle way between those two positions: a degree of reluctant support. A fourth position on the number of Departments was revealed at the weekend, when one of the Ulster Unionist Party's Back-Bench Members said that there should be a minister for tourism. That would involve the creation of an additional Department.

Given the attitudes of the Ulster Unionist Party and the SDLP — and I pay tribute to Mr McCrea, whose fingerprints are clean on the issue — it is not surprising that they are ambivalent on the issue, as they are the Frankenstein that has created the monster. Prior to the Assembly's existence —

**Mr Kennedy:** Frankenstein was the monster.

**Mr Weir:** No, actually — [*Laughter.*]

I am sorry if that is beyond the Member's literary knowledge. He will find that Frankenstein was the creator of the monster. The monster was something separate. Indeed, if the Member checks with Mary Shelley and the original ‘Prometheus Unbound’, he will find that Frankenstein was, indeed, the monster.

I have no doubt that the move from six Ministries pre-devolution to the current 11 was the result of a late-night political carve-up at the end of 1998. To be fair, if there is some degree of retreat from that position to an acceptance that there should be a reduction in the number of Departments, then that —

**Mrs D Kelly:** Will the Member give way?

**Mr Weir:** No; my time is short, and I have already taken one intervention.

The issue of policing and justice — which we will return to tomorrow — is not to do with the creation of a new function; it is about the transfer of what is effectively a Department within the Northern Ireland Office. We will not be adding to the bureaucracy — and it will be an initial position anyway, as the legislation restricts the number of Departments. On that basis, therefore, there would have to be a reduction of at least one in the number of Departments.

Much has been made about the economic advantages of delivering front line services. I want to pick up on Mr Farry's eloquent point about the effectiveness of government. I cannot think of any other jurisdiction on these islands where higher education is hived off from the rest of education; where employment and training issues seem to be divorced from enterprise and industry; where tourism



seems to fall into different categories; and where the strategy for planning across Northern Ireland lies with the Department for Regional Development, yet area plans lie with the Department of the Environment.

As another example, planning policy statement (PPS) 14 was inflicted on us under direct rule, and it dealt with rural planning. Planning is largely dealt with by the DOE and rural policy is largely dealt with by the Department of Agriculture and Rural Development (DARD), yet, until the court ruling, PPS 14 was being dealt with by the Department for Regional Development. A mess has been created, and if we can at least take a step back and ensure that we get the matter sorted out by moving towards a reduction in the number of Departments — as has happened in Scotland — we will ensure that the burden is shifted away from administration and bureaucracy to front line services, which is something that all Members should unite behind. I support the motion.

**Mr Deputy Speaker:** Any reference to Frankenstein's monster and the next Member to speak is purely coincidental. I call Mr Basil McCrea. *[Laughter.]*

**Mr B McCrea:** Mr Deputy Speaker, I am sure that I am entitled to an extra minute for the mirth and merriment that you have brought to the Chamber. *[Interruption.]*

I hear from stage left an intervention from Ian Paisley Jnr. One of the earliest and most entertaining parts of my political career was hearing the SDLP mug Ian Paisley Jnr with a statement about how useless junior Ministers were. The SDLP then revealed that that statement had been made by Ian Paisley Jnr about a previous junior Minister, and not himself. It is interesting. *[Interruption.]* Yes, it was rather entertaining.

It all returns to the issue that the leader of the Ulster Unionist Party, Sir Reg Empey, raised: just because Departments are amalgamated does not mean that they are any more efficient or that savings are made. He eloquently referred to the old DOE — the Department of everything. If every function is put in one place, the result is a lack of focus, inefficiency and a failure to deliver. Therefore, it is important that we get the matter right.

If we are looking for ways in which to remove duplication, I can think of one obvious place that could benefit from some cost-cutting — the Office of the First Minister and deputy First Minister. Why do we need two First Ministers and two junior Ministers? Why do we need a plethora of “minreps”? We did not need them before. Those people have the authority to make cuts; they have the responsibility — not to mention the moral responsibility — for making cuts. I look forward to seeing immediate activity in that area.

Some discussion has taken place on why we ended up with 10 Ministers. The proposer of the motion said that he was not going to talk about that matter but then proceeded to do so. The issue at the time was about trying to ensure some form of inclusivity and a four-party mandatory coalition. However, it is now fairly obvious that there is no four-party mandatory coalition — there is a two-party voluntary coalition. If we are talking about political carve-ups, they have been between the DUP and Sinn Féin.

I am somewhat surprised by the timing of the debate, although perhaps I should not be. Could it be, as Mr Kennedy suggested, that this debate is taking place today because tomorrow we will discuss a report on the devolution of policing and justice matters, which will lead to an increase in costs and in the number of Ministers? Is today's debate a form of shadow boxing that is designed to distract us from the blame game? If Members are serious about reducing the cost of government, the Ulster Unionist Party and I are four-square behind them.

**Dr Farry:** Can the Member explain how having an additional Department to administer on policing and justice matters will cost more money? The Northern Ireland Office currently exercises justice functions, and the people of Northern Ireland and the rest of the UK pay their taxes to support those functions, as they do every other function. The money for justice will simply be transferred to the Assembly. *[Interruption.]* Where is the additional expense in our having a Department of justice? Responsibility will merely switch from the Northern Ireland Office to the Northern Ireland Civil Service.

**Mr B McCrea:** That is one of the best nomination speeches that I have heard in a long time. Dr Farry will run the justice Ministry without any money. If he were on the Policing Board, he would understand that certain challenges are involved and that no reorganisation ever comes cheap.

However, the real issue is one of respect. If the real purpose behind having 10 ministerial colleagues around the one table is to enable them to have shared discussions for the benefit of Northern Ireland — something that should be done in these particularly trying circumstances — those people should be treated with respect and be included. If that is not the case, and it appears that no respect or manners are being shown and no consultation is being undertaken, there is no point in carrying on with a sham. We should just reduce the number of ministerial posts and let those two parties fight it out among themselves. We can then have a proper election and get people into this Chamber who actually want to run the country.

**Dr McDonnell:** I welcome the opportunity to contribute to the debate. I declare at the outset that my



party and I are all in favour of cost-effective service delivery by Government. It is essential that there be such delivery. However, I am not convinced that it will save us much money if we chop a Department or two, get rid of a Minister or two and bolt the remains, with all the associated expenses, on to another Department.

2.00 pm

A Member stated earlier that more money might be saved, through various means, in the Office of the First and deputy First Minister. Certainly, the number of special advisers there is scandalous. However, before the motion is taken seriously, we need to know how much would be saved. To my mind, that amount would be relatively small and insignificant compared with the amount of waste that exists in various Departments.

Many people regard the motion as little more than a DUP manoeuvre towards effective DUP-majority rule and towards what the previous Member to speak referred to as the removal of respect.

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

**Dr McDonnell:** I will give way in a moment.

This system of governance was set up in order to accord respect to the mandate of every Member in the Chamber, and it has a little bit to run to achieve that. My party and I were keen that, in a previous disposition, at a time when the DUP and Sinn Féin may not have been in their current positions of strength, the mandates of their Members were accorded full and total respect.

**Mr Ross:** Will the Member concede that even when the Democratic Unionist Party was not the largest party, it had a policy to reduce the number of Departments? Therefore, to make the accusation that the motion is about a DUP carve-up ignores the fact that the party has held that position for the past 10 years.

**Dr McDonnell:** I thank the Member for his comment. I am not so much reflecting the past 10 years as some elements of the review of public administration. That involves a definite and clear-cut carve-up, sometimes driven by the DUP on its own, and sometimes driven by the DUP in co-operation with Sinn Féin. Despite those parties' differences, they can collude when necessary to serve each other.

Parties in this and in previous mandates set out some years ago to be inclusive and to create honest and honourable involvement for all those who are prepared bring their mandate here and to put it to work. That is essential, and to undermine that without adopting a comprehensive and integrated approach renders the motion gimmicky and a bit of a fig leaf. The motion avoids the real issues of making cost savings.

Other Members mentioned tomorrow's debate on policing and justice. I ask myself what the implications will be for justice if the motion is passed and

implemented. Will the justice Ministry be just another junior job bolted on to the Office of the First Minister and deputy First Minister? That is one of the implications that can be extrapolated from the motion. What are the implications for the scrutiny role of Committees? Will it mean that the Assembly will want to get rid of some of its Committees in order to reduce scrutiny?

I repeat: I believe that changes are desirable. Cost-effectiveness is desirable. Members must continually consider how business is done. The necessity for change and cost-effectiveness is always with us, but I do not believe that the motion is the way to achieve that. The way to do it is to, as far as possible, create a consensus by working up through the Committees in a manner to which everyone can adhere.

For me, the main effort is still in creating access. Devolution is a relatively tender infant here, and we have a little way more to go with it. The great thing about devolution is that it created access for the public that never existed under direct rule. That inclusion and that access remain important in the short term.

The motion is riddled with contradictions. I am concerned seriously about how the review of public administration is proceeding. We were told that it would cut bureaucracy and ensure that savings were directed to the front line — language similar to that was used. Direct rule Ministers said that savings of up to £200 million a year could be achieved through the review of public administration.

It would be timely for the Office of the First Minister and deputy First Minister to report on the projected savings from the review of public administration, because it is very easy to stand here and pull a rabbit out of a hat by suggesting that a bag of money could be saved.

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

**Dr McDonnell:** The savings that will be made by reducing the number of Departments must be costed, and there are all sorts of wider implications.

**Mr O'Dowd:** Thank you for not making any references to Frankenstein, Mr Deputy Speaker. I apologise for being absent from the Chamber for part of the debate.

A Government must be run efficiently and money must be directed to front line services — no one can argue against that. However, as with every operation, front line services must be managed efficiently and properly. We expect that from all our Government Departments and Government Ministers. The difficulty that I have with the motion is that it reaches a conclusion, instead of seeking the establishment of a review or following through on commitments that were made in



the Good Friday Agreement, the Programme for Government or the St Andrews Agreement, in which political parties were tasked with examining the issue.

We must examine the issue from a fresh point of view, instead of starting a review and saying that it will reduce the number of Departments, which will make our government more efficient. I listened to the debate, and everyone has different views on how much money will be saved by reducing the number of Departments. The wages of a Minister, a permanent secretary and a few other staff will be saved, but how much will be saved after that, and, after that money has filtered back through government, would it be worthwhile?

The important issue is the reason that we have our current system. Our society was emerging from conflict, and we had to restore confidence in the political system. That is why there are 10 Departments and why the major political parties were each given a role in Government. Everyone was given a stake in the Executive and given the opportunity to be part of the decision-making process so that no one could feel excluded. No review of the mechanisms that were established by the Good Friday Agreement can be conducted without examining that. A review cannot just be concerned with efficiency — it must be about respecting the rights of everyone involved in this project. The Ulster Unionist Party and the SDLP expressed concern that the motion is part of a hidden agenda to exclude them from government. Therefore, any review process must ensure that the views of those parties, and those of the other major parties, are listened to and acted upon.

Although most of the content in the SDLP amendment is fair enough, it also pre-empts the outcome of a review before it has even started. The amendment refers to:

“reconfiguring Departments and reducing their number.”

That is why we cannot support the amendment and will abstain when it is put to the House.

The other line in the amendment that concerns me is:

“establish a new Assembly standing committee to focus on controlling the cost of government.”

It is the role of the statutory Committees to monitor and examine the budgets and roles of their respective Departments to ensure that they are being run efficiently. Why establish another Committee to examine the roles of Departments when there are already Committees to do that job? That proposal is not worthwhile. Establishing a Committee every time there is a problem will not resolve anything.

My party has no difficulty in entering a review that examines the number of Departments in the Executive, and we have no difficulty in examining efficiency savings, either in Departments or across the Executive. However, we want to ensure that the core elements in any review are, as Members mentioned, respect and a

better exercise of power. Any review must also recognise that our Executive were established at a time when our society was emerging from conflict. We must ensure that the stakeholders in the Assembly and our society have a place in the future of government here.

Based on those principles, we will enter into any review, and we will not state its outcome beforehand. We will enter into it, and we will let it bring back evidence that the Assembly and the Executive will take heed of and vote on.

**Mr Ross:** Today's debate is important. As I mentioned during Dr McDonnell's speech, the reduction in Departments has been a long-term policy of the Democratic Unionist Party, and, for many years, our party's was the lone voice calling for it. It has been one of our party's manifesto pledges, so it is encouraging that, in recent years, other parties have come on board with our line of thinking.

I welcome the support for the motion, albeit tentative in some quarters. However, it is disappointing that Sinn Féin is taking a neutral stance on the issue. Perhaps it would have been more beneficial had that party tabled an amendment to the motion, rather than abstaining from the vote.

Mr Kennedy said that there cannot be any agreement on the matter, but the Programme for Government contains a commitment that the Executive will review the number of Departments by 2011. My colleague Mr Spratt also mentioned the Assembly and Executive Review Committee's role in the matter.

In addressing the motion, it is important that we remember where we came from. There were six Departments during the direct rule years, but, as many Members said, in December 1998, the pro-Agreement parties agreed to the establishment of the Office of the First Minister and deputy First Minister and to the increase in the number of Departments to 10, as well as agreeing to the staff who come with them.

Notably, the reason for almost doubling the number of Departments was not to ensure efficient delivery for the people of Northern Ireland, but rather, as Paul Maskey and Mr O'Dowd conceded, to ensure that all the pro-Agreement parties would be rewarded by gaining ministerial office and to ensure that from the outset of devolution, Sinn Féin had a position at the Executive table. Those political considerations also explain the reason for the inflated number of Assembly Members, which was to ensure that the small pro-Agreement parties, such as the Women's Coalition, the PUP and the Alliance Party, would all be represented in the Chamber.

Although the House cannot introduce legislation to streamline the number of Assembly Members, it has the ability to reduce the number of Departments.



Indeed, it has been mentioned that the Scottish Government — as it is now known — did likewise.

As a member of the Committee for the Environment, I have been involved in the review of public administration, which a Member for North Belfast mentioned, through which the number of local councils is being reduced from 26 to 11. The main focus and thrust behind that move is to increase efficiency and delivery and to reduce the amount of waste in local councils. Given that we have decided that local government needs to be slimmed down, it would naturally follow that we would get our house in order by following the same logic. Some powers are being transferred from Departments here to local government, and although there will not be a new Department, we aspire to the devolution of policing and justice powers to the Assembly at some time in the future. Perhaps there is never a better time for us to begin the process of reorganising Departments, given that there is a maximum number of Departments that we can legally have.

As we heard earlier, representatives in the business sector made a similar call for a reduction in the number of Departments. At this difficult economic time, they are calling for a single Department to deal with the economy — a Department for economic development, perhaps — that would take in parts of DETI, DEL and other areas. It is important that we listen to the experts and decide what would make it easier for them to assist economic growth, particularly during this difficult economic time.

The call for the creation of such a Department is not being made just for financial reasons. One of the first motions that I tabled in the Assembly related to numeracy and literacy, and although it was a motion that concerned the Department of Education, it was equally important to young people over the age of 18. When I was a member of the Committee for Employment and Learning, we were continually being told about the huge numbers of school-leavers who lacked the basic reading and writing skills that are required to get on in life. We were also being told about the challenges that faced further education colleges and employers.

Minister Empey spoke about school-leavers having those skills, and Minister Ruane talked about lifelong learning opportunities. That is perhaps one of the clearest examples of where we do not need two separate Departments. Again, if we look at examples in Scotland, particularly in education, it has a Department for Education and Lifelong Learning.

**Mr Shannon:** I concur with the Member's comments about education. Who would the Member like to see in that role? Would it be Reg Empey, in which case we could perhaps get a response to issues that are important to us all?

2.15 pm

**Mr Ross:** I thank the Member for his intervention; most of us would not care who the Minister was, as long as it was not the one we have now. Education is a clear example of where it would be desirable to have one single Department. Earlier on, we heard how planning is split across DRD, DOE and even DSD, when it comes to urban renewal; we should look at those examples.

It is not just about making sense of which Department does what; it is about making economic sense. We have heard before that the money that we could save on bureaucracy and staff costs could be put into direct services. The people whom I represent want resources to be put into hospitals, schools and roads rather than additional and unnecessary Departments.

The motion is very good. It is very positive, and I support it.

**Mrs D Kelly:** Some common themes arose across all the contributions to the debate. No one had any argument with more efficient and effective government. My colleague Mark Durkan made it very clear that powers existed in OFMDFM. He questioned whether the motion was a criticism of that Department, given that it had those powers and that although it had signalled its intent to establish an efficiency panel, it had yet to do so. In the same way, many decisions went unmade for several months, well before the logjam that was created by the impasse between Sinn Féin and the DUP.

The public, and others, should be in no doubt as to the SDLP's intent. Front line services should be protected and enhanced, and our amendment sets down proposals for the way in which services could be shared across all Departments, resulting in much better performance. Given that some Ministers and Departments are already experiencing difficulty in the performance of their current responsibilities and duties, one wonders how they would cope with further responsibilities.

Much has been said about the fact that there were six Departments under direct rule. Is anyone here going to say that direct rule was good for the people of Northern Ireland?

**Mr Elliott:** Does the Member accept that under direct rule, local councils had more powers than they do under the current Administration? It will not help councils to be told that they will be asked to take responsibility for cutting grass and emptying drains away from DRD.

**Mrs D Kelly:** I accept Mr Elliott's point entirely. He is quite right; there has been a power grab to the centre, and particularly to the Office of the First Minister and deputy First Minister.



Other Members remarked that in a previous life, there were those who objected most forcefully to the creation of junior Minister posts. However, once they were in position, they then created their own special adviser posts. We only have to look at the debacle that occurred this time last year, when the victims' commissioners were appointed. Mr Hamilton's contention that £500,000 could be saved by reducing the number of permanent secretaries rings hollow when it was his party, along with Sinn Féin, that appointed four victims' commissioners, which cost an extra £250,000.

The motion ignores, as have certain newspaper editorials and other interests, such as the Business Alliance, the fact that the reason that the Good Friday Agreement set out a plan for an inclusive Government was because our society was coming out of 40 years of conflict after having suffered many years of discriminatory practices and abuses of power by Stormont.

**Mr Hamilton:** I am at a loss to understand the point that the Member has made. Despite the criticisms that have been levelled at business groups, it is their experience, day in, day out, that the number of Departments that we have cannot effectively deliver what they want, or what they believe is best for Northern Ireland. Are the Member and her party now taking a potshot at business and the community and voluntary sector? Is she saying that they do not know what they are talking about?

**Mrs D Kelly:** I do not accept that at all; that was not my point. My point is that we already have Ministers who are not performing correctly.

**Mr Durkan:** Does the Member accept that those business organisations — representatives of which some Members have met — have confirmed that they are concerned about savings being made from the proposed reduction in the number of Departments and about savings being made from the sorts of measures proposed in our amendment? Therefore, it is not simply about one issue.

**Mrs D Kelly:** I accept Mr Durkan's point. Is it not also the case that this is a Sinn Féin and DUP smokescreen to hide their failure to meet and to lead during the economic crisis of the past four or five months? The logjam caused by their failure to meet was the impetus for the urgent Executive meetings that were held weekly thereafter. Those meetings have now stopped. This debate is really no more than smoke and mirrors.

The First Minister, in his new year message, said:

"After St Andrews the North South Ministerial Council may be politically benign, but is it really the most effective use of our time and resources?"

The SDLP reiterates today that the North/South Ministerial Council is non-negotiable. Unlike some other parties, the SDLP will not stand idly by and watch the Council's remit be reduced, while the

British-Irish Council's remit is extended. The Council deals with a number of issues meaningful for the delivery, on an all-Ireland basis, for all the people, not only of Northern Ireland, or the North of Ireland, but of the island of Ireland.

The SDLP is clear about the DUP's political motivation and its manifesto pledge to reduce Departments. What we are seeing is a back-door approach into majority rule by stealth. Other parties have fallen fast asleep and cannot see what the DUP's real agenda is. I ask the Ulster Unionists to accept our amendment, which goes much further than the original motion.

**Mr Deputy Speaker:** I ask the Member to bring her remarks to a close, please.

**Mrs D Kelly:** Our amendment calls for pragmatic changes that will improve government.

**Mr Deputy Speaker:** Order. The Member's time is up.

**Mr Paisley Jnr:** This is a very important debate. The public will be perplexed when they hear some of the comments that Members uttered here today. Those Members are saying that they want more largesse, more government, more expenditure, more permanent secretaries and more civil servants. They want more, more, more.

During this credit crunch, all the parties have claimed that they want to see less government and less public expenditure on wasteful elements of government. They also say that they want a Government that is efficient, lean, agile and able. However, some parties want to burden the Government with more.

Day and daily, the public say that our system of government is too complex and too bureaucratic, which makes it far too difficult to get planning decisions — *[Interruption.]*

They say that the complexity of government makes it far too difficult to get all manner of decisions taken, including decisions on housing. *[Interruption.]*

**Mr Deputy Speaker:** Order.

**Mr Paisley Jnr:** The public say that it is far too difficult to get all manner of decisions through government because of bureaucracy. However, for what does the SDLP ask? It asks for more government and for government to be slowed down. The SDLP wants the DUP to accept an amendment to its motion that will add at least two years to the Assembly's process of reform.

I am glad that, in the Assembly today, there is a voice of reason. *[Laughter.]* A voice of reason that says let us make the Assembly work in a more efficient, more able, and more cost-effective manner than is currently the case.

Most people will be amazed by the SDLP's decision to show two faces in this debate. Margaret Ritchie told



the Executive that she was prepared to support the Programme for Government that called for this review, that called for change and that supported a lean government. Her party's leader and his sidekicks, however, have stood up and demanded that there be more government and, with that, more expenditure. That is amazing. The public will be absolutely amazed at the exhibition that the SDLP has made of itself today. Mr Durkan had his chance to change things when he was in the Office of the First Minister and deputy First Minister, but he failed, and he failed miserably. He failed to deliver those changes.

We then hear the cries from the SDLP that this is a power grab by the Democratic Unionist Party. I do not want to read a lecture to the SDLP about how the d'Hondt process works, but I fail to see how it is a power grab when our party will have fewer Ministers at the end of it. The public will be amazed that yet again —

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

**Mr Paisley Jnr:** Sit down, Mark. You are not getting in, son. You had your chance and you were wick then, so you will not get another chance on my time. *[Laughter.]*

I am glad that the Ulster Unionist Party has supported our motion. Danny Kennedy said that only a small amount of money would be saved. The case has to be made and proved, but it takes little to see that some benefit would result from reducing the cost of salaries of permanent secretaries by not renewing those salaries. That would save at least £1.3 million, and the cost of establishing and running a Department —

**Mrs D Kelly:** Will the Member give way?

**Mr Deputy Speaker:** Order. The Member has consistently advised that he will not give way, so please stop interrupting.

**Mr Paisley Jnr:** I cut at least 10 minutes from my speech so that you can have the benefit of getting home early today, Dolores, so at least allow me to make my speech.

It would cost around £20 million to establish a new Department in Northern Ireland. If that money were saved, it could be spent on front line services. Our calculations show that amalgamating three of the current Departments with other Departments would save up to £80 million. That money should be spent on front line services. We have heard much about the need for public housing, and I sympathise and agree with that. Let us get the money out of wasteful bureaucracy and into front line services.

The business community has made a clear demand for those changes. The Business Alliance made it clear that, in the Programme for Government:

“service delivery could be enhanced through bold redesign”

of government. The DUP supports that. The Institute of Directors said that the challenge for 2009 is:

“the review of central government departments cannot be immune from rationalisation and reform, and must be pursued vigorously.”

The DUP is prepared to pursue that vigorously. It has tabled the motion, and it has demanded action on the issue. It is incumbent on the parties that talk the talk of bold, effective and efficient government to walk the walk through the aisles with us today. I support the motion.

**Mr Deputy Speaker:** As Question Time begins at 2.30 pm, I suggest that the House take its ease until that time. The debate will continue after Question Time, when the Question will be put on the amendment.



2.30 pm

*(Mr Speaker in the Chair)*

## Oral Answers to Questions

**Mr Speaker:** I again remind Members of a change in the arrangements for Question Time. Members wishing to ask a supplementary question should rise in their places as the Minister finishes responding to a lead or supplementary question.

### EDUCATION

#### Post-Primary Transfer

1. **Mr Moutray** asked the Minister of Education when she expects to announce her final proposals on post-primary transfer. (AQO 1677/09)

**The Minister of Education (Ms Ruane):** I mí Bealtaine, tharraing mé moltaí comhthoiliúla anuas a bhain le socruithe nua don aistriú iarbhunscoile; bhí na moltaí seo bunaithe ar dhíospóireachtaí forleathana leis na páirtithe leasmhara ar fad san earnáil oideachais.

I brought forward consensual proposals in May 2008 for new post-primary transfer arrangements, which were based on extensive discussions with the full range of education stakeholders. My proposals are designed to address inequalities associated with the existing arrangements. The case for change is compelling.

At present, one in four children in the non-grammar sector is entitled to free school meals. In the grammar sector, that ratio is one in 17. In addition, due to the size and nature of the grammar sector persisting amidst a major decline in pupil numbers, the pressures and burdens of sustainability are suffered exclusively by non-grammar schools. The maintenance of the number of grammar places against a backdrop of demographic decline has meant that pupil numbers have fallen in only the non-grammar sector. That means that children from disadvantaged socio-economic groups face not only an admissions process that gives them disproportionately low prospects of obtaining a grammar school place, but means that they are significantly over-represented in non-grammar post-primary schools.

The case for change is also underlined by the extent of educational underachievement and how that relates to educational disadvantage. For example, 70% of children — 14,391 children — not entitled to free school meals left school with at least five GCSEs at grades A\* to C, yet only 38% of school-leavers entitled to free school meals had the same level of achievement. Some 92% of

Travellers have no GCSEs, compared with 4% of all school-leavers.

We must move away from a system in which children's prospects are so heavily influenced by the relative affluence of the area in which they live. For example, 73% of the children who transferred from primary schools in Holywood did so to a grammar school. In Hillsborough, that figure was 72%; on the Malone Road it was 95%; and in Stranmillis it was 85%. However, in Twinbrook and Poleglass, that figure was 34%. It was 22% in Rathcoole, 26% in the Shankill area and 20% in the New Lodge.

I have sought Executive engagement with my proposals, and I made a formal bid to have them included in legislation. In the absence of substantive consideration by the Executive of my proposals, I have sought individual discussions with each Executive Minister. In many cases, however, I have not had a response. I remain ready and willing to bring a policy memorandum to the Executive when they are in a position to discuss it.

**Mr Moutray:** I thank the Minister for her answer. She has now been Minister of the Crown for education in Northern Ireland for some 18 months.

**Some Members:** Hear, hear.

**Mr Moutray:** Is it her intention to bring forward proposals that incorporate the current legal reality regarding academic selection?

**The Minister of Education:** Yes, I have been Minister of Education for many months now, and I have to say that it has been a very important job. This is a key time in education. It is wonderful to be at the helm of education when so much change for the better is happening.

We have an outdated education system that needs to be changed and I am determined that we continue with the change that has already begun. Thankfully, we have had the last 11-plus. There will be no more 11-plus here in the North of Ireland, and that is good news for all our children, none of whom should be sitting an exam at the tender age of 10 or 11, with future pathways decided on the basis of two one-hour tests.

Where are the Members in representing the children whom the system is failing? Where are they in representing the 12,000 young people whom our system is failing? Are they content to allow to continue a system that fails a huge number of our young people? Well, I am not.

There will be change, and I look forward to working with all Members in effecting that change.

**Mr B McCrea:** Is the Minister of Education aware that, because of her failure to introduce any constructive proposals, she is the most unpopular politician in Northern Ireland? Furthermore, is she aware that the people of Northern Ireland long for a return to the good old days of Martin McGuinness? Has there been



some misunderstanding? Will the Minister explain to the people of Northern Ireland why she has failed not only her people but all our people?

**The Minister of Education:** I do not know where the Member has been, because I have introduced proposals. I have introduced compromise proposals for the phased ending of academic selection, and I look forward to Members supporting those proposals. In the absence of those proposals being supported, I will issue guidance on admissions criteria, but I would prefer us to reach agreement.

I look forward to Members representing their constituents and working with me to deal with educational underachievement. I am not prepared to preside over educational apartheid or academic rejection.

Popularity was not my rationale for entering politics. My rationale in being the Minister of Education for the North of Ireland is to bring about the change that is so badly needed. I urge Members to talk to the people on the ground and the young people who have been failed by the current system. I have talked to them, and it is not acceptable for us to fail the number of children whom we are currently failing.

**Mr D Bradley:** Go raibh míle maith agat, a Cheann Comhairle. Ba mhaith liom a fhiafraí den Aire an bhfuil plean eile aici seachas an ceann a nocht sí cheana féin don idirthréimhse, b'fhéidir ceann a bheadh bunaithe ar an pháipéar a chuir na ceannasaithe Eaglaise i gceionn a chéile, a mbeadh, b'fhéidir, tacaíocht níos forleithne aige. Chuideodh sin le córas neamhrialta a sheachaint.

Does the Minister have an alternative transitional proposal beyond the one that has already been revealed, perhaps a proposal based on the paper that was published by the Church leaders? Such a proposal would gain more widespread support and would help to avoid the development of an unregulated system of academic selection. Go raibh míle maith agat.

**The Minister of Education:** Go raibh míle maith agat. As I have done in the past, I pay tribute to the Church leaders for the work that they have done. As Members will know, I met representatives from all the Churches in the North of Ireland. I also met representatives from all the different education sectors, and the vast majority of those people want change.

I have introduced compromise proposals, on which I look forward to reaching agreement. I have always said that I am willing to listen to suggestions, and if those suggestions improve my proposals, I will certainly take them on board.

Change is needed for all our children, and we must progress our education system into the twenty-first century. I look forward to the support of the SDLP when I present those proposals.

## Education for Children from the Travelling Community

2. **Mr Molloy** asked the Minister of Education what action she is taking to ensure that children from the Travelling community receive a fair and equal education. (AQO 1816/09)

**The Minister of Education:** Le fada an lá anois, tá leithcheal á dhéanamh ar an Lucht Siúil sna réimsí oideachais, sláinte, titíochta agus fostaíochta. Tá siad ar cheann de na grúpaí is mó atá faoi mhíbhuntáiste sa Tuaisceart.

For too long, the Traveller community has suffered discrimination in education, health, housing and employment, and it is one of the most disadvantaged groups throughout the island of Ireland. The vast majority of Travellers in the North have no formal educational qualifications, and 92% have no GCSEs or equivalent qualifications. Indeed, in 2006, it was reported that nine out of 10 Traveller children had not achieved the required literacy levels.

I am driving a number of key actions to ensure better educational access and outcomes for Irish Traveller children and Roma children. At the centre of my vision for the future is the work of the task force on Traveller education, which I established in September 2008. That task force is jointly chaired by an Irish Traveller, Catherine Joyce, and Dr Robbie McVeigh. The task force is bringing together representatives from statutory and non-statutory bodies from all of Ireland to make recommendations on Traveller education, which will be underpinned by the United Nations Convention on the Rights of the Child.

In March 2009, we will be holding a joint North/South conference on Traveller education, during which we will share good practice in Ireland and further afield. That will further inform the task force in developing its recommendations. We are also working to progress data collection for Irish Traveller children and Roma children, particularly in the areas of attainment and attendance. That will enable us to set benchmarks, measure progress, and identify areas that require more work.

I am also taking action to ensure that Roma children — who, as members of a historically nomadic group, face the double barriers of language and discrimination — receive a fair and equal education. Additional funding is being provided to schools based on the current reported number of Roma children. We cannot have a situation in which children go hungry in our schools.

**Mr Molloy:** I thank the Minister for her reply. In areas where a high number of Traveller children are attending school, will she consider providing extra classroom assistance or support for teachers to ensure that those children get the opportunity of education?



**The Minister of Education:** Tríd an bhfoirmle comhaontaithe fuair scoileanna £983 de mhaoiniú breise do gach páiste den Lucht Siúil sa bhliain 2008-09.

Through the common funding formula, schools received £980 of additional funding per Traveller child for the year 2008-09. Those funds are provided to schools because of the Traveller children who are attending them; therefore, it is very important that schools use the funds to work for the needs of those children. Each school decides how best to use that money.

The Department is holding a series of working groups to consider the money that schools receive through the common funding formula for each Traveller child. We want to provide more guidance on what schools should spend their Traveller factor funds on. The working group consists of departmental staff, representatives from the education and library boards and principals from two primary and two post-primary schools.

A total of £364,000 earmarked funding was provided to the boards for the education of Traveller children in the year 2008-09. Therefore, a total of over £1 million is provided as additional funding for the education of Traveller children. A total of 822 Traveller children were in schools as of October 2007, and Members will know that we have put classroom assistants into every P1 and P2 class right across the North of Ireland.

**Mr Storey:** I note that the Minister of the Crown for education on this occasion is not wearing her educational balaclava, so I am delighted that she is in the House to answer the question.

On the matter of fair and equal education, were the Minister successful with her current transfer proposals, would it not be the case that she would turn every child into a Traveller child? We would have a situation in which our children would be denied choice and opportunity, and the problem that she is trying to address in the Travelling community would be exacerbated. We would have more problems in our educational system, but the Minister fails to recognise or deal with that.

**Mr Speaker:** Order. Before I ask the Minister to respond, I must inform the Member that — as I made absolutely clear this morning — he should not use that language in the Chamber.

**The Minister of Education:** I am going to ignore the first part of the question.

In relation to the second part of the question, the Member — and all Members — will know that I put children first in all areas of my work and that children are at the centre of my concerns. I find it insulting when people talk about “our children”, meaning one set of children. I am the Minister of Education for all children. I take my duties very seriously, which includes my responsibility for the 14,000 young people who are failing, whether they are from the Protestant community,

the Catholic community, or are ethnic minority children. Therefore, I do not discriminate against any children. What I do is put a system in place that ensures that children with special needs get the money and resources that they deserve, whether they are from the Falls or the Shankill, the Waterside or the Bogside, from Newry, Down, Tyrone or another part of the North of Ireland.

I ask Members to join with me. The Member asks whether we will input the same amount that we have given to Traveller children — work with me, give me more money and I will be happy to put it into our education system. I would love to see the Education Department getting more money.

2.45 pm

Members will be aware that I have targeted funding on the basis of need. I am reviewing the common funding formula so that we can put more money into working-class areas where there are Protestant children, Catholic children and children from all ethnic minorities.

**Mr McCallister:** It is good to share a constituency with the most unpopular politician in Northern Ireland. The Minister obviously feels that the Travelling community has been disadvantaged. Who does she think has caused that disadvantage, and will she identify those responsible for it?

**The Minister of Education:** I am sorry, could you repeat the question?

**Mr B McCrea:** She is not even listening to us.

**Mr McCallister:** Will the Minister identify those whom she feels are responsible —

**Mr B McCrea:** Start again.

**Mr McCallister:** Will the Minister identify those responsible for the disadvantage that she feels exists against the Travelling community: will she identify the people whom she thinks have caused that disadvantage?

**The Minister of Education:** First, we will let the electorate of South Down decide who is popular. Given the votes that my party gets, we will let the electorate decide that matter.

Regarding the discrimination against our Traveller population, what we have is systemic discrimination that is multi-layered. We have discrimination because they are —

**Mr B McCrea:** What does that mean?

**The Minister of Education:** Basil may not know what that means, but it means that we have an education system that disadvantages huge sections of our population; not just Travellers, but because Travellers face extra barriers, they, along with other sectors in our society — our ethnic minority children,



children facing violence in the home or outside the home, whether it be sexual or physical violence — have extra barriers to overcome. We are trying to put support in place for the different sections of our population that face barriers.

It has been documented — and I urge the Member to read the Equality Commission's report — that the Travelling community has the highest number of children leaving school without formal qualifications: 92%. That means that only 8% are leaving school with formal qualifications. I hope that the Member joins with me in working to bring about improved outcomes.

### Academic Selection

3. **Mr Simpson** asked the Minister of Education to detail the legal restrictions she would face in unilaterally seeking to remove academic selection. (AQO 1676/09)

**The Minister of Education:** Ní féidir le duine ar bith roghnú acadúil a chealú ná a fhorchur ar bhonn aontaobhach, agus dá bhrí sin níl aon cheist ann.

No one can unilaterally impose or remove academic selection, and, therefore, the question does not arise. I have brought proposals to the Executive for the phased abolition of academic selection. Those proposals include a transitional period of three years during which schools can admit a proportion of their intake on the basis of academic selection.

My proposals address a number of inequalities that are evident in the existing arrangements, particularly the role that disadvantage plays in constraining the life chances of children as they make the transition from primary education to post-primary education. As I have said, it is a damning statistic that while one in four children in our non-grammar schools is entitled to free school meals, the ratio in grammar schools is one in 17.

We need to bring about change that is badly needed, and I am determined to do so. I want to reach agreement, but in the absence of agreement, I will issue guidance.

**Mr Simpson:** The Minister of the Crown for education in Northern Ireland has already conceded in an answer to a question for written answer that it is legally permissible for schools that wish to do so to utilise academic selection in the event of there being no agreement. She has also stated that she was aware of the current legal reality regarding academic selection from day one of her tenure. Does the Minister intend to bang her head against a brick wall in an attempt to get round the legislation or will she get on with her job?

**The Minister of Education:** I am getting on with my job. The 11-plus is gone.

**Mr Elliott:** In light of what the Minister has said, does she expect to see an end to academic selection within the lifetime of the current Assembly, and is

there — or does she perceive there to be — any legal impediment to the continuation of academic selection by whatever means?

**The Minister of Education:** I am not going to repeat the proposals that I have introduced — the Member knows what they are. I hope that we can reach agreement on those proposals — if we do, it will be in the interests of all children; if we do not, I will issue guidance.

**Mr Lunn:** What are the legal restrictions on schools that seek to select their own intake, by means of an examination or otherwise?

**The Minister of Education:** I have made it very clear that I want us to reach agreement. If we reach agreement, those schools that want to carry out independent tests — breakaway schools — will not be able to do so, unless they become private schools. If we do not reach agreement, I will issue guidance. I have outlined on many occasions that there is a danger in breakaway schools operating independent tests; the Department works to equality and disability legislation, and it will not fund independent tests or any appeals to those tests. I urge everyone — political parties and all the education sectors — to move forward and to put children at the centre.

**Mr Dallat:** Although not wishing to advocate the retention of the present system, will the Minister agree that an unregulated system is probably worse than the current system? I ask that question on behalf of my constituents, and not on behalf of the Crown, Mrs Windsor or anyone else.

**The Minister of Education:** I welcome the fact that the SDLP is opposed to academic selection, and I look forward to its support for my proposals. The worst-case scenario is the current system; I have no plans to bring back the 11-plus, and I hope that the SDLP does not — perhaps, at some point, one of its Members will clarify that. As I have said, I want, and look forward to, agreement. If we do not reach agreement, I will issue guidance, and that guidance will be very carefully managed.

### Education (Pupil Records and Reporting) Regulations (NI) 2009

4. **Ms Ní Chuilín** asked the Minister of Education what are the policy objectives of the Education (Pupil Records and Reporting) Regulations (NI) 2009. (AQO 1820/09)

**The Minister of Education:** Tá sé tábhachtach againn mar thuismitheoirí fios a bheith againn conas atá ag éirí lenár gcuid páistí ar scoil. Is é is cuspóir leis na dréachtrialacháin, mar sin de, a chinntiú go



bhfai gheann tuismitheoirí eolas fiúntach ábhartha faoina bpáistí ag na pointí cuí ina saol oideachais.

It is important that parents know how their children are doing at school. The objective of the draft regulations is to ensure that parents receive meaningful and relevant information about their child at the appropriate points during their education. We must make sure that parents have the information that they need in order to know not just how their child is doing at school, but how they can help support learning at home. If children are to do well and reach their full potential, they need the help of their teachers and parental support.

I have listened to the feedback from parents, teachers and principals on last year's pupil profile pilot, which was useful in helping me to decide which elements to retain and which to improve. As much of that report was positively received, I will be making very few changes to the detail of what should be covered in the annual school report. I am, however, proposing to go back to calling it an annual report to parents — tuairisc bhliantúil do thuismitheoirí — and to making sure that there is the flexibility for schools to add any extra information that they think that parents will find useful.

Parents, teachers and young people are being consulted on the proposals. In view of the feedback from the pilot programme, my proposals do not require schools to use a standard format for reporting; however, the format that was trialled last summer will continue to be made available for the many schools that have found it beneficial.

**Ms Ní Chuilín:** I thank the Minister for her answer. Under the draft regulations, how will the annual reports to parents differ from those that they currently receive?

**The Minister of Education:** Go raibh maith as an cheist sin. Beidh nasc idir an tuairisc agus an curaclam don chéad uair riamh.

For the first time, the draft regulations will bring reporting requirements fully in line with the revised curriculum. All Members of the House have been concerned about raising literacy and numeracy standards. The regulations will allow reporting to reflect the clear focus that I expect teachers to place on standards in literacy and numeracy, as well as providing parents with information about how their daughters and sons are doing in other areas of the revised curriculum.

If a school has traditionally reported class assessment outcomes to parents, it will continue to do so. The draft regulations propose common coverage of reporting, so that no matter what schools children attend, all parents will get the same breadth of information about how their children are doing. Good practice must be built on.

**Mr Gallagher:** In the Minister's response to an earlier supplementary question, she referred to a money shortage in the Department. Recently, she announced the end of the pupil-profile initiative. Surely when she took that decision, she calculated how much money her Department had spent on the initiative. Will she tell the Assembly how much money the pupil-profile initiative has cost her Department?

**The Minister of Education:** There is a presumption in the question that the Department has wasted money. No money has been wasted. The approach to annual reporting to parents has not changed significantly.

In 2007-08, 2008-09 and the current financial year to date, the cost of training and support of teachers on reporting to parents via a standardised pupil-profile format has been £180,000. I am sure that all Members understand the importance of reporting to parents, which was emphasised during all the pilots and consultations that were carried out. Are Members suggesting that teachers should not report to parents? The Department has listened to educationalists and parents. It has decided that instead of "pupil profiles", they will now be called "annual reports to parents".

**Mr McCausland:** A 2008 document on the revised curriculum, which was published with a foreword by the Minister, states that the future lies with pupil profiles. Will the Minister, therefore, acknowledge that she got it wrong? Will she acknowledge that she changed her mind? Will she also tell the House the actual full cost of developing the pupil-profile system and of the work that was done to support and train teachers — which has been mentioned already — in the now-redundant system?

**The Minister of Education:** It seems that the DUP has moved from its position of being anti-pupil profiles to being pro-pupil profiles. I adhere to my statutory duties, one of which is to conduct consultation. The leaflet to which the Member refers was published before the policy's launch.

## Review of Special Educational Needs and Inclusion

5. **Mr Boylan** asked the Minister of Education for an update on the review of special educational needs and inclusion, which commenced in April 2006.  
(AQO 1824/09)

**The Minister of Education:** Tá riachtanas speisialta oideachasúil de chineál éigin ar chóir a bheith 18% de na páistí inár scoileanna.

Almost 18% of schoolchildren have some form of special educational need (SEN). Much has been achieved under the current SEN framework. However, the review was undertaken in order to consider the



bureaucracy of current arrangements; the inconsistencies and delays in assessment and provision; the year-on-year increase in the number of statements; the growing number of children with special needs in mainstream schools; and the clear need for strategic use of resources.

Change is not needed for change's sake; it is needed for children's sake. The review aims to ensure that every child and young person who faces a barrier to learning is given a fair and equal chance. It must be ensured that all children are provided with appropriate support as early as possible in order to help them to achieve their full potential.

In developing policy proposals, there has been much early engagement with a wide range of groups and individuals in order to obtain stakeholders' views. Publication of those policy proposals is, therefore, much anticipated by everyone who has been involved. Draft policy proposals were first referred to my Executive colleagues on 1 July 2008. A formal request for agreement to proceed to public consultation was issued to the Executive on 28 November 2008. When agreement on the policy proposals has been given, the Department will be in a position to move quickly to issue the proposals for public consultation.

3.00 pm

## EMPLOYMENT AND LEARNING

### Student Loans

1. **Mr McFarland** asked the Minister for Employment and Learning whether the recent reductions in the Bank of England interest rate are being reflected in the rate of interest charged by the Student Loans Company. (AQO 1700/09)

**The Minister for Employment and Learning (Sir Reg Empey):** Interest applied to income contingent repayment (ICR) student loans is based on either the annual March retail price index or the highest base rate of a group of specified banks, including the Bank of England, plus 1%. The lower of those options is selected. As a result of the reduction in the base rate to 2% in December 2008, the base rate plus 1% was lower than the March 2008 retail price index, which was 3.8%. The Student Loans Company, therefore, reduced the interest rate payable from 3.8% to 3%. Following the further reduction in the base rate to 1.5% earlier this month, the interest rate payable on ICR student loans has now been reduced from 3% to 2.5%.

**Mr McFarland:** I thank the Minister for his answer. I am sure that he agrees that a lower interest rate on student loans is a good news story. Can he tell the

House how he proposes to get that message across to potential students?

**The Minister for Employment and Learning:** I thank the Member for his very helpful suggestion, because there is a lack of information and knowledge. The Student Loans Company is the body that services, provides and administers student loans throughout the UK. I will consult the Department and write to the Member when the issue has been examined.

The rate applied to student loans does not immediately affect the amount that a person might repay at any point in time, because HM Revenue and Customs takes 9% of people's income above the threshold level. The reduction in the interest rate means that there is less to repay, but it does not have an immediate impact on the level of payment.

**Mr Shannon:** Can the Minister confirm that some people have been put off from applying for a student loan because of the interest rate? Is the Minister aware that many parents are left to assist in the repayment of student loans? Indeed, that may be especially the case this year, due to the economic downturn. Is any consideration being given to students who are trying to repay loans through their parents?

**The Minister for Employment and Learning:** Not every person who is eligible for a loan takes one. Indeed, the last statistics that I saw indicated that about 20% of people eligible for a loan did not take one out. It is not an interest rate that is applied to student loans, so much as a charge that is applied to the account. Since its inception, it has traditionally been lower than the level that would be offered by a bank.

There are many people around the Chamber who have sympathy with parents becoming involved in the repayment of student loans. Parental involvement continues to happen. However, as the Member knows, we are looking at the whole question of student finance this year, and we will take all of these things into account. Early indications are that the number of students taking up positions in our universities continues to rise.

**Mr Butler:** Go raibh maith agat, a Cheann Comhairle. Is the Minister aware that the graduate salary threshold of £15,000 for the repayment of student loans is too low? There is quite a bit of evidence to suggest that graduate salaries are more likely to be between £18,000 and £23,000. Given that students have to repay 9% of their salary when it reaches £15,000, can the Minister give an undertaking that he will look at the issue and introduce a higher threshold that better reflects graduate salaries?

**The Minister for Employment and Learning:** This scheme is administered by HM Revenue and Customs throughout the UK. HM Revenue and Customs is not prepared to regionalise the scheme; it is



not prepared to treat Northern Ireland, Wales, Scotland and England separately. There would have to be an agreement between the four Administrations before the threshold could be changed.

I am prepared to write to my colleagues in the other Administrations to point out the difficulties that the Member has highlighted, and I will inform the House when I receive a response.

**Mr Gallagher:** The threshold for qualification for maintenance grants, which is based on parental income, is linked to the salary threshold and to the huge problem of student debt. Does the Minister agree that the Assembly could, perhaps, examine that matter? Will he consider raising the eligibility threshold for maintenance grants?

**The Minister for Employment and Learning:** The Member will be aware that Northern Ireland has retained a differential on maintenance grants, and we pay £500 per annum more than anywhere else in the UK. Indeed, in the comprehensive spending review that was announced in 2008, we decided to protect that differential because Northern Ireland has achieved greater participation among students from disadvantaged backgrounds than any other region. We must review the matter continually and include it in the student finance review. At this stage, my policy is to maintain the differential between Northern Ireland and the rest of the UK.

## Funding

2. **Mr A Maginness** asked the Minister for Employment and Learning to provide details of additional funding for new PhDs and research and development, as a response to the economic situation; if his Department is seeking funds to create a new Innovation Fund and if there is any North/South element to the recent announcement of a new Innovation Fund in the Republic of Ireland. (AQO 1808/09)

**The Minister for Employment and Learning:** In 2008, my Department announced several new university-based research initiatives, which represent an investment of more than £63 million over the next three years in local academic research bases. That includes funding for an additional 100 PhDs in each of the next three years in areas of economic relevance.

Those initiatives are partly supported by £31.3 million from the new funding for innovation stream, which is co-funded by the Irish Government. The new Innovation Fund - Ireland, to which the Member referred, is part of a framework for sustainable economic renewal that was launched in November 2008. Although the details in the framework have still to be developed, 'Building Ireland's Smart Economy: a Framework for Sustainable Economic Renewal' states:

"to the extent that it is appropriate, and by agreement with the Northern Ireland Executive, all of the policies, programmes and initiatives in this Action Plan will take full account of the mutual benefits available through North-South co-operation."

**Mr A Maginness:** I thank the Minister for his comprehensive answer. Does he agree that, as soon as we escape the recession — God knows when that will be — we will require as many graduates and PhD students and as much investment in higher learning as possible in order to outperform other parts of Europe? Does he agree that we should invest even more money in that area?

**The Minister for Employment and Learning:** The Member is talking to the converted. He will be aware that the Department made several announcements under the funding for innovation scheme, and he will remember that an initial series of schemes was announced in autumn 2008. Furthermore, he will be aware that we have added further packages to the package that the Minister of Finance and Personnel announced on 15 December 2008. Therefore, we have radically increased spending, and I have reprioritised the Department's plans in order to allocate money to that area.

The Member referred to the new Innovation Fund - Ireland. We do not yet know the full scope or details of that scheme, but I assure the Member that the Department will consider extremely closely and favourably any opportunities to strengthen the research base here or in co-operation with the Republic. I agree with the Member's assertion that, on the rebound from the economic crisis, we will need as many highly qualified people as possible to lead us out of the recession.

**Mr B McCrea:** What consideration has the ever-popular Minister for Employment and Learning given to increasing levels of R&D spending in universities as a means of fighting this dreadful recession?

**The Minister for Employment and Learning:** The Member will be aware that Gordon Brown announced a couple of years ago — before devolution was established — that he was considering an innovation fund. He will also know that when the comprehensive spending review process began after devolution was re-established, one of my main targets was to try to attract as much as possible of the money from that fund into the Department. We succeeded in attracting in excess of £40 million — roughly half of the total amount. That was one of my main targets for the simple reason that an innovation fund is one of the ways in which we can improve our research and skills base. The Member will be aware that, through the comprehensive spending review, the Department got money for another 100 places per annum over the next three years. All of those places have been taken up in the universities, which is very positive.

My Department will keep the pressure on to increase the money available for providing those places, and, in



answer to a previous Member, I said that the Department has already re-prioritised some of its spending lines in order to make money available for research and development. People must understand that the research and development spend in Northern Ireland is still well below not only national levels, but international levels, which is more important. Therefore, there is work still to be done.

### **Belfast Metropolitan College: Senior Concessions**

3. **Ms Lo** asked the Minister for Employment and Learning what plans he has to review the policy on senior concessions for further education courses in Belfast Metropolitan College, to include those over the age of 60. (AQO 1814/09)

**The Minister for Employment and Learning:** At present, all college directors are collectively examining their fee structures, taking account of the current economic climate, and in light of the current part-time enrolment pattern throughout the further education sector. In establishing their fees policies, colleges have to take account of relevant legislation. They have to comply with Employment Equality (Age) Regulations 2006, which came into operation in October 2006. Unfortunately, those regulations mean that colleges are no longer able to offer concessionary fees to learners solely on the basis of their age.

In advance of the start of the 2008/09 academic year, my Department worked closely with colleges to identify additional means-tested criteria that they could apply. As a result, all colleges can now offer fee concessions to learners who are in receipt of rates relief, in addition to concessions that are available to those in receipt of a range of benefits, including pension credits.

**Ms Lo:** I thank the Minister for his response. I have received correspondence from a number of constituents in south Belfast aged between 60 and 65 who have been engaged in a range of community-based programmes. They are now being asked to pay the full fees, and are being discouraged from the opportunities of further education, and from attempting to address social isolation. Can there be flexibility for those who have been engaged in a range of programmes to continue with those without having to pay the full fees?

**The Minister for Employment and Learning:** The Member will have heard of the law of unintended consequences, and if ever there was an unintended consequence, this is it. I do not think that there is a Member in the Chamber who has not written to me at some time in the past 18 months regarding this issue, and it is not a place in which we want to be. However, the legal advice that the Department has received — outlining a view that is shared by the Equality

Commission — puts us in a position in which, if colleges give concessionary fees purely on the basis of age, they are contravening the directive. The Department is examining that, and trying to broaden the applicable criteria.

I wish we were not in this position, because it seems bizarre that a piece of legislation that was designed to help primarily older people has ended up hindering them. I take very seriously the point that the Member has made about the non-academic aspects of the issue.

There is a social aspect, and I have received letter after letter about that. Another European directive is coming on this issue — although one could probably say that at any time, because there is always another European directive coming — which may provide an opportunity to fix this problem.

I have written to the First Minister and deputy First Minister in the past few days asking if this issue can be taken up nationally and at European level, because I am quite sure that those who designed the directive and the subsequent legislation never intended this to happen. I do not want that to happen. It was a mistake and it is a shame. In the short term, we are trying to mitigate the circumstances as best we can.

3.15 pm

**Mr McCausland:** I thank the Minister for his answer. Does he have any information as to the impact that that situation has had on the enrolment figures at the Belfast Metropolitan College and at other colleges?

**The Minister for Employment and Learning:** A number of Members have asked that question. The material for the last academic year has been analysed by the Department. The final figures have not yet been produced for me, but that will not take long. As soon as those are available, I will write to the Member with the details. I hear anecdotal reports, but I do not yet have the finalised, analysed figures to hand.

**Mr McCallister:** The Minister will be aware that I have contacted him about how important this issue is and the effect that it is having on constituents in South Down. Given the Minister's earlier response about the amount of European directives, does he agree that we need a better system in which the First Minister and the deputy First Minister could scrutinise the directives, so that we do not end up with anomalies that cause problems and hardship in our constituencies?

**The Minister for Employment and Learning:** I share the Member's frustration. However, I suspect that it goes further than that, because Governments are signing up to those directives in Brussels. The Council of Ministers takes the final decisions, or else takes joint decisions with the European Parliament. The recent vote on the nitrates directives was taken in that way.



After people decide on those directives, they are left for quite a long time. It can take years before those decisions filter through. By the time they would reach the First Minister and the deputy First Minister, it would be too late. They need to be dealt with at governmental level at Westminster, because, unfortunately, our representatives in Brussels are approving those directives. Under the previous arrangements, that could not happen unless the Council of Ministers approved them. The British Ministers agreed to that.

The frustration that the Member expressed clearly applies right across the board. I will ask the First Minister and the deputy First Minister to investigate whether there is any way that the effects can be mitigated while it is possible that another directive will come. However, that will require positive input from the UK representatives on the Council of Ministers.

### Review of Student Fees

4. **Mr Newton** asked the Minister for Employment and Learning when he expects to publish his report on the review of student fees. (AQO 1679/09)

**The Minister for Employment and Learning:** The review of variable fees and student-support arrangements is under way. Northern Ireland is the first area of the United Kingdom to undertake such a review. I will ensure that the Committee for Employment and Learning is updated on a quarterly basis and at key milestones during the progress of the review. I anticipate issuing a document for public consultation in the autumn of this year.

**Mr Newton:** That was not the question that I asked. The question that I asked was when the Minister expected to publish his report on the review of student fees. My understanding is that that will not be until March 2010.

**Mr McNarry:** Why did the Member ask the question if he knew the answer?

**Mr Newton:** That will all become clear. In December 2007, the Minister pleaded with the Assembly to give him 12 months to complete his report. According to the Hansard report, his actual words were:

“for the sake of a year.” — [*Official Report, Vol 26, No 2, p88, col 1*].

If I am correct that the report will not be published until March 2010 at the earliest, was that not an irresponsible approach that misled this House?

**The Minister for Employment and Learning:** If the Member cares to read the Hansard report, he will know that I repeatedly said that we would conduct a review in academic year 2008-09. That is precisely what we are doing — in fact, we announced that review before Christmas.

A lot of work has been going on: a team has been established; a chairperson has been appointed; people have been appointed to sit on the group; and an Economic and Social Research Council fellow is in position to consider the data.

The Member knows that we must have enough robust statistical evidence to make a case, because if the review were to conclude that we should replace or do away with student fees, we would be talking about huge sums of money — approximately £100 million. Therefore, if one is to approach the Department of Finance and Personnel, or anybody else, with such a bill, robust statistics — and not a lot of waffle — are required, and such statistics can be obtained only by means of a sufficiently significant data sample.

In answer to questions, letters and debates in the House, I repeatedly said that the review would commence in the 2008-09 academic year, and that is exactly what happened.

**Ms S Ramsey:** Go raibh maith agat. Further to the Deputy Chairperson of the Committee for Employment and Learning's question, bearing in mind the figures highlighted by the Minister for years 1 and 2, the fact that he must await figures for year 3 in order to bring a case to the Department of Finance and Personnel, and given that Basil McCrea said that Sir Reg Empey is one of the most popular Ministers, will he make a popular decision? Is he minded to go to his Executive colleagues with proposals to do away with student fees?

**The Minister for Employment and Learning:** If I were minded to do that, why would I go to the bother of instigating a review process in the first place? Perhaps the Member will indicate in advance which of her party's Ministers would give me the money, because, if the money must come from the total pot, it must come from their pockets, as well as those of other Ministers. We have appointed an independent review in good faith, and the Committee will be updated on its progress at least quarterly, or when any other milestones are reached. There is no point in appointing a review committee if one has already made up one's mind about what to do.

**Mr Elliott:** Perhaps the Minister should have said “in a political lifetime”, which seems to be an acceptable timescale. Will the Minister confirm that student fees are means-tested and that, consequently, the majority of Northern Ireland students do not pay them?

**The Minister for Employment and Learning:** The Member is correct. My Department's policy of maintaining a differential to the maintenance grant was introduced by my predecessor Seán Farren — or perhaps it was Mrs Hanna. We have consistently done that, and currently pay the highest grant.

In conjunction with other university programmes funded by the Department, the policy has been successful



in assisting more people from disadvantaged backgrounds to become students. It has been successful because we have worked at it. In fact, in Northern Ireland, the British Government's targets for encouraging people from disadvantaged backgrounds to get involved in higher education have long been exceeded, and that is something to be proud of.

Most, if not all, parties represented in the Chamber were hostile to the idea of introducing fees, and, in the present circumstances, any debt or bill that people must face represents a huge challenge. Nevertheless, now that the review is under way and people are in place to examine the situation, we must take all circumstances into account before reaching a decision, and I hope that, when I receive the report, assuming that the Executive is still meeting, there will be something for them to discuss.

**Mr Dallat:** I can assure the Minister that I do not know the answer to my question. *[Laughter.]*

I agree with Mr Elliott's comments that the Minister has been proactive on further and higher education. I am sure that the Minister will agree that many good plans that are made today will be history by the time the report is published. Is the Minister of a mind to monitor any potential drop-off in the number of students from lower economic backgrounds? Will he advocate access funds for those students to the colleges should the recession bite even harder than it is currently biting?

**The Minister for Employment and Learning:** Yes.

### Education and Training for People with Tourette's Syndrome

5. **Mr McCarthy** asked the Minister for Employment and Learning to detail the education and training provision available for people with Tourette's syndrome, and any future plans for such provision. (AQO 1810/09)

**The Minister for Employment and Learning:** My Department encourages and supports access to education and training for people with disabilities. Under current disability legislation, colleges and training providers are required to make reasonable adjustments to allow people with learning difficulties and/or disabilities to access mainstream provision. The support available is comprehensive and applicable to a wide range of impairments, including Tourette's syndrome. Support arrangements in the Department's areas of responsibility are kept under review and will be enhanced as necessary.

To enhance the effectiveness of the Department's Training for Success and ApprenticeshipsNI programmes, a group was established comprising individuals who have expertise in dealing with young people with disabilities. The Department is considering the group's report and will respond in the next few weeks.

**Mr McCarthy:** What action has the Minister or his Department taken to raise awareness among teachers and lecturers about Tourette's syndrome during their training?

**The Minister for Employment and Learning:** We have not distinguished between a wide range of difficulties and learning challenges that people face, because we try and deal with those on a case-by-case basis. We are fortunate in that a number of freelance professional and non-professional support workers are recruited and trained to assist students with disabilities. Access to the register is available to all disabled students in the universities and university colleges, and on identifying that a student has a particular need, we try to match him or her with someone who has the appropriate expertise.

The Member will be aware that we try to cover a broad spectrum — and rightly so. However, following the publication of the report on autism, attention deficit hyperactivity disorder and other issues, it is fair to say that people asked whether those conditions should be included in the continuous professional development — as well as the initial professional development — of teachers and, perhaps, lecturers. I will consider that, but through working with the Department of Health, Social Services and Public Safety and other parts of the public sector, we try to match a student who has such a condition with someone who has the relevant expertise. I am prepared to look at individual cases of which the Member may be aware.

### Construction Industry Job Losses

6. **Mr McLaughlin** asked the Minister for Employment and Learning to detail his Department's strategy for assisting anyone who loses their job in the construction industry. (AQO 1789/09)

**The Minister for Employment and Learning:** A comprehensive range of services is available through my Department's jobs and benefits offices, jobcentres and contracted providers, to help the unemployed — including those formerly employed in the construction industry — to find work. The services include mandatory work-focused interviews, action planning for certain clients and measures designed to improve the job prospects of those who have become unemployed.

Immediate assistance is also available, where appropriate, through the Steps to Work initiative. Participants who have been out of the labour market for 13 weeks or more may avail of the step 2 provision of that initiative. They may, for instance, undertake a new qualification provision or retrain in a new occupational area. The participant may enter at an



early stage, at the adviser's discretion, if, for example, there is the prospect of a job.

**Mr McLaughlin:** I thank the Minister for his comprehensive answer. Has he considered the role of the community and voluntary sector, because, in many cases, it is that sector that will have to provide support for those who become unemployed as a result of the economic downturn?

3.30 pm

**The Minister for Employment and Learning:** The Member will be aware that the construction industry has been particularly badly hit. He asked specifically about the role of the voluntary sector. My Department has several provisions in place and is asking the voluntary and community sector to help with the implementation of its policies.

In recent weeks, I have visited several jobcentres, and the current difficulty is that there are virtually no construction jobs on offer. Therefore, we are telling the advisers there that even if an individual has recently received training in construction and would not normally be eligible for retraining for some time, they may have to exercise their discretion. If there is a genuine prospect of a job, they may need to offer earlier training in another discipline. If that involves other training providers who are contractually obliged to help the Department, so be it, and the Department will strongly support going down that track.

## ENTERPRISE, TRADE AND INVESTMENT

### Export Industry

1. **Mrs D Kelly** asked the Minister of Enterprise, Trade and Investment to outline what work is being done to identify the specific export industry segments that will be targeted for future growth; how those segments are determined; and what links have been set up between the local economic agencies and the Republic of Ireland's Expert Group on Future Skills Needs. (AQO 1724/09)

**The Minister of Enterprise, Trade and Investment (Mrs Foster):** The first part of the question deals with the export potential of industry sectors. The sectors targeted for future growth are outlined in Invest NI's corporate plan for 2008-2011. Invest Northern Ireland's key objective is to help its clients to increase their growth and profitability. It has a wide range of sector strategies to boost the export potential of existing businesses. They include strategies for the development of professional and

business services, the food sector, digital media, biobusiness and niche manufacturing.

The sector focus of Invest NI's inward investment marketing and sales strategy is to attract higher-value-added activities in financial services and information and communication technology. As has been clearly demonstrated in the past six months, the business environment is ever-changing, and the strategies are, therefore, subject to ongoing review and development.

The second part of the question was a request for information on the links that have been set up between the local economic agencies and the Republic of Ireland's Expert Group on Future Skills Needs, but that is a matter for the Department for Employment and Learning.

**Mrs D Kelly:** I thank the Minister for her answer, and, given the circumstances that currently pertain to the financial institutions, I particularly welcome the review. Does the Minister agree that the capability and strategic positioning of the Northern Ireland Skills Expert Group should be enhanced? That group should work in partnership with the Republic's Expert Group on Future Skills Needs. A mechanism is required to ensure greater co-ordination between the Department of Enterprise, Trade and Investment (DETI) and the further and higher education sectors here.

**The Minister of Enterprise, Trade and Investment:** I agree with the Member. The Department for Employment and Learning (DEL) keeps us informed about its work and its co-operation with the Expert Group on Future Skills Needs. My understanding is that a successful all-island skills conference, Building Better Skills Together, was held on 9 October 2008 in Londonderry, and DEL hopes to build on that.

The Member mentioned financial services. Although everyone in the House acknowledges the particular difficulties in that sector, there are also opportunities for Northern Ireland there. We must be alive to those opportunities, and my Department is aware of what it needs to do to attract new businesses in that sector to Northern Ireland.

**Mr Shannon:** I, too, thank the Minister for her response. As exports are vital to Northern Ireland, will the Minister tell the House what further initiatives are being undertaken by Invest Northern Ireland to strengthen the export potential of clients in its target sectors in the Province?

**The Minister of Enterprise, Trade and Investment:** Invest Northern Ireland's concentration on the sectors that it identified in its corporate plan is ever-increasing. In response to the current economic downturn, Invest Northern Ireland is working with its clients and stakeholders to strengthen the export potential of the target sectors. It is providing support for the development of a wide range of key activities, including the development of centres of R&D competence.



During questions to the Minister for Employment and Learning, Members heard that Northern Ireland has fallen behind in its R&D spend. My Department is trying to correct that through its work with Invest NI. In December 2008, we announced a new campaign to encourage more companies to develop their research and development capabilities, and it was widely welcomed by industry.

We are trying to strengthen the supply chain. As all Members know, the failure of a company at the top of the chain creates difficulties for companies further down. Unfortunately, that has been happening, particularly in the manufacturing industry, and has had the greatest impact in my constituency of Fermanagh and South Tyrone and in the constituency of Mid Ulster.

We are also working with industry associations for which relevant university and non-university co-operation in research and development is vital. We are also examining the alignment of future skills provision with business needs, and in doing so, we work with the Department for Employment and Learning.

**Mr Savage:** Will the Minister explain how growing companies that are not client companies of DETI can be identified as having export potential and therefore be encouraged to export?

**The Minister of Enterprise, Trade and Investment:** The Department has been working in that area for the past six months. When it launched its credit-crunch seminars for Invest NI clients, it recognised that there was also a need to help other companies — particularly small companies that were not Invest NI clients. Before Christmas, I attended, in Omagh, the first of the credit-crunch seminars. The Department is now working with Enterprise Northern Ireland, local government and chambers of commerce in particular areas to develop and help those small businesses that may find themselves in difficulty, especially with cash-flow problems. That is a new and innovative move for Invest NI — it has not been done before. I welcome the partnership approach that we have developed with those companies. I hope that the take-up will be as good as that for Invest NI companies, which was very successful.

## Varney II

2. **Dr Farry** asked the Minister of Enterprise, Trade and Investment for an update on her Department's consideration of the Varney II recommendations.

(AQO 1826/09)

**The Minister of Enterprise, Trade and Investment:** My Department submitted a detailed response to the Department of Finance and Personnel on the recommendations that are in Sir David Varney's second report. In that response, I explained that my Department was taking

action already to address the issues that were the subject of the majority of Varney's recommendations.

One recommendation suggested that a review be conducted into the role, structure and governance of Invest NI. That was one of the factors that led me to establish the independent review of economic policy relating to my Department and Invest NI. The overall aim of the review, which I launched in the House on 1 December 2008, is to ensure that DETI and Invest NI's policies, programmes and resources are targeted to help improve private-sector productivity in Northern Ireland.

I have asked the review panel to report by summer 2009 on how existing policies and programmes might be better tailored, and what, if any, new policies are necessary.

**Dr Farry:** Given DFP's downgrading of the regional economic strategy, does the Minister share my concern that the Varney II recommendations may be sidelined? Does she agree that it is important for us to accelerate consideration of any reform agenda in order that we can free up businesses to create jobs and wealth and get the economy going again in the context of the downturn?

**The Minister of Enterprise, Trade and Investment:** I do not share the Member's concerns. Many of the recommendations in Varney II have been taken on board already, particularly by my Department. I mentioned already the ongoing review, which will report to me by early summer. If the Member were to look at other suggestions in Varney II, such as the take-up of R&D tax credits, he would know that the Department is running a very successful innovation voucher scheme. The Department has already tried to improve the take-up of R&D tax credits with that scheme, which has been praised for its good work.

It is important to take on board the MATRIX report recommendations, which the Member will be aware of and which are key to the future development of the economy of Northern Ireland. We should not underestimate the recommendations in that report. I hope to have a discussion with Executive colleagues on how we roll forward the MATRIX report in the near future.

**Mr K Robinson:** I agree with the Minister about the importance of R&D to our industry and about any recovery that may come along.

Does the Minister agree that a reduction in corporation tax is even more important, given the economic downturn and the credit crunch that we are all experiencing?

**The Minister of Enterprise, Trade and Investment:** Yes; obviously the prospect of that would be very welcome to Northern Ireland — if we had it. The Member will be aware that in response to the Varney II report, the Prime Minister confirmed that fiscal dispensations,



including a reduction in corporation tax, would not be granted to Northern Ireland. If we keep on looking myopically at that the issue of corporation tax without looking wider, we will miss a trick.

We need to consider other issues. Obviously, we will still pursue a reduction in corporation tax, but we must also look at the other tools in our box and get on with the job of promoting Northern Ireland and its economy.

**Mr Hamilton:** The Minister will recall that the Programme for Government set a great number of economically focused targets. Will she confirm whether the review will consider those economic targets in the light of the changing economic circumstances in which we find ourselves?

**The Minister of Enterprise, Trade and Investment:** The short answer is yes. I have specifically asked the review team that is examining the development of policy in DETI and Invest NI to consider the Programme for Government targets in the light of the economic downturn. It is only reasonable and rational to do so.

The Member knows that the purpose of the review into Invest NI and DETI policy is to deal with the medium to long term. It is not a knee-jerk reaction to the current situation; rather it is about planning for the future. As with everything that we in DETI do, we want to take short-term measures to deal with the pressures that we are under on a daily basis — of which there are many — and also to look to the future. In that way, we can have a strong economy to deal with the challenges that arise when there is an upturn.

### Inward Investment Jobs

3. **Mr Paisley Jnr** asked the Minister of Enterprise, Trade and Investment how many inward investment jobs have been created during the last quarter and whether her Department is on target to meet the inward investment goals set out in the Programme for Government. (AQO 1845/09)

**The Minister of Enterprise, Trade and Investment:** The provisional data for those inward investment projects that were approved between 1 April 2008 and 31 December 2008 indicate that 2,053 new inward investment jobs have been promoted to date, with 759 of them being in the last quarter of the period. That would suggest that the 2008-09 foreign direct investment (FDI) jobs target is on track for achievement, albeit that some projects have not yet been announced and might well now be delayed until more favourable economic conditions arise.

However, if we look at the longer term, moving into 2009-2010 and 2010-11, the pipeline for new projects is not favourable. It shows a significant reduction in

project numbers compared to the same point in 2007-08. That correlates to feedback received from the national business survey, which shows a general deterioration in business confidence. As those projects would have been due to be delivered over two to three years, that forecast downturn is likely to have a negative impact on my Department's ability to deliver some of its public service agreement targets within the timescales envisaged. We are, of course, keeping progress under review.

**Mr Paisley Jnr:** I thank the Minister for that comprehensive answer. Everyone recognises that, in the current economic circumstances, it is difficult to attract inward investment.

Given that tourism is a significant component of economic growth, will the Minister identify any specific help that her Department is giving to projects in my North Antrim constituency that impact on tourism? In particular, will she reveal anything to the House about investments to the Bushmills Inn, Bay View farm cottages or Hilden Barn in Ballymoney? What other tourism projects in my constituency can the Minister assist?

**The Minister of Enterprise, Trade and Investment:** I thank the Member for giving me notice that he wanted responses on those particular establishments. If he, or any other Member, has any questions on any particular tourism development, he should write to me about it. He is absolutely right; tourism is one of our key drivers of the economy, nowhere more so than in his constituency. Therefore, it is essential that we look to the medium to long term to get the correct product for people who want to visit here and to ensure that they have a good experience and want to return.

Invest Northern Ireland has approved an offer of support of £480,000 for the expansion of the Bushmills Inn, and that project will lead to the company being able to offer an additional 19 rooms. The company has also recently completed the Invest NI tourism visa marketing programme. I had the opportunity to visit the Bushmills Inn last year, and I commend the owners on the tremendous work that they are doing.

Invest Northern Ireland has offered Bay View farm cottages support totalling £57,000 for the development of three five-star self-catering cottages within walking distance of the Giant's Causeway, and that project will help to alleviate the requirement for high-quality tourism accommodation along the Antrim coast.

Finally, in November 2008, Invest Northern Ireland approved an offer of £95,000 for the establishment of a self-catering facility at Hilden Barn near Ballymoney. That is a £600,000 project that will result in four five-star units, creating 20 bed spaces.



3.45 pm

**Dr McDonnell:** I draw the Minister's attention to recent statements by the US President-elect, who will be inaugurated tomorrow, that he intends to make renewable energy technology a key component of future US economic and job creation policies. I also draw the Minister's attention to the recent statement from the Irish Republic that €500 million will be spent on renewable energy technologies. The Scottish Executive also intend for Scotland to become a world leader in renewable energy technologies.

**Some Members:** Speech.

**Dr McDonnell:** Well, I suggest that there is an obvious implication for us, Mr Speaker. I ask the Minister, simply, if she intends to make any similar announcements, or is there some way in which Northern Ireland can get a role, or partnership, in some of those significant developments?

**The Minister of Enterprise, Trade and Investment:** I thank the Member for his question. He knows that one of the areas discussed in great detail in the MATRIX report is the green economy. It is certainly an area in which I believe that Northern Ireland can expand; not only through innovation at universities, but also through manufacturing. There is quite a lot of capacity in manufacturing to help deal with those issues.

The Department takes all renewable energy issues very seriously. A strategic environmental assessment was recently commissioned on tidal energy off the north coast. I believe that that will lead to competition for those people who want to invest in tidal energy. Northern Ireland has some of the best tidal energy in the world; therefore, it is wrong to say that the Department is not taking the issue of renewable energy seriously. The Member need only consider the current scoping process as part of the strategic energy framework, which contains a lot in relation to renewable energy. I know that the Member will contribute to the debate surrounding that.

**Mr McElduff:** Has the Minister's Department got a particular focus on creating and sharing inward investment jobs between regions to the west and to the east of the Bann in order to bring about more balanced economic development? I am asking whether the Minister and her Department are being proactive enough in explaining the merits to inward investors of towns such as Omagh, Strabane and Enniskillen.

**The Minister of Enterprise, Trade and Investment:** I must say that I am surprised that the Member asks that question, given that he knows where I come from. The Member also knows that the terms of reference in relation to the review into DETI policies and Invest NI specifically mention regional points that must be taken into account, questions whether those points are being

taken into account effectively enough, and what must be done in respect of that.

I believe — and I hope that he agrees — that the Department is trying to reach out to all regions of Northern Ireland. My officials went to Omagh, and I mentioned recently about working with Invest NI, the Chamber of Commerce, and the Member's own council.

The Department wanted to roll out a discussion about the credit-crunch events, not just in the area east of the Bann; that process started west of the Bann. The Member knows that that was a very successful seminar, and that it was not just about FDI. He knows — and I have already stated in answer to the substantive question — that the FDI pipeline is not as good as it was. Therefore, Northern Ireland must look to its indigenous companies and small businesses, because small businesses are the backbone; they represent 98% of what happens here. There must be a balanced approach. There must be planning for the future, as well as consideration of what can be done in the short term.

**Mr McFarland:** The Minister mentioned the likely substantial reduction in FDI. Will she share with the House her detailed plan for growing local industries to take account of that drawback?

**The Minister of Enterprise, Trade and Investment:** I have already indicated that the Department is working very hard with Invest NI and its indigenous clients. I sometimes think that Members believe that the only clients that Invest NI has are those that come from a different country. That is not correct. More than half of Invest NI's budget is spent with indigenous companies. Therefore, the Department will continue to work with indigenous companies. I have already said that the Department wants to exploit more research and development capability. More of what the MATRIX report identified in relation to innovation must be exploited, and then taken through to manufacturing.

There is much that we can do to help the Northern Ireland economy. It depresses me that Members see the glass as half empty rather than half full. We should be positive about the Northern Ireland economy. We have not lost 1,900 jobs, as the Republic of Ireland recently did with Dell — we may be in a bad situation, but others are in a much worse one.

### Job Losses in 2009

4. **Mr Storey** asked the Minister of Enterprise, Trade and Investment what analysis her Department has carried out of the potential scale of job losses during 2009 as a result of the current economic downturn. (AQO 1843/09)

**The Minister of Enterprise, Trade and Investment:** Although Northern Ireland's unemployment rate between



August and October 2008 of 4.3% was among the lowest of the UK regions, I am well aware that the global economic slowdown continues to impact on the local labour market.

Many sectors are reporting job losses, particularly in construction, real estate, manufacturing, and wholesale and retail trade. My Department commissioned an economic forecast in November 2008, which indicated that overall employment in Northern Ireland could fall by 12,000 in 2009. That forecast is being updated to reflect the ongoing economic downturn. However, we must recognise that economic forecasting is a complex business at the best of times — the more so in the exceptionally dynamic conditions that we now face.

**Mr Storey:** Jobs in my constituency have been secured at Stevenson and Company in Cullybackey. The Minister is to be commended for her work on that and, on behalf of the companies involved, I thank her for her help. That is a good news story. However, the future has a degree of uncertainty.

We have a four-party mandatory coalition, and sometimes there is a blame game in the House about who is responsible for certain issues. What are the Executive doing to help the economy as we face the days of challenge and the forecast downturn that the Minister mentioned?

**The Minister of Enterprise, Trade and Investment:** I join the Member in congratulating Dunbia on its takeover of the Stevenson and Company plant, which is tremendously good news, particularly for the pork processing industry.

Sometimes it is forgotten that, at a time when the economic downturn was not foreseen as being so dramatic, the Executive put business at the centre of their Programme for Government. We did that because we believed that Northern Ireland required a strong business community at its heart to prosper. From the beginning, the Executive recognised that that was the way to go. My friend and colleague the First Minister put a cap on industrial rates when he was Minister of Finance and Personnel; the current Minister of Finance and Personnel announced a small-business rates-relief scheme; the streamlined planning process has worked effectively in the north-west and is being rolled out throughout Northern Ireland by the Minister of the Environment; and the new planning policy statement (PPS) 21 has replaced PPS 14, which helps the construction industry.

My local divisional planning officer told me that 35% of the applications that were being held under PPS 14 have been approved, which is something that SDLP Members may want to take cognisance of when talking about the new PPS 21. The Minister of the Environment is also taking planning reform measures to the Executive, which we look forward to endorsing.

My Department has been examining practical measures to help: we funded face-to-face advice with the citizens advice bureaux for people who find themselves with multiple debts; we have worked with Invest NI through the credit-crunch seminars and the £5 million that was invested in the accelerated support fund; and we recently announced the Kelvin transatlantic telecommunications link, which is very good news that should not be underestimated. Therefore, we are doing a lot to help businesses. I recognise that businesses are struggling, but we are doing our best to help and will continue to do so.

**Ms J McCann:** Will the Minister consider recommending to the Executive that they consider a similar scheme to that recently announced by Gordon Brown, in which businesses are given a financial incentive to employ people who have been unemployed for six months or more?

**The Minister of Enterprise, Trade and Investment:** That is a matter for the Minister for Employment and Learning. He briefed the Executive on Thursday and said that measures are already in place. In fact, the Prime Minister had been following some of the things that were going on in that Minister's Department. Therefore, if the Member addresses that issue directly to the Minister, he will be able to provide her with more details about what is happening.

**Mr McClarty:** The Minister will be well aware of the number of job losses that have been announced recently, none more so than in my constituency in recent weeks. There is a real fear in the community that the situation will turn into a job-loss tsunami. No one but a fool would hold the Minister responsible for those job losses, because they are well outside her control. However, will the Minister give us her best guess as to the number of job losses there could be before we begin to experience an economic upturn?

**The Minister of Enterprise, Trade and Investment:** As I said in my substantive reply, the economic forecast in November 2008 indicated that there would be 12,000 job losses this year. However, I also said that economic forecasting is difficult in these dynamic conditions — one has only to listen to the differences of opinion from the economic commentators. For example, officials from the Ulster Bank are saying very negative things about our economy, but officials from the Northern Bank, Mike Smyth from the University of Ulster, and Alan Bridle just today, have been saying more positive things about it. Therefore, opinions differ, depending on the commentator. However, as Minister, it is difficult for me to try to take the evidence base and make a best guess about where we are going, as, I am sorry to say, the situation changes from week to week. That is why we are looking to the medium-to-longer term and trying to deal with the short term in the most effective way possible.



## Business Assistance

5. **Mr Simpson** asked the Minister of Enterprise, Trade and Investment to detail what she is doing to assist the business community during the current economic downturn. (AQO 1683/09)

## Small Business Assistance

6. **Ms Lo** asked the Minister of Enterprise, Trade and Investment what plans she has to help small businesses in the current global economic downturn. (AQO 1831/09)

**The Minister of Enterprise, Trade and Investment:** With your permission, Mr Speaker, I will answer questions 5 and 6 together. In my capacity as chairperson of the Economic Development Forum (EDF), I have established a subgroup to consider what additional measures could be implemented to help businesses through the economic downturn. The subgroup will present its findings to the EDF meeting on 12 February.

Invest Northern Ireland has also developed a programme of initiatives designed to enable its clients to tackle the impact of a sustained economic downturn. At the end of September 2008, I launched Invest Northern Ireland's £5 million accelerated-support fund, which can make fast-track advice and assistance available to client companies to help them to respond to the effects of the downturn.

Since the end of September 2008, we have held seven seminars on the theme of navigating through challenging times, and they have attracted more than 500 attendees and 440 client companies. Feedback to date has been extremely positive, and a further event is scheduled for the end of this month. As a follow-up to that, Invest NI is offering up to five days of free consultancy support on a range of key business areas, and, to date, 88% of clients have expressed an interest in that.

For businesses that are not Invest NI clients, a "Beat the credit crunch" section has been added to the website [nibusinessinfo.co.uk](http://nibusinessinfo.co.uk). That provides practical tools and guides on key business activities such as managing finances and securing extra sales. In partnership with Enterprise Northern Ireland, district councils and the Northern Ireland Chamber of Commerce and Industry, we have also developed a further programme of business information seminars, specifically focused on non-Invest NI clients.

**Mr Simpson:** I thank the Minister for her reply. Further to that question, will the Minister outline what work is being done with key enterprise partners to assist the wider business community?

**The Minister of Enterprise, Trade and Investment:** First, I commend the Member and his colleagues on Craigavon Borough Council for taking the initiative in

relation to the credit crunch. That is very much to be welcomed, and it shows that local government has a strong role to play in trying to help the community through these difficult times. As I have indicated, Invest NI has brought together other economic development partners to launch a series of seminars on the theme of navigating through challenging times. As I said, the first seminar was held in Omagh and they are now being rolled out throughout the country.

Invest NI believes that working in partnership will bring us the most benefit. Working with organisations such as the Northern Ireland Chamber of Commerce and Industry will allow us to access those companies that, otherwise, we would not have been able to reach. I welcome the partnership-working that is occurring, and I hope that it is a template for the future.

4.00 pm

**Ms Lo:** I thank the Minister for her comprehensive answer. I am pleased to learn about the different initiatives to help our business community. What representations has she made to the banks about loans to small businesses in Northern Ireland?

**The Minister of Enterprise, Trade and Investment:** The Member may not be aware that I recently attended a meeting of the First Minister, the deputy First Minister, the Minister of Finance and Personnel and representatives from the four main banks, at which issues were raised concerning, in my particular case, those businesses that were finding it difficult to gain access to credit.

One of the difficulties for small businesses in Northern Ireland is that they cannot obtain the credit that they need, and they have cash-flow difficulties. I raised those issues with the banks' representatives directly.

The Member will know that the Secretary of State for Business, Enterprise and Regulatory Reform has announced various measures, one of which is the enterprise finance-guarantee scheme, which will be available in Northern Ireland, as well as in the rest of the UK. That scheme represents a widening of the small-firms loan-guarantee scheme, which was already in place in Northern Ireland. Unfortunately, however, take-up of that scheme was not as wide as it was on the mainland. We were concerned about that, but it is to be hoped that the widening of the criteria, by way of the enterprise finance-guarantee scheme, will allow others to take the scheme up in a way in which they were unable to in the past.



## PRIVATE MEMBERS' BUSINESS

### Reducing the Number of Government Departments

*Debate resumed on amendment to motion:*

That this Assembly recognises the importance of ensuring that the maximum amount of public spending is directed at front line services; and calls on the First Minister and deputy First Minister to bring forward proposals to reduce the number of Government Departments. — *[Mr Hamilton.]*

*Which amendment was:*

Leave out all after “services;” and insert

“notes that the Assembly and Executive Review Committee (AERC) has unanimously agreed that issues around efficiency and the number of Government Departments would be part of its programme of work and asks that the AERC addresses such issues; agrees to establish a new Assembly standing committee to focus on controlling the cost of government; calls on the First Minister and deputy First Minister to review and report on the administrative savings to be achieved from the various measures and proposals associated with the review of public administration; and to bring forward proposals to the Executive and the AERC to streamline management and reduce overheads of Government Departments including options for more shared services and policy support, reducing tiers of bureaucracy, reconfiguring Departments and reducing their number.” — *[Mr Durkan.]*

*Question put, That the amendment be made.*

*The Assembly divided: Ayes 13; Noes 43.*

#### AYES

*Mr Attwood, Mr P J Bradley, Rev Dr Robert Coulter, Mr Dallat, Mr Durkan, Mr Gallagher, Mrs Hanna, Mrs D Kelly, Mr A Maginness, Dr McDonnell, Mr McGlone, Mr O'Loan, Mr P Ramsey.*

*Tellers for the Ayes: Mr P J Bradley and Mr A Maginness.*

#### NOES

*Mr Armstrong, Mr Bresland, Lord Browne, Mr Buchanan, Mr T Clarke, Mr Craig, Mr Cree, Mr Dodds, Mr Donaldson, Mr Easton, Mr Elliott, Mr Ford, Mrs Foster, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr Kennedy, Ms Lo, Mrs Long, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Dr W McCrea, Mr McFarland, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Paisley Jnr, Rev Dr Ian Paisley, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Savage, Mr Shannon, Mr Simpson, Mr Spratt, Mr Storey, Mr Weir, Mr B Wilson, Mr S Wilson.*

*Tellers for the Noes: Mr Ross and Mr Storey.*

*Question accordingly negatived.*

*Main question put and agreed to.*

*Resolved:*

That this Assembly recognises the importance of ensuring that the maximum amount of public spending is directed at front line services; and calls on the First Minister and deputy First Minister to bring forward proposals to reduce the number of Government Departments.

*Adjourned at 4.15 pm.*







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## NORTHERN IRELAND ASSEMBLY

Tuesday 20 January 2009

*The Assembly met at 10.30 am (Mr Deputy Speaker  
[Mr McClarty] in the Chair).*

*Members observed two minutes' silence.*

### ASSEMBLY BUSINESS

**Mr Attwood:** On a point of order, Mr Deputy Speaker. Following the questions to the Minister of Education on her statement yesterday, Mr Basil McCrea and I raised points of order. As Deputy Speaker, you — quite properly, in my view — said that you would raise those matters with the Speaker. I know that it is premature to expect a ruling on any of those matters today, but, further to that point of order, I wish to raise an associated matter. At Question Time on 24 November 2008, the Minister of Education addressed questions for oral answer. On that occasion, questions to the Minister of Education lasted 29 and a half minutes, but 23 and a half minutes of that time were spent by the Minister in answering Members' questions. One of her answers took three minutes and 20 seconds.

When the Speaker is considering yesterday's points of order, will you ensure that that issue is raised? How is it that during Question Time, a Minister can be given such latitude that she is allowed to speak for such a long time without being asked by the Speaker — or any of the Deputy Speakers — at any time to bring her remarks to a close, address the question, keep her answer relevant or to stick to the point? I ask that you also raise that matter with the Speaker.

**Mr Deputy Speaker:** You make your point well, Mr Attwood. As you know, that is a matter for the Speaker and for the Committee on Procedures. Indeed, that Committee is considering the point.

## MINISTERIAL STATEMENT

### Public Expenditure: 2008 Strategic Stocktake

**Mr Deputy Speaker:** I have received notice from the Minister of Finance and Personnel that he wishes to make a statement on public expenditure with respect to the 2008 strategic stocktake.

**The Minister of Finance and Personnel (Mr Dodds):** I wish to make a statement regarding the outcome of the strategic stocktake of the Northern Ireland Executive's expenditure plans for the financial years 2009-2010 and 2010-11, which the Executive considered last Thursday.

The strategic stocktake was also informed by the submission of the Committee for Finance and Personnel, and it incorporates the views of the other Assembly Committees. I am grateful for the constructive input of the Committee for Finance and Personnel throughout the strategic stocktake process, and in this statement, I will attempt to address as many of the Committee's comments as I can.

In January 2008, after the outcome of the UK-wide comprehensive spending review of October 2007, the Assembly approved the expenditure plans for Northern Ireland Departments for 2008-09 to 2010-11. Those plans were drawn up in line with the Executive's Programme for Government, and included provision for a range of measures to be developed. Those included extending free public transport to everyone aged 60 and over; improvements in mental-health and learning-disability services; moving 70,000 working-age benefit clients into employment by March 2011; reducing red tape by 25% in the agrifood sector by 2013; a more than 40% growth of the tourism industry by 2011; and reducing the maximum waiting time for hospital treatment to nine weeks for outpatients, and to 17 weeks for inpatients.

Those final Budget plans, which are at annex A of my statement, were agreed after the publication of draft plans in October 2007, and 10 weeks' public consultation during which some 10,000 written responses were received, and high attendances were achieved at consultation events across Northern Ireland. In response to issues raised, additional funding was made available for mental health, children and youth services, the arts and social housing. The process began as far back as July 2005 when the Treasury announced its intention to conduct a comprehensive review of spending plans and priorities in 2007, rather than the normal biennial spending review.

One of the key features of the 2007 Budget process was the slowdown in growth in public spending at national level. That meant that the increase in the



Executive's block grant from the Treasury, under the 2007 comprehensive spending review, was significantly lower than in previous spending reviews, and the financial position has deteriorated further since then. The latest Treasury projections as set out in the 2008 pre-Budget report imply a further slowdown over the next spending review period, highlighting the difficult choices that will have to be made nationally and locally.

Following on from the 2007 Budget process — and on the basis that there was no expectation of any material additional resources becoming available for the financial years 2009-2010 and 2010-11 — the Executive agreed in March 2008 that there would be little to be gained from commissioning a comprehensive local Budget process for 2008-09. However, it was recognised that Northern Ireland Departments would have emerging financial issues of which early sight would be useful when considering the strategic approach to the 2009-2010 in-year process. Therefore, the Executive agreed to conduct a strategic stocktake of the Budget position for forward years in order to allow Departments to review progress against their three-year plans to date, and to register any easements or pressures for next year and the following year against Budget allocations. In setting firm expenditure plans in January 2008 for the financial years 2008-09 to 2010-11, the Executive fulfilled their legal obligations in that respect for each of the following three years. However, periodic reviews of expenditure plans for Northern Ireland Departments remain essential, and that is one of the reasons for this strategic stocktake.

On 2 April 2008, my officials informed the Committee for Finance and Personnel of the Executive's intended approach, and no opposing views were put forward at that time, when it would have been appropriate to do so. It was intended originally that the review of expenditure plans would be based on an assessment of progress to date against the targets set out in the Programme for Government, as well as the implementation of efficiency-delivery plans. In light of the short period that had passed since the start of the new financial year, it was not possible to review actual performance. Instead, the focus was on ensuring that sufficient systems were in place to ensure delivery.

With regard to the Programme for Government targets, the available evidence suggests that although some good progress has been made in developing the overall delivery frameworks in respect of most public service agreements, further work is required in order to provide the necessary assurances that services are being delivered as planned. That is an area of concern for the Committee for Finance and Personnel, and I hope that it will be taken forward as soon as possible by the respective Departments.

Regarding achieving the Executive's 3% per annum efficiency savings targets, there is concern at the delay in publishing efficiency delivery plans, and at the level of detail provided in some cases.

Therefore, further work will be required by Departments to provide sufficient assurance to the Assembly and the wider public that savings are being achieved through carefully planned measures to improve efficiency, rather than crude cuts in public services. The Assembly Committees have a key role, in that respect, to ensure that efficiency delivery plans are publicly available and to challenge Departments on the contents and subsequent delivery of their plans.

In relation to the strategic stocktake, I will first turn to the resources that are potentially available to the Executive over the next two years, beginning with the Barnett consequential from UK Budgets, which — as Members will be aware — represents by far the largest source of funding to the Executive. In light of the slowdown in economic growth across the globe, the expectation is that there will be a net reduction in our block grant over the period 2009-2011, relative to the position when the Budget was agreed last January.

In addition to allocations from the 2008 Budget and pre-Budget reports, the Northern Ireland Executive have also been provided with the flexibility to accelerate £76.8 million worth of capital investment into 2009-2010, as announced in the pre-Budget report. However, if the Executive decide to avail themselves of that opportunity, that funding would not be available in 2010-11.

A further consideration that was highlighted by the Committee for Finance and Personnel is the capacity of Departments to deliver accelerated capital investment projects, although I hope that the apparent improved performance for this financial year will provide some assurance in that respect. However, the potentially more significant provision in the pre-Budget report was the £5 billion increase in efficiency savings for Whitehall Departments in 2010-11, which the Treasury intends to reflect in the level of funding to the Executive.

Although the Committee for Finance and Personnel has asked for further detail as to whether the Executive intend to increase the targeted level of efficiencies as a result, I am sure that the Committee — and the House — will appreciate that that decision must wait until we have greater certainty regarding the impact on the block grant for 2010-11, which is expected to be provided in the Chancellor's Budget in the spring. In addition, I intend to challenge the Chancellor of the Exchequer to the effect that our comprehensive spending review 2007 settlement should be honoured in full and, hence, the additional efficiencies for



Whitehall Departments should not impact on the Northern Ireland Executive.

However, Members will be all too aware of the current situation at Whitehall, with Conservatives proposing that further savings of around £5 billion be made in the next financial year; that is, 2009-2010. Similarly, in the Republic of Ireland, reductions in public-sector pay and staffing levels are being considered as part of plans to deliver a further €2 billion of savings for 2009. To put that in context, that would be equivalent to over £700 million in additional savings for 2009-2010 for Northern Ireland Departments, adjusting for differences in population. That sets the context in which our discussions with the Treasury will take place.

In relation to other potential sources of income, the current financial situation means that there will be further constraints on the level of access to our outstanding stock of end-year flexibility. In relation to the disposal of surplus assets, the main emphasis for Northern Ireland Departments will be on ensuring the delivery of existing plans rather than seeking additional income, a point that was recognised by the Committee for Finance and Personnel.

Therefore, the overall level of resources available to the Executive over the next two years is expected to reduce rather than increase. That being the case, my ministerial colleagues and I will need to focus our efforts on making the best uses of the available resources. In that context, the main source of funding to address emerging pressures is expected to come from the resources that were allocated in the Budget process but that are no longer required for the purpose, and over the time frame, that was initially intended.

In their strategic stocktake returns, Departments declared £29·6 million in current expenditure reduced requirements for next year and a further £21·1 million for the year after. Further details are set out in my statement, which also shows that only £1·2 million of capital expenditure reduced requirements were declared by Departments. However, the Department of the Environment (DOE) has indicated that there will also be slippage in strategic waste infrastructure projects from 2010-11 into future years.

I expect further reduced requirements to be declared as we move into the respective in-year monitoring processes, particularly in respect of capital projects as market conditions provide increased value-for-money opportunities in the public procurement of capital projects. That matter was highlighted by the Committee for Finance and Personnel.

10.45 am

Although the relatively low level of reduced requirements declared by Departments means that the Executive would be able to make additional allocations at this time only by imposing significant reductions on

existing budgets, it is still important that the Executive be aware of the emerging pressures identified by Departments. It is important to stress at the outset that not all the costs identified by Departments are inescapable; nor, from previous experience, would they be expected to materialise to the full extent that has been suggested. The first source of funding in respect of emerging pressures should come from the Department's resources.

That reflects the concern of the Committee for Finance and Personnel, which has suggested that Departments had provided insufficient detail in their strategic stocktake returns on how they intend to address the emerging pressures that they had identified. Departments have identified £233 million of current expenditure pressures in 2009-2010 in total, and £301·7 million in 2010-11, as detailed in my statement.

Departments will be happy to note that most Assembly Committees were broadly in agreement with the pressures that have been identified, although I urge Committees to be more challenging in respect of the prioritisation of proposals. The most significant pressures have been identified by the Department of Education (DE), the Department of Agriculture and Rural Development (DARD), and the Department for Regional Development (DRD). The Department for Regional Development is mainly pressured by the lost income from the deferral of water charges in 2009-2010. That is an additional cost over and above the non-cash costs being covered by the Treasury for 2008-09 and 2009-10.

Although the pressures identified by Departments appear to be significant in absolute terms, in relative terms the House should be aware that they are equivalent to 2·7% to 3·4% of their budget settlements for 2009-2011. That compares with the 4·8% of resources declared by Departments as surplus in reduced requirements and underspend in the 2007-08 financial year alone.

Departments have also identified £175·6 million of capital expenditure pressures in 2009-2010, and £435·4 million in 2010-11. The most significant pressures have been identified in shortfalls in capital receipts in respect of the Crossnacreevy site by DARD, and the housing programme. That reflects the concerns of the Committee for Finance and Personnel regarding the overall delivery of planned capital receipts, although I expect that the respective Departments will take all action possible in order to address any shortfalls internally as a necessary condition for support from the Executive.

In addition to departmental-specific pressures, the most significant issue facing the Executive is the equal pay claim for junior members of the Northern Ireland Civil Service. Although the Prime Minister has recently provided access to £100 million of current



expenditure for either 2008-09 or 2009-2010 to help to address the spending pressures faced by the Executive, it needs to be clearly recognised that the extent to which the one-off cost exceeds this amount will represent a call on the Executive's available resources at a time when the overall financial position is severely constrained. There may also be recurrent costs as the pay structures are revised to ensure that they comply with the requirements of equal pay legislation.

In addition, the enhanced access to current expenditure will have implications because it is comprised of additional borrowing power and early access to the block grant. There are a number of other less significant cross-departmental pressures, including the residual funding commitment associated with the integrated development fund; increased rating relief, as we implement further reforms to the rating system and absorb the impact of the economic downturn; and the consequences of previous overpayments of UK public-sector pensions.

The economic downturn is already having an impact on the demand for the broad range of public services, particularly as a result of the increase in the level of unemployment. The precise impact of that will only be known as the position develops. In recognition of the importance of the Assembly in relation to financial matters, the Committee for Finance and Personnel was invited to submit its own assessment of the strategic stocktake position so that it could be taken into consideration as part of this exercise.

The substantive return from the Committee incorporates the co-ordinated views of other Assembly Committees. I have already touched on many of the Committee's points, but a number of additional matters were raised, including a request for further clarification on the recently announced financial package — which I hope has been addressed — and a concern about the ability of Departments to deliver the planned level of resources from the disposal of surplus assets and efficiency savings. There are concerns at the difference between the scale of emerging pressures, as identified by Departments, and the level of available resources. However, I remind Members that it is in the nature of budgetary exercises for Departments to bid for significantly more than is available.

There was a query as to why few of the pressures identified relate to the economic downturn. I suggest that that reflects the priority given to the economy in the 2008-2011 Budget process. However, it is expected that such pressures will increase as the full extent of the downturn feeds through. The Committee raised the issues of financial and project management, baseline reviews and access to the Executive's end-year flexibility stock. I agree that a more constrained level of access to end-year flexibility stock underscores the importance of Departments minimising the level of

end-year underspend; that should not, however, be at the expense of value for money.

Although the pressures identified by Departments as part of the strategic stocktake exceed the resources immediately available, they must be set against the scale of existing allocations and the level of resources that would normally be available to the Executive as part of the in-year monitoring process.

The two main issues for 2009-2010 concern the reduction in income from the deferral of water charges, and the one-off payment — and any initial consequential costs — of the Northern Ireland Civil Service equal pay claim. Those pressures will continue to impact on the overall financial position as we move into 2010-11, as will the reduction in resources available to the Executive as a result of the decision in the pre-Budget report to increase the efficiency target for Whitehall Departments by £5 billion.

The overall financial context for 2009-2010 and 2010-11 that I have described underpins the validity of the Executive's decision in March 2008 not to undertake a full Budget exercise. Instead, the focus will be on managing the emerging financial position as part of next year's in-year monitoring process. That approach will help us to manage the uncertainty that still surrounds some anticipated pressures next year — in particular, the final cost of the Civil Service equal pay settlement and the loss of income associated with the deferral of water charges.

I am sure that Members will have a number of questions regarding the approach that the Executive are adopting. In addition, the Committee for Finance and Personnel will table a take-note motion on the issue. That will provide an important opportunity for Executive Ministers to take into consideration the views of Members in advance of the 2009-2010 in-year monitoring rounds.

Looking forward to 2010-11, we still do not know when the next UK spending review will take place. In light of the pressures that I have detailed and the expected level of resources going into 2010-11, I am giving consideration as to the most appropriate form of process to manage the difficult funding position that we face, while maximising the delivery of public services.

Obviously, the circumstances that we currently face are significantly different to those that existed when the Budget was being finalised, or to any that could have been identified at that time. Clearly, we are still in a position of extreme volatility, with rising unemployment replacing the increased cost of living as the main cause for concern. Although I appreciate the scale of the pressures facing Departments, the current financial position means that the only way in which more resources could have been allocated to a



particular service would have been to scale back other public services. There was no appetite among my ministerial colleagues for such an approach.

I anticipate that many Members will today, and in the take-note debate next week, press the case for additional resources to be allocated at this time to certain public services. I ask that, in doing so, they take into consideration the current financial position and identify which existing service they would cut. That would add real value to such a debate.

External factors have contrived to ensure that the early years of this Executive will be the most challenging. In that context, it is more important than ever that all Members of the Executive, with the support of the Assembly, work together to deliver a better future for all the people of Northern Ireland. I commend to the Assembly the strategic stocktake of the 2009-2010 and 2010-11 expenditure plans of the Northern Ireland Executive.

**The Chairperson of the Committee for Finance and Personnel (Mr McLaughlin):** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his detailed statement. The breadth and scope of the report that he has delivered to the House describes the challenges that are faced by the Assembly and, in particular, the Executive in meeting the Programme for Government's targets.

The first of two key issues that have exercised the Committee is the question of capital-assets realisation targets. The Executive's Budget for 2008-2011 includes forecast capital receipts of £1.6 billion. What is the estimated out-turn against that target? How will the Executive deal with any deficits? What is the position with regard to the recommendations of the capital-assets realisation task force's report that was agreed in December 2007?

The Minister has dealt with the second issue in some detail in his statement. There is a question about Departments' bids for additional resources. When giving evidence on the stocktake to the Committee, officials from the Department of Finance and Personnel (DFP) said that questions remained about the scale of some bids that have been received from Departments and about whether those bids represent ongoing pressures.

That is a particularly crucial and relevant point to make at present. The initial stocktake position that was sent to the Committee showed a gap of approximately £1 billion between the bids that were submitted and the reduced requirements that have been identified for 2009-2011. Is the Minister concerned that Departments seem not to have met the stocktake's terms of reference, which stated that they needed to demonstrate how bids could be met through the adjustment of existing plans and priorities? Is the Minister confident that the major

pressures that have been declared by Departments — those that can be substantiated — can be met?

**The Minister of Finance and Personnel:** I thank the Committee Chairman for his comments, and I am grateful to the Committee for the work that it has done on that important subject.

Capital receipts are an important issue. Northern Ireland Departments have indicated, across the board, that the downturn in the property market will, of course, have a significant impact on the level of capital receipts in 2009 and in the medium term. It is hoped that at some point during the medium term, that will turn around. I expect that, initially, all Departments that are affected will take every possible action to deal with shortfalls internally, as a necessary condition — as I said in my statement — to any future support from the Executive.

The Chairman mentioned the capital-assets realisation task force. The experience of the current financial year is that there needs to be greater certainty about the level and timing of forecast receipts before corresponding allocations are made to Departments. Therefore, it is important that Departments are incentivised to realise, where possible, assets that have been identified by the capital-assets realisation task force, and that they understand the implications of not realising those assets.

The Chairman raised the question of bids that have been submitted by Departments and made an important point about the nature of those bids. As I said in my statement, it is not surprising in such a budgeting round that Departments will submit a vast range of bids, not all of which will be inescapable. My Department must consider carefully the nature of those bids. As I indicated to the Assembly, the scale of bids that have been set out and brought forward by Departments are within approximately 3% of budget allocations. When one considers previous experience of underspend, in-year monitoring, reduced requirements, and so on, that is in the range of what is manageable.

Obviously, my Department is engaged in that exercise to take a long-term view of the situation in the next year or two.

11.00 am

However, things are volatile, and that is the purpose and benefit of having an in-year monitoring process that allows us to be flexible in allocating resources throughout the years, as reduced requirements come through. We can also hope to meet, and to help with, other emerging pressures and priorities.

**The Deputy Speaker:** A considerable number of Members wish to ask questions on the Minister's statement. I would, therefore, ask that Members should



only ask questions in their contributions rather than make statements.

**Mr O'Loan:** Will you take a point of order?

**The Deputy Speaker:** No; a point of order can be made after the questions to the Minister.

**The Deputy Chairperson of the Committee for Finance and Personnel (Mr Hamilton):** I will question the Minister on two areas of real concern to the Committee for Finance and Personnel. The Minister will be aware — from his Department and other Departments — of the difficulty of meeting some of the efficiency targets. The Minister also mentioned the possibility that the Chancellor's Budget in the spring will impose additional efficiency targets on UK Departments. Has his Department quantified how that might impact on Northern Ireland? Can he confirm that the Executive intend to continue with the administration savings in Northern Ireland of 5% in real terms?

Given the economic situation, it would be intolerable to have the historically high levels of underpend, particularly with end-year flexibility stocks being increasingly eaten into by the Treasury. Can the Minister provide an outline of how confident he is that the historical trends of high underpend will not be repeated as we move into increasingly difficult times?

**The Minister of Finance and Personnel:** I thank the Deputy Chairperson for his questions. As part of the 2008-2011 Budget, a 3% per annum efficiency savings target was agreed by the Executive and endorsed by the House. The pre-Budget report indicated that the efficiency savings for Whitehall Departments would increase by £5 billion in 2010-11. That would have implications for the level of funding available to the Executive, but we must wait for the Chancellor's Budget in the spring to get the details.

Along with my colleagues, I intend to challenge any reduction in our block grant. That is not something that we should simply accept, although we are conscious of the context in which we are operating whereby it is not only the Government that are indicating that there will be increased efficiencies, but the Opposition are indicating that there will be even greater efficiency cuts for 2010-11 and, indeed, efficiencies for 2009-2010. Therefore, the negotiations and discussions will be difficult.

Mr Hamilton pointed out the importance of ensuring that Departments have the minimum underspend possible. Due to the difficulties of gaining access to end-year flexibility, any underpend would be returned to Treasury and lost to Northern Ireland in the immediate future. It is imperative, therefore, to keep underpend to a minimum. The Committee for Finance and Personnel has raised that point and examined it

seriously. Indeed, I am sure that every Assembly Committee is monitoring that situation carefully.

**Mr Beggs:** Much has changed economically since 2008. The Minister acknowledged some of the difficulties, such as end-year flexibility constraints, fewer resources from the sale of unused assets, and capital pressures of some £611 million. Can the Minister advise whether that figure of £611 million includes the gap that is left from the termination of the 2010 process? Given that there have been such dramatic changes in the economic situations that govern the Executive, does he intend to resume the normal annual budgetary process? Will he enable greater accountability and scrutiny by allowing that process to be resumed?

**The Minister of Finance and Personnel:** I thank the Member for his question. However, I have not imposed anything: the Executive, which includes Ministers from the Member's own party, and the Assembly agreed to the process. The Member is right to point out that the economic situation — including the property market and the banking system — and the context in which we operate have changed dramatically.

Given what I have said in my statement and given the economic realities, any proposed changes to the Budget will entail Ministers giving up money so that it can be reallocated elsewhere. The Executive will consider that approach if Mr Beggs or any Member who advocates that approach can persuade a Minister of their own party, or any other Minister, to support it. However, I do not know of any Minister in the Executive who supports that idea. In fact, Ministers are entirely resistant to any suggestion of changes to their budgets. The Member, and others who take that view, should raise the matter more generally. It is a matter for other Ministers, not just me.

The Workplace 2010 issue affected capital receipts in this financial year, but it will not impact on the next two years. That will assist us. As a result of the decision to suspend the Workplace 2010 process, the £175 million receipt that was forecast for this year did not materialise. That added to the financial pressure on the Executive. However, it will not be a factor next year, when capital expenditure is forecast to increase by 6% across all Departments. Furthermore, this year's expenditure on capital investment is 40% higher than in 2006-07. That boosts our economy and the construction industry.

**Mr O'Loan:** I thank the Minister for his statement, although I am disappointed that it contained less detail than a routine monitoring round statement.

How can the Minister describe his statement as being strategic? Members are aware of the changes to the budgetary situation since last year, such as the collapse in asset sales, the change of plans on water



charges, the equal pay issue and the absolute need for the Executive to respond to the massive economic downturn.

**Mr Deputy Speaker:** Order. As I pointed out, Members must ask questions of the Minister. There are 20 Members —

**Mr O'Loan:** Why —

**Mr Deputy Speaker:** Order. Twenty Members want to ask questions. If Members at the beginning of the list use too much time, Members near the end of the list will not have an opportunity to ask questions. Therefore, you must ask a question.

**Mr O'Loan:** Members need an opportunity to discuss major budgetary issues properly in the House. Where else can we do so?

The Minister referred to a reduced block grant —

**Mr Deputy Speaker:** Order.

**Mr O'Loan:** I ask the Minister to —

**Mr Deputy Speaker:** Order. You must ask a question, or I will move to the next Member.

**Mr O'Loan:** Why was a full budget statement not provided to the Assembly? In light of the Minister's letter of 9 January to the Minister for Social Development, in which he was genuinely responsive to the decline in house and land sales and the consequent effect on the housing budget and the house-construction industry — and I welcome his responsiveness to that matter — why did he not take any action on that matter and outline how he will strategically supply an adequate social-housing budget for the next year?

**The Minister of Finance and Personnel:** I am grateful for the Member's question — when he eventually asked it. The point is that the Executive decision not to conduct a formal Budget exercise — which was agreed by the Executive unanimously — was taken because all of the available resources had been allocated for the three years. As I have indicated to the Assembly, it is unlikely that any additional material resources will become available; if anything, there will be pressures on the current position.

The Member mentioned the social-housing budget, and I thank him for his comments about the work carried out by the Minister for Social Development and me in relation to the recent housing position. However, the current financial position means that the only way in which a specific allocation can now be given to any Department — whether it is the Department for Regional Development, the Department for Social Development (DSD), or the Department of Education — is by scaling back other public services. Given the finite Budget available, if the Member is saying that he wants to prioritise social

housing — as we all do — he must say how he intends to fund that.

We never hear the Member tell us how and where he intends to get the money from, and I would love to hear him tell us that and come forward and add real value to the debate.

We will work with DSD, and all the other Departments that face pressures, to ensure that they take internal decisions about reallocations — and I am glad that, eventually, DSD did take measures in that regard, and my Department assisted in allowing it to do that. Then, the Executive would consider the range of issues that arise, the pressures identified and the resources available, and make a strategic decision. Generally speaking, the Executive makes those decisions unanimously.

Members must realise and face up to the fact that if allocations to one Department are to be increased, there must be reduced spending in another Department.

**Dr Farry:** I thank the Minister for his statement. Will he confirm to the House that he is declaring a funding gap of £450 million over the next two years, and that, rather than being determined by external circumstances, more than half of it is self-inflicted, resulting from the decision to defer water charges for two years? That decision was not planned for in the Programme for Government, or in the Budget that was originally set and agreed by the House. Does the Minister share my frustration that, unlike all other Governments in the world, we are not taking the opportunity to re-examine underlying Budget allocations and refocus our efforts on tackling the economic downturn?

**The Minister of Finance and Personnel:** I do not accept what the honourable Member says. He is advocating that water charges be imposed at a time of economic hardship — if he does not agree that the decision to defer water charges was correct, the corollary is that the charges should have been introduced. That is the simple logic of what he says. Recently, he disagreed with the decision to freeze the regional rate. We also hear other proposals from that quarter, from time to time, about tax-raising powers.

I was delighted to hear the Member yesterday welcome the announcement I made about the impact on district ratepayers, but he is now back to his usual form of advocating that water charges should have been introduced. I fundamentally disagree with that. It would have been a major imposition of hardship on hard-pressed householders at the current time. Deferring those charges was the right decision.

As regards bids, it is entirely normal for Departments, when asked to identify pressures and easements, to identify a significant level of bids and very few reduced requirements. That has been the case



over the past number of years, and it is all the more certain to happen when one is looking forward two years. There is nothing surprising in what the Member has said, but it must be borne in mind that the £450 million he mentioned is well within the limits of what was declared as underspend in the financial year 2007-08, and it is entirely manageable through the in-year monitoring process.

11.15 am

**Mr Weir:** I thank the Minister for his statement. What level of reduced requirements does the Minister project will be surrendered by Departments over the next two years?

**The Minister of Finance and Personnel:** Reduced requirements form a major element of our flexibility and our ability to deal with spending pressures that emerge during the year. As I have just said, it is extremely difficult to predict and measure those pressures with certainty before the start of each financial year — the picture will become much clearer during those years.

However, if recent years are taken as a reasonable guide to future behaviour, then between £150 million and £220 million in current expenditure-reduced requirements, and between £110 million and £260 million of capital investment, have been declared over the last three years. Those figures put the earlier comments about a funding gap into perspective. In relation to in-year reduced requirements and underspends that have been identified by Departments — not all of which are inescapable or will turn out to be genuine pressures — recent history and performance shows that we will be able to manage the situation carefully and prudently as we move forward.

**Ms J McCann:** Go raibh maith agat, a LeasCheann Comhairle. In his statement and in some of the comments that he made, the Minister said that it was important that Departments minimise their levels of underspend. Will he take any pre-emptive measures to ensure that there is no risk of money going back to the Treasury?

**The Minister of Finance and Personnel:** The in-year monitoring process is designed to ensure that money that is not needed in particular areas is reallocated to areas in which it can be spent and create value for money. We are all determined to ensure that as little money as possible ends up underspent at the end of the year, as that money would go back to the Treasury. It is a priority for my Department and the Executive, and it should be a priority for every Minister and Department.

I heard a suggestion that we should have a contingency fund in case there is a black hole in the Budget. The danger of taking that approach is that unspent money could be sitting in a fund as we approach the end of a financial year. That money

would be very difficult to spend as Departments would not have been able to use it during the year, and a lot of it could end up returning to the Treasury.

The best approach is the one that we have adopted, which is to use the in-year monitoring process. That approach has been tried and tested over many years. As we reach the end of a financial year, we very carefully monitor the situation to ensure that money that will not be spent is declared as early as possible so that it can be reallocated to areas in which it can be spent. I think that Members will agree that that is the message that I have consistently spelt out publicly, in the Assembly, in the Executive and to Ministers.

**Mr McQuillan:** I thank the Minister for his statement. Despite what others say, I think that it was a very good statement. I know that the Minister touched on the matter during his statement, but what is the current position on the issue of equal pay in the Civil Service?

**The Minister of Finance and Personnel:** Equal pay for junior members of the Civil Service is probably one of the most significant issues facing the Executive, as a whole, in addition to Department-specific pressures. Negotiations are continuing with the Northern Ireland Public Service Alliance with a view to reaching a negotiated settlement on the equal pay issue as soon as possible.

There are complexities associated with attempting to achieve a negotiated resolution, so it may take some time. The legal issues, the complexity of the work and the sensitivity of negotiations make it difficult to provide specific details about the timescale for such a resolution. Nevertheless, we are working on it; negotiations continue, and any settlement in relation to the one-off payment that is significantly in excess of the £100 million flexibility that was negotiated with the Prime Minister in order to meet general spending pressures will have an impact on the Executive's spending plans.

**Mr B McCrea:** The Minister's statement lacks clarity. I am not sure whether he is telling Members that there is a problem or whether there is not a problem. It appears that we will not be able to balance the books, and that we have made commitments that we will not be able to honour. There is a £700 million shortfall —

**Mr Deputy Speaker:** Order. Questions, Mr McCrea, questions.

**Mr B McCrea:** Will the Minister confirm that the pressures on current and capital expenditure over the next two years amount to £700 million, and that there are potential easements of only £60 million? In addition, given that the Minister said that he would give consideration to the most appropriate way in which to discuss the matter, what is his current thinking about that? Furthermore, it is a myth that his



Executive colleagues are working together, so how does he intend to bring them together, and, although I have great confidence in the Minister, how does he intend to bring the Assembly together to deal with this difficult and serious matter?

**The Minister of Finance and Personnel:** I appreciate the Member's confidence in me, and I heard what he said about making commitments that we cannot honour and about balancing the books. They are important points, and I am sure that he made them with all sincerity.

We are setting out a strategic stocktake for the next two years, and it should come as no great surprise to Members that when Departments are asked to put on the table the pressures that they envisage, as part of a budgetary process they will put a considerable amount on the table. As I said, not all those pressures are inescapable and, when we get down to it, not all will be to the scale or timescale that will require every penny piece to be met.

The reduced requirements envisaged now are not at the level that they will reach in two years, and the Member should bear in mind that, as I said in my statement, the pressure on Departments will be equivalent to 2.7% to 3.4% of departmental budgets, and settlements will be spread over the three-year Budget period. Moreover, 4.8% of resources were declared as surplus by Departments in 2007-08.

That demonstrates the situation; I am pointing out the range of issues and giving an overview, and it is important that the Committees, the Assembly and Members are aware of those matters in order to manage them. Furthermore, there may be demands from Whitehall for greater efficiencies. Therefore, I intend to continue to come to the Assembly to outline the changing situation as openly and as transparently as possible.

**Mrs D Kelly:** I thank the Minister for his statement. Does he agree that he has painted a depressing picture of the financial situation for not only this year but for the next two years? Furthermore, will he acknowledge that the imposition of water charges is implicit in his statement, and has been stated by his party? When, exactly, did the Assembly agree to water charges, and when will it be given the opportunity to vote on the imposition of water charges?

**The Minister of Finance and Personnel:** The Member is right to point out the fact that direct rule Ministers decided to go ahead with water charges: the Assembly did not make that decision — I thought that that was obvious to everyone. I remember that the SDLP played a prominent role when the issue first emerged as a possibility in the earlier Assembly. In fact, it was described as the Durkan tax — something

that the SDLP should remember before its Members talk about the Assembly's role in the matter.

The Executive have taken action to relieve the burden on households. I ask the honourable Member, given her comments and those of the Alliance Member earlier, and I ask all the other Members who want to reduce, or increase, expenditure and create a greater liability for the Executive in one area, to suggest other areas in which expenditure can be cut to allow that to be done.

It is childish, irresponsible and nonsense continually to come forward with spending plans in respect of the finite Budget that is allocated to us through the block grant and say that more money is required but not say from where it can be taken. However, I look forward very soon, I understand, to proposals in that regard from that quarter as to the cuts that are going to be made in order to pay for a range of expenditure in other areas. That will allow us to get down to a serious and real debate about the issues.

The global economic situation is difficult; and Northern Ireland is not alone in that regard. The United States, British and European Governments are taking unprecedented actions and interventions because of the global credit crisis and the financial and economic situation. To pretend that Northern Ireland can be insulated from that is to engage in a fantasy and nonsense approach to politics.

The Executive are making strategic decisions that are within their power to help our industries, businesses and households. For instance, the freezing of manufacturing rates, business rates, and regional rates for households, the introduction of a relief for pensioners, and fuel credits will benefit many people, but they would not have happened under direct rule. The Executive, therefore, are taking measures to try to help people at this difficult time.

We wish that we could go further, but — as a regional devolved Administration — we are where we are with regard to the financial situation. We are not a sovereign Government, but, as Members know, even those Governments, which have borrowing and tax-raising powers, among others, are finding the going tough.

**Mr Cree:** The Minister referred to the legacy costs of the equal pay claim and expanded on that. Is he concerned that the settlement of that pay claim will wipe out the efficiency savings of many Departments?

**The Minister of Finance and Personnel:** As I indicated, the equal pay settlement is an issue that faces the whole Executive; it is an addition to departmental-specific pressures. Progress has been made in that we have negotiated with the Prime Minister and the Treasury access to £100 million that will meet general spending pressures — one of which



is the equal pay claim. The settlement of the pay claim will not wipe out all of the efficiency savings, because their value is of greater contribution to the Budget than the identified pressure of the equal pay claim.

However, it is worth putting on record that any settlement above £100 million will mean that there will be extra pressure on the Executive. One must remember that the equal pay claim will not be settled by a one-off payment: there will be knock-on costs to the Budget for each subsequent year.

The Member is right to identify that as a major issue for the Executive over the next year or so. However, had we not managed, a few months ago, to negotiate with the Prime Minister and the Chancellor a substantial package that has provided significant spending resources that we would not otherwise have had, the situation would be far worse, far bleaker, far gloomier and far more difficult.

11.30 am

**Mr Attwood:** No one will have missed the fact that, when it comes to repeating the inaccurate assertions about what happened in relation to water rates, the Minister now chooses to borrow and adopt the language of his partners in Government, Sinn Féin.

I refer the Minister to the last page of his statement, in which he states that he is:

“currently giving consideration to the most appropriate form of process to manage the difficult funding position that we face”.

Furthermore, in that statement, the Minister concedes that the Budget for 2009-2011 will be lower than the amount that was anticipated when the Budget was approved. As Mr O’Loan outlined, he also conceded to the Minister for Social Development that her failure to secure extra money for her budget has had a materially disproportionate effect on the construction industry. Given those circumstances, does he now accept the SDLP proposal that it is time to revise the priorities that were set out in the Programme for Government and the Budget, and to invest further expenditure in social housing, retraining and upskilling?

If he does not accept that proposal, is it not the case that the Minister of Finance and Personnel will be portrayed — accurately, and as the Budget stocktake confirms — as making it up as he goes along, rather than getting to grips with the crisis that the North now faces?

**The Minister of Finance and Personnel:** The Member’s words contained much rhetoric but little substance. He did not offer any suggestion of how any shortfall, particularly in departmental budgets, could be made up by making cuts elsewhere. He is, therefore, adopting a simplistic and childish, rather than a mature, approach. He does not identify where the cuts

should be made. His policy is one of cutting expenditure to fund a priority elsewhere.

The three-year Budget sets out clear plans for expenditure on several priorities, including social housing, fuel poverty, and so forth. The Department reacted to the capital shortfall identified in the in-year monitoring by allocating £20 million this year alone to social housing. The Department has recently demonstrated flexibility on that matter and will continue to do so.

However, although social housing is important to the construction industry, it is not its sole contributor. This year alone, slightly more than £1.5 billion of public money will fund capital investment projects for roads, schools, hospitals, housing, and so forth, across Northern Ireland. It is not simply a matter of investing solely in housing to help the construction industry. That is important, but, as we speak, 40% more investment than in 2006-07 is being made in all those other areas, too.

Therefore, I am not making it up as I go along. The money is delivering capital infrastructure to improve the future for the people of Northern Ireland. As well as helping the construction industry now, it will deliver better hospitals, schools, roads and housing. That is not an airy-fairy notion of what might happen in the future; that 40% higher expenditure is being delivered to those areas now. That amount is set to increase by 6% next year, and to increase over the next 10 years. That is not a case of a Minister making it up as he goes along; it is good planning and investing for the future, which is something that I thought the party opposite, and indeed its Executive Minister, supported.

**Ms Lo:** In response to the economic downturn, other parts of the UK are investing heavily in major building projects, which is something that our construction industry is crying out for. However, a big question mark hangs over whether DSD has enough funding to complete its set target of building 1,500 new homes.

Does the Minister agree that there is a need for DFP to be more flexible to assist DSD in meeting its top priority?

**The Minister of Finance and Personnel:** The Member will have noted the Minister for Social Development’s recent statement acknowledging and thanking DFP for its flexibility in being prepared to see £10 million reallocated. I was glad to see DSD take a proactive approach to that, and to the £20 million allocated to that Department in this in-year monitoring process.

There is ongoing investment in capital projects in the construction industry this year, and I am confident that the five-year target for social housing will be met. Seven major projects, worth £265 million, are under



construction this year for health, including the Royal Victoria Hospital, the Ulster Hospital, the Downe Hospital, projects at Portadown and Altnagelvin, and a regional adolescent child psychiatric unit.

Some £420 million is being spent this financial year on major road projects; £127 million is being spent by DRD on the Belfast sewers project, and 10 wastewater projects worth almost £90 million are under construction; £83 million is being spent by the Department for Employment and Learning on four further education projects; £200 million is being spent by the Department of Education on 14 major projects right across the Province; the Department of Culture, Arts and Leisure (DCAL) has two major projects, worth £54 million, under construction; and DSD has urban construction under way worth £22 million. That is just some of the ongoing investment.

I have indicated already that a further £400 million will be allocated for major infrastructure going to market between the monitoring round and the end of the financial year; £115 million of that is being released out of the framework legal difficulties and going by normal procurement methods, so that that can be brought to market without any legal impairment.

All that investment shows that a considerable amount is going into the construction industry and building for the future of Northern Ireland — not just in housing, but right across the board. Every Department, including DSD, DRD and Education, could say that they could do more. However, considerably more is being achieved than was achieved under direct rule. The good thing is that that investment programme will continue year after year after year over the next 10 years as a result of good planning and good systems having been put in place.

**Mrs M Bradley:** What allocations is the North to receive as part of the Barnett consequentials in Government spending over the past year?

**The Minister of Finance and Personnel:** As I said in my statement, the main thing that has come out of the Barnett consequentials and what Whitehall has proposed has been the flexibility to bring forward capital investment worth around £9 million from next year into this year. There is also the flexibility to bring forward capital investment worth over £75 million from 2010-11 into the next financial year, and we must decide whether we wish to do that.

I have already highlighted the issue of Whitehall efficiencies. We have taken that up with the Chancellor already, as I do not believe that it is fair to introduce the cut in the block grant for 2010-11 to Northern Ireland. However, as I have said, the context in which that discussion will happen will be difficult. Although the Government are indicating that that is how they will proceed, the Opposition at Westminster are

indicating that they will go much further on spending cuts and efficiencies for 2010-11 and, indeed, would bring them in this April. That puts us in a difficult situation, but we will do our best to ease the burden on Northern Ireland.

**Mr Lunn:** Several times today, the Minister has insisted that Members should not ask for expenditure without identifying other expenditure that could be cut to cover their request. Given that, does he accept that he broke his own golden rule by taking the decision to defer water charges without having the resources to do so? Does he further accept that he took that decision at a time when the economic pressures that are now having such an effect on the overall economic situation were already quite evident?

**The Minister of Finance and Personnel:** I do not accept that at all, because the Executive took that decision. The Member seems to ascribe a tremendous omnipotence to me, but, unfortunately, I do not hold such a position in the Executive or in the Assembly. The message from the Member's party is very clear: its members are against the deferral of water charges. Their argument and logic are very clear. The fact that the Alliance Party is continuing to labour the point about the deferral of water charges at a time of economic hardship and difficulty will not be missed by the wider electorate.

**Mr Dallat:** I thank the Minister for his statement. Given that the Executive funds, particularly the children's fund, are being depleted year by year, what measures are in place to ensure that the most vulnerable groups and individuals are protected — *[Interruption.]* — I am sorry, Mr Deputy Speaker, but I think that I have the Floor. My question is serious; it is not intended to be embarrassing, and Mr Peter Robinson should not get excited about it.

What measures are in place to protect the most vulnerable groups and individuals in society when short-term crises arise?

**The Minister of Finance and Personnel:** Later today, the Member will have an opportunity to take part in the debate on, and perhaps vote on, the Financial Assistance Bill, which deals with that very issue. The Bill is about ensuring that finance can be delivered speedily, if necessary, to people who are experiencing the difficulties that he has mentioned. No doubt, he will make a contribution to that debate.

The general issue that the Member raises is important. He rightly points to the need to ensure that resources help, and are allocated to help, vulnerable people. That is why one of the major themes in the Programme for Government is the importance of dealing with poverty and those in need. It is also why the Budget allocated resources to the Departments — the Department for Social Development, the



Department of Health, Social Services and Public Safety, the Department for Employment and Learning and the Department of Education. Indeed, as this is a cross-cutting issue, the Executive regularly discuss it in their Executive meetings. We must ensure that the budgets for each of the Departments that have a role to play in the matter deliver the outcomes necessary to help people in difficult times, and it is the role of Assembly Committees to monitor departmental spending plans and delivery on those issues.

**Mr B Wilson:** I want to ask the Minister about the decision in the 2007 Budget to end Reconnect grants. That, alongside the amendment to the building regulations, has significantly reduced demand for micro-energy systems. That, in turn, has had a disastrous impact on the sustainable energy sector and has resulted in a large number of skilled workers being made redundant. Given the increasing problems of unemployment and the small sum that would be involved, can the Minister find the resources to restore the Reconnect grants or to introduce a similar scheme to support micro-energy systems?

**The Minister of Finance and Personnel:** I hear what the Member says, and I will, obviously, consider any bids that individual Departments submit. It is not a matter for me to decide on today, nor is it for me to give any commitment to any particular policy or initiative; it is for Departments to produce proposals for spending plans.

The Member will be aware that the big energy efficiency challenge facing Northern Ireland involves the wider issue of how electricity and energy are generated. The contribution of microgeneration schemes is important. Nevertheless, when we consider the impact that that has on energy efficiency, it is clear that it is dwarfed by the issue of whether electricity should be generated from marine sources or by wind, and so on. There is a genuine and big debate as to whether the resources about which the Member talked would be better used on macrogeneration rather than microgeneration.

That is a debate that will continue. I note what the Member said. However, ultimately, that is a matter for the appropriate Department to bring forward.

11.45 am

**Mrs Hanna:** Will the Minister state whether any further savings will be put back into front line services, given that, yesterday, a DUP motion asked for savings to be targeted on front line services, many of which have been cut to the bone by efficiency savings in the Budget?

**The Minister of Finance and Personnel:** The point about efficiency savings is that they are designed to release money by delivering services in a better, more effective and leaner way. The money that is released can be invested in front line services. As I said in my

statement, it is important that Committees and the entire House monitor very carefully what is done through efficiency programmes in order to ensure that they meet their intended aims, rather than result in cuts to services.

Efficiency savings are about doing things more effectively and ensuring better value for money, not cutting back front line services. All Members agree that that is the right approach. It is up to individual Departments and Ministers to come forward with their own plans and proposals, which they must justify and promote, and which the House will then examine very carefully.

**Mr Deputy Speaker:** That concludes questions to the Minister of Finance and Personnel on his statement.



## ASSEMBLY BUSINESS

**Mr B McCrea:** On a point of order, Mr Deputy Speaker. Further to Mr Attwood's point of order. During the previous debate, you, quite rightly, gave directions about the need for brevity in questions. However, we humble Back-Benchers depend upon the Speaker for some protection in such matters. It appears impossible, under your direction, for Back-Benchers to develop a line of argument. Ministers, on the other hand, have considerable latitude to develop their argument.

Perhaps, a ministerial statement is no longer being used for its originally intended purpose; it is becoming something of a policy debate. The Office of the Speaker might like to reflect on how to look after the interests of Back-Benchers.

**Mr Deputy Speaker:** Thank you for that point of order, Mr McCrea. As I told Mr Attwood, that issue is being considered by the Committee on Procedures, which will report on the entire issue of questions.

**Mr Hamilton:** Further to that point of order, Mr Deputy Speaker.

Perhaps you will confirm that what was before the House today was a statement and questions. There will be an opportunity next week for a lengthier debate on public expenditure, as a take-note debate has been tabled by the Committee for Finance and Personnel.

**Mr Deputy Speaker:** That is absolutely right, Mr Hamilton. Confusion has arisen between Question Time and questions to a Minister on a statement.

**Mr O'Loan:** Further to that point of order, Mr Deputy Speaker.

Members have raised a most important issue for the nature of democracy in the Assembly. I put it to you that, on such a serious matter as a Budget statement for next year, the previous debate was a key opportunity for Members to express their views and to ask questions. That must be understood by the Speaker. A take-note debate is what it says — merely a take-note debate; the Assembly will take no decision in relation to the Budget for next year. That is an invasion of the democracy of the Chamber, which many Members take very seriously indeed.

**Mr Deputy Speaker:** Order.

The Member has made his point very well. However, he is also a member of the Committee on Procedures, which is reviewing that very point.  
*[Interruption.]*

Order.

Questions to a Minister after a statement last for one hour. The Speaker has a list of Members who wish to ask questions of a Minister. On this occasion, 20 Members wished to ask a question.

We at the Table must decide how much time is deemed sufficient for each Member to ask his or her question. I gave each Member who wanted to give a preamble to his or her question the opportunity to do so. However, when a preamble went beyond an acceptable length, I intervened. I hope that the Member accepts that and raises his concerns when the Committee on Procedures next discusses Question Time and questions to Ministers.

**Mr Attwood:** Further to Mr Basil McCrea's point of order, Mr Deputy Speaker. The Committee on Procedures is responsible for examining conduct during Question Time, and related matters. However, the Speaker and his colleagues must also assert their authority when considering the conduct of questions from the Floor. They must intervene to ensure that Ministers and Members are relevant, get to the point and conclude their remarks. Mr Deputy Speaker, will you, the Speaker and your colleagues consider that matter?

**Mr Deputy Speaker:** Order. That is an issue for the Speaker — the matter will be referred to him, and he will respond to it at a later date.



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

## EXECUTIVE COMMITTEE BUSINESS

### Financial Assistance Bill

#### Consideration Stage

**Mr 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 are two groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1 to 11, which deal with Executive and ministerial authority to produce schemes for financial assistance, and the associated procedures.

The second debate will be on opposition to clause 2, which stands in the names of Mrs Naomi Long, Mr Danny Kennedy and Mrs Dolores Kelly.

I remind Members who intend to speak that, during the debates on the two groups of amendments, they should address all the amendments in each particular group on which they wish to comment. Once the initial debate on each group is completed, any subsequent amendments in the group will be moved formally as we go through the Bill, and the Question 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 (Exceptional circumstances: power to provide financial assistance)*

**Mr Deputy Speaker:** We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 11. As I said, those amendments deal with Executive and ministerial authority to produce schemes for financial assistance, and the associated procedures. I advise Members that amendment Nos 6 and 8 are mutually exclusive. Therefore, if amendment No 6 is made, I will not call amendment No 8.

**Mr Elliott:** I beg to move amendment No 1: In page 1, line 3, after “jointly,” insert

“and with the agreement of the Executive Committee.”

*The following amendments stood on the Marshalled List:*

No 2: In page 1, line 6, leave out “and” and insert

“(bb) that arrangements to provide such financial assistance are not in place, or that such arrangements as are in place for that purpose are, or are likely to be, ineffective, inadequate or for any other reason unsatisfactory, and”. — [Mrs Long.]

No 3: In page 1, line 9, after “may” insert

“, at any time within 3 months from the date of the determination under subsection (1),”. — [The First Minister (Mr P Robinson).]

No 4: In page 1, line 14, after “jointly,” insert

“and with the agreement of the Executive Committee.”. — [Mr O’Loan.]

No 5: In page 1, line 19, leave out from “(a)” to end and insert

“require the approval of the Executive Committee.” — [Mr Kennedy.]

No 6: In page 1, line 19, at end insert

“and of any department on which functions are imposed or from which functions are removed by virtue of the regulations.” — [Mrs Long.]

No 7: In page 1, line 19, at end insert

“(4A) A department may only be designated under subsection (3)(a) with its consent.” — [Mrs Long.]

No 8: In page 1, line 19, at end insert

“( ) Regulations made by a department under this section require the approval of any other department with responsibilities for any matter dealt with by the regulations.” — [Mr Kennedy.]

No 9: In clause 2, page 2, line 16, after “may” insert

“, at any time within 6 months from the date of the determination under subsection (1),”. — [The First Minister (Mr P Robinson).]

No 10: In clause 2, page 2, line 27, leave out subsection (5) and insert

“(5) No regulations shall be made under this section unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.” — [The First Minister (Mr P Robinson).]

No 11: In clause 3, page 3, line 16, at end insert

“(2) A scheme contained in regulations under section 1 or 2 may provide for the scheme to cease to have effect at the end of a specified period from the date on which the regulations are made; but (without prejudice to the operation of section 28 of the Interpretation Act (Northern Ireland) 1954) the scheme may include such saving provisions as the relevant department thinks necessary or appropriate for dealing with matters or proceedings under the scheme which are outstanding at the time the scheme ceases to have effect.” — [The First Minister (Mr P Robinson).]

**Mr Elliott:** The Ulster Unionist Party agreed in principle to the establishment of a statutory mechanism to make it easier for the Executive to provide financial assistance to people in exceptional circumstances. However, the Bill deviates widely from that initial goal. Regardless of the protests and attempts that Mr Robinson will use to cover up his and Mr McGuinness’s intentions, make no mistake — the Bill will put unique and far-reaching powers into the hands of the First Minister and the deputy First Minister.

It is deeply regrettable that the DUP and Sinn Féin have used the vulnerable people in our society as an excuse and a cover for a personal power grab. Let no



one be mistaken: this is a politburo Bill. We all want to get the agreed payments out as quickly as possible to people in need — the Executive were able to get £1,000 to all affected households that were damaged in the floods of August 2008.

The Bill contains two major clauses, the first of which is designed to allow the First Minister and the deputy First Minister to decide what constitutes an emergency and what any Department should do about it. The second major clause gives the First Minister and the deputy First Minister the power to override the policy decisions of any Department with regard to social issues if they deem it necessary. That is the only prerequisite that they need. If the First Minister and the deputy First Minister say jump, all the other Departments will have to ask how high. It is serious stuff for the Assembly; it is draconian politics, it is fundamentally undemocratic, and it is a little worrying.

Amendment No 1, which we have tabled along with other colleagues, has been laid in good faith; it genuinely seeks to improve the Bill, and I hope that Members of the DUP and Sinn Féin recognise that fact. By ensuring that the agreement of the Executive Committee is sought, the DUP and Sinn Féin will be able to remove accusations that the Bill is a power grab. If the amendment is incorporated into the Bill, it will ensure that the Executive Committee agrees on whether an exceptional circumstance exists and on whether it is desirable to provide financial assistance to address it. The amendment will in no way reduce the Executive's ability to react to emergencies; rather it will ensure that more consensual action is taken, which will potentially lead to better and more long-lasting results.

Last week, Peter Robinson said that a revised ministerial code will ensure that the Executive would be consulted; the amendment seeks to make that commitment categorical. I also remind the First Minister that the same ministerial code has allowed Minister Ruane to wreak havoc with our education system and to praise Bobby Sands publicly — hardly grounds for instilling much confidence on these Benches. That is why we need a definitive assurance in the Bill that all decisions will be Executive decisions. It is the basis of the power-sharing arrangements that have allowed Northern Ireland to progress positively in the past 10 years; today, the DUP and Sinn Féin are jeopardising that system.

Mr Robinson also made much of the fact that his legislative draftsmen informed him that reference to the Executive cannot be put into legislation, because it is already the legal position. However, if the amendment is passed by the legislative Assembly, it will form part of this exceptional Bill. If the First Minister and the deputy First Minister do not want to be accused of control freakery, they should support the amendment and ensure Executive consent for defining

exceptional circumstances and implementing schemes of financial assistance.

Amendment No 5, which was also tabled by the Ulster Unionist Party, seeks further legislative assurance that when regulations have been made by any Department or Departments, they are subject to the agreement of the whole Executive and not just the First Minister and the deputy First Minister. It is a second firewall against the emergence of a politburo Bill.

Amendment No 7, which was tabled by the Ulster Unionist Party and the Alliance Party, seeks to ensure that no Department can be forced into taking any action by the First Minister and the deputy First Minister, or the larger parties, without that Department's explicit consent. As the Bill stands, if the majority of the Executive want a scheme put in place to tackle a certain circumstance, there is nothing that the chosen Department could do to stop it. Policy and financial costs could be enforced regardless of the implications that they may have on the Department's other priorities and agreed targets.

What would that scenario mean for public service agreements and for the Programme for Government? It could mean that rather than reaching a consensual agreement, some Ministers may have to pit some people's needs against the perceived needs of others, as designated by the majority parties. That would be grossly unfair and deeply divisive for the Executive. That is no way to run this Government.

*12.00 noon*

Amendment No 8 is an extension of that principle. It seeks to ensure that regulations that are made by a Department require the approval of any other Department with responsibilities for any matters that are dealt with by those regulations. Ministers cannot be placed in a position whereby other Departments are designated to implement policy that will directly affect how they do their jobs. For example, if a health emergency originates from the agriculture sector, we cannot have the First Minister and the deputy First Minister decreeing actions for the Department of Agriculture and Rural Development that the Chief Medical Officer does not agree with. That is not how effective, efficient and joined-up government works. The Financial Assistance Bill pays no heed to the principles of joined-up and co-operative government.

The Ulster Unionist Party also supports amendment Nos 2 and 6, which were tabled by the Alliance Party, and amendment No 4, which was tabled by the SDLP. I believe that those amendments seek to achieve the same ends as the Ulster Unionist Party amendments, in that they try to move clause 1 away from a power grab and towards a co-operative mechanism that is suitable for the purpose of addressing an emergency situation. That is what we agreed to, and that is what we should



get. Those amendments have been tabled in an attempt to increase democratic accountability and facilitate a genuine sharing of power.

I implore the DUP Back-Benchers to think carefully about what they are doing today. They are about to create new powers for the Office of the First Minister and the deputy First Minister that are well outside the norm of the rest of the United Kingdom. The Financial Assistance Bill is a thoroughly un-British Bill, which the leaders of Sinn Féin and the DUP have dreamed up together. It will effectively create a politburo office, without the constitutional constraints that are necessary in this society. Is that what those DUP Back-Benchers want to be involved in? Has the desire of their leader to grab power made the rest of that party lose control of its senses?

Mr Robinson and Mr McGuinness will suggest today that the smaller parties are getting carried away. Is that scaremongering? Yes, of course it is. I suggest in advance that all legislation can be abused, and bad legislation especially so. Why take the chance with the British parliamentary system and the people of Northern Ireland? The Ulster Unionist Party is not asking for the Bill to be thrown out; it is asking for a common-sense, realistic and co-operative approach.

**The Chairperson of the Committee for the Office of the First Minister and deputy First Minister (Mr Kennedy):** I am grateful for the opportunity to contribute to this debate, initially as Chairperson of the Committee for the Office of the First Minister and deputy First Minister, after which I shall make some observations on behalf of the Ulster Unionist Party. I shall, apparently, start by being nicer.

I wish to be strictly factual. It is important for the good working and integrity of Assembly Committees that a Committee Chairperson should outline the facts of any Bill. Therefore, I will do that now.

On Monday 5 January 2009, my Committee held an emergency meeting and agreed to the junior Ministers' request for accelerated passage of the Financial Assistance Bill. After that meeting, the Committee wrote to the First Minister and deputy First Minister in order to seek further information on the proposed amendment to the ministerial code and on the Executive's decision-making process in relation to the Bill. On Wednesday 14 January 2009, prior to the Executive meeting on 15 January, the Committee was briefed by departmental officials from OFMFDM on the First Minister and deputy First Minister's proposed amendments to the Financial Assistance Bill and to the ministerial code.

An additional meeting of the Committee was held on Monday 19 January in order to consider the Executive's four agreed amendments, which were placed on the Marshalled List, and to consider the

proposed change to the ministerial code. Mr Shannon proposed that the Committee agree amendment No 3. The Committee divided on the proposal: six members voted Aye, one member voted No, and one member did not vote. Mr Shannon proposed that the Committee agree amendment No 9. The Committee divided on the proposal: six members voted Aye, one member voted No, and one member did not vote.

Mr Shannon proposed that the Committee agree amendment No 10. Six members voted in favour of that proposal, one member voted against and one member did not vote. Mr Shannon proposed that the Committee agree amendment No 11. Five members voted in favour of that proposal, one member voted against and two members did not vote. The Committee noted the letter from the First Minister and deputy First Minister regarding the proposed amendment to the ministerial code. I hope that that outlines clearly the facts of the position that was adopted by the Committee for the Office of the First Minister and deputy First Minister.

I shall now make some remarks as an Ulster Unionist Member. Last Tuesday, 13 January, when questioned by the Member for East Belfast Mrs Long on whether the Bill would bring an end to departmental autonomy, the deputy First Minister, Martin McGuinness, said:

"I fully understand the Member's point, and I agree with her. When it comes to implementing the decisions that will flow from the proposed legislation, it comes down to our motivation as the leaders of the two largest parties in the Executive and the Assembly." — [*Official Report, Bound Volume 36, p214, col 1-2*].

That is what the Bill boils down to. If the legislation is passed in its current form, the only guarantee that Ministers will have that their Departments and policies are not overrun by the First Minister and deputy First Minister acting together is to make a play to their better nature or to rely on their motivation. In the Bill's current form, the only accountability that will be in place against the actions of the two-headed joint bearers of office, Messrs Robinson and McGuinness, is their own consciences. Taking all things into consideration —

**Mr McElduff:** On a point of Order, Mr Deputy Speaker. Is the Chairperson of the Committee for the Office of the First Minister and deputy First Minister speaking in his capacity as Chairperson of that Committee, or is he speaking in a party political capacity?

**Mr Deputy Speaker:** I understand that the Member made that point clear.

**Mr Kennedy:** I am sorry that the Member has not followed closely what I have said. Perhaps he will now take the opportunity to listen up.

Taking everything into consideration, we should be alarmed. Amendments No 1, No 5, No 7 and No 8 seek



to ensure that power is genuinely shared and that the principles of the Belfast Agreement are adhered to. If the First Minister and deputy First Minister want to allay fears, they must support those amendments. Otherwise, the Bill will represent a personal carve-up by the First Minister and deputy First Minister in the name of the most vulnerable people. That is deeply regrettable.

In any circumstances of emergency, it is obvious that every Minister will want to work together to come up with a solution. Beyond the desire of the First and deputy First Minister to grab power, I do not see the logic or the need to reserve that role exclusively for them. If the First and deputy First Minister want to remove accusations that the Bill takes a politburo approach, they should accept those amendments and prove to the House and to the people of Northern Ireland that their intentions are solely to help people in times of emergency. The Ulster Unionist Party supports completely the principle of ensuring that quick and decisive action can be taken to deal with any emergency, but the Bill is not about that.

The Ulster Unionist Party supports amendments No 2 and No 6, which were tabled exclusively by the Alliance Party, and amendment No 4, which was tabled by the SDLP. Those amendments genuinely seek to improve the Bill by increasing accountability and distributing power throughout the Executive. They will make the Bill more in tune with parliamentary conventions. The parliamentary system of government works only when power is not accumulated in a single office or with a single person.

That is true of emergencies and of general day-to-day policy decisions. The Bill is profoundly flawed and unparliamentary, and it runs contrary to the traditions of British parliamentary democracy.

I ask DUP Members not to go down this road merely to satisfy their leader's appetite for accumulating power. Sinn Féin's reputation for centralised control is well-known, and this Bill adds to it. The Bill, which shows Sinn Féin and the DUP acting as a tag team, is perverse and regrettable.

I support the amendments.

**Mr Spratt:** I oppose amendments No 1, No 4 and No 5. When I read the amendments, I ask myself whether the Members who tabled them learned anything from the debate on the Bill's Second Stage. Mr Kennedy and Mr Elliott, along with Mrs Kelly and Mr O'Loan, sadly appear to have struggled to understand the Bill's content.

**Mr B McCrea:** Tell us more, Jimmy.

**Mr Spratt:** I will tell you more.

Even though that point was dealt with extensively last week in the Second Stage debate, those Members

still fail to comprehend that their amendments are redundant in the light of the Northern Ireland (St Andrews Agreement) Act 2006.

Despite the best efforts of the First Minister last week to explain the intricacies of the legislation — particularly for the benefit of Mr Kennedy, who appeared to struggle with the finer detail — Mr Kennedy and his party colleague Mr Elliott tabled two amendments that lack purpose. Is that a case of slow learning? Or is it mischief making to create an opportunity for the two gentlemen in question to engage in their Tweedledee and Tweedledum act? I let the public decide.

For the benefit of the Members who tabled amendments No 1, No 4 and No 5, I will explain why I oppose them: they are unnecessary. The statutory basis for the ministerial code lies in the Northern Ireland (St Andrews Agreement) Act 2006. The code requires Ministers to bring any novel or contentious issues before the Executive. Therefore, even though the word "Executive" is not in the Bill, all those matters come to the Executive in accordance with the ministerial code.

"There is no need to have the word 'Executive' inserted as the legislation is already in place that requires these matters to come to the Executive." — [*Official Report, Bound Volume 36, p217, col 2*].

Those were the words of the First Minister in the Chamber last week.

Moreover, Members may recall that the First Minister, in the Second Stage debate, informed the House that the word "Executive" was not to be included in the Bill, as that would duplicate the legislation. That was not his opinion, but that of the legislative draftsmen. When it comes to drafting legislation, I take the word of experts rather than that of Mr Kennedy, Mr Elliott or Mrs Kelly.

To put it beyond any doubt: an amendment to the ministerial code, already agreed by the Executive, will be brought before the House when the Bill before us has been enacted.

**Mrs D Kelly:** Will the Member give way?

**Mr Spratt:** I will not. The Member will have plenty of time to speak shortly and I am sure that she will have her say.

I ask the Members who tabled amendments No 1, No 4 and No 5 why, in the light of the agreed change to the ministerial code and of the view taken by the legislative draftsmen that their amendments are unnecessary, they persist in a redundant course of action?

12.15 pm

It is ironic that the Members from the Ulster Unionist Party and the SDLP have suddenly expressed a desire for the Executive to work together as a group.



After all, those parties, as the architects of the now obsolete Belfast Agreement, created a totally unaccountable system of Government in which the Executive lacked any form of control. It is ironic indeed that those two parties now act as the guardians of collective responsibility.

I fear that some in the House who chose —  
[*Interruption.*]

**Mr Deputy Speaker:** Order. The Member has the Floor. Members should make their remarks while on their feet and through the Chair.

**Mrs D Kelly:** I would if I could get a chance.

**Mr Spratt:** You will have plenty of time for a chance to speak, and I have no doubt that you will take it. So will Mr Basil McCrea, whom I hear shouting from the background because he is an expert on every subject debated in the House.

**A Member:** He is not an expert on finance.

**Mr Deputy Speaker:** Order. Even the Member on his feet must abide by my previous ruling. Please make your remarks through the Chair.

**Mr B McCrea:** On a point of order, Mr Deputy Speaker. I would like to thank Mr Spratt for declaring that I am an expert on everything. I shall take that to heart. [*Laughter.*]

**Mr Spratt:** I fear that there are some in the House who chose to play politics with this Bill rather than support it and the benefits that it will bring to those in need in the Province. However, it is not for me but for those Members to explain that. My party and I will oppose amendments No 1, No 4 and No 5.

**Ms Anderson:** Go raibh maith agat, a LeasCheann Comhairle. I support amendments No 3, No 9, No 10 and No 11, and I oppose amendments No 1, No 2, No 4, No 5, No 6, No 7 and No 8.

Once again, I welcome the opportunity to speak on the Bill and sincerely hope that today's debate can put to bed much of the ill-informed rhetoric that has surrounded it. I want to refute the suggestion that the Bill is little more than a power grab by OFMDFM. Such concerns have been expressed despite repeated assurances that they are entirely unfounded as, under the ministerial code, all proposed schemes for financial assistance must be brought before the Executive. Furthermore, as the First Minister and the deputy First Minister pointed out last week, under the provisions of the Bill the Executive will be involved fully in all decision-making. Moreover, the relevant Committees will perform their normal scrutiny role and the Assembly will have control of any schemes created under the regulations.

Despite that, the First Minister and the deputy First Minister have had to clarify the situation further and

have tabled several amendments to deal with Members' concerns.

Amendment No 10 deals specifically with clause 2. It states —

**Mrs D Kelly:** Will the Member take an intervention?

**Ms Anderson:** No. Amendment No 10 states that:

“No regulations shall be made under this section unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”

I do not know how much clearer the Bill can be.

Amendments No 1, No 4 and No 5 ask that any scheme introduced should require the approval of the Executive. However, given that any scheme will be cross-cutting — for example, involving a bid to DFP and the delivery Department for financial assistance — it will automatically have to come to the Executive for approval. Furthermore, the Executive have given an assurance that they will amend the ministerial code; therefore amendments No 1, No 4 and No 5 are unnecessary, and I agree with Mr Spratt on that point.

Sinn Féin opposes amendment No 2 as it would slow down the process of any scheme identified for implementation. The Bill, without amendment No 2 — [*Interruption.*]

**Mr Deputy Speaker:** Order. The Member has the Floor.

**Ms Anderson:** The Bill, without amendment No 2, gives the Assembly the ability to take action and to act swiftly. The people are demanding —

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

**Ms Anderson:** No. The people are demanding prompt action from their public representatives, as they will in any further crisis; and quite rightly so. [*Interruption.*] The Members will have time to have their say.

If adopted, amendment Nos 6, 7 and 8 would give any Department a veto, enabling them to refuse to implement a scheme and frustrate the role of the Executive and the Assembly. They would be able to refuse to assist another Department in implementing a scheme by denying it access to relevant data. We should not allow such resistance to frustrate the process of the Bill.

I acknowledge that, even if it did not do so in the Committee, the SDLP supported accelerated passage in the Chamber last week. One of its members said that that was:

“because of its concerns for social justice and for the people facing hardship”. — [*Official Report, Bound Volume 36, p206, col 2*].

That was a welcome recognition of what the Bill is all about — social justice and providing tangible assistance to all people. There is no ulterior motive, no hidden



agenda and no power grab. If nothing else, the current economic situation demonstrates that the Executive and the Assembly need to be in a position to react quickly to unforeseen circumstances and events — otherwise, what is the point in any of us being here?

The Bill provides us with a legislative basis on which to deal with whatever eventualities we face. On this occasion, the need to legislate for fuel payments is the catalyst; it could be something else tomorrow or the day after that. None of us can predict the future, but I am sure that we all accept that the economic downturn will not be the only economic crisis to face the Executive.

People are demanding prompt action from their public representatives, just as they will in the future, and quite rightly so. The Bill will give us the ability to take that action swiftly. That is what the people elected us to do, and it is time that we all started getting on with the business of doing it. Go raibh míle maith agat.

**Mr Deputy Speaker:** Before calling Mr Declan O’Loan, I remind Members to please give other Members a fair wind when they are making their speeches.

**Mr O’Loan:** Last week I described this Bill as loathsome. I see that some amendments have been proposed — they do not persuade me any more as to the appropriateness of the Bill. I merely use the term “obnoxious” for the potentially amended Bill that now comes before us. *[Interruption.]*

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

**Mr O’Loan:** It is not a Bill that should be accepted by any democratic Assembly. If people want to know what this Bill is really about, they should simply consider three statements from the First Minister. Last week, he told us:

“The Financial Assistance Bill is the most important piece of legislation to be tabled since the return of devolved Government.” — *[Official Report, Bound Volume 36, p218, col 1].*

To reiterate, he described it as: “the most important”. Therefore, anyone who thinks that it is an occasional piece of legislation to deal with unthought of emergencies may need to start to think otherwise.

In relation to a comment that was made in last week’s debate, he said:

“I suspect that that refers to the three Departments that are not under the control of the deputy First Minister and me.” — *[Official Report, Bound Volume 36, p237, col 1].*

That leaves us with almost half the Executive under the control of the First Minister, and almost another half under the control of the deputy First Minister. Very often, people’s unscripted words reveal what they actually think and, in this case, those quotes demonstrate clearly what the First Minister actually thinks.

I believe that Mussolini had a phrase for this: “uno Duce, una voce”. *[Laughter.]* When they think that they are having internal party debates, other members of those parties must now remember where they stand.

During this morning’s questions on the strategic stocktake statement, you, Mr Deputy Speaker, working in a very different capacity, asked a question about the gap in funding in relation to the absence of the children’s fund.

We heard the First Minister say — very clearly — that the answer to that gap would be found in clause 2 of the Financial Assistance Bill.

**Mrs D Kelly:** By its very nature, does that statement not suggest that the DUP and Sinn Féin have admitted that they have made a mistake in doing away with the Executive fund that allowed them the capacity to deal with matters such as the children’s fund? Have they not, in effect, taken money from young people and children?

**Mr O’Loan:** That point stands, and I think that that concession is implicit.

**The First Minister:** Perhaps the Member would like to take —

**Mr O’Loan:** I understand that the First Minister needs to defend himself.

**The First Minister:** For the benefit of the SDLP Members, this is an enabling Bill. It does not allocate funds; it enables a mechanism to be put in place that allows Government to respond in a joined-up way and on a cross-departmental basis to all poverty and hardship issues. I would have thought that anyone who wants to help those who are in poverty and hardship would support such a mechanism.

**Mr O’Loan:** Out of courtesy, I suppose that I should thank the First Minister for his intervention. It would certainly not be the first time that a leader with dictatorial instincts used the democratic processes to forward their own instincts.

**The First Minister:** Why does the Member not say that whenever Mark Durkan is here?

**Mr O’Loan:** Perhaps it is fortunate that I did not quite hear the First Minister’s comment.

I very much agree with what my colleague Dolores Kelly said about the children’s fund and the gap therein. The First Minister’s comment on that point, when taken logically, suggests that the proper mechanisms for dealing with what is identified already as a gap in Government provisions and the attendant funding for that gap are not being dealt with through the Budget — and, of course, they have not given us a Budget for next year. However, in what passes for a Budget for next year, they have not written in the mechanisms to deal with those issues or included them



in a way that could be tested by the Assembly, if the process were to be done properly. Instead, they want to have this action in reserve so that they themselves can claim the credit for dealing with certain matters.

If this is not a power grab, we will soon know. We will know because the First Minister and deputy First Minister will support the amendments as they come before them and their parties. That will give the authority —

**The First Minister:** *[Interruption.]*

**Mr O’Loan:** The First Minister seems to be getting rather annoyed in his seat. It says something to me if he is getting annoyed; perhaps the validity of some of what I am saying is getting to him. I suggest —

**Mr B McCrea:** Is the Member struck by the irony — we have used the term “irony”; I heard Mr Spratt using such big words — that Members on this side of the House are quite prepared to give way and to take interventions and that those Members who assure us that there is no power grab will not take a single intervention? They will not defend their position because they cannot defend their position.

**Mr O’Loan:** I thank the Member, and I think that his point has been well noted by all.

I will come to the detail of the amendments in a moment, but this, broadly, is what the amendments are about: the Bill needs to protect the independence of individual Departments. We are told that the Bill is about emergency legislation, and one of my deep resentments about the Bill is the repeated reference to the fuel-poverty situation.

I will say it again, as I said last week: under the pretext of dealing with fuel poverty, a far more general measure is being proposed, and there is a deceit being perpetrated — or attempting to be perpetrated on the Assembly — and it is certainly at this moment being perpetrated on the public.

**The First Minister:** On a point of order, Mr Deputy Speaker. Can I ask you to look at the unparliamentary comments of the Member? To accuse me of deceit is unparliamentary, and the comment should be withdrawn.

12.30 pm

**Mr Deputy Speaker:** It is my understanding, First Minister, that the Member did not accuse you of deceit. However, I will certainly look at the Hansard report.

**The First Minister:** Further to that point of order, maybe you will tell your Clerk to listen more carefully before he gives you such advice, because the person who is bringing forward this measure is myself, and if a deceit is being perpetrated, it can only be by the person who is bringing it forward.

**Mr Deputy Speaker:** First Minister, I am making an offer to review the Hansard report. Please continue, Mr O’Loan.

**Mr O’Loan:** I think that it is appropriate for a Member to point out, in any situation, that a Bill, or any measure that is brought forward, may not be all that it seems, and I do that. *[Interruption.]*

**Mr Deputy Speaker:** Order, please. Henceforth, I will insist that all remarks are made through the Chair.

**Mr O’Loan:** Among the amendments proposed by the First Minister and deputy First Minister is one that refers to six months for regulation after designation. In addition, they are being prepared, under pressure, to bring the matter for affirmative resolution by the Assembly. Both of those argue against these being emergency provisions. One argument concerning the matter is what measure would be available if a crisis developed on the first day of the long recess. However, we can see that no remedies could be implemented until the matter came before the Assembly.

We are entitled to point out that this rushed piece of legislation and its emergency provisions come as a considerable contradiction — I know that if I were to use words such as “hypocrisy” or “hypocritical” the First Minister would protest strongly, so I will not use those words. However, there is a contradiction between those parties bringing forward this legislation and the fact that they did not call an Executive meeting for 154 days.

**The First Minister:** Will the Member correct his statement, because I sought a meeting on a number of occasions during that time? Therefore, perhaps the Member would like to rephrase his earlier remarks.

**Mr O’Loan:** The First Minister and his colleague are bringing forward this legislation, and, between them, did not succeed in convening a meeting.

**Mrs D Kelly:** Last week, in his contributions, the First Minister said:

“The biggest crime that any Government can commit is to procrastinate in the face of a crisis.” — *[Official Report, Bound Volume 36, p216, col 2]*.

Given that we are in the face of a crisis, particularly in the construction industry, would the First Minister not call the failure to make a decision on Maze/Long Kesh regeneration, procrastination?

**Mr O’Loan:** Absolutely, and I think that that will be seen generally by the public, and internationally, as standing for one of the failures of the leadership of this Executive.

**Mr Deputy Speaker:** Order, please. May I remind the Member to address the items in the Bill.

**Mr O’Loan:** Thank you, Mr Deputy Speaker. What we see before us remains a measure by which the two



parties in the Office of the First Minister and deputy First Minister have a mechanism, if they choose to use it, to introduce measures that will suit their own purposes and their own electorates. If this legislation is passed, they will have a mechanism that will enable them to use public money to buy the votes of the electorate for themselves. That is not a good piece of public policy.

With regard to the proposed amendments, clause 1 asks that there be the agreement of the Executive Committee, in addition to that of the First Minister and the deputy First Minister, as to when the powers are exercisable. We have heard it repeated today that the ministerial code looks after that. I looked at the terms of the ministerial code, and they do not convince me that they provide a guarantee. We have been told that there is an offer to alter the ministerial code. Members have not seen the wording of that alteration. Irrespective of what goes into the ministerial code, if the First Minister and the deputy First Minister are serious about a guarantee, it should be written on the face of the Bill.

**Mr I McCrea:** The Member mentioned that he had not seen the wording of amendments to the ministerial code. Perhaps he should seek a copy of that wording from his party colleague who sits on the OFMDFM Committee and, indeed, from his party colleague who is a Minister; both of whom have received copies.

**Mr O'Loan:** It does not alter my view. If the Bill is as straightforward and innocuous a piece of legislation as it is purported to be, the proposed amendments to clause 1 should simply be made.

Amendment No 2, which has been tabled by the Alliance Party, provides a stronger test for the use of clause 1 of the Bill, and I welcome that.

Amendment No 3, which has been tabled by the First Minister and the deputy First Minister, does not make me any more content about the legislation's overall efficacy and appropriateness.

Amendment No 4 relates to the designation of a Department, and it asks that that be done with the Executive Committee's agreement. Again, that will test how serious the First Minister and the deputy First Minister are about sharing power in a shared Executive.

Amendment No 5 asks that regulations:

"require the approval of the Executive Committee",

rather than simply that of OFMDFM. That offers the same test to the First Minister and the deputy First Minister. Let us see if they are prepared to agree to that.

Amendment No 6 relates to the assent of the other Departments that may be affected and asks that approval be required from:

"any department on which functions are imposed or from which functions are removed by virtue of the regulations."

Similarly, amendment No 7 relates to Departments. It asks that:

"A department may only be designated under subsection (3)(a) with its consent."

Once again, that is, in many ways, an acid test of the seriousness of the First Minister and the deputy First Minister and of whether they will not claim all power to themselves or share out the goodies among their own electorates and attempt to claim political credit for so doing. We shall see whether the First Minister and the deputy First Minister are prepared to accept those amendments.

Amendment No 8 deals, in similar terms, with giving proper rights to the Department concerned. I have already referred to amendments No 9 and No 10.

The Assembly will debate clause 2 later in the debate. At present, I want to state my party's intention to oppose clause 2. I do so simply to present the integrity of my party's attitude to the Bill, which is that clause 2 should be removed and clause 1 should be substantially amended in the way that I have described.

**Mr Attwood:** On a point of order, Mr Deputy Speaker. All Members are used to the cut and thrust of political debate, and we are all big enough to handle it. However, I am concerned that that cut and thrust of debate among politicians should not be visited upon Assembly staff.

Earlier, during an intervention, the First Minister said that your Clerk should listen more carefully, and it was said in an aggressive tone and in a high-handed fashion. I have long been concerned that elements in the Chamber want to erode its authority and the independence of its staff.

Notwithstanding that matter, Mr Deputy Speaker, I ask you to examine the Hansard report and to consider the treatment of staff on the Floor of the Chamber during the course of the debate. It was quite clear as to whom the First Minister referred.

**Mr Deputy Speaker:** Order. I have undertaken already to review what happened earlier, and I promised to look at the Hansard report. The Speaker will report back on the matter.

The Business Committee has arranged to meet immediately on the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. Naomi Long will be the first Member to speak on resumption of the debate.

*The sitting was suspended at 12.40 pm.*



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

2.00 pm

**Mrs Long:** During last week's debate, when Members knew that I was to speak immediately after the lunch break, few of them appeared in the Chamber. I notice that I have had the same effect this week. In future, the Chamber could be kept quiet if Members have advance warning of when I am to speak.

Given the content of this morning's session, I want to reiterate that I do not dispute that the Office of the First Minister and deputy First Minister (OFMDFM) and the Executive require emergency powers. I welcome the introduction of such powers. After this morning's session, it is worth reiterating that all Members want to avoid a delay in the provision of the financial assistance that has been promised. We have our own views about which types of financial assistance might be better than simple monetary offers. Nevertheless, at this stage, that proposal seems to be the most effective way forward, and, on that score, all Members want to avoid a delay.

However, as the Alliance Party highlighted during the Second Stage, we want to address several aspects of the Bill through a series of amendments, none of which diminish the Bill's ability to deal with current financial circumstances, or prevent Executive intervention. However, the amendments do, perhaps, safeguard and reassure Members about some of the detail of the Bill and how it could be used in future. As I stressed last week, the Assembly is not debating the first use of the Bill; rather we are debating the purposes for which it can be used thereafter.

I want to put on record some aspects of the Bill that require reconsideration. The Alliance Party and others want to avoid the centralisation of Government power in OFMDFM. Indeed, before he took up his current position, the present First Minister was nervous about the centralisation of power in OFMDFM. When that Department had no formal scrutiny Committee and no Standing Committee, he expressed concern when proposing the introduction of such a Committee.

Referring to the people in London who drafted the legislation, he said:

"It could be that they did not expect the First Minister and Deputy First Minister to grab so many functions and place them in the central Department." — [*Official Report, Bound Volume 2, p204, col 1*].

He was, therefore, not entirely comfortable with the handling of that issue. He continued:

"As it stands, the First and Deputy First Ministers, who have the authority to issue determinations, could take more and more responsibility to the central Department. Without scrutiny, they could take key government issues away from the eyes of Members and the public." — [*Official Report, Bound Volume 2, p204, col 1*].

For those reasons, we are concerned that the Bill has limited scope and that there is need for people to co-operate; therefore, we have not tabled amendments with any malign intent or frustration. We want to ensure that that level of scrutiny, collaboration and co-operation in the Executive, and with the Chamber, is maintained when the legislation is passed.

Furthermore, the Alliance Party wants enhanced collectivity in the Executive and is comfortable with using a diminution of individual ministerial autonomy to achieve that end. However, we are concerned that the reduction in individual ministerial autonomy will not be replaced with enhanced collectivity but with enhanced powers in OFMDFM, which acts on behalf of the Executive. That is a weak safeguard under the current circumstances where the same parties have a majority in the Executive and in the Office of the First Minister and deputy First Minister.

I will concentrate on and explain the rationale behind the Alliance Party's amendments.

The purpose of amendment No 2 is to ensure that the powers made available are only invoked in exceptional circumstances. There can be situations in which emergency measures are necessary, and, indeed, where other assistance may be required. If it is appropriate, that should be done — as far as possible — within the existing structures of government, through the normal spending rounds, and through the normal departmental functions.

My party wishes to limit the powers made available by the legislation. I do not think that the amendment applies a significant or extreme limitation; it simply curtails the power of OFMDFM, and makes it clear that clause 5 — the catch-all clause, which states that the powers can be used even where other legislation exists — should only be used genuinely. The amendment at least copper-fastens the stipulation that it should only be done as a protective position, and that it is not the intent to use the provisions of that clause on a repeated basis to circumvent the normal procedures.

I will consider amendment Nos 6 and 7 together. The purpose of those is to define the limitations of the transfers of power. My party aims to ensure that the powers provided in the legislation lead to an enhancement of collectivity in the Executive, along with a reduction in the autonomy of Ministers. Those two things must be balanced. It is not sufficient to reduce the autonomy of Ministers without enhancing the collectivity of the Executive. It is not necessarily a measure of collectivity if OFMDFM has merely to agree with the party colleagues of the First Minister and deputy First Minister in the Executive. There should be a requirement for the agreement of the Minister — or Ministers — affected by any measures.



That is particularly important for those parties with smaller numbers in the Executive.

Given the balance of Sinn Féin and the DUP in the Executive, a requirement for agreement between members of the Executive would clearly provide little protection to the Ulster Unionist Party or the SDLP.

During the Second Stage of the Bill last week, the First Minister and deputy First Minister highlighted the fact that the Executive can currently direct Ministers. My party does not dispute that that is the case. However, under normal circumstances, Ministers only bring their proposals to the Executive if they have some impact on another Department or overlap responsibilities, if they do not have sufficient funds to implement the proposals, or where the proposals are controversial. The Bill would extend the power of OFMDFM to intervene on issues that lie within the remit of a single Department, for which a budget is available — but perhaps a decision has been made not to use it for that purpose — and which do not impact on other Departments, and which are not controversial. That changes the balance, at least in tone, if not more significantly — my party suggests that it is more significant.

The Bill represents an increase in centralisation and a dilution of the autonomy of Ministers, which, as the Bill stands, is not balanced by an increase in collectivity and collective working within the Executive. Amendment Nos 6 and 7 are aimed at achieving that balance. In order for OFMDFM to deliver on the requirements of the Bill, it would have to have the agreement of the relevant Minister. One does not foresee there being significant difficulties in getting the agreement of Ministers who belong to the parties of the First Minister and the deputy First Minister. I would not imagine that, in what are exceptional circumstances, there would be any difficulty in getting any Minister in the Executive to agree with reasoned and sensible proposals, whether that Minister is in the same party as the First Minister or the deputy First Minister, or any other party. In practice, there is no reason why any Minister would choose to withhold co-operation.

The amendments would provide a degree of protection. If the good and harmonious functioning of the Executive, to which the deputy First Minister aspired last week, were actually in place, there would rarely be an issue, because it would be discussed around the Executive table, Ministers would agree, and there would be no problem. However, in cases where that good and harmonious working relationship does not exist — far be it from me to suggest that there are such cases — the amendments would provide a significant confidence-building measure. It would make it clear to those Ministers who might feel threatened by the legislation that its intention is not for OFMDFM to threaten them. On the other hand, the amendments would not curtail OFMDFM from making

decisions; it would merely have to co-operate with other Ministers, and we have been given assurances that that will be done anyway.

I will now discuss the amendments tabled by the SDLP and the Ulster Unionist Party. Amendment No 1 is a genuine attempt to state explicitly what the First Minister and deputy First Minister have already stated to be implicit in the legislation, in the context of the Northern Ireland Act 1998.

I, therefore, have no real objection to amendment No 1. However, I highlight the fact that it does not provide the protection for more junior parties in Government that we — as a party — believe is necessary. Last week, I stressed that the Good Friday Agreement and the St Andrews Agreement allowed for a degree of autonomy. As I have already stated, the workings of the Executive and the balance of power in the Executive — being as it is — provide very little protection for the smaller parties in Government.

However, we have no particular objection to the amendment. I cannot foresee a legal difficulty in explicitly stating what is already implicit. Perhaps that issue could be dealt with in the response to the debate, because I cannot understand how making something explicit creates a difficulty if it is already implicit. I have a similar position on amendment Nos 4 and 5, as they essentially follow the same function. They simply seek to explicitly insert reference to Executive co-operation into the legislation that is — apparently — already there implicitly.

Amendment No 8 is an attempt to do what we have done with amendment Nos 6 and 7. As such, we have no real objections to that amendment and are happy to support it. It is simply a case of ensuring that it is recognised in this legislation that all Ministers have particular areas of responsibility. We should be aspiring to an Executive of equals who co-operate with one another, rather than some members of the Executive being more equal than others.

The final amendments in the group are from OFMDFM, and they are being made on behalf of the Executive as a whole. As we were informed at the OFMDFM Committee last Monday, those amendments were agreed by the Executive Committee. I will come to amendment No 11 later, but we view amendment Nos 3, 9 and 10 as improvements to the Bill and we do not intend to oppose them. Although we do not feel that they address some of our substantive concerns, nevertheless, we think that they will improve the Bill.

Amendment No 3 closes down the opportunity for people to exploit the emergency powers, of which some people were fearful. If an emergency, or exceptional circumstance, is agreed, regulations must be introduced within three months, which seems to be an entirely reasonable proposition. If a situation is so



exceptional, I cannot foresee any reason why action would not be taken within three months. The amendment also prevents someone from establishing that there are exceptional circumstances and then either failing to deal with them, or using them as a reason for introducing additional regulations down the line when they have changed. It is a sensible amendment, and we will support it.

Amendment No 9 performs a similar role in respect of clause 2, although it proposes a time limit of six months as the issues in clause 2 are not as urgent. I make that point because it will be quite important in the context of the debate on the urgency of passing clause 2. The difference between the three-month and six-month time limits recognises the significant difference in how quickly action is needed in respect of the issues in clause 2 compared to those in clause 1.

Without prejudice to our opposition to clause 2 stand part of the Bill, which will be discussed during the debate on the next group of amendments, we believe that amendment No 9 will improve clause 2. Members have mentioned Executive programme funds and special programme funds. In Committee and elsewhere, we have had quite a considerable debate about how other Administrations are able to ensure that policy that is driven by the centre is delivered by Departments. I would prefer that clause 2 be debated in that context rather than as part of this Bill.

Amendment No 10 deals with an issue that I raised during the debate last week. I had some concern about the fact that the regulations were to be subject to negative resolution. In most cases, regulations do not come before a Committee, for example, until it is dealing with them retrospectively.

Bringing the regulations before the Assembly affords Members the opportunity to express their opinions about them, and that is a welcome improvement. Therefore, the Alliance Party will support amendment No 10, although it should be noted that that decision is without prejudice to our intention to oppose that clause 2 stand part of the Bill.

2.15 pm

Amendment No 11, which pertains to clause 3, will permit sunset clauses to be included in schemes. It is unclear why that must be made explicit in the legislation when, implicitly, any scheme or regulation could be constructed to include a sunset clause. Nevertheless, that feature has been made explicit, when others' concerns about the Bill have not. Why is that? Furthermore, amendment No 11 does not require schemes to include sunset clauses, so regulations could continue in perpetuity — although some will come to an end, they need not all do so.

The other element of amendment No 11 appears to be a tidying-up exercise. Although a scheme might

draw to a close, a savings scheme, for example, that a Department initiated in order to free-up money for financial assistance could continue. If my interpretation is correct — I would appreciate it if the First Minister were to clarify whether it is — the Alliance Party is reasonably comfortable with amendment No 11 and will not oppose it.

The amendments drafted by the Alliance Party and, in its assessment, those drafted by other parties seek to ensure that rightful protections are afforded to everyone in the Executive — there should be no privileged elite — and it is important for confidence building that that should be the case.

As I said last week, the Good Friday Agreement mechanisms are unwieldy, and, at times, ridiculous and bizarre. Often, they have hampered, rather than facilitated, good government, and the Alliance Party has been forthright about that. I do not mean that the principles are flawed; I mean simply that the way in which parties have gone about attempting to compensate for the lack of trust when delivering those principles is often unwieldy.

Members are being asked to take OFMDFM on trust, which is, in effect, what Martina Anderson said during her intervention this morning. That is a remarkable development. If that trust now exists, I wish to be the first to say that that is fantastic. In that context, let us move rapidly towards greater collectivity, and, ultimately, let us have a voluntary coalition. If everyone in the Chamber is secure about the fact that no Member will seek to abuse his or her position, such a course of action would be sensible, efficient and effective — let us get on with it.

However, I suspect that the trust that Members would be obliged to give to OFMDFM in such a context does not regularly exist — even between the DUP and Sinn Féin — and, if the mechanisms were to be significantly unpicked, it would not only be the SDLP, the Ulster Unionist Party and the Alliance Party that would be expressing concerns now. The Government balance could change, so I encourage Sinn Féin and DUP Members to consider carefully the position in which this legislation could place their Ministers in any future Administration.

I am not talking about trust in Peter Robinson and Martin McGuinness, in the Office of the First Minister and deputy First Minister, or even in the DUP and Sinn Féin. The Alliance Party is not seeking to impugn the integrity of any of those people or groups of people —

**Mr O'Loan:** Will the Member give way?

**Mrs Long:** I will in a moment.

I am talking about whether Members are confident that anyone who may hold those posts, in all circumstances,



will not seek to abuse the power given to them — forever is a very long time.

**Mr O'Loan:** The Member raises an important issue — the dynamic within the Executive. Will she agree that it is easy to envisage a situation in which the two parties that occupy OFMDFM will come to an agreement that is not based on trust but on political necessity and one in which both will have a vested interest? Furthermore, does the Member agree that the benefit of whatever decision they make will not be conferred on the other parties in the Executive? In fact, attempts will not even be made to confer the benefits on the other parties.

**Mrs Long:** I could go further than simply agreeing that that is a possibility; I could quote chapter and verse of when it has happened. However, that would fall outside the remit of this debate, and I suspect that the Deputy Speaker would call me to order, so I will not go any further.

None of the proposed amendments, from any of the parties, will delay the interventions that are intended by the Executive, or diminish the OFMDFM team's acting together in good faith with other Ministers in the Executive. There is, however, a major confidence-building opportunity available to those in OFMDFM. If they are striving to achieve increased collectivity and good and harmonious working, they should accept the amendments that have been tabled in good faith. Such acceptance will inform the Executive of their intent.

**Mr Shannon:** I oppose amendment No 2. Last week, we went through, in some length, the reasons for the need for the Financial Assistance Bill. There was consensus on the principle of the Bill. Therefore, it is with dismay that we find ourselves with a list of unnecessary amendments.

Amendment No 2 is one of a qualifying nature, and it seems to be unnecessary. Clause 1 of the Bill provides the power to provide financial assistance in exceptional circumstances. Exceptional circumstances are events that are out of the ordinary, such as floods — the likes of which have never been seen in our lifetimes — and not mundane happenings.

**Mrs Long:** The Member has been at the OFMDFM Committee sessions at which the matter has been discussed. Will he concede that the definition of “exceptional” does not cover the circumstances that he has outlined, but those circumstances that OFMDFM agrees to be so?

**Mr Shannon:** I thought that our interpretation of what was exceptional was the same, but the Member, obviously, has a different opinion to me. The Bill shows clearly what is exceptional. Floods and economic downturns — the likes of which have not been experienced before or seen in our lifetimes or in the past century — are exceptional. Exceptional

circumstances mean exactly that. They are unexpected events for which we did not have the foresight to legislate. That is what the word “exceptional” means in my book.

**Dr Farry:** The Member is in danger of arguing against the first purpose that the Bill is being used to serve — winter fuel payments. His definition of “exceptional” covers unforeseen events, such as natural or manmade disasters, but that excludes the events that will require payment of the winter fuel payments. Everyone knows that winter is coming; it has occurred every year since the beginning of the earth. A lot of discussions were held about what measures should be taken to deal with the looming winter, not only here, but in other jurisdictions across the water. Does the Member, therefore, see that as being exceptional, because, so far, his definition does not qualify for that?

**Mr Shannon:** I have been on my feet for a matter of seconds, and I have allowed two interventions.

**Mr O'Loan:** Will the Member give way?

**Mr Shannon:** That is a third request. I will continue, if Mr O'Loan does not mind. I am content to give way, usually, but I would like to get into the thrust of my speech.

Considering the definition of “exceptional”, it would be pedantic to qualify further that there is no legislation in place. Common sense will dictate that if there were to be a Bill to cover it, the circumstances would not be exceptional, and, therefore, the Bill would not be required, to follow the line of thought of some. When legislating, we are ever under the rule that to overstate things is to add more pressure and to tie things up to a greater extent.

To add that amendment to the Bill would not, as some Members suggested, add any more protection from its misuse, if that is its intention. The opposite is true, because it would over-complicate matters. Indeed, it confirms the need for the Bill to remain as it stands to cater for unforeseen circumstances for which no provision has been made. If a scheme to assist in such circumstances were already in place, the Bill would not be needed. It is clear, therefore, that, nicely worded though the amendment is, it is unnecessary, and it adds to the length of the Bill without enhancing its quality.

Some time ago, the Minister of the Environment, Sammy Wilson, suggested in the Chamber that there was far too much paperwork. He illustrated his point by bringing a massive pile of papers into the Chamber and suggesting that Members should recycle more. I suggest to the Member that she recycle amendment No 2; the quicker the better. It is an unnecessary amendment that adds nothing to the Bill and, therefore, I suggest that Members join me in opposing it.



**Mr Moutray:** I will speak to the first group of amendments that appears on the Marshall List for the Consideration Stage of the Financial Assistance Bill. My colleagues and I support amendment Nos 3, 9, 10 and 11, as proposed by the Office of the First Minister and deputy First Minister.

Amendment No 3 inserts the following:

“at any time within 3 months from the date of the determination under subsection (1)”.

This amendment ensures that any regulations made under the power in clause 1 to provide financial assistance in any exceptional circumstances have to be made within three months of the relevant determination. That limitation is welcome, because it places a discipline on designated Departments to award assistance within three months. It allows them to award financial assistance within a reasonable timescale and, ultimately, to remedy, or assist in remedying, the problems created by an unforeseen or exceptional circumstance. That will ensure —

**Mr O’Loan:** Will the Member give way?

**Mr Moutray:** No.

That will ensure that the problem is dealt with —  
[*Interruption.*]

Members may howl and shout; many of them will not be back after the next election.

The amendment will ensure that the problem is dealt with here and now, bearing in mind —[*Interruption.*]

**Mr Deputy Speaker:** Order, please. I ask the Member to confine his remarks to the Bill under discussion. I request that other Members make their remarks through the Chair; that is how the debate began this afternoon, and, from where I am sitting, it was a godsend.

**Mr Moutray:** I am happy to comply, Mr Deputy Speaker.

Bearing in mind the exceptional circumstances of the past year, amendment No 3 ensures that any problems are dealt with immediately. It also ensures that Departments do not abuse the designation of powers at a later stage, when the original circumstance that gave rise to the determination no longer exists.

I welcome amendment No 9, which specifies that, under clause 2, the relevant Department may introduce a scheme for the provision of financial assistance:

“at any time within 6 months from the date of the determination”.

When unsatisfactory funding arrangements mean that financial assistance is required to tackle poverty, social exclusion or patterns of deprivation, amendment No 9 requires any regulations to be made within six months. As with the previous amendment, it places a

discipline on all Departments that are designated to provide financial assistance when such a circumstance arises to do so swiftly and without delay. It ensures that people are awarded prompt financial assistance for their specific problem and do not have to wait for 12 or 24 months, as was the case under direct rule.

Amendment No 9 ensures that Ministers deal with problems as they occur and that they are able to take remedial action quickly and efficiently.

Amendment No 10 is also beneficial because it increases the Assembly’s power by ensuring that no regulations can be made under clause 2 unless a draft of those regulations has been laid before, and approved by a resolution of, the Assembly. It ensures an affirmative resolution by Members, as opposed to the negative resolution that was proposed initially.

2.30 pm

I believe that the amendment addresses the numerous concerns expressed by many Members, and it will ensure that the proposed regulations require not only Executive agreement but the agreement of the Assembly as a whole before they can be brought into operation.

As regards amendment No 11, which refers to the schemes for financial assistance in clause 3, I welcome OFMDFM’s revision of the time limit. I endorse the fact that it allows regulations under clauses 1 and 2 to have limited shelf life. That will ensure that Departments that have implemented schemes — particularly under clause 1 — will consider whether those schemes should be time-limited. Time-limiting is logical; it ensures that if exceptional circumstances were to arise and a Department were designated powers to deal with those circumstances, they would be dealt with as and when they were required, not a year down the line. Therefore, I support amendment Nos 3, 9, 10 and 11, and I oppose amendment Nos 1, 2, 4, 6, 7 and 8.

**Mr Attwood:** I listened carefully to Mrs Long. She asked whether trust prevailed in the Office of the First Minister and deputy First Minister and between parties in the Chamber. In one sense, that captured some of what I was going to say. The First Minister and the deputy First Minister would want the Chamber to draw conclusions based on best hopes, good faith and good intentions, and that the legislation would be used only in a limited way and in the precise terms outlined by the First Minister. On the other hand, the First Minister can hear that when Members look at the legislation, they draw conclusions based on their worst fears; fears about the real purpose and roll-out of the legislation over the months, years and, potentially, decades to come.

In order to probe into whether we should rely on the best hopes and intentions of the First Minister and the deputy First Minister or whether we should be more cautious in our approach, I look at the evidence



gathered over a long period in respect of how the parties that occupy the Office of the First Minister and deputy First Minister — and the characters who occupy that office — have approached certain matters. Against the weight of evidence going back a significant time, I draw the conclusion that clause 2 is evidence of a pattern and a culture, and it is about a changed approach to the nature of Government in this part of the world. I will explain why. I have always said that when it comes to negotiations, one must be up at the crack of dawn in order to deal with the DUP — if not earlier — *[Interruption.]*

Over a long period and around a range of issues that go to the essence of the democracy that we have or have not in the North, I have observed a culture and an approach that leads the SDLP to conclude that one needs to be very cautious about giving more power to certain offices about certain issues in this part of the world.

The DUP Members know that, at St Andrews, I saw them make an article of faith about eroding the proper authority of Ministers; they succeeded, because no one was there with the craft or the ability to compete in the negotiations to stop that happening.

**Mr O'Dowd:** Were you playing golf or were you at the negotiations?

**Mr Attwood:** I can tell you what I was doing at St Andrews. I was —

**Mr Deputy Speaker:** Order, please. I remind the Member to stick to the subject. I ask other Members to address their remarks through the Chair.

**Mr Attwood:** I can tell you about the many things that the SDLP was doing at St Andrews, and I will come to that in my speech.

We were trying to stop in its tracks what the British Government and Sinn Féin were allowing to happen — the development of an expanded role for MI5 in the North, so that they would have 400 members —

**Mr Deputy Speaker:** Order, please. I again ask the Member to concentrate on the Bill.

**Mr Attwood:** At St Andrews, I saw the First Minister, through the DUP, eroding the proper authority of Ministers and pulling back control and authority from where it properly resided — in ministerial office. This morning, Mr Spratt made cryptic references to the fact that the Executive had no control over Ministers in the past. Yet, he was referring to two decisions, and two decisions alone, that were taken by Sinn Féin. A decision was taken about the 11-plus — but not on an alternative to it — and, six years later, we are none the wiser about what is going to happen.

On the other hand, there was a decision about the maternity hospital. The Assembly and its Committees had good evidence that the decision taken by the

Minister of Health, Social Services and Public Safety at that time to locate maternity provision at the site of the Royal Victoria Hospital was absolutely right, justified and evidence-based. That is what Jimmy Spratt was referring to. On that pretext, the DUP began to erode the power of Ministers. What do we see in this legislation? We see more of the same — more erosion of the power of Ministers.

However, it goes further than that. At St Andrews, we saw the exact same culture and pattern of behaviour when it came to the affairs of the North/South Ministerial Council and the various elements of North/Southerly.

**Mr Deputy Speaker:** Order. For the third time, I must ask the Member to focus on the Bill.

**Mr O'Loan:** On a point of order, Mr Deputy Speaker. I put it to you that the Member is developing a thesis that — *[Laughter.]*

**Mr S Wilson:** Slowly. *[Laughter.]*

**Mr O'Loan:** I am sorry if I use —

**Dr Farry:** My thesis was 120,000 words. *[Laughter.]*

**Mr Deputy Speaker:** Order. Will the Member please resume his seat; that is not a point of order. Mr Attwood, please continue.

**Mr Attwood:** I knew that my speech was elaborate, but I did not think that it measured up to a thesis. *[Laughter.]*

In response to your point, Mr Deputy Speaker, I am replying to the words of Mr Robinson in last week's debate, when he said that he was not trying to suck out ministerial authority.

**Mr O'Dowd:** On a point of order, Mr Deputy Speaker.

**Mr Deputy Speaker:** Thank you for addressing your remarks through the Chair.

**Mr O'Dowd:** Is it in order for a Member to question a ruling made by the Speaker or Deputy Speaker, as the Member appears to be doing at the moment?

**Mr S Wilson:** Shame. *[Laughter.]*

**Mr Attwood:** I have known John Dallat too long to question anything that he gets up to, so I am certainly not doing so in this context.

As we saw with ministerial authority at St Andrews and the North/South architecture —

**The First Minister:** Will the Member give way?

**Mr Attwood:** I will give way in a second; I have been very generous to other people. In his New Year's Eve statement, the First Minister raised fundamental questions about the future of the North/South Ministerial Council; he asked whether it was a most efficient use of our resources. We can see an agenda, an approach and a culture. I suggest that Sinn Féin,



which currently holds the office of the deputy First Minister, should have its eyes wide open when it comes to what the legislation might do.

Therefore, I say to the First Minister, whom I will let speak in a second, that for all the warm words — and many pages of words detail the past debates — the evidence, in as much as I have outlined it, supports a culture of control and limiting Ministers' authority.

**The First Minister:** I am very grateful to the Member for giving way. I want to examine his thesis a little more closely. The kernel of it appears to be that the Democratic Unionist Party has an agenda. Quite why any political party would have an agenda, I do not know. It seems that no political party would ever want to be accused of that.

As the Member puts it, that agenda — which he opposes — erodes ministerial powers. The DUP would put that differently and say that it brings power into the Executive. If that agenda erodes ministerial powers, why is the Member supporting an amendment that will give power to the Executive over issues that, under the provisions of the Bill, will be dealt with in a ministerial capacity and will therefore come ultimately to the Executive anyway?

**Mr Attwood:** I will reply to that in two ways.

Many of the amendments mitigate the excesses of what is proposed in the Bill. Therefore, when faced with the options of granting authority where you do not want it to go or of mitigating the proposal in question, the latter is the preferred option.

Secondly, it is curious that the First Minister raised the matter, because in replying, I rely on what he said in last week's debate on this very issue about ministerial authority and Executive control. The contradiction in what the First Minister has said is in his words of last week, when he said:

"There is no Machiavellian plot for the deputy First Minister and I to "suck out" — I think that that was the term that was used — functions and powers from various Departments and to make their decisions for them. I suspect that that refers to the three Departments that are not under the control of the deputy First Minister and me." — [*Official Report, Bound Volume 36, p237, col 1*].

If I were to draw conclusions from the First Minister having just said that clauses in the Bill will give responsibility to the Executive, I must also remind myself that in the Chamber a week ago, the First Minister said:

"I suspect that that refers to the three Departments that are not under the control of the deputy First Minister and me." — [*Official Report, Bound Volume 36, p237, col 1*].

Consider those words. He did not use the words "influence", "persuasion" or "encouragement". In reference to DUP and Sinn Féin Ministers, the word that the First Minister used — and that I presume

reflected the view of the deputy First Minister — was "control".

Therefore, after hearing what the First Minister said about "controlling" his own Ministers, I must ask myself whether I am reassured about amendments that are related to taking matters to the Executive. I do not know what the definition of a political poodle is, but if that is not it, I do not know what a poodle is.

We know about the First Minister's attempts to control. We know about how he tried to control the Minister for Social Development on an issue — [*Interruption.*]

**Mr Deputy Speaker:** Order. The Member has the Floor. First Minister, you will be the penultimate Member to speak, and you will have every opportunity to respond.

**Mr Attwood:** Thank you, Mr Deputy Speaker.

We know what control means when it comes to the First Minister, and his own Ministers must draw conclusions from that. We know how the First Minister tried to control another matter involving the Minister for Social Development. I will not comment further on that because it is going through the courts. I am sure that the Minister for Social Development will take her chances when the court's decision becomes known.

However, the point is that the First Minister has form when it comes to issues of control — that is his choice of language. To confirm that point, I refer to other comments that Declan O'Loan made this morning about the Bill. In order to understand the scope and intention behind what the First Minister is proposing, one must consider what he has said. Last week he said:

"The Financial Assistance Bill is the most important piece of legislation to be tabled since the return of devolved Government." — [*Official Report, Bound Volume 36, p218, col 1*].

As I said, I respect the First Minister and the people around him — they are very careful about their use of words. Their approach to negotiations, and to much besides, is to be precise and technical, and I respect that. They are good at it, the SDLP is also good at it, and if other parties were half as good at it, we would not be in the mess that we are in at the moment. [*Laughter.*]

Therefore, the First Minister meant it when he said that the Bill is:

"the most important piece of legislation to be tabled since the return of devolved Government." — [*Official Report, Bound Volume 36, p218, col 1*].

Those are not idle words, nor is it a casual remark. The First Minister is being deadly serious, just as he was in the summer when he somehow got the deputy First Minister to agree that a justice Minister should be appointed by cross-community vote at all times. The



First Minister quickly came out and stated that “at all times” meant “at all times”.

2.45 pm

**Mr Deputy Speaker:** Once again, I ask the Member to stick to the subject, or we will have to move on.

**Mr Attwood:** I appreciate that, Mr Deputy Speaker. I am drawing the conclusion that the First Minister means what he says. Therefore, when the First Minister says that the Bill is an important piece of legislation, I draw conclusions about its size, scale and intentions.

I also find it very curious, as other Members surely must, that the Bill is billed as being even more important than the legislation on the Budget that the Assembly passed last year. The Assembly passed legislation for the spending of millions and millions of pounds over this year and future years, and yet the Financial Assistance Bill is somehow considered to be more important than that and all other legislation that has come to the Chamber since restoration. Therefore, be warned — the First Minister and others have plans for how the Bill will pan out.

We have a multiparty coalition, so all sorts of tensions and fractures exist. In that regard, I have some sympathy with the First Minister, because his role is to build consensus around our fledgling institutions. However, the way in which the Bill is being handled, in addition to his hectoring and the aggressive tone that he has displayed today, not least to members of Assembly staff, leads me to conclude that he is still trying to get his head around the difficult concept of building consensus around our fledgling institutions.

When I examine the Bill, I remind myself that the First Minister likes power but does not like accountability. For example, we do not have a Budget for the coming year. Furthermore, the First Minister and Martin McGuinness have proposed measures that will curtail their presence in the Chamber, where they answer to the elected representatives of the North about their actions, and that includes, I must say, explaining provisions that may arise from this Bill.

However, the First Minister has a partner in all of this — the deputy First Minister. As time passes, the deputy First Minister demonstrates more and more that he is very much a deputy. The DUP and its advisers continue to run rings around Sinn Féin across Government. If I were to look up, I am sure that I would see a smile on someone’s face: he knows it; Sinn Féin knows it; and everyone else is beginning to know it.

The Financial Assistance Bill is just another example of the DUP’s taking power on to itself, and it is doing so with Sinn Féin connivance. When Peter goes to Martin and asks him to jump, Members know

what the answer is — how high? Others make the spurious, irrelevant and insulting point that Sinn Féin has signed up to administer British rule in Northern Ireland. However, in the past year and a half — in case after case — we have seen what no one would have predicted — self-proclaimed Irish republicans administering DUP rule in Northern Ireland. We shall discuss that issue over the coming months.

**Mr Deputy Speaker:** I assume that the Member has finished speaking. *[Laughter.]*

**Mr I McCrea:** I am not sure how I can attempt to follow that or to say such wonderful things about the First Minister. Nevertheless, I speak to oppose amendment Nos 6, 7 and 8. Having listened to the debate, it is obvious that those who proposed the amendments have not listened to one iota of anything that the First Minister said during the Second Stage of the Bill last Tuesday. Mind you, I am not at all surprised by some Members.

The amendments take us back to the days of the failed Belfast Agreement when rogue Ministers did whatever they wanted without any accountability. At St Andrews, the DUP ensured that there would be accountability as part of its negotiations.

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

**Mr I McCrea:** I have just started. You will have plenty of time to speak.

Therefore, a Minister could no longer do what he or she wanted without the approval of the Executive. My party’s successful negotiations have ensured that those structures are now more democratic due to the fact that major decisions must be brought before the Executive and be made subject to their agreement. If we compare the Belfast Agreement to structures in which individuals are accountable to the Executive and the Assembly, I know what I prefer, and I know what the people of Northern Ireland prefer.

**Dr Farry:** Presumably, the Member would argue that the decisions taken by the Sinn Féin Minister of Health and the Sinn Féin Minister of Education in the first mandate and in the current mandate are examples of rogue Ministers? Does he also recognise that the Minister of the Environment is a rogue Minister in that a decision was taken regarding the establishment of an environmental protection agency, which was supported by four parties in the Assembly, but it was opposed by the Minister’s party? Surely, that Minister is a rogue Minister from the Member’s own party.

**Mr Deputy Speaker:** I ask the Member to stick to the amendments to the Bill.

**Mr S Wilson:** I do not mind being accused of being a rogue Minister, but will the Member accept that I was not a rogue Minister in respect of the accusations that are being made here today? A former Minister was



a rogue in that instance, and she engaged herself in a good piece of roguery, because an independent environmental protection agency would have been a disaster.

**Mr Deputy Speaker:** Order, please. I ask Mr Ian McCrea to continue.

**Mr I McCrea:** I accept the comments made by both Members. Without straying further, the environmental protection agency decision was a good one.

Yesterday, during questions to the Minister of Education, Basil McCrea said that the people of Northern Ireland long for a return to the good old days of Martin McGuinness. However, I remind the Member that during that time, Martin McGuinness took the decision to abolish the 11-plus against the will of the other Ministers in the House.

**Mr Deputy Speaker:** Order, order. Please stick to the amendments to the Bill. That is what we are here to debate.

**Mr I McCrea:** I apologise, Mr Deputy Speaker. That crisis came about through the failed negotiations of the Ulster Unionist Party concerning lack of accountability.

When the Assembly met under the structures of the Belfast Agreement, Ministers could make controversial decisions free from the control of the Executive.

As far as the DUP is concerned, any proposals for regulations will be subject to the agreement of the Executive where the First Minister and the deputy First Minister will be able to take account of the views of all Ministers.

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

**Mr I McCrea:** No, I will not. You have had plenty of time to speak all day. The days of Hitlerism are over, as this is a four-party mandatory coalition. I cannot see a situation —

**Mr Deputy Speaker:** Order. I am not sure whether that term breaches the convention on unparliamentary language, but I ask Members to be extremely careful in the terms that they use.

**The First Minister:** On a point of order, Mr Deputy Speaker. When you are considering whether that term is in order, will you also consider the reference to Mussolini earlier?

**Mr Deputy Speaker:** I certainly will, First Minister.

**Mr I McCrea:** I was not speaking against any particular individual, Mr Deputy Speaker; I was just making a general comment. *[Interruption.]*

Yes, indeed.

I cannot see a situation in which functions would be forced onto a Department against its wishes. However, one Minister should not be allowed to frustrate the will

of the Executive as a whole in their duty to provide financial assistance in exceptional circumstances or in an emergency situation.

**Mr B McCrea:** I rise with some trepidation, because the debate has been fairly wide-ranging, and there has been mention of Hitler, Mussolini —

**Mr Kennedy:** McCrea.

**Mr B McCrea:** McCrea, but not this McCrea.

In our earlier discussion of the clauses of the Bill, we made it clear that we are not against helping people in specific circumstances. We wish to find a mechanism to do that. From our Benches, we tried to speak constructively, and said that we did not think it appropriate to take this tragedy and use it for other wider political purposes.

We have tabled these amendments in order to safeguard the proper decisions that we want Ministers to make in addressing fuel poverty and fuel payments. There is a question about trust, which was mentioned by colleagues on the Benches to my right. We are all in the political game; we know that at different times we are political opponents, and that words are said from time to time. However, this issue gives us an opportunity to do something positive. It is most distressing to realise that in every single contentious debate that we have had, whether on education, the review of public administration (RPA) or victims' commissioners, no one ever listens to the opinion of other people that are supposed to be a part of the four-party mandatory coalition, or to those people who feel that they have a role to play as an opposition. That is the issue.

I know that some Members will shake their heads and say that that is irrelevant, but it does matter. The people of Northern Ireland expect us to find a way forward in what is a very trying set of circumstances. In tabling our amendments, we are asking, in very measured tones, the First Minister and the deputy First Minister to consider the points that we have put forward and take them on board. If the issue does not matter, and if it is already implicit, as Mrs Long said, what is the problem with making it explicit? That would send a powerful message to the people of Northern Ireland that we are united in trying to deal with the issue at hand. If it is a misconception that the two big parties are simply carving up power, let us find a way of demonstrating that that is the case, and do something about it.

Let us make no bones about it: when it comes to dealing with other matters of concern that are in the background, there is no equality of esteem in the Executive. The SDLP and UUP Ministers do not receive papers on time, are not consulted properly and are not brought into the decision-making process. If that situation changed, there would be a completely different attitude in the House. We support and



understand the desire to find a mechanism for getting people the money that they need, but we will not support Trojan Horses that take a tragedy and turn it into a political opportunity.

In the year or more since I became an MLA, I have witnessed a stripping away of democracy — a chipping at the edges. What was supposed to be a coalition of the willing, to be inclusive, to bring people together and to ensure that everyone had a share in this institution, has been systematically taken apart. That is why there are so many objections to the Bill.

I hope that people listen to this debate, because if we go down the route that is being proposed, we will destroy the entire Assembly.

We must find a way of working together, and I look to the First Minister, to whom I give the respect that he deserves because of his position, for leadership on the issue. I look to him to see how the Executive and the House can be brought together.

3.00 pm

**Mr S Wilson:** No Member wishes not to include checks and balances and a mechanism by which Members can have input into the decisions that are made by Ministers, Departments, the Executive and the Assembly. Does the Member agree that that can be done in a plethora of ways? It can be done through the work of Committees, through asking questions to Ministers, by demanding that Ministers come to the Assembly and by the requirement for weighted voting in the Executive and in the Assembly.

Surely the Member over-emphasised his point when he said that all the accountability mechanisms are being removed from the Assembly. Will he be more specific and say exactly which accountability mechanisms have been removed?

**Mr B McCrea:** Mr Deputy Speaker, I hope that you will allow me the latitude to respond to that. One of the minor but significant disappointments is that Mr Wilson was made a Minister. I say that not because I do not hold him in esteem, because I do. It is not because I do not think that he can do a good job, because he can. It is because, as he will accept, he is one of the few people prepared to speak his mind and stand up to say what is right. Unfortunately, he has been shackled by ministerial responsibility; the control freakery means that he is no longer able to speak out. He has not been able to express an opinion on important votes, but I will not embarrass him by talking about the education and skills authority.

The Ulster Unionist Party wants to find a way to help the people who need, for example, fuel payments. However, we will not accept the Bill as a Trojan Horse. If the Members opposite want to find a collective solution to the many challenges that will

face us in the coming year, now is the time to start talking to people as equals and as colleagues. They should listen to what we have said, act upon the good advice that we have given and support the amendments that we have tabled.

**Mr Ford:** Despite all the banter and name-calling of a variety in the Chamber, the debate, which is on one of the many important issues to have come before the Assembly, is being treated correctly. We often spend time debating private Members' motions, which, if they do call on the Executive to take action, are entirely ignored by members of the Executive. I refer not only to the actions of the former Minister of the Environment on the Environmental Protection Agency. That is why it is important to have a proper debate and why it is unfortunate that the Bill did not have a proper Committee Stage, which might have allowed some of the issues to be teased out and dealt with properly.

Basil McCrea said that Members at the other end of the Chamber were not listening; I think that he said that Members in general were not listening. I disagree with Mr McCrea on that — although I do not disagree with him on the general principles of the Bill — because some of us are listening.

I am in broad agreement with the thrust of all the amendments. I say that with some quick qualifications. Amendment No 8, which was tabled by Danny Kennedy, is not quite as good as amendment No 6, which was tabled by the Alliance Party, but it covers broadly the same area. Amendment Nos 9 and No 10, which were tabled by the First Minister and deputy First Minister, are without prejudice to our general position on clause 2. Amendment Nos 9 and No 10 need to be given proper consideration at the next Stage, and they need to receive the clarification that Naomi Long requested from the First Minister.

Some Members examined the detail of the amendments, came here to have a serious debate, engaged in a constructive debate and are prepared to make and take interventions. They understand that that is what debate is supposed to be about.

Unfortunately, too many Members come into this Chamber and are not prepared to engage in debate. Their speeches are written for them by researchers, and even when you, Mr Deputy Speaker, call them to order, they cannot find a place in their speeches that is relevant to the terms of the Bill, and we run into further problems. Given the age that the Assembly has reached, it is time, when we have a debate on legislation, that Members engage in debate and do not merely read out speeches that were written a couple of days ago and which are not now relevant.

**Mr Deputy Speaker:** Order. The Member is in danger of undermining his own argument. *[Laughter.]*



**Mr Ford:** I trust that having made my point to the Deputy Speaker, I will have made it to Members. I will now go into detail.

I was disappointed with Mr Spratt's speech. He listed a number of amendments to which he was opposed, but he did not list amendment Nos 2 and 6. I began to think that there was something wrong; that perhaps an amendment put forward by my party was being listened to by the DUP. Could it be that, contrary to what happened during the passage of the Local Government (Boundaries) Act (Northern Ireland) 2008 and the Commission for Victims and Survivors Act (Northern Ireland) 2008, the parties in Government were listening to the opposition, and not just the opposition listening to the Government?

Sadly, that hope was lost when Mr Shannon began to speak. I found his comments interesting. I give him credit for understanding the concept of debate, because he takes interventions — he does not respond to them, but at least he takes them. *[Laughter.]*

Perhaps the next time Government Back-Benchers have a meeting, he could give a lesson on the concept of debate to Members such as Ms Anderson, though members of his own party are sometimes in the same position as her.

Some of Mr Shannon's points were interesting. He said that amendment No 2, which adds an additional point to clause 1 about powers not existing or not being useful elsewhere, was merely a form of words. The amendment, in fact, inserts what he is agreeing to in clause 2 directly into the principles in clause 1. If that is so wrong in clause 1, why is it so acceptable in clause 2? No answer to that has been forthcoming, which means that we need to put the same phraseology into clause 1 as is being used in clause 2. It is more than just a list of words or making paper for the Environment Minister to complain about. The amendment seeks to improve the Bill — in the same way that the First Minister and deputy First Minister sought to include additional qualifications and make improvements — by applying a condition to clause 1 that is validly applied to clause 2.

**Mr O'Loan:** I have an important point to make in relation to Mr Shannon's speech. He discussed what would constitute an emergency, and Stephen Moutray said that the Bill would be for use in unforeseen circumstances. However, Mr Shannon said that we will all recognise an emergency when we see it. He gave examples, and referred to the economic downturn. The economic downturn is a major worldwide event that has been ongoing for some time and will continue for a very considerable time to come. The downturn has major ramifications for every Department. It will increase the demands upon them, and effective responses will be expected in addressing it. The only

way to address it meaningfully is to revise the Programme for Government and the Budget, consulting properly with the Assembly, its Committees and the public — not by urgent, extreme, one-off remedies, the power for which, through this Bill, is to be given to OFMDFM.

**Mr Ford:** I am supposed to say that I am grateful for the intervention. However, I may now have to allow Mr Shannon an intervention so that he may respond to Mr O'Loan, and I am deeply reluctant to do so.

Unfortunately, I have allowed Mr O'Loan to disrupt my train of thought, which sought to attack Mr Shannon's general inability to recognise that winter tends to happen — as Stephen Farry pointed out — once each year. Winter crises are not unprecedented. *[Interruption.]*

**Mr Ford:** Unfortunately, the Environment Minister seems to be unaware that climate change encompasses a variety of changes and is not a uniform change in any particular direction. Storms and climate change tend to happen in wintertime. We will, however, steer clear of that issue, in deference to the Deputy Speaker's earlier ruling.

The issue of what is unprecedented has been over-egged by people such as Mr Shannon, who described such events as something that would never have been seen before. However, there were quite severe floods in my constituency in August 2008, and some of the areas affected were also affected by similar flooding fewer than 20 years ago. Those floods were hardly unprecedented, but they certainly created an emergency.

I am more inclined to agree with the First Minister's definition of what constitutes an emergency rather than Mr Shannon's. It was a good attempt from a Back-Bencher in defence of the Executive's position, but I am afraid that he failed to persuade me.

Ms Anderson made a great deal of the point that amendment No 2, which was tabled by the Alliance Party, would result in delays. I am not sure what delays are envisaged given that we have been told by the two principal parties that all is sweetness and light, and that everything in the Executive is working well — Mr Attwood disagreed, but he is not in the Chamber to defend that position. However, if we accept that view, what delay would there be if the First Minister and deputy First Minister were to consult the relevant Minister or Ministers on what powers and finances exist and whether that particular procedure were needed? There is no delay that is realistic or feasible, and for Ms Anderson to make the point — as she read her notes and refused to take an intervention on the matter — that there will be a delay, means that the point will be argued at greater length and detail as it is clearly unsubstantiated and unsubstantiable — *[Interruption.]*



I would happily give way, but the fact that Ms Anderson neither makes nor receives interventions speaks for itself.

**The First Minister:** The Member may conclude that it has been unsubstantiated, but he cannot conclude that it is unsubstantiable, because there is substantiation for it. Amendment No 2 would put on the face of the Bill criteria that could leave it open to judicial review and, therefore, lead to much delay.

**Mr Ford:** That point needs to be substantiated.  
[Laughter.]

At least we now have a member of the Administration who is prepared to argue the detail of the Bill. I welcome the intervention from the First Minister in that respect, although I suspect that clause 2(1)(b) could also be subject to judicial review. Therefore, I am not sure why that argument applies to clause 1 and not to clause 2.

Those points need to be made, because it is clear that, yet again, the Executive are unwilling to listen to any arguments emanating from this end of the Chamber. That was illustrated by the fine speech made by Mr Ian McCrea, in which he dwelt much on how the Belfast Agreement has failed, and the fact that Sinn Féin has given up ministerial authority, but did nothing to deal with the substance of the amendments tabled from this end of the Chamber.

If one examines the balance of this debate — as, hopefully, more impartial people than those who sit at the other end of this Chamber will do — it will be seen that the strong weight of argument behind the amendments tabled in an effort to make this a better Bill should be realised. Those amendments will help to ensure that the emergency provisions go through. They will also ensure that, for those of us who are still a little bit sceptical about the fine workings of the Executive, this Bill is not a Trojan horse designed to damage the workings of Departments other than those controlled, in their own terms, by the First Minister and deputy First Minister.

**Dr Farry:** We seem to have run out of Members who wish to speak from the other parties, but the Assembly now has the privilege of two consecutive contributions from the Alliance Party.

**Mr B McCrea:** Will you be giving us the same message?

**Dr Farry:** Of course.

I will resist the temptation to read out my 120,000-word thesis, but I will certainly pass a copy to Declan O’Loan to peruse at his leisure, at some time in the future.

This is an important debate. At times, I get the impression that some Members from the DUP and Sinn Féin seem to resent the fact that the debate is

taking place, and that Members — from a range of parties — have tabled reasoned and constructive amendments. This is the heart of the legislative process; this is why we have an Assembly. We should welcome the fact that we are having debates of this nature rather than trying to avoid them.

Had the Bill had a proper Committee Stage, a lot of this work could have taken place in the Committee rather than on the Floor of the Assembly, but we are where we are.

3.15 pm

I want to make only a couple of points. The first is that there is, perhaps, a greater need to ensure the co-operation of Departments and Ministers in relation to clause 1 than in relation to clause 2. That may seem to be a slightly counter-intuitive statement. However, clause 2 deals with more medium- and long-term situations where there is a potential failing in the structures of Government to address cross-cutting issues; therefore, there may well be a situation in which the First Minister and deputy First Minister — as well as the wider Executive — must be seen to be taking action to address shortcomings and the failure of Departments to work towards commonly held objectives for the greater good of the people of Northern Ireland. In that sense, a greater sense of collectivity is to be welcomed.

There may be a danger of clause 1 stripping out any role for the relevant Ministers and Departments from the consideration process. Given the very short-term nature of the interventions and given that they are not, essentially, going to be mainstream, long-term actions, that militates in favour of having a greater degree of co-operation and ensuring that Ministers are on board.

That goes to the heart of what we are trying to achieve through amendment No 2, which is about ensuring that we are not running a coach and horses through existing schemes of Departments and that whatever interventions are made — albeit in the context of there being an emergency or exceptional circumstances — are properly thought out and thought through, and we are not needlessly duplicating or ignoring systems that are already in place. However, such interventions may be an effective way of dealing with emergency situations if they can result in money being directed toward such situations.

Therefore, there is merit in having a safeguard to ensure that there is not needless duplication in Government and that Government is an efficiently operating institution — all parties in the Chamber would look toward that. This is an important debate; it is important that we give consideration to amendments. The amendments tabled by my party are certainly in no way aimed at delaying or undermining the Bill — they are designed to make the Bill more transparent and



more effective. All parties should be capable of uniting around our amendments and some of the other amendments that have been tabled by other parties.

**Ms Purvis:** I will be very brief. I am pleased to see that a number of amendments to the Financial Assistance Bill have been tabled. The majority of those amendments go a long way toward improving the legislation and making it a better mechanism for serving the needs and the rights of the people of Northern Ireland, which the First Minister so eloquently referenced in his remarks last week.

During last week's debate, I expressed my concerns that the legislation in its original form creates too fundamental a shift in the decision-making processes of the Assembly and the Executive to warrant accelerated passage. I was not persuaded by the First Minister's assurance that the ministerial code would play a real role in defining the use of this legislation and limiting the powers that it bestows to OFMDFM in its unamended form.

Part of the Pledge of Office commits Ministers to participate fully in the Executive Committee, yet we find ourselves regarding this legislation as urgent because that commitment was not met for several months last year. Nonetheless, the current economic situation requires flexibility and creativity. The worldwide economic forecast suggests that the downturn in which we find ourselves may reach unprecedented levels, and Northern Ireland will not be exempt. If this legislation creates an additional tool for addressing the difficulties faced by the people of this Province, it warrants full consideration.

Looking at the specifics of the Bill and the amendments, I support those amendments that give an explicit role to the whole of the Executive in making determinations that a situation warrants the exercise of this legislation. That includes amendment Nos 1, 4 and 5. Collective responsibility and power sharing are at the core of this body's processes — however flawed they may seem at times — and those principles need to be inserted into this Bill. That is also a more accurate reflection of the budgetary processes that the Executive follow.

I also support amendment Nos 6, 7 and 8, which create the requirement for direct engagement with those Departments that stand to gain or lose functions as a result of schemes generated by this legislation. The value of consultation is a lesson that we learn over and over again in the implementation of new policies and schemes.

I oppose the inclusion of clause 2 in the Bill. I hope that amendment Nos 9 and 10 are unnecessary. In that situation, I will support amendment No 2. Failing the removal of clause 2 from the legislation — which I hope will not be the case — I will support amendment

Nos 3, 9 and 10. I share the views expressed earlier by Naomi Long regarding amendment No 11.

**The First Minister:** I am very willing to give way to any Member at any stage. The Speaker indicated that there were around 31 interventions during the Second Stage of the Bill, yet, when I spoke, there was not one intervention. I encourage it this time around, particularly from those who have behaved in a positive and responsible way during the course of the debate.

I welcome the contributions that Members have made, and I intend to deal particularly with the amendments that have been tabled in the name of the deputy First Minister and me, namely amendment Nos 3, 9, 10 and 11.

Before I do that, I will make some general comments about conduct during this debate, and my disappointment with some of the parties present. In particular, it is sad that the official opposition — the Alliance Party — is seen to behave in a much more responsible way in dealing with amendments and legislation than two of the Executive parties. It is worth pointing out to those two parties that their Ministers need to get legislation through the Assembly, and, if we were to behave in the irresponsible way that those two parties have done, clearly their Ministers would not get that legislation through.

**Mrs D Kelly:** Is that a threat?

**The First Minister:** It is not a threat; it is very clearly a statement of fact indicating that we do not behave in the irresponsible way that they seem to enjoy.

Like the leader of the Alliance Party, I have a lot of sympathy with most of the amendments that have been tabled. However, an awful lot of them are completely unnecessary because they have already been dealt with. I made strenuous efforts during the Second Stage of the Bill — as did the deputy First Minister — to point out to Members that their concerns about control, power grabs and such issues were unfounded. I set that out very clearly, and am tempted to read out the detail of what I said. With encouragement, I might just do that before I sit down.

I set out in detail why every decision that will be taken on determinations, designations and schemes will be taken by the Executive. Further than that, we now show clearly with our own amendments — which I remind the Member for Lagan Valley Mr Basil McCrea come as a result of our listening to what people have said in Committee, in the debate on accelerated passage, and at the Second Stage of the Bill — were made and agreed by the Executive.

The outcome of those amendments will be that, not only will the Executive have a role in any such schemes under clause 1 and clause 2, but the Assembly will have a role in both cases as well.

In the case of clause 2 —



**Mr B McCrea:** Will the First Minister give way?

**The First Minister:** It might be better to make the point first, but I am happy to give way.

**Mr B McCrea:** I am grateful to the First Minister for giving way. The point that I sought to make — and I think that I did so in quite a responsible manner — was that the First Minister can see combined opposition from the parties in this area of the Chamber. There is, as I understand from what I have heard Members say, little difference between the opinions put forward by the Alliance Party, the SDLP, the PUP and the Ulster Unionists. If there has been a misunderstanding, we offer the First Minister the opportunity to clarify. As he said, we have a role to play. This is not the Executive; this is the Assembly expressing an opinion. I thought that Members on our Benches had put the point across in a constructive manner.

**The First Minister:** That is all the encouragement that I need to go back over what I said during the Bill's Second Stage. When I go over that, the Member will see that all the answers to those issues were given last week. He stood up a short time ago and said that people were not listening; he should point the finger at himself — he clearly was not listening. All those issues have already been dealt with. In fact, last week, I pointed out that when I met with legislative counsel to discuss the Bill, one of the first questions that I asked was whether we should put on the face of the Bill the very issue that is the subject of amendment No 1 and two other amendments. The answer came back very clearly that we should not do that; so, on that advice from legislative counsel, we did not do that.

There is one statute book, and it is already our legal responsibility to accept the ministerial code; it is a statute-based ministerial code. Although she has left — and my understanding of parliamentary etiquette is that a Member should not leave the Chamber until the following participant in the debate has completed his or her speech — the Member for East Belfast Dawn Purvis confused ministerial conduct issues with ministerial code issues. She clearly does not know the difference between the two.

The law requires us to uphold the ministerial code, and the ministerial code requires that those matters come before the Executive. Therefore, it is not a matter of choice — or trust, as some Members have indicated — that the Executive deal with all those issues, but a requirement. The amendment, therefore, is unnecessary. It will make no difference to the outcome whatsoever if the amendment is passed, apart from the violence that it would cause in legislative terms.

**Mrs Long:** Will the First Minister give way?

**The First Minister:** I will give way in a moment.

If Members wish, I will explain in detail the violence that passing the amendment would cause due to the duplicating of legislation and the difficulties entailed in that. Either way, the outcome will be the same; when an emergency arises, or in the case of clause 2 matters, when a project is determined, the proposal will come from the First Minister and the deputy First Minister to the Executive. Such a proposal may be suggested by the OFMDFM Committee, Executive colleagues, or through an Adjournment debate. Whatever the triggering motion — if that is not an unfortunate term — the reality is that the First Minister and deputy First Minister will bring the proposal to the Executive.

The proposal will be brought to the Executive in order to designate a Department and in order to determine that it is an emergency matter appropriate to be dealt with under the Bill. That will also be done in relation to the scheme. It might be brought to the Executive on two occasions, as, I suspect, the determination and the designation will be done at the same time. However, on at least two occasions, before anything happens in relation to a scheme, it will go to the Executive for their decision.

As regards clause 2, it means that, before a scheme has any outcome, the Assembly will determine whether it proceeds. As regards clause 1 matters, the Assembly can annul any decision that is taken by the Executive with regard to a scheme.

3.30 pm

Certain Members in the Chamber — and some who left the debate to go a press conference and have a rant in the Great Hall — attempted to create the impression that decisions would be taken by the First Minister and the deputy First Minister; that no one else would have any say; that this was a power grab; and that we would take everything onto ourselves. They have all attempted to create that impression. However, every one of them knows that that is not the case.

Had Members come to the debate from last week's position, I would have understood why they would raise that issue, just as I had sought counsel from legislative draftsmen. However, despite my clarification of the issue during that debate, Members have persisted. As I pointed out in my winding-up speech —

**Mrs Long:** Will the Minister give way?

**The First Minister:** I will give way in a moment. I have not forgotten.

I pointed out in my winding-up speech that that was, perhaps, for the very reason that the leader of the Alliance Party has suggested: Members' researchers had done much work, burnt the midnight oil and typed up their prepared speeches, which Members had brought along with them to the debate. Even though



the answers to their questions had been provided in the debate —

**Mr B McCrea:** Some of your party colleagues did the same.

**The First Minister:** None of my party colleagues got matters wrong. Members on either side of Mr McCrea got them wrong — as, indeed, did he.  
[*Interruption.*]

**Mr Deputy Speaker:** Order. The Minister has the Floor.

**Mrs Long:** I have asked the Minister to give way.

**Mr B McCrea:** There is a queue.

**The First Minister:** I will finish my point, after which I will give way to the Member for East Belfast. I am beginning to regret having said that I will give way to everyone.

The fact is that every Member knew at the end of that debate why the matter could not be included on the face of the Bill. There is one statute book. The matter is already a legal requirement; therefore, it need not be duplicated. If everything in a Bill were duplicated, why would the Assembly not indicate that legislation is subject to judicial review? There are a host of criteria and procedures that are already required. Should we put them in every Bill?

If the Ulster Unionist Party believes that every Bill is a stand-alone Bill, into which everything and the kitchen sink must go, why is it not written down in every Bill that Northern Ireland must remain part of the United Kingdom? Is it not necessary to have that requirement in any constitutional Bill? The Ulster Unionist Party could not care less about whether Northern Ireland remains part of the United Kingdom: clearly, the matter is less important than the subject of that party's amendment, because both are part of the legislative framework. They are both on the statute book and there is, therefore, no requirement for either to be duplicated in legislation. Both issues are already accepted.

This will not change what will, ultimately, happen. The only question is whether it should be included on the face of the Bill. The answer from legislative draftsmen and legal counsel is that it should not, because it does not need to be.

Stand up, the Member who says that I should ignore my legal advice and put down in the Bill what is said by Assembly Members, who have no authority to speak on legal matters? I must say that I will take the legal advice. The SDLP should be aware that it is wise to take legal advice. It should know well that Ministers must take legal advice, because there are consequences when they do not.

**Mrs Long:** I thank the First Minister for giving way eventually. The point that he made about Members

ranting about the situation is unjustified. Anything that I have said in the public domain or in the Chamber has been measured in tone; it is not my intention to simply rant about the issue or to whip up hysteria, but simply to deal with issues of concern.

The Minister claims that some Members have not listened. In fact, we listen carefully. That is why the Alliance Party has dealt with the amendments in a slightly different way. Last week, my party's main concern was about the smaller parties in Government and the amount of protection that they would get from Executive and OFMDFM control and decisions. We dealt specifically with those issues. Contrary to the First Minister's view, my party did listen to his reassurances.

The First Minister also said that it is not a matter of trust. The deputy First Minister, perhaps, confused the issue by saying on record that it is a matter of trust.

In response to the point about protection for the smaller parties in Government, the deputy First Minister said:

"I fully understand the Member's point, and I agree with her. When it comes to implementing the decisions that will flow from the proposed legislation, it comes down to our motivation as the leaders of the two largest parties in the Executive and the Assembly." — [*Official Report, Bound Volume 36, p214*].

Therefore, he said that it was a matter of trust. If both sides of OFMDFM provided clarity, we might be more confident that we know whether it is a matter of fact, a matter of law or simply a matter of trust.

**The First Minister:** I am not sure whether this will help the Member for East Belfast much, but I clearly distinguished between the Alliance Party's approach to this matter and that of the Ulster Unionists and the SDLP. She can have that on the record again and put it in election literature if that would be helpful. I will even provide an appropriate photograph to go along with it.

**Mr B McCrea:** [*Interruption.*] [*Laughter.*]

**The First Minister:** I am sorry that I missed that remark, but I will come to the person who made it soon. I have been a Member of Parliament for some 30 years, and I have watched opposition parties trying to destroy Government Bills in many different fashions. When in opposition, the Conservatives and the Labour Party both attempt to indict Government and question their motives; that is the role of opposition parties. That could understandably have been the role of the Alliance Party, but my criticism of the Alliance Party is on a different level. It aspires to collective Government, but it will support an amendment that runs counter to collective Government.

**Mrs D Kelly:** Will the First Minister give way now?

**The First Minister:** I will deal with these two issues and then give way to the honourable lady.



The Alliance Party cannot have its cake and eat it, or perhaps it can. The Alliance Party cannot argue that, in this set of amendments, power should be put into the hands of the Executive and, in the next set of amendments, argue that the Executive should not have overall power and that there should be a ministerial veto before that happens. There are stances in the 11 amendments that are contradictory, but the Alliance Party has already indicated its support for all of them. The Alliance Party simply cannot hold on to that position.

**Mrs D Kelly:** I assure the First Minister that our party did not engage in a rant; we simply pointed out what we believe to be the inadequacies of the legislation. Does the First Minister understand the lack of trust that this side of the House has in both him and the deputy First Minister and their way of carrying out Government? Sinn Féin delayed Executive meetings for 154 days, allegedly on the premise that it was not respected as a political partner and that the Executive were about full partnership in Government. Can the First Minister explain why our Minister, Margaret Ritchie, receives Executive papers only one hour before Executive meetings? Is that respect? Is that partnership in Government? Is that good government?

**The First Minister:** It is also nonsense. *[Laughter.]*

The Member claims that her party has not engaged in a rant. However, representatives of her party have touched on everything from the St Andrews Agreement to Mussolini. In a press conference today, she claimed that a crime was being committed against the nationalist community in the activities that we were engaging in. Let us be clear: the SDLP has been involved in a rant, as has the Ulster Unionist Party.

The Member knows my views on the delay in having Executive meetings. If I could, I would point the finger at Sinn Féin and say that this difficulty was caused by the delay in having Executive meetings; but that is not the case.

I will tell the Member why there is a delay. The Minister from her party told Executive colleagues that she already had appropriate power and that legislation was not required. Therefore, the legislative draftsmen were not alerted because the Minister argued that there was no need for additional legislation because she had the power to make fuel-poverty payments. I am happy for anyone to challenge that assertion; that position is clearly on record.

The Minister for Social Development receives her papers at the same time as all other Ministers. A difficulty often arises in the Executive — as one would expect in all executives — whereby Ministers are keen to receive approval for papers that they have prepared, which often arrive late from Departments and have to be processed in order to be included on the agenda.

The fact that papers are put on the table at such a late stage assists Ministers in achieving the earliest possible approval for papers and policies.

We could, of course, introduce a cut-off time for the receipt of papers, after which Ministers must wait for a fortnight until the next Executive meeting. However, I suspect that her party's Minister would, before too long, claim that certain papers are so important that they warrant exclusion from those criteria. The Minister for Social Development is not treated differently from any other Minister.

**Mr O'Loan:** Will the Minister give way?

**The First Minister:** I have not finished my point. I will return to the Member, although I wish to address several points that he has made. I am in no hurry; I can, if necessary, delay my flight at 7.40 pm.

The opposition parties at Westminster contrive many means to discredit Government proposals. It is not the Cabinet's role to do so, and, therefore, the fact that parties in the Executive are acting in that manner is, frankly, contrary to the arrangements of working together in joined-up government. Some Members are pouring out language about how important it is for Northern Ireland to progress and for parties in the Executive to work together and demonstrate more trust — which is rhetoric that we hear from time to time — while those same Members are doing everything possible to undermine the two main parties in the Executive.

**Mr McCallister:** Where were you in 2000? *[Laughter.]*

**Mr Deputy Speaker:** Order. Those remarks were not made through the Speaker. In future, please do so. Moreover, Members' interventions should relate to the debate.

**The First Minister:** It is legitimate for a political party that is attempting to end a system of government to act in that way. My colleagues and I assumed such a role during the previous Assembly. We did not support its structures and arrangements, and that is, ultimately, why we secured changes at St Andrews. If the Member is behaving in such a fashion because he is against the system and wants to bring it down, the Ulster Unionist Party should inform the people of its *modus operandi*. That party is telling the electorate that it supports the Assembly and democracy and devolution in Northern Ireland. Its role is inconsistent.

The Ulster Unionist Party's role today was, frankly, deplorable, because it knew that there was no power grab and that the Executive will take decisions. That party needed to find a Member who was gullible enough to argue in the House — without blushing and without embarrassment showing on his face — and attempt to mislead and con people into believing that



there is no accountability and that the First Minister and deputy First Minister will take all decisions.

3.45 pm

They needed a volunteer to do that. They looked around their ranks, and forward stepped a Member for Fermanagh and South Tyrone, Tom Elliott, who, as David Ford — a Member for South Antrim — indicated, dutifully read the speech that had been prepared for him. He did not deviate from it, and clearly, he could not have deviated from it. However, the speech was nonsense and inaccurate, and every Member from that party knows that it was inaccurate.

They attempted to gull people outside the Assembly into believing that there was a power grab by the First Minister and deputy First Minister. However, the Ministers from that party, as much as any Minister on either this side or that side of the House, will be involved in making the decision as to whether we proceed with any of the matters that may be under discussion. It is as simple as that.

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

**The First Minister:** I am sorry; who was that? Yes, I will.

**Mr Beggs:** Does the First Minister accept that, when documentation is supplied to the Executive at a late stage and when he and his Sinn Féin colleagues have agreed on the related proposals, to expect everyone else to simply agree with those proposals, which are then forced through, removes confidence that members of the Executive have had an opportunity to make an input to and perhaps even enhance them? That suggests that they are not being treated as equal partners and, as such, there is a lack of trust. There is a genuine mistrust of the concept of increasing the powers of the First Minister and deputy First Minister to allow them to act jointly.

**The First Minister:** How many times does one have to say it? I am prepared to give people a fool's pardon when it happens once, or perhaps twice, but certain Members continue with that argument, even though they have been told over and over again that the First Minister and deputy First Minister will not be making the decisions in question and that the Executive will make them. Yet, even after all that, interventions such as that of the previous Member to speak are still made.

Of course, the Executive will have to make some decisions. If people do not like those decisions, they will of course use pejorative language such as "pushed through the Executive". However, is the Member telling me that the better alternative to that situation is for a minority in the Executive to have a veto? I would be quite happy to move to majority rule if the rest of the House is ready to do so, but decisions have to be made, and they have to be made within the law as it

stands. There may be Ministers — whether that is one, two, or more — who do not agree with those decisions, and although we attempt to get consensus in the Executive at all times, if that is not possible, we have to take a majority decision.

**Mr B McCrea:** The point that we are trying to express is that if we were to rely solely on majority rule, there would be no political settlement, because as it stands, the unionists outnumber the nationalists. That is what this issue is about. That is the reason that a lot of people were speaking about individual ministerial responsibility.

My party prefers some form of collectivism whereby people work together; however, the simple fact is that if an issue is brought to the Executive, the two big parties have a majority and they simply vote us out. If an issue is brought to the Assembly, those parties have the votes and they vote us out. Even if cross-community support and the safeguards that it affords are required, the combined votes of the Alliance Party, the SDLP, the PUP, Dr Deeny and the Ulster Unionist Party will not stop anything.

In those circumstances, we seek safeguards so that there is ministerial responsibility and so that the parties can work together collectively. That is the central tenet of what we are trying to defend, and the proposals put those elements at risk. If those are put at risk, the whole Assembly is put at risk.

**The First Minister:** Quite frankly, I think that the Member is being deliberately obtuse in his remarks. Let us consider the danger that he claims is facing accountability. First, the Executive will decide whether a particular scheme will be established — therein lies full accountability to the Executive.

The designation and the scheme have full accountability to the Executive. Clause 2 has full accountability to this Assembly. Clause 1 provides the Assembly with the power to annul a decision that has been taken if it does not agree with it. Members can also avail themselves of the other accountability measures that were outlined by the Minister of the Environment — the ability to question; the ability to table motions; and the ability to have a debate on the issue if they so wish, because every party has its own time to do that.

There is maximum accountability on all those schemes. Even though Members are aware of that, we still — even now — have a member of the Ulster Unionist Party rising in his place to try to give the impression that there is no accountability in the schemes. There is no more accountability on any other issue than there is on those schemes. The Ministers from that Member's party take decisions without any reference to the Executive or to this Assembly. He is quite content if his party's Ministers do that. When his



party was — *[Interruption.]* The Member should sit down — only one person is allowed to stand.

When his party was the largest in this Assembly, there were no complaints about those issues from that party. That party should be very careful —

**Mrs Long:** There were from you.

**The First Minister:** I will take the point that was made by the Member for East Belfast. She accurately quoted remarks that I made during the mandate of the previous Assembly about the need for no more centralisation in OFMDFM and the need to have an OFMDFM Committee. I am glad that we now have that Committee.

**Mr O’Loan:** Will the Minister give way?

**The First Minister:** The Member can see that I am in the middle of responding to the point — he should let me do that. The St Andrews Agreement changed everything. It made OFMDFM and every other Department accountable to the Executive.

**Mrs Long:** Does Sinn Féin know that?

**The First Minister:** Everybody knows that. I have no doubt that the Sinn Féin representatives are aware of that. The Member who opened the debate — I am not sure where he has gone — talked about how measures in the ministerial code allowed Caitríona Ruane to do this, that and the other. If the ministerial code was not in place, the Minister of Education could have taken all the decisions on education — just as she would have been able to under the system that was set up by the Ulster Unionist Party.

I have no ability to prevent the Minister of Education from making a comment, no more than I have the ability to prevent any Member from making a comment. We have free speech in this part of the world — people can say whatever they want to. However, the Executive have the determination as to whether decisions are taken by Ministers on various issues.

**Mr O’Loan:** I thank the First Minister for giving way. I come back to the matter of papers being issued to Ministers close to the beginning of an Executive meeting, only because it illustrates —

**Mr Deputy Speaker:** Order, please. I stated that any intervention must relate to the Bill.

**Mr O’Loan:** My point very much relates to the Bill. My colleague Dolores Kelly may not be completely correct in that important papers have been known to arrive not only an hour before an Executive meeting, but perhaps half an hour or an hour into the meeting.

**Mr S Wilson:** It is the same for everybody.

**Mr O’Loan:** It is not the same for everybody, which is the key issue. Papers must originate somewhere. The concern, and the fear, is that important papers arise out

of backroom discussions between the parties in OFMDFM and are presented at the last minute — or after the last minute — to the Executive. That is illustrative of the nature of power in the Executive, and it impinges exactly on this Bill.

The First Minister referred to other party members and me as being irresponsible. He was very concerned about words that were used this morning. We do not mind words being used in debate — we can take that. However, we are being very responsible in what we say, and we are making our points in full seriousness. We have real concerns that the nature of the dynamics of the Executive are not up to the standard that is required to serve what remains a divided society, and that the politics of this Assembly still represent that divided society.

Consequently, there is a major job to be done to deliver consensus, and the First Minister and the deputy First Minister have the key responsibility for doing that.

**Mr Deputy Speaker:** The Member should resume his seat.

**The First Minister:** Mr Deputy Speaker; you and your colleagues should consider the general point about the nature of interventions in the House. In the House of Commons, interventions, by their nature, are necessarily short. Here, interventions become speeches, comprising points that Members meant to say earlier or have thought of since.

I shall deal with the matter of ministerial papers. The deputy First Minister and I have studiously avoided dealing with any papers that are received late, without giving Executive members an opportunity to read them thoroughly. We have adjourned meetings in order to allow Ministers to read such papers if they are urgent and require to be dealt with. In fact, on one occasion, we reached provisional agreement on a paper in order to allow Ministers to go away and read it in more detail. Therefore, it is not a case of forcing papers through.

I shall now return to the remarks made by the Member for East Antrim who is also the Minister of the Environment, concerning the fact that the Minister for Social Development receives her papers at the same time as other Ministers. Of course, some Ministers will know about the contents of some papers beforehand, because papers come from Departments — if they come from Ms Ritchie’s Department, she will know about them before her ministerial colleagues. Papers are circulated by the Executive secretariat to all Ministers — not selectively — at the appropriate time.

I challenge the Members who wish the Executive to be included in the face of the Bill to show me any other piece of legislation made by this subordinate legislature — from 1922 to the present day — that



does what they are asking this Assembly to do. Will one of them stand and cite the precedent for such an amendment? Where is it stated that such a function should be exercised by the Executive? Such a precedent cannot be found; the only place that it can be found is in the primary legislation that set up the Assembly — the Northern Ireland Act 1998. Such provision does not exist because it does not need to exist — the power is already there. It is completely unnecessary to duplicate in legislation that which is already in legislation.

I could make the point in greater detail; however, I believe that I have made it sufficiently clearly for any reasonable man or woman to take it on board. I suspect that anyone who has not accepted that point by now will not accept it and is attempting to discourage people outside the Chamber about the Bill.

The Member for North Antrim Mr O’Loan complained about the legislation being rushed through — in fact, his Minister wanted it rushed through also. Once again, I offer the opportunity to any Member who believes that we should not be attempting to put legislation in place to enable us to make payments to say so. I am not saying that the whole Bill should be judged by its first use; however, that was the reason why the Minister for Social Development wished legislation to be rushed through — and it was thought more appropriate to have the power so that on each occasion when an emergency arose we would not have to bring forward legislation.

**Mrs D Kelly:** Will the Member give way?

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

**Mrs D Kelly:** I said it before you.

**The First Minister:** Ladies first.

**Mrs D Kelly:** I thank the First Minister for giving way. Does he now acknowledge the fact — which he did not do earlier — that Minister Ritchie, when bringing forward her paper on tackling fuel poverty, put into that paper the point that she did not have the necessary powers, that there was a need to introduce such legislation, and that she suggested ways in which that could be done?

**The First Minister:** That statement is totally inaccurate. Until the Executive was back in action, the Minister for Social Development argued that she had the legal competence to take the necessary steps.

4.00 pm

**Mr Kennedy:** Does the First Minister accept that no objections to accelerated passage were raised at Executive level or at the OFMDFM Committee?

**The First Minister:** I am glad that the Committee supported that position. One Member argued against the use of accelerated passage during the accelerated passage debate. She said that she was against it, but

she did not vote against it. That was the Member for East Belfast Dawn Purvis.

**Mrs Long:** At all stages of the Bill, I made clear that I was not opposed to accelerated passage.

**The First Minister:** The Member was not listening. I will say it again: the only person who objected to accelerated passage during the course of the debate, but who did not divide the House, was the Member for East Belfast Dawn Purvis. *[Laughter.]*

Mr Deputy Speaker, it seems that a lot of hit-and-run Members have spoken during the debate. They make their contribution, exit the Chamber and do not have the courtesy to listen to responses. However, the Member for West Belfast Alex Attwood referred to my remarks about the Financial Assistance Bill being the most important piece of legislation to be progressed by the Assembly so far. It is the most important, because it demonstrates the use and value of devolution and the ability to respond to the needs of the people of Northern Ireland. It marks a difference between devolution and direct rule, and it provides the Executive with the ability to take immediate action when there is an urgent or emergency situation.

A number of previous Bills have concerned legacy matters, but the Financial Assistance Bill is the creation of the new Administration, and I believe that it will be implemented in a proper manner and with full accountability. I would be interested to have a discussion on the issue in a year’s time, and, at that stage, I would hope to hear apologies from Members all round the Chamber who gave dire warnings on what the outcome might be.

The Member for West Belfast Alex Attwood also spoke about the removal of ministerial power. Ministers in any democratic Government are responsible for their Departments; they are in control of their Departments — and I use the word “control” deliberately. They act under the authority of those who have the job of hiring and firing them. That is the position in the British Cabinet; each Minister has control of his or her Department, but he or she can be hired and fired by the Prime Minister.

Today, we had the absurdity of the Member for Fermanagh and South Tyrone Tom Elliott describing the legislation as un-British. He said that the power that was being taken by the First Minister and the deputy First Minister was unique. However, the Prime Minister of the United Kingdom would take that power to himself — probably without even reference to his Cabinet — unlike the deputy First Minister and I, who will bring each issue to the Executive, as our ministerial code requires us to do. The Member’s argument is absurd.

The United Kingdom Government act on the basis of collective responsibility at an Executive level, and



although it appears that the Member for Fermanagh and South Tyrone disapproves of that, this measure and the changes that were made at St Andrews enhance collective responsibility in the Executive. If I had my way, I would enhance it even more, but the system within which we operate allows accountability within the Executive. That accountability was introduced in the St Andrews Agreement, and was absent previously.

Although I do not want to dwell on the legal technicalities, I should perhaps mention one further point. Members who suggested including a reference to the Executive in the Bill seem to assume that the Executive determine powers in Northern Ireland through legislation. They do not; under the present legislation, power is delegated to Departments not to the Executive.

Some Members may argue that even if we wanted to make this change in the Bill, it would not be the right route to take. In any case, I suspect that the approval of the Secretary of State would probably be required to do so. Powers in Northern Ireland are delegated to Departments. The problem of accountability was solved at St Andrews through the ministerial code, which requires collective decision-making. That is why the decision was taken in this case to use that mechanism.

The Member for West Belfast Alex Attwood seemed unaware that the removal of individual ministerial power is not a function of the Bill but of the St Andrews Agreement. Without that agreement, the Assembly would not be sitting; in fact, it is already law in Northern Ireland. The requirement for Ministers to act in accordance with the decisions of the Executive is contained in the Pledge of Office, and that provision was passed on 20 March 2007 as part of the ministerial code. The SDLP opposed the provision at the time, but, despite that party's opposition, it is a legal requirement.

The deputy First Minister and I do not rely on good faith or trust. I suspect that I trust the Member for South Belfast as much as she trusts me. Therefore, I ask her to take decisions based not on trust but on the legal requirement for the First Minister and the deputy First Minister to bring the matter to the Executive at each stage of the process.

**Mr Kennedy:** Will the First Minister clarify to which Member he was referring when he mentioned a Member for South Belfast being able to trust him and vice versa? Was he referring to the Member for Upper Bann Mrs Kelly?

**The First Minister:** Three or four Members raised the issue of trust and, to avoid confusion, the Member for East Belfast Mrs Naomi Long also mentioned it. I am not asking anyone to trust the First Minister and the deputy First Minister in relation to the Bill, although, speaking for myself, trust in me would be well placed. Legislative safeguards are in place, and if either the deputy

First Minister or I did not bring any determination, designation or scheme to the Executive, we would be in breach of the ministerial code.

**Mr Durkan:** Will the First Minister give way?

**The First Minister:** I said that I am happy to give way to Members. However, generally speaking, one gives way to Members who have been in the Chamber listening to the debate rather than to a Member who has just arrived.

**Mr Durkan:** On a point of order, Mr Deputy Speaker. In the course of the debate, the First Minister claimed that the Minister for Social Development had misled her Executive colleagues to such an extent that she indicated, even after the Executive had started to meet again, that she had legislative cover and, therefore, the power to issue payments. I have been provided with an extract of a paper that was circulated by the Minister for Social Development to her Executive colleagues. It was sent to all Ministers on 2 October 2008, when the Executive were not meeting. The paper stated:

“DSD does not have legislative authority to make such payments and therefore Executive approval will be sought to take forward the necessary legislation in the Assembly through use of the accelerated passage procedure.”

Mr Deputy Speaker, I am asking you to ask the First Minister to withdraw his earlier statement, which was misleading to the House and misrepresented a ministerial colleague.

**Mr Deputy Speaker:** Will the Member clarify whether he is claiming that the remarks were misleading?

**Mr Durkan:** Yes. I am saying that the First Minister's claims during the course of this debate were misleading the House. He was leaving the House with the clear impression that the Minister for Social Development had never signalled that she did not have legislative cover and had in fact been signalling — including in December when the Executive were meeting again — that she did have. I have an extract of a paper that I believe was circulated to all ministerial colleagues at a time when the Executive were not meeting, which made that clear. The First Minister would have been in possession of that paper and would know about it. He was speaking in contradiction of that today. That is misleading the House.

**Mr Deputy Speaker:** First Minister.

**The First Minister:** I am not sure whether I am being asked to reply to the point of order, which I thought was your role, Mr Deputy Speaker.

**Mr Deputy Speaker:** Sorry; I apologise if it was not clearly understood that I need to establish from you whether you accept the Member's claim.

**The First Minister:** No.



**Mr Deputy Speaker:** Following that, I will refer the matter to the Speaker.

**The First Minister:** A number of matters will have to be referred to the Speaker. For a Member to indicate that a Minister is misleading the House is unparliamentary and needs to be dealt with.

As far as the general accusation is concerned, I stand by the position that I indicated earlier: when the Executive dealt with the issue of fuel poverty at their first meeting back, the Minister was questioned at the Executive table as to her legal competence, and she was still arguing that she may have that legal cover and she was still trying to clarify the position.

When there is a leak inquiry, it will be interesting to find out how the Member for Foyle came to be in possession of those Executive papers. That is a further issue that will have to be dealt with. It would be a breach of the ministerial code for any Minister to have disseminated such papers.

**Mr Deputy Speaker:** Order. In response to Mr Durkan's point of order, the Speaker will review what has been said and report back to the Assembly.

**The First Minister:** I think that we will all be interested in that.

**Mr Attwood:** I have a simple question to ask the First Minister: did you or did you not receive a paper referred to by my colleague Mr Durkan in and around —

**Mr Deputy Speaker:** Order. The matter is in the hands of the Speaker. We must move on.

**The First Minister:** Mr Kennedy, the Chairperson of the Committee for the Office of the First Minister and deputy First Minister, told the Assembly that he had two roles: one as the Chairman of the Committee and one as an Ulster Unionist Party member. I was glad that he at least warned the Assembly about what was to follow. He indicated that he wanted to be factual in his statement. He then made his factual statement as Chairman of the Committee, and stopped being factual thereafter.

I remind the Assembly again that, in relation to the accusation of a power grab, as First Minister and deputy First Minister, we already have the legislative cover to change the functions of any Department through a process set out in the Northern Ireland Act 1998 and the Department's designation order. Legislative cover is already available for any issue in relation to the powers of the Office of the First Minister and deputy First Minister. Therefore, there is no need for legislation to be brought into place to give it that further ability — if it were its intention to make a power grab.

The chief role of the Office of the First Minister and deputy First Minister is not one of exercising power, but one of co-ordinating the various Departments.

There are probably few Departments with as little direct power as OFMDFM; most of the other Departments have direct responsibility and powers. However, OFMDFM's chief role is that of attempting to co-ordinate the activities of the Executive.

I, therefore, cannot support amendment Nos 1, 4 and 5, which seek to place in the Bill the requirement for Executive agreement to determinations and designations by the First Minister and deputy First Minister under clause 1.

4.15 pm

Some Members referred to the ministerial code. I think that it was the Member for North Antrim Mr O'Loan who indicated that he had not seen —

**A Member:** He has gone.

**The First Minister:** He has gone, too.

For those Members who were sufficiently interested to stay for my response, the change that is being sought to the ministerial code is to point 2.4. It involves the inclusion of new paragraph vii, which states that a proposal to make a determination, designation and scheme for the provision of financial assistance under the Financial Assistance Act (Northern Ireland) 2009 shall be brought to the attention of the Executive Committee by the responsible Minister, to be considered by the Committee. The Executive also agreed that, following agreement by the Executive, these draft amendments would be submitted by us, on behalf of the Executive, to the Assembly for its approval. We, therefore, intend to table the motion in the Assembly to seek its approval following the enactment of the Financial Assistance Bill.

That matter was passed by the Executive, and, therefore, Assembly approval for the change will be sought. The change requires cross-community support in the Assembly, and we will deal with that matter following the passage of the Bill. The Executive agreed that matter on 15 January 2009, and we will implement it as soon as possible. Therefore, in my view, there is no need to support amendment Nos 1, 4 and 5, which have been brought before the House today. We accept that there is no good reason to repeat or cross-reference various aspects of our law.

At first sight, amendment No 2 looks reasonable in that it brings clause 1 into line with clause 2 by copying to clause 1 the provisions in clause 2(1)(b). Those provisions require the First Minister and deputy First Minister to determine that current funding arrangements are unsatisfactory. That is an important consideration in relation to a situation that requires financial assistance to be provided to tackle, and so on, as is clause 2.

Where such a situation is not exceptional or an emergency, the principal considerations are different



when we come to clause 1. We are dealing with an emergency or other exceptional event, and the important aspects are a speedy and effective response. In the clause 1 scenario, we do not consider it conducive to a rapid response to unforeseen events to require Ministers to conduct some sort of inquiry into the adequacy or effectiveness of other powers before they can decide whether to act under the Bill.

As I indicated to the Member for South Antrim after he made an intervention, if that requirement were placed on us, the courts could, of course, be asked to decide by judicial review the question of the adequacy or effectiveness of other powers and the reasonableness of the decision that we have taken.

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

**The First Minister:** Let me just finish this point and then I will give way to the Member.

I can say to the Members who proposed the amendment that if a clear and effective funding route to address the emergency is available, Ministers will consider that fact while exercising their vote under clause 1(1)(c) in determining whether they ought to proceed under the Bill. Clearly, if a perfectly adequate and suitable mechanism were already in place, it would not be appropriate to use the Bill — although in exercising their power, Ministers will want to consider whether the alternative funding route is the best available; for example, if it requires more time to implement or actions by some other authority outside Government.

**Mr Ford:** The slightly distilled argument seems to be that it would be done anyway, but one should not be required to do it. Is that the First Minister's point? Specifically, do the provisions of clause 4(5) not adequately cover the point being made by the First Minister?

**The First Minister:** I am telling the Member that, first of all, in the natural course of determining whether the Bill would be used at all, we would consider the existing legislative capability and how appropriate it might be. The normal process of examining papers that are brought to the Executive involves considering alternative ways in which the Executive might respond to an emergency situation. If a Department already has perfectly adequate legal capability to deal with an emergency, that existing mechanism would be used.

Alternatively, if that mechanism was slower or required outside support, a different route would be taken. The insertion of that clause gives something upon which to hang a judicial review over whether the Executive had properly considered the available options.

In practice, the outcome will be the same, so I hope that the Member will withdraw his amendment. I was minded to accept it in the early stages, because it seemed

to be a reasonable proposition. However, concern about other consequences is such that we decided not to accept it — at least, in its present form. The issue may be reconsidered before Further Consideration Stage.

**Mrs Long:** The First Minister said originally that the issue might be that the clause would leave regulations open to judicial review. The Alliance Party is making the point that clause 4(5) provides cover in cases where an alternative mechanism might exist, but the choice is made not to use it.

Therefore, asking the First Minister to explore the issue retains a backstop position that covers the use of the legislation from judicial review, even when an alternative mechanism is in place. It is not our intention to frustrate the process, but simply to ensure that it is written into the Bill that alternative mechanisms will be sought. That would reassure Members who are still concerned that the Bill represents a power grab.

**The First Minister:** I will be very clear. The Executive will consider all the alternatives when they take a decision. The Executive will face an obvious choice at that stage. The House has heard references to Hitler, Mussolini, and I will now bring in Machiavelli; the reality is that we are talking about the normal decisions that any Executive take while considering any matter. There is no need to put every thought in our heads into a Bill. Ministers will adopt the normal process. I will certainly look at the clause again before Final Stage.

**Mr Ford:** I appreciate the First Minister's offer; however, it falls short of stating that due consideration will be given to the amendment in company with the Members who proposed it. It seems to amount to the First Minister saying that he might be prepared to consider it. If the First Minister could make his offer a bit stronger there may be some meeting of minds.

**The First Minister:** I have said that the outcome will be the same, irrespective of whether the matter is in legislation, because it is the normal good practice of Government to look at alternatives and to decide how best to proceed. Therefore, that is what would happen.

As for looking at the amendment again, I listened attentively to all the remarks made in the debate, and all those matters will be considered. I told the Member that I was sympathetic to his amendment, but what it proposes must be done in a way that does not cause delay at a time when emergency decisions must be taken, and in a way that avoids judicial review.

The amendment will be looked at again in that context. If the Member feels able to —

**Mr Deputy Speaker:** Sorry, First Minister. Order. There is too much talk in the Chamber. The First Minister has the Floor.



**The First Minister:** If the proposer of amendment No 2 feels able to withdraw it and wait until the Bill reaches its next Stage, he may do so. If he does not, I ask the Assembly to reject that amendment.

Amendment Nos 6, 7 and 8 require the designation of a Department under clause 1 to be subject to its approval, and they require any regulations that impose functions on a Department to also be subject to the approval of that Department. When viewed in isolation, those amendments may not seem unreasonable. However, they must be viewed in the wider context of decision-making under clause 1.

As we said previously, any proposal for a determination, designation or scheme, will have to go to the Executive for consideration and agreement. The views of all Ministers will need to be taken into account in reaching decisions, and, as joint Chairpersons of the Executive Committee, the deputy First Minister and I have a duty to try to ensure that such decisions are arrived at by consensus. Given the type of situation that clause 1 is designed to address, it is difficult to see any circumstances where unanimity would not be reached at Executive level.

In any case, the need for formal consent to designate the relevant Department would not arise, because the First Minister and deputy First Minister would sound out informally whether the Department was willing and able to make the regulations before designating it. It would never be in our interest to designate an unwilling Department; if the First Minister and deputy First Minister felt that an issue needed to be advanced as a matter of urgency, the last thing that they would want to do would be to put it into the hands of an unsupportive and unwilling Department. Therefore, in my view, there is no need for amendment No 7.

However, amendment Nos 6 and 8 would allow a Department, for whatever reason, to frustrate the will of the Executive as a whole by refusing to approve a scheme in which the Department had a role to play in the provision of financial assistance to prevent, control or mitigate any aspects of a set of exceptional circumstances or an emergency. That is clearly unreasonable in a backdrop where the Executive as a whole have agreed the proposed scheme and where the First Minister and deputy First Minister have fulfilled their duty to try to ensure that agreement on the scheme was reached by consensus.

I hope that the proposers of amendment Nos 6 and 8, particularly those who argue for more collective responsibility in the Executive, recognise that it would be entirely wrong for one Minister or Department to frustrate the wishes of the whole Executive and effectively give that Minister or Department a veto on operating a scheme that was agreed by the Executive. That would be contrary to the Pledge of Office, contrary to the

ministerial code, and fundamentally undemocratic. Why should one Department or Minister be able to thwart all the others? In regard to clause 2, those amendments would also give such a Minister or Department the power to thwart the will of the Assembly, because, if such a scheme were proceeding, it would have been subject to affirmative resolution in the Assembly.

Having dealt with the amendments that were tabled by Members other than the deputy First Minister and me, I will deal with those that we tabled. The deputy First Minister and I have reflected on some of the points that members of the OFMDFM Committee made and on those that were made in the earlier debates on the Bill about the scope of the enabling powers in clauses 1 and 2 and how they would operate in practice. As a consequence, we tabled amendments that are designed to improve the effectiveness of those clauses. Amendment Nos 3 and 9 were tabled to specifically restrict the potentially open-ended nature of the validity of determinations that are made under clauses 1 and 2.

Amendment No 3 will make a small, but very significant, amendment to clause 1(2). That amendment requires that regulations that contain schemes that are made under clause 1 must be made within three months of a determination by the First Minister and deputy First Minister.

Amendment No 9 will make a similar amendment to clause 2, except in the case of regulations that are made under clause 2. The time limit for making those regulations will be six months. A question arose in the debate, which I think came from the Alliance Party, as to why there was a difference between the time limits in amendment Nos 3 and 9.

The answer is simple: if we were to bring forward a scheme because there is an emergency, it should happen quickly. Both amendments have been tabled to remove some Members' concern that we were putting in place schemes that may be used at any time in future. They will specify their use, and the designated Departments will have a specified period to bring forward the schemes; we have also said that there should be some indication of the lifetime of the scheme. Therefore, it would be the responsibility of the relevant Department to make the regulations within those time frames. As Members will be aware, the Bill defines the relevant Department as the Department designated by the First Minister and the deputy First Minister, or, if none is designated, the Office of the First Minister and deputy First Minister.

4.30 pm

The time limits of three to six months will provide a discipline for the relevant Department to act promptly to put a scheme in place and to avoid any suggestion that the determination might be used inappropriately at



a much later date when the original circumstances no longer apply.

I have already indicated the reason for the difference in the time limits between clause 1 and clause 2. It is simply an acknowledgement of the greater urgency that will be attached to establishing schemes made under clause 1, which are intended to provide financial assistance to prevent, control or to mitigate the effects of exceptional circumstances. It also reflects the fact that amendment No 10, which we have also tabled, will require that regulations made under clause 2 will be subject to a higher form of Assembly control than those under clause 1. I shall say more about that amendment in a moment.

Amendment Nos 3 and 9 will significantly improve the effectiveness of clauses 1 and 2 by ensuring that there is a time link between the making of determinations and the making of subsequent subordinate legislation to give effect to those determinations.

I will now turn to amendment No 10. During last week's debates, some Members raised concerns about the approval role of the Assembly in relation to regulations made under clauses 1 and 2. To address those concerns, we have decided to amend clause 2 to increase the degree of control that the Assembly will have in respect of making regulations under clause 2.

Amendment No 10 will require regulations made under clause 2 to be subject to approval in draft by the Assembly rather than being subject to negative resolution. That means that the regulations cannot be made until after they have been approved by a resolution of the Assembly. We do not believe that there should be a corresponding change to the form of Assembly control over clause 1 regulations. Clause 1 is about taking swift and decisive action in response to an emergency or crisis. We do not believe that the Assembly control of regulations under clause 1 should be by way of draft affirmative procedure, as that could delay the Executive's reaction to a crisis by some four weeks, or considerably longer over a holiday period, while the necessary Assembly approval is obtained. We are satisfied, therefore, that negative resolution is appropriate for regulations made under clause 1. However, if the Assembly thought it necessary, it could annul the regulations through negative resolution.

I trust that the amendment will provide some reassurance to Members that the enabling powers that we are taking in clause 2 to tackle poverty, social exclusion and deprivation will, when they are invoked, be subject to the most rigorous form of Assembly scrutiny.

The final amendment that we have tabled is amendment No 11, which adds a new subsection 2 to clause 3. The new subsection provides a permissive power to enable the relevant Department to put a time limit on the duration of a scheme in the regulations

establishing that scheme. It also gives the relevant Department the power to include saving provisions in a scheme to deal with any matters or proceedings that are outstanding after the scheme has ceased to operate. The inclusion of the permissive power in the Bill will ensure that a relevant Department consciously addresses the length of time over which financial assistance needs to be operational.

This has been a useful, if protracted, debate. In the House last week, the Executive undertook to consider issues that Members raised, and, where necessary, to table amendments to the Bill. I believe that the Executive have today fulfilled that promise with a range of important amendments in response to matters raised by ministerial colleagues, Assembly Members, and, before that, by the Committee for the Office of the First Minister and deputy First Minister.

That approach is a clear example of the value of the Assembly process, even under accelerated passage, and of the willingness of the Executive to listen. We have given the Assembly an important role in relation to clause 2, and we have set time limits on the exercise of the powers contained in that clause. The Financial Assistance Bill is stronger as a result.

I also welcome the opportunity that the debate has given us to consider amendments that have been tabled by other Members. Once again, I hope that Members will accept our explanation that many of the issues that have been raised in their amendments are already catered for in legislation or by practice, and that the amendments are unnecessary and inappropriate. Therefore, I ask Members to support amendment Nos 3, 9, 10, and 11 on the Marshalled List, and to oppose, if moved, all the other amendments.

**Mr Deputy Speaker:** Before calling Mrs Kelly to make her winding-up speech, I remind Members yet again that any further interventions must be brief and must relate to the Bill. Members must temper their language at all times.

**Mrs D Kelly:** I will attempt to do justice to the many contributors to the debate, as it is my task to so do. At the outset, many Members who were not involved in tabling the ministerial amendments were at pains to point out that neither they, nor their parties, sought to restrict the accelerated passage of the Bill. We fully accept that the purpose of clause 1 of the Bill is to enable money to be paid in order to address particular situations. However, as Mrs Long said, this is not about those payments per se. It is about how the legislation will stand on the statute book and with regard to the framework for this Assembly well into the future.

Mr Elliott, who moved the amendments on behalf of the Alliance Party, the SDLP and the Ulster Unionist Party, contended that those amendments had been tabled in response to our parties' collective concerns



about the real intent of the Bill. Little has happened this afternoon to change our minds about that analysis. Mr Elliott said that the Bill represented a politburo approach, and spoke about the centralised nature of control within the DUP and Sinn Féin. He was genuinely at pains to improve the Bill; that was the genuine nature of many of the contributions made by Members from the Alliance Party, the SDLP and the Ulster Unionist Party; it is their views that I seek to represent this afternoon.

We want to ensure greater accountability, in line with parliamentary accountability elsewhere. Mr Kennedy said that clauses 1 and 2 of the Bill were “profoundly flawed and unparliamentary”, and were intended to satisfy the First Minister’s personal motivation. It will come as no surprise to Members that Mr Spratt, Mr Moutray and Mr Shannon, in defending the Executive’s amendments, were speaking on behalf of the DUP and Sinn Féin.

It is disappointing to note the lack of contributions from the Sinn Féin Benches. One wonders now whether that party is so compliant as to be silent. Where did its manifesto pledge to stand up to the DUP go? It has been singularly lacking, not only in the production of this legislation, but in the party’s contributions this afternoon.

Declan O’Loan described the Bill as loathsome, and went as far as saying that it was obnoxious. He said that it should not be accepted by any democratic Assembly.

Members from the parties opposite tried to say that the other parties did not want to make payments to the fuel poor. It is a bit obscene that, while they are introducing legislation with sweeping powers, those parties ask us not to hit them while they have the fuel poor in their arms. They are hiding behind the payments that are to be made to people and behind the emergency of fuel costs in order to bring forward sweeping powers in clauses 1 and 2 of the Bill. The First Minister said that the legislation was the most important piece of legislation to have come before the House, and my colleague Mr Attwood dealt with those comments in detail.

Clause 2 will be debated later, but Ms Anderson delivered a lecture on that part of the Bill. It is unfortunate that Sinn Féin Members are so lacking in confidence in the validity of their argument that they will not take interventions. In Ms Anderson’s contribution last week —

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

**Mrs D Kelly:** Of course I will. I am not afraid to give way to Sinn Féin; that is for sure.

**Mr Brady:** With regard to the fuel poor, will the Member accept that under the proposals that the Minister from her party introduced, 36,000 pensioners would have been excluded?

**Mrs D Kelly:** I do not accept that. For 154 days, Sinn Féin prevented the Executive from meeting to

deal with the paper and the proposals that the SDLP’s Minister brought to the Executive, which included initially, after her consultations with the Finance Minister, payments that were to be made to pensioners. We have yet to see the outworkings of what OFMDFM has now —

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

**Mrs D Kelly:** I will when I am ready.

Will OFMDFM be able to deliver on the promises that it has made and will £15 million be enough, because no one — *[Interruption.]*

**Mr Deputy Speaker:** Order. I believe that the next Member who asked to make an intervention was Mr Hamilton.

**Mrs D Kelly:** I was about to give way, but there were so many Members shouting at the one time. Mr Hamilton, I am happy to give way.

**Mr Hamilton:** I thank the Member for her indulgence.

How many pensioners were covered by the Minister for Social Development’s original proposal compared with the more recent proposal from the Executive?

**Mrs D Kelly:** That question would be better put to the Minister herself. Members will have opportunities to do that at Question Time and on other occasions.

**The First Minister:** The Member raised the question of whether the £15 million that has been allocated by the Finance Minister would be sufficient to meet the requirement to make a fuel payment to those who had been designated for that payment. Will she accept that the only Department that was engaged in being able to say how many people would be in each of those categories was the Department for Social Development? If that money is not sufficient, then only one Department and only one Minister will have to answer to the House about why there is a shortfall.

**Mrs D Kelly:** As I am sure the First Minister knows to his regret, the Minister for Social Development is well able to answer the questions and to give account of herself. As we said in the debate, the Minister has the necessary data to show how many people are in receipt of benefit.

I shall now return to the contributions that Members made to the debate. Ms Anderson said last week in the debate on 13 January that she welcomed clause 2. She said:

“I believe that many in civic society will do so, too. The Committee heard evidence from many groups and organisations that are struggling, and clause 2 gives the First Minister and deputy First Minister — acting jointly — the power to determine situations whereby financial assistance needs to be provided in order to tackle poverty, social exclusion or patterns of deprivation.” — *[Official Report, Bound Volume 36, p222, col 2].*

Today, other Members interpreted that passage to read that clause 2 of the Bill would result in a carve-up



under which Sinn Féin and the DUP would be deciding among themselves which schemes in their constituencies should be funded and that they would raid other Departments in order to do that. One Member said that Sinn Féin and the DUP would be buying votes.

4.45 pm

The issue of trust has come up often in the debate. Frankly, we do not trust Sinn Féin and the DUP to deliver for the people. That is the bottom line. We are asked to trust them — the deputy First Minister asked us to do that last week — but we wonder why, 154 days after they began to seek a date for the devolution of policing and justice, one has not obtained. There may be an under-the-table deal yet to be produced. Why is there not equality among the partners in Government? I made that point earlier: there is a lack of equality, partnership and recognition of the electoral mandate of both the Ulster Unionist Party and the SDLP —

**The Deputy Speaker:** Order. The Member should address the Bill.

**Mrs D Kelly:** Unfortunately, Mr Deputy Speaker, I am merely reflecting the contributions that Members made earlier.

**Mr Deputy Speaker:** I have reminded Members not to do that. Repeating the mistake does not help.

**Mrs D Kelly:** As many Members have said, the Bill places an obligation on the First Minister and deputy First Minister to create an Executive that function well and harmoniously. We do not believe that the Bill will assist in that. To our cost, we know that ministerial papers — despite the explanation given earlier by the First Minister — appear an hour before meetings. Half an hour before meetings, there is not even an agenda, never mind papers. The Executive do not function well or harmoniously.

The amendments tabled by the Ulster Unionist Party, the SDLP and the Alliance Party seek to make explicit what is implicit in the Bill. They are concerned to protect the rights of Ministers to autonomy — to have a say in how their departmental budget is spent. That is the reason for our amendments. We do not believe that the amendments brought by the First Minister and deputy First Minister are sufficient to encourage or build trust.

Alliance Party Members said, on more than one occasion, that they sought by their amendments to improve the Bill and to address substantive concerns about it. They were concerned that emergency Bills would be exploited; even some of the Members opposite could not define what is meant by “emergency”. Some Members made great play of the fact that winter is coming; others seemed not to know that winter would be coming. It is not hard to understand such a reaction

from those who dispute the facts and ravages of climate change.

Alliance Party Members also said that the reason for tabling some of their amendments was to increase the degree of collective decision-making in the Executive. However, other Members said that a majority vote in the Executive would decide whether a Department’s funds or budget was raided. That gives rise to a lack of trust. The First Minister’s comments of last week that Departments under his control or that of the deputy First Minister would not be affected have been quoted back to him more than once. That is why there is a lack of trust.

Mrs Long asked the First Minister to address her concerns in relation to amendment No 11. I do not believe that the First Minister sufficiently addressed them in his response.

**Mrs Long:** If the Member is willing, and the First Minister keen to do so, that can still be done. I simply sought clarification that our reading of that amendment was an accurate reflection of its intention.

**Mrs D Kelly:** I am happy to give way, if the First Minister wishes to answer that.

**The First Minister:** *[Interruption.]*

**Mrs D Kelly:** I take it that that is a no.

Mrs Long, do you want to clarify your point further?

**Mrs Long:** If the First Minister had been listening to my contribution, he would know that I made it very clear what my queries were. I outlined what our understanding of amendment No 11 was, and I then asked him whether he could clarify whether that understanding was correct. It is all on the record.

**Mrs D Kelly:** If, at any time, the First Minister wants to answer that particular point, I would be happy to allow him to intervene. However, the First Minister appears to have indicated from a sedentary position that he has dealt with that issue, but obviously he has not done so to Mrs Long’s satisfaction. I have no doubt that she can submit a question for written answer on that matter at some date in the not too distant future.

During his contributions, Mr Attwood talked about the good faith and intentions of the two ruling parties. Although he took a rather pessimistic view, it was a very honest view, and one which Members will not be surprised to learn that I share.

In his response, the First Minister referred to the commitments and vetoes that the DUP established out of its negotiations with Sinn Féin, and there was silence from Sinn Féin on that point. That party did not dispute the fact that the DUP had wrought additional concessions from it at St Andrews.



**Mr O'Dowd:** To clarify that issue for the Member, and to ensure that there is no doubt in her mind, no concessions were bought from Sinn Féin at St Andrews or at any other negotiations. Furthermore, Sinn Féin did not agree to any relegation of ministerial power at those negotiations, or through this Bill. The Bill is about ensuring that, when they arise, emergencies can be tackled.

Mrs Kelly also pointed out that some Members stated that winter comes around every year, and she is quite correct in making that point. That being the case, why did the Minister for Social Development not allocate sufficient funds from her budget to cover the emergencies that arise every winter?

**Mrs D Kelly:** I thank the Member for his contribution; however, I did not say that those concessions were bought. Sinn Féin did not have the good sense to sell those concessions — it gave them to the DUP, and his protestations on that issue are a little late.

Furthermore, in the December monitoring round, Sinn Féin agreed to the movement to other Departments of £30 million of Department for Social Development funds, which the Minister for Social Development wanted to reallocate within her Department. Indeed, £20 million of those funds went to the Department of Agriculture and Rural Development, because of the mess that was made with Crossnacreevy. Sinn Féin has many questions to answer, but I am sure that the electorate will take those questions up with the party at some stage in the future.

This debate also partly centred on the rationale for the legislation. Although it is clear that all the parties on this side of the House support giving Ministers legislative cover under clause 1, those Members want explicit amendments, which place the Executive at the centre of both the discussions and the decision-making, to be made to the Bill.

Furthermore, although I do not want to get into the matter of the allegation of misleading of the House that will be referred to the Office of the Speaker, some clarity is required. An important question has yet to be answered properly by the First Minister. Did he receive a copy of a paper on 2 October 2008 from the Minister for Social Development that stated that financial regulations were required?

**Mr Deputy Speaker:** Order. That matter has already been dealt with. Furthermore, will those Members who have just arrived please note that we have established a code of conduct that means that we do not shout across the Floor but make comments through the Chair.

**Mr Attwood:** On a point of order, Mr Deputy Speaker, I would like to understand what your ruling is on certain matters.

**Mr S Wilson:** Were you not here before?

**Mr Attwood:** I was here, Mr Wilson, but I still require some clarity. I understand fully why an allegation of misleading the House should be referred to the Speaker. That is perfectly proper. However, it is a different matter entirely whether the First Minister confirms receipt of a paper from the Department for Social Development on 2 October 2008 on legislative cover for fuel payments.

As I understand it, that is the question that my colleague Mrs Kelly is asking. That does not affect your earlier ruling. We have yet to get an answer from the First Minister on that matter.

**Mrs D Kelly:** I take it that the Deputy Speaker is not going to respond to Mr Attwood on that point.

I hope that I have reflected accurately the many contributions that Members have made. It would be a fair comment to say that despite the First Minister's response at the end of their contributions, Members remain to be convinced. Members do not yet believe that enough trust has been established in the DUP and Sinn Féin to let this legislation — that is, both clause 1 and clause 2 — go through without the amendments that we sought, which were intended to provide better protection to relevant Departments, Ministers, the Executive and the Assembly.

During his contributions this afternoon, we were shown some elements of the First Minister's nature, including his domineering instincts. In one of his contributions, he said that Members of parties in the Executive should not challenge anything that the Executive is deciding, for the sole reason that their parties are in the Executive. That is a load of nonsense. This is about accountability, and it would seem that some Members do not like the accountability that goes with the power that has been vested in them as a result of their position, which exists in any democratic society.

There is not much more to add at this stage. I expect that Members — and the public — will judge this matter by the fact that three of the parties represented in this House have tabled amendments to the Bill. Indeed, I believe that the PUP Member may be in a position to support our amendments, because she seemed to share many of our concerns relating to clause 1 and clause 2. I hope that — as other Members have said — the Back-Bench Members of the DUP and Sinn Féin will listen to the thrust of the arguments made by the other parties and will stand up to their party leaders, so that they can play their centrist role in the dictatorial parties that they now belong to.

*Question put, That amendment No 1 be made.*

*The Assembly divided: Ayes 32; Noes 52.*



AYES

*Mr Armstrong, Mr Attwood, Mr Beggs, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Burns, Mr Cobain, Rev Dr Robert Coulter, Mr Cree, Mr Durkan, Mr Elliott, Dr Farry, Mr Ford, Mr Gallagher, Mr Gardiner, Mrs Hanna, Mrs D Kelly, Mr Kennedy, Ms Lo, Mrs Long, Mr A Maginness, Mr McCallister, Mr McClarty, Mr B McCrea, Dr McDonnell, Mr McFarland, Mr McGlone, Ms Purvis, Mr P Ramsey, Mr K Robinson, Mr Savage.*

*Tellers for the Ayes: Mr Attwood and Mr Kennedy.*

NOES

*Ms Anderson, Mr Boylan, Mr Brady, Mr Bresland, Mr Brolly, Lord Browne, Mr Buchanan, Mr Butler, Mr T Clarke, Mr W Clarke, Mr Craig, Mr Dodds, Mr Easton, Ms Gildernew, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr G Kelly, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Mr I McCrea, Dr W McCrea, MrMcElduff, Miss McIlveen, Mr McKay, Mr McLaughlin, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Murphy, Mr Newton, Ms Ni Chuilín, Mr O'Dowd, Mrs O'Neill, Mr Paisley Jnr, Ms S Ramsey, Mr G Robinson, Mrs I Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Shannon, Mr Simpson, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.*

*Tellers for the Noes: Miss McIlveen and Mr Moutray.*

*Question accordingly negated.*

*Question put, That amendment No 2 be made.*

*The Assembly divided: Ayes 31; Noes 52.*

AYES

*Mr Armstrong, Mr Attwood, Mr Beggs, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Burns, Mr Cobain, Rev Dr Robert Coulter, Mr Cree, Mr Durkan, Mr Elliott, Dr Farry, Mr Ford, Mr Gardiner, Mrs Hanna, Mrs D Kelly, Mr Kennedy, Ms Lo, Mrs Long, Mr A Maginness, Mr McCallister, Mr McClarty, Mr B McCrea, Dr McDonnell, Mr McFarland, Mr McGlone, Ms Purvis, Mr P Ramsey, Mr K Robinson, Mr Savage.*

*Tellers for the Ayes: Dr Farry and Ms Lo.*

NOES

*Ms Anderson, Mr Boylan, Mr Brady, Mr Bresland, Mr Brolly, Lord Browne, Mr Buchanan, Mr Butler, Mr T Clarke, Mr W Clarke, Mr Craig, Mr Dodds, Mr Easton, Ms Gildernew, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr G Kelly, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Mr I McCrea, Dr W McCrea,*

*Mr McElduff, Miss McIlveen, Mr McKay, Mr McLaughlin, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Murphy, Mr Newton, Ms Ni Chuilín, Mr O'Dowd, Mrs O'Neill, Mr Paisley Jnr, Ms S Ramsey, Mr G Robinson, Mrs I Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Shannon, Mr Simpson, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.*

*Tellers for the Noes: Ms Anderson and Ms J McCann.*

*Question accordingly negated.*

*Amendment No 3 made: In page 1, line 9, after “may” insert*

*“, at any time within 3 months from the date of the determination under subsection (1),” — [The First Minister (Mr P Robinson).]*

*Question put, That amendment No 4 be made.*

*The Assembly divided: Ayes 31; Noes 52.*

AYES

*Mr Armstrong, Mr Attwood, Mr Beggs, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Burns, Mr Cobain, Rev Dr Robert Coulter, Mr Cree, Mr Durkan, Mr Elliott, Dr Farry, Mr Ford, Mr Gardiner, Mrs Hanna, Mrs D Kelly, Mr Kennedy, Ms Lo, Mrs Long, Mr A Maginness, Mr McCallister, Mr McClarty, Mr B McCrea, Dr McDonnell, Mr McFarland, Mr McGlone, Ms Purvis, Mr P Ramsey, Mr K Robinson, Mr Savage.*

*Tellers for the Ayes: Mr Attwood and Mr P J Bradley.*

NOES

*Ms Anderson, Mr Boylan, Mr Brady, Mr Bresland, Mr Brolly, Lord Browne, Mr Buchanan, Mr Butler, Mr T Clarke, Mr W Clarke, Mr Craig, Mr Dodds, Mr Easton, Ms Gildernew, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr G Kelly, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Mr I McCrea, Dr W McCrea, Mr McElduff, Miss McIlveen, Mr McKay, Mr McLaughlin, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Murphy, Mr Newton, Ms Ni Chuilín, Mr O'Dowd, Mrs O'Neill, Mr Paisley Jnr, Ms S Ramsey, Mr G Robinson, Mrs I Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Shannon, Mr Simpson, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.*

*Tellers for the Noes: Mr Bresland and Mr T Clarke.*

*Question accordingly negated.*

*Question put, That amendment No 5 be made.*

*The Assembly divided: Ayes 31; Noes 52.*



**AYES**

Mr Armstrong, Mr Attwood, Mr Beggs, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Burns, Mr Cobain, Rev Dr Robert Coulter, Mr Cree, Mr Durkan, Mr Elliott, Dr Farry, Mr Ford, Mr Gardiner, Mrs Hanna, Mrs D Kelly, Mr Kennedy, Ms Lo, Mrs Long, Mr A Maginness, Mr McCallister, Mr McClarty, Mr B McCrea, Dr McDonnell, Mr McFarland, Mr McGlone, Ms Purvis, Mr P Ramsey, Mr K Robinson, Mr Savage.

*Tellers for the Ayes: Mr Kennedy and Mr McCallister.*

**NOES**

Ms Anderson, Mr Boylan, Mr Brady, Mr Bresland, Mr Brolly, Lord Browne, Mr Buchanan, Mr Butler, Mr T Clarke, Mr W Clarke, Mr Craig, Mr Dodds, Mr Easton, Ms Gildernew, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr G Kelly, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Mr I McCrea, Dr W McCrea, Mr McElduff, Miss McIlveen, Mr McKay, MrMcLaughlin, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Murphy, Mr Newton, Ms Ni Chuilín, Mr O'Dowd, Mrs O'Neill, Mr Paisley Jnr, Ms S Ramsey, Mr G Robinson, Mrs I Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Shannon, Mr Simpson, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.

*Tellers for the Noes: Mr Brady and Mr F McCann.*

*Question accordingly negated.*

**Mr Deputy Speaker:** I remind Members that amendment Nos 6 and 8 are mutually exclusive. Therefore, if amendment No 6 is made, I will not call amendment No 8.

*Question, That amendment No 6 be made, put and negated.*

*Question, That amendment No 7 be made, put and negated.*

**Mr Deputy Speaker:** Amendment No 6 was negated, so I will proceed to call amendment No 8.

*Question, That amendment No 8 be made, put and negated.*

*Clause 1, as amended, ordered to stand part of the Bill.*

**Clause 2 (Unsatisfactory funding arrangements: power to provide financial assistance)**

*Amendment No 9 made:* In page 2, line 16, after “may” insert

“, at any time within 6 months from the date of the determination under subsection (1),” — [*The First Minister (Mr P Robinson).*]

*Amendment No 10 made:* In page 2, line 27, leave out subsection (5) and insert

“(5) No regulations shall be made under this section unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.” — [*The First Minister (Mr P Robinson).*]

**Mr Deputy Speaker:** We now come to the debate on opposition to clause 2, which stands in the name of Mrs Naomi Long, Mr Danny Kennedy and Mrs Dolores Kelly.

*Question proposed,* That the clause, as amended, stand part of the Bill.

*(Mr Speaker in the Chair)*

**Mrs Long:** I oppose the notion that clause 2 stand part of the Bill. Many of the issues that I will raise today, I also raised last week. Unlike with clause 1, OFMDFM made very little effort to address those issues in any meaningful way. [*Interruption.*]

**Mr Speaker:** Order. Members should leave the Chamber in an orderly fashion. Mrs Long has the Floor.

**Mrs Long:** Mr Speaker, I thank you for your assistance. I seem to have the knack of clearing the House.

Much of what I will raise today on clause 2, I also raised last week. However, having reviewed the Hansard report of last's week debate carefully, I note that, unlike with clause 1, OFMDFM made very little effort to address the concerns about clause 2 in any meaningful way. The Ministers gave more detailed consideration to the issues that were raised in relation to clause 1.

At all stages of the Bill — during the debate on accelerated passage, at Second Stage and as latterly as during today's Consideration Stage — Members on all sides of the House have made it very clear that they recognise the exceptional economic situation in which we currently find ourselves. There is a crisis in the global economy, and the financial hardship that is being experienced throughout our community is being felt by all. Undoubtedly, that has made the effects of poverty and deprivation more acute.

However, those issues are not new. As far as possible, each Department should have been tackling them proactively, as a matter of priority. In that respect, the clause 2 provisions are quite distinct from those of clause 1. The urgency to have the clause 1 provisions in place to allow action to be taken in exceptional circumstances is a different urgency from that associated with clause 2, which deals with inadequacies in the current funding arrangements — of which I think we have been aware for some time.

Clause 1 deals with exceptional circumstances. However, clause 2 tackles the cross-cutting themes of poverty, social exclusion and patterns of deprivation. There is a distinct difference. Under clause 1, a rapid



response is required for emergency situations. However, clause 2 allows the Department to tackle — potentially more effectively — poverty, social exclusion and patterns of deprivation. A distinction has been noted in the specified periods of time for laying a scheme under the two clauses: three months under the first, due to the urgency; six months under the second, because it is less urgent. The First Minister reiterated that fact a number of times in the Chamber today.

There was some debate last week about urgency. I want to return to a rather pedantic point that my colleague David Ford and I made to the deputy First Minister. The issue we raised was not that there was no urgency in tackling poverty — we accept that there is such urgency — but rather whether we urgently need to change the mechanism for dealing with those cases. Our argument is that the provisions for emergency and exceptional circumstances in clause 1 allow, in exceptional circumstances, interventions to be undertaken in the meantime, while full Committee consideration of clause 2, as a separate Bill, would be able to take place.

We believe that the level of urgency attached to clause 1 that made accelerated passage acceptable does not exist in respect of clause 2.

6.00 pm

No one in the Chamber questions the need to tackle poverty and social exclusion proactively. However, some may question whether that has happened. One need only consider the child poverty inquiry, which is still awaiting a formal response from OFMDFM, as evidence that, at times, the approach has been less than proactive. I will go further and say that the Alliance Party recognises, and has highlighted in Committee and in the Chamber, that the current arrangements for dealing with cross-cutting issues are inadequate. That is the case particularly, but not exclusively, in respect of poverty, social exclusion and patterns of deprivation.

OFMDFM does have particular responsibilities in those matters. Therefore, power-grabbing is less of an issue in clause 2, because the Department already has the responsibility to tackle poverty, social exclusion and other cross-cutting issues. However, those other cross-cutting issues include children, older people, equality, community relations and sustainability, and the arguments being made for clause 2 — that policy on poverty and social exclusion is not necessarily easily controlled by OFMDFM when other Departments are responsible for delivery — could be made for any of them. In the case of the other cross-cutting issues, the policy drivers are in OFMDFM but other Departments are responsible for delivery. At present, the Programme for Government is the only mechanism for ensuring that those cross-cutting themes are adequately prioritised and delivered on by Departments.

It is conceivable that internal pressure on departmental budgets and priorities might mean that Departments do not prioritise, or address, cross-cutting issues with the enthusiasm that OFMDFM wishes. From the Alliance Party's perspective, there is no question that additional mechanisms are needed in order to deal with cross-cutting issues. Therefore, we have made it clear that we support the intention in clause 2 to address an identified defect in the governance arrangements for cross-cutting matters.

One of our main concerns is the fact that clause 2 deals with the inadequacy that exists for only one cross-cutting theme, albeit that it is an important one, particularly in the current economic climate. We want to see the capacity gap filled in relation to all cross-cutting themes, and we believe that the possibility of doing so could, and should, have been explored had the Bill been afforded a Committee Stage. The argument for accelerated passage related specifically to the issues in clause 1; the issues in clause 2 could, and should, have been subject to fuller exploration. Even if the measures that would arise from such consideration were ultimately only applicable to poverty and social exclusion, I am not convinced that clause 2 is the only, or best, way in which to achieve that objective — co-ordination of policy delivery in other Departments by OFMDFM is a wider issue.

The Committee's discussions on poverty and social exclusion included much debate about other mechanisms. Some Members have, for example, already referred to the Executive programme funds and other special funds as a way in which to co-ordinate the Government approach to cross-cutting themes. The limitations of that are recognised — there is often a stop-start delivery process, with people receiving three years of funding and then finding themselves without funding.

An alternative method would be to ring-fence parts of departmental budgets using certain criteria and priorities in the Programme for Government — a method used elsewhere. Furthermore, the use of in-year monitoring rounds is another, more distant, lever by which to ensure that departmental priorities are aligned properly, because that mechanism lies with DFP rather than OFMDFM.

Full Committee consideration of the issues in clause 2 is critical if we are to ensure that all the options have been fully considered, thought through and explored, even to the point of elimination. It is not clear that that has happened. The Bill is another mechanism to tackle cross-cutting themes, but it would be helpful if its provisions were brought back to the OFMDFM Committee in the form of a separate Bill, where those provisions could be fully explored and debated.

On several occasions in recent weeks, the First Minister has expressed frustration that Members at this



end of the Chamber do not appear to be listening to what he says. I hope that my contributions so far in the debates show him that we have been listening, if not necessarily agreeing. However, the same charge could be levelled fairly at Members at the other end of the Chamber, because when the First Minister was summing up last week, he paraphrased my intervention by saying:

“The Member for East Belfast Naomi Long said that clause 2 is not required for cross-departmental working because existing arrangements should suffice.” — [*Official Report, Bound Volume 36, p239, col 1*].

Actually, that was the assurance that the junior Ministers gave us on many occasions when we pressed them on the delivery of cross-cutting themes — it was not my assertion. If the First Minister refers to the Hansard report, he will see that I actually said:

“Neither I nor my colleagues dispute that there is an issue with the delivery of cross-cutting themes within OFMDFM. The policy drivers lie with OFMDFM, but the delivery mechanisms lie with other Departments. The Committee for the Office of the First Minister and deputy First Minister has debated the matter ad nauseam, and we have debated it at length with the First Minister and deputy First Minister and the junior Ministers. In fact, the topic has become something of a hobby horse of mine. Thus, it is not in dispute that there are issues.” — [*Official Report, Bound Volume 36, p227, col 1*].

Therefore, we were acknowledging that clause 2 addresses a defect in the governance arrangements. We are unclear about why only one cross-cutting issue is being tackled, because several issues would benefit from such an intervention. More importantly, we are unclear as to why that is being done with such undue haste, when a Committee Stage would have allowed us to explore the opportunities by examining other cross-cutting themes. A Committee Stage would have also allowed us to take advice from and consult with those who are engaged in work on poverty and social exclusion, in order to ascertain which of the many available mechanisms to ensure delivery of OFMDFM priorities would be the best fit for the particular set of arrangements in our Government. A Committee Stage would also have allowed us to scrutinise fully all the various aspects of clause 2.

It is clause 2 that has led to concerns from some Members about its becoming a Trojan Horse. It is clear from clause 1 what the Bill's intentions are, but clause 2 appears to have been added on. It is, in some ways, not necessary for the delivery of the aims and objectives of financial assistance in emergency situations. That raises questions as to why it forms part of the Bill.

I do not want to labour that point, because I would prefer to hear the First Minister explain the rationale for clause 2. It would be better were clause 2, as amended, not ordered to stand part of the Bill, and if the First Minister and deputy First Minister were to put the provisions in clause 2 into a separate piece of legislation, which would then be subject to a Committee

Stage. I do not anticipate any need for that process to be slow or delayed, and it would give us the opportunity to fully scrutinise the provisions, take consultation and give detailed thought to the Bill.

In the interim, that would not have any effect on the delivery of the Bill's first use, which is dealt with in clause 1, nor on any intervention in exceptional circumstances that relate to poverty and social exclusion, which are also covered under clause 1. Therefore, if issues arose in the interim that led the First Minister and the deputy First Minister to feel that there were exceptional circumstances and that their intervention was required on issues of poverty, social exclusion and deprivation, they would be able to apply the provisions in clause 1.

From that perspective, there is nothing to be lost, but potentially much to be gained, from eliminating clause 2 from the Bill and returning it to the House as a new piece of legislation.

**Mr Shannon:** Naomi Long and I were speaking beforehand, and we realised that the matter had probably been discussed fairly widely earlier. Nevertheless, I wish to add some brief comments in support of the retention of clause 2 of the Bill. I am a member of the Committee for the Office of the First Minister and deputy First Minister, and, as many Members are aware, over the past 18 months, we have dealt with some of the many cross-cutting, cross-departmental matters that are the responsibility of OFMDFM. We have considered the anti-poverty strategy, the victims' strategy, the draft children's strategy action plan, and many other documents relating to poverty and social deprivation. It has become very clear through those discussions that although the Department has responsibility for those strategies, it rarely has any financial power to accompany that responsibility.

As a member of that Committee, I have repeatedly raised my concerns and frustrations about the Department's lack of ability to fund directly or ring-fence funding for those important issues. Those sentiments have also been echoed by Committee members from the SDLP, the Alliance Party, the Ulster Unionist Party and Sinn Féin. In fact, one of the agreed recommendations of the child poverty inquiry was that OFMDFM would examine more effective ways of ensuring funds and ring-fenced funding for anti-poverty and child-poverty issues, which we all have to deal with. Therefore, I find it hard to understand that when OFMDFM puts forward a proposal to provide a mechanism to fund those cross-cutting anti-poverty and social-deprivation issues, there is some opposition from Members who are also members of that Committee.

I welcome the proposal for clause 2. It has the potential to make a real and significant impact. It also provides, for the first time, a possible fund to accompany



the key actions arising out of the anti-poverty strategy, which the Committee has considered.

**Mrs Long:** Will the Member indicate where the Bill provides a ring-fenced fund for anything? It simply provides an enabling power to allow OFMDFM to intervene in such circumstances as it feels it is necessary. It is not actually creating a fund or doing anything of the sort that he has just described.

**Mr Shannon:** I disagree with the Member. We discussed the issue at the Committee meeting last week, we had some input into the process, and questions were asked of the junior Ministers. My wording is very clear: I said that it provides a possible fund to accompany the key actions arising out of the anti-poverty strategy, which we all agreed to. We hope that the creation and retention of clause 2 will address that issue.

In my eyes, it is an example of some Members endeavouring to undermine and collapse the Bill. They say that they are not doing that, but that is what it seems like. It is a Bill that is for the betterment of people who are struggling in society.

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

**Mr Shannon:** I will give way in a moment. It is a Bill that will, in times of trouble and trial, provide people who are living on the breadline with much-needed financial assistance.

**Mr Ford:** I am grateful as ever to Mr Shannon for giving way. He said that some Members are seeking to collapse the Bill, but he is going way beyond what Naomi Long spoke about in proposing the opposition to clause 2. The Bill stands, as far as we are concerned, because clause 1 is essential to deal with urgent matters. The issue that is being made from this corner of the House is the need to have proper powers of scrutiny over the contents of clause 2. That is not collapsing the Bill; that is ensuring that what is required urgently goes through urgently, and that which requires detailed consideration is given detailed consideration.

**Mr Shannon:** I thank the Member for his intervention. Supporting the retention of clause 2 would be a clear example that there is no intention to do that. If clause 2 were removed, it would hinder the Executive in tackling poverty, addressing social exclusion and all patterns of deprivation. Is that what Members want? The Bill provides the Executive with the ability to assist at an early opportunity, to address the shortfall and to provide swift and effective financial assistance where unsatisfactory funding arrangements are causing poverty and social exclusion.

In speaking to this group of amendments, it would not be wrong of me to refer back to amendment No 10. If the Members who have voiced their concerns would care to study it, they would realise that if it is moved, it will ensure that not only do their Executive Ministers

have a say in the regulations — owing to the ministerial code as set out in the St Andrews Agreement — but they will have a say in the House before any regulations can be made or brought forward.

6.15 pm

The retention of clause 2 makes it clear to the Northern Ireland electorate that OFMDFM, the First Minister, the deputy First Minister and my party care about those who are struggling to pay their bills, struggling with poverty and deprivation, and struggling against exclusion. Clause 2 also demonstrates the commitment of the First Minister, the deputy First Minister and my party to taking real action on such difficult issues. I urge Members who care about those who are most in need to support the retention of clause 2.

**Ms Anderson:** I wish to make several points about the notice of intention to oppose the question that clause 2 stand part of the Bill. Clause 2 is not, as has been suggested, a power grab. Specifically, Dolores Kelly claimed during last week's debates on the Bill that clause 2:

“has the potential to amount more to a carve-up of power and resources than to a power-sharing arrangement.” — [*Official Report, Bound Volume 36, p212, col 1*].

That is simply not true. That fact is that the legislation that would allow OFMDFM to transfer powers, roles and responsibilities from other Departments already exists. OFMDFM does not need clause 2 for such transfers, because the law as it stands already allows it to transfer functions from one Department to another. Indeed, the First Minister confirmed that today. Let us put that argument to bed straight away and concentrate on the real motivation behind clause 2 and the Bill as a whole.

The purpose of the Bill is to provide assistance to people now —

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

**Ms Anderson:** No, I will not. We have had enough interventions today, and I do not intend to subject the House to any more.

The purpose of the Bill is to provide assistance to people now, and to give us a legal framework to allow for swift and effective intervention during any future crisis. The Bill is about addressing objective need and ensuring that effective, cross-cutting departmental approaches can be put in place in order to assist people. All of us are aware of strategies and programmes that look great on paper, but deliver nothing, because they did not enjoy a cross-departmental approach. Last week, I said that I welcomed clause 2, and I believe that many in civic society will do likewise. The Committee for the Office of the First Minister and deputy First Minister has heard —

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



**Ms Anderson:** Absolutely not.

The Committee for the Office of the First Minister and deputy First Minister has heard evidence from many groups and organisations that deal with child poverty. Clause 2 gives the First Minister and the deputy First Minister, acting jointly, the power to determine those situations in which financial assistance must be provided in order to tackle poverty, social exclusion and patterns of deprivation. That is, of course, subject to the approval of the Executive and the Assembly, as stated in amendment No 10 to clause 2, which reads, if needed, because it may not be understood:

“No regulations shall be made under this section unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”

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

**Ms Anderson:** Absolutely not. I am not going to give way during this debate. I ask the Member to respect my decision.

**Mr B McCrea:** On a point of order, Mr Speaker.

**Mr Speaker:** If the point of order is a procedural point, I am happy to take it. If it is not, I ask the Member to take his seat.

**Mr B McCrea:** It is a real point of order. I am happy to be guided by you on this matter, and perhaps you can help me. Instructions or communications were given or made about not reading speeches. If we are not going to be allowed to intervene, why do we not just publish —

**Mr Speaker:** Order. I ask the Member to take his seat.

**Ms Anderson:** Go raibh maith agat.

Clause 2 aims to plug the obvious capability gap that exists in addressing social need. A legal observation of the amendment opposing clause 2 reveals that its adoption could result in a judicial review that might potentially delay the implementation of a scheme aimed at tackling poverty, deprivation and social need. Many Members have said time and again that there must be a joined-up approach to the issue, on which the electorate rightly demands action. Clause 2 will give the Executive the opportunity and the authority to plug those gaps, and to effect action when social need has been identified.

The Committee for the Office of the First Minister and deputy First Minister has completed its inquiry into child poverty, and has made 49 recommendations.

Many of those recommendations required a cross-departmental approach to ensure that they are effective and that they can deliver real, meaningful change to children. Without such an approach, those recommendations will, in all likelihood, remain unimplemented, and we will fail to achieve our stated aims of halving child poverty by 2010 and eradicating it by 2020. The

first child poverty deadline is less than a year away, and it is clear that unless we begin to make positive interventions now, there will be no hope of achieving those laudable objectives. Clause 2 aims to provide the tool to do just that, if required.

The notice that was given to oppose that clause 2 stand part of the Bill has less to do with fear of a power grab and more to do with the fact that a number of parties and Members are seeking to go into opposition, rather than seeking to deliver change for the people. That is opposition for opposition's sake, and they are not considering the merit of each case. The opposing parties are concerned that the Executive, which are headed by the DUP and Sinn Féin, will deliver. Their opposition emanates from the fact that the SDLP and the UUP are simply increasingly afraid of the Executive delivering because the last one, of which they were the central parties, did not step up to the mark.

The people are crying out for power sharing to be delivered. They want the process to work, and they want their elected representatives to make a meaningful difference to their lives. The Financial Assistance Bill, particularly clause 2, can help us to do just that. Therefore, I oppose the notice that was given to oppose that clause 2 stand part of the Bill. The three opposing parties are trying to prevent a mechanism from being put in place that would allow the Executive to put schemes in place swiftly to tackle poverty and deprivation. Shame on you all. Sinn Féin does not support the opposition to the clause. Go raibh míle maith agat.

**Mr Kennedy:** I am grateful for the opportunity to speak as an Ulster Unionist Party Member. I do not speak, in any capacity, as the Chairperson of the Committee for the Office of the First Minister and deputy First Minister.

Clause 2 represents the underlying motivations of the Bill, and our concerns about it. The title of clause 2 is:

“Unsatisfactory funding arrangements: power to provide financial assistance”.

For that, one can read: the chief executive and political committee of the Sinn Féin/DUP axis, otherwise known as the politburo.

Clause 2 will potentially give powers to the First Minister and deputy First Minister to intervene in any Department's functions, if they deem it necessary, to tackle poverty, social inclusion or patterns of deprivation based on objective need. In my view, the clause deviates from the original objective of the Bill, and it is, therefore, undemocratic. It represents a significant accumulation of power in the hands of the First Minister and deputy First Minister.

It is a sad reality that poverty, social inclusion and patterns of deprivation are apparent in all societies and that, unfortunately, those will be present for the foreseeable future. That is deeply regrettable, but the



Bill potentially means that Peter Robinson and Martin McGuinness have, essentially, given themselves unbounded and overreaching power into each Department in Northern Ireland.

The only reasons that the First Minister and deputy First Minister must give to enforce policy on other Departments is if they deem that no arrangements are in place to provide financial assistance, or if they deem that those that are in place are ineffective or inadequate. Those are potentially sweeping, unaccountable and cross-cutting powers.

The extent of the power grab was perfectly represented by the contribution of the previous Member who spoke in the debate.

**The First Minister:** Is the Member aware that OFMDFM already has a role and a responsibility in that area of activity? It is not grabbing power; the Department already has those responsibilities. Moreover, is he aware that far from the First Minister and deputy First Minister taking any decisions on such matters, those decisions will go to the Executive and in the case of clause 2, all of them will come before the House before they are acted upon?

**Mr Kennedy:** I thank the First Minister for his contribution. Would that the First Minister and deputy First Minister would take decisions to deal with some of those issues effectively — they have not done so in the past.

The extent of the potential power grab, which clause 2 represents, was described by Martina Anderson, when speaking on the motion for accelerated passage on 13 January:

“clause 2 gives the First Minister and deputy First Minister — acting jointly — the power to determine situations whereby financial assistance needs to be provided in order to tackle poverty, social exclusion or patterns of deprivation.” — [*Official Report, Bound Volume 36, p222, col 2*].

She continued:

“The present funding arrangements are clearly unsatisfactory. The Executive have no power to intervene and provide financial assistance to tackle poverty, social exclusion or deprivation when it is determined that such a situation exists. The new legislation will change all of that. It will allow effective intervention, including financial assistance, to be made when the Office of the First Minister and deputy First Minister determines that any given situation requires it. That is a significant sea change”. — [*Official Report, Bound Volume 36, p222, col 2*].

I hope that there will be opportunity for the First Minister to correct the Member for Foyle if she has given an unfair assessment of what the Bill represents. Does it represent a glory-hunting power grab by the First Minister and deputy First Minister and a significant sea change in the make up and workings of the Executive in Northern Ireland?

On 14 August 2006, Mr Robinson, speaking of the make-up of devolved Government, said:

“First, I do not feel that OFMDFM has too much work to do — I do not object to the Department having plenty to do. My problem is when it gets involved in areas that are better placed elsewhere, and that, in some cases, have already been placed with other Departments. I am more concerned about duplication than whether the Department has too much work. Frankly, there is not an awful lot of day-to-day executive decision-making in OFMDFM”.

It appears that the First Minister’s desire to have day-to-day Executive decision-making placed in his Department has overtaken his desire to reduce duplication, or his problem with OFMDFM getting involved in areas that are better placed elsewhere. The lack of Executive decision-making power obviously does not sit well with his image of what a First Minister should be doing. In essence, clause 2 is as much about seeking to cover the First Minister and deputy First Minister in some glory as about seeking to help the vulnerable.

If the First Minister wants to reduce hardship, social exclusion and poverty, he and the deputy First Minister would be much better getting on with the jobs over which they have power.

**The First Minister:** Will the Member give way?

**Mr Kennedy:** The First Minister will have his opportunity to respond.

They would do much better to come up with policies to tackle child poverty, publish the repeatedly delayed cohesion, sharing, and integration strategy, and co-ordinate the agreements in the Programme for Government that commit the entire Executive to tackling poverty and social exclusion.

Practically every Department has programmes and spending to address the issues. It is the job of OFMDFM to help them to achieve their targets. It is not its job to dictate what must be done or to take power away from individual Ministers and Departments. If this clause is passed, the Executive and the Assembly may well be reduced to little more than a parish council, rubber-stamping the decisions of the DUP and Sinn Féin. In light of yesterday’s debate on reducing the number of Government Departments, the Bill may well achieve that goal prematurely.

What will be the point of thousands of civil servants devising policies and recommendations, only for them to be overruled by the First Minister and deputy First Minister? The Bill makes the calls for efficiency savings seem laughable.

6.30 pm

This is potentially a politburo Bill. No one in the Assembly, regardless of party allegiance, should be mistaken about the serious ramifications that the Bill may have for the workings of the Executive. Furthermore, it has the potential to be deeply divisive, not just among the parties, but between Ministers in the same Executive.



I ask all Members to reflect on those issues. I oppose clause 2.

**Mr Attwood:** First, I apologise for missing the early part of the debate. I was called to a meeting.

When I spoke in the previous debate on the Bill, my colleague Declan O’Loan suggested that I was outlining a thesis; therefore this speech will be a postscript to what has gone before. In many regards, some of my thinking has been anticipated by Mr Kennedy in his speech, and I only want to make a number of small points.

As outlined by Mr Kennedy — there are whispers in the corridors of this Building that the First Minister and the deputy First Minister are not on the same page on a range of matters that are currently within their remit. As I understand it, issues surrounding the Commission for Victims and Survivors and the programme for work have yet —

**Mr Speaker:** Order. I must insist that the Member sticks to the business that is directly on the Floor of the House, and that, as far as possible, he does not stray outside of that.

**Mr Attwood:** I accept your ruling; however, that was the first point of substance that I have made, and I have already been called to account when I have not yet finished my sentence, never mind my argument. I ask for some latitude so that the point made by Mr Kennedy, and the point that I am going to echo, can be reiterated on the Floor of the Chamber.

Returning to my point, even before the First Minister and deputy First Minister assume the additional responsibilities outlined in clause 2 of the Bill, there are concerns, whispers, indications and evidence that matters are not being handled promptly and quickly. For example, I have heard that Executive papers and agendas are only being signed off at the eleventh hour, in anticipation of Executive meetings.

I have outlined what might be happening with respect to the work of the Commission for Victims and Survivors, and Mr Kennedy has referred to the proposals on cohesion, sharing and integration. I have also heard that there are some tensions surrounding the approval of —

**Mr Speaker:** Order. The Member knows well what he is doing, and I ask him to stop it. I must insist that the Member returns to the business that is directly on the Floor of this House.

**Mr Attwood:** I am coming to the point that you have just made, Mr Speaker. I find that there is a tension between clause 2 of the Bill and the fact that only a matter of weeks after 153 days of Executive suspension; following the welcome restoration of that Executive, and when things are still settling down, that there is a tension between the First Minister, the deputy First Minister, and their respective parties in

taking on the responsibilities that are contained in clause 2. That is in the context where the responsibilities that that office currently has, it has been reported, are not being managed promptly, reasonably and efficiently in some regards.

When that appears to be the situation, why do the First Minister and the deputy First Minister wish to take on the responsibilities contained in clause 2 of the Bill? The answer — which was suggested in an earlier intervention that the First Minister may want to respond to — is supplied in the comments of Martina Anderson in an earlier debate on the Bill.

In a scripted commentary — presumably endorsed and approved by her party to reflect how it views clause 2 of the Bill — the Member for Foyle made it unambiguously clear, as Danny Kennedy outlined in his speech, what Sinn Féin believed to be the intention of clause 2, ending with the words:

“That is a significant sea change”. — [*Official Report, Bound Volume 36, p222, col 2*].

Therefore, when I look at OFMDFM and how it manages the current business, and when I see that, for political reasons, it is overreaching in taking on other responsibilities, I draw conclusions from what Sinn Féin — presumably speaking on behalf of the deputy First Minister — said: “a significant sea change”. I am affirmed in that view by how the First Minister replied to Mr Kennedy from a sedentary position just a few minutes ago. When Mr Kennedy was speaking — and I took a note of this — the First Minister muttered to Mr Danny Kennedy that OFMDFM was already dealing with issues of poverty and social deprivation.

**The First Minister:** I did not mutter it; I said it as an intervention.

**Mr Attwood:** I have heard a lot of your comments today, First Minister — there have been mutterings under your breath in response to various things that have been said on the Floor.

The point is that the First Minister is trying to portray the Bill as run-of-the-mill, more of the same, an extension of what OFMDFM does already, yet that contention was exposed by the comments of Martina Anderson in a previous debate when she said that this is a significant sea change. I would submit that that is the truth of the matter: that the truth of clause 2 is to create a significant sea change, in not just the powers and responsibilities of OFMDFM, but in the culture around the Executive table and in the relationship with all other Ministers.

Given that there are, clearly, people who privately have ambitions in respect of how clause 2 might be managed and rolled-out over coming months in various initiatives, I suggest that we need to guard against those who see this as a significant sea change, and who have ambitions and intentions around what



that sea change would look like, how it will impact on the authority of the Assembly, the Committees and Ministers, and how will that fundamentally change the culture of what this Government should be.

**Mr B McCrea:** It has been a long day — I have been in the Chamber since 10.30 am and I have discussed everything from the financial side of things to the issues that are now in front of us. The issue with regard to the heart of the opposition to this particular clause is the fear, as yet unreconciled, about a power grab.

I understand, and have tried to accept in previous debates, that there are certain difficulties with the form of Government in which, for historic reasons, we find ourselves. It is difficult to run a Government when there is no unifying vision about the way forward and whether the state itself should actually exist. Many people in the Executive have completely different strategic objectives. I understand that that creates difficulties and yet, in these trying times, we need to find some way of providing an effective collective response.

There is — if I may make a mild criticism, but only by way of trying to be helpful — a sense that Ministers act like medieval barons, who do not accept the central authority and just do what they want from their castle. I would like to find a way to get people to work together in a collectivism that is based on mutual respect and an idea that we should try to resolve things together.

I heard the First Minister speak in the conclusion to the debate on clause 1. I may not have got it absolutely correct — although he will, no doubt, correct me if I have not — but he said that he shared the idea about collectivism and that, in his own opinion, he would want more control, as it were; a more collective approach.

The argument is about balance and about whether this is the most appropriate way to address the issue.

One of the accusations — I think that it was made by the First Minister, among others — is that people do not listen. However, I listened to Mrs Long in this and in previous debates. The aims of the Bill could be achieved in a stand-alone piece of legislation.

My concern is that clause 2 — which gives wide-ranging powers — is being tagged on to a provision that is necessary and immediate. However, the powers in clause 2 are not connected with the need to provide financial assistance in exceptional circumstances. Some Members have said that we should not judge the legislation by its first use.

I am worried about the tone of the debate: it does not seem helpful that people who express legitimate concerns are ridiculed or told that they do not listen or that they are stupid. If Members are misinformed or are of a different opinion, surely we should try to enlighten them through reasoned debate. That is why I find it very strange to be reminded repeatedly by the

First Minister that our concerns can be discussed by the Executive and that they will be brought to the Assembly. What is the point of bringing them to the Assembly if all that we get is the reading of prepared scripts that allow no intervention or engagement to resolve the issues collectively?

**The First Minister:** Tell that to Danny Kennedy.

**Mr Speaker:** Order. The Member has the Floor.

**Mr B McCrea:** That does not seem to be putting theory into practice. We got the feeling that the First Minister thought that we did not understand the issues. I accept the democratic result and the mandate of the last election; however, it is worth stating — categorically — that we cannot win a vote in this House if the two larger parties combine, as the previous vote illustrated.

The issue arises — under our strange rules of democracy, which the amendments seek to change — that we need to find some form of collectivism to work together. The issue is wider than what occurs in the House. I do not know exactly what was said, but Mr Attwood mentioned reports about the different treatment accorded to various Ministers.

**Mr Speaker:** Order. I am almost at a point of giving Members as much latitude as possible, but Members are going far beyond what we are debating in the Chamber. I ask the Member to return to the stand-part debate on clause 2.

**Mr B McCrea:** I thank the Speaker for his direction. However, my point is fundamental to our concerns about over-reaching powers.

I was disappointed in how Martina Anderson made her point, because she made a statement on the Bill that other people have quoted. For the record, I will quote it again. She stated, in a scripted response, that:

“It will allow effective intervention, including financial assistance, to be made when the Office of the First Minister and deputy First Minister determines that any given situation requires it.” — [Official report, Bound Volume 36, p222, col 2].

That does not seem to be terribly inclusive. She stated that this is a significant sea change. It appears to me to be a fundamental renegotiation of the relationship between the Assembly and the Executive and its Ministers. Yet we do not have the chance to debate it; it is being rushed through.

The First Minister made it clear that we should not be worried because they already have those powers: if they already have them why have they not used them? Why have they not taken steps to deal with the terrible issues of poverty and social deprivation?

6.45 pm

We are really talking about a fundamental change in the relationship between Members, the Executive and Ministers. Taking that to its logical conclusion, I think



that it means the end of a four-party mandatory coalition and a move toward some form of voluntary coalition, particularly between the two major parties. It would be a fundamental challenge to democracy if we were to find ourselves in the situation whereby we are not allowed to have an effective voice. I am sure that that is not the intention behind either the legislation or the people introducing it.

Although I recognise the need to find some ways to intervene effectively in what are very trying times, I do not think that it is appropriate that those means be tagged on to the end of what is emergency legislation. I suggest that there is a better way of taking such action and that in order to do what the people of Northern Ireland want us to do, we should introduce alternative legislation that can be scrutinised adequately in the proper time.

**Mr Ford:** Normally, when Members move that a clause not stand part of the Bill, it is because they oppose, in every sense and every term, the contents of that clause. Naomi Long and I are not taking that position; we believe that clause 2 should not stand part of the Bill, not because we oppose in all circumstances the powers that it contains, but because it is sufficiently wide ranging and important to merit detailed scrutiny. Frankly, that scrutiny cannot be done solely at Consideration Stage and Further Consideration Stage.

We have accepted the urgency of getting clause 1 in place in order that we can deal with, in particular, the current fuel payments. However, the circumstances that apply to clause 1 — such as the current urgent situation and any future urgent matters — simply do not apply to clause 2 and are being used to ensure that the legislation is forced through without the necessary level of consideration. The contributions of the majority of Members who spoke in the debate clearly demonstrated the need to have such consideration.

For the benefit of those Members who were listening, which was clearly not everybody, when proposing that clause 2 does not stand part of the Bill, Naomi Long made it clear that major issues exist that deal with cross-cutting themes. Other than those issues that are highlighted under clause 2, many more exist that are the responsibility of OFMDFM and on which action may be required at any stage. They are valid issues for consideration, and that point was acknowledged by the very fact that the First Minister called this:

“the most important piece of legislation to be tabled since the return of devolved Government.” — [*Official Report, Bound Volume 36, p218, col 1*].

The matter is too serious to be nodded through in the same way that the clause 1 urgency procedures were effectively nodded through.

Jim Shannon, who extended me his customary courtesy of giving way when I yet again requested that

he do so, failed completely to deal with the issue and failed to acknowledge that Naomi Long had already supported the procedures for dealing with urgent matters. The important thing now is to get the best possible procedures in place for those matters that are covered by clause 2.

It was a little bit unfortunate when Mr Shannon went on to say — and I am paraphrasing him — that the DUP cares about those people who are struggling to pay fuel bills. I think that every party in the Assembly cares about those people and about those who are living in poverty and deprivation of various sorts. It is unfair and unreasonable to suggest that those of us who accepted that clause 1 be agreed as a matter of urgency but who demanded the proper scrutiny of clause 2 do not recognise those needs and do not share those concerns. I suspect that Mr Shannon did not really mean that, and it is a great pity that he is not here now, as I would happily give way to allow him to make a comment.

We then heard speeches from Members of the other party that forms the Executive — as they see it. Martina Anderson gave us her customary prepared speech, with no interventions. One of the interesting points that she made proved, I think, the case that the Alliance Party is seeking to make. She said that she was confident of the support of civic society for the measures that are included in clause 2.

She may well be correct. However, there is a simple way to find out: let us put it to the test. Give civic society the opportunity to make written representations on the powers that are contained in clause 2 by putting them into another Bill that is subject to proper scrutiny and normal procedures. Let us give civic society the opportunity to bring delegations to meet the OFMDFM Committee, to put their concerns on record, and to discuss issues with Ministers. If the Assembly is confident that civic society talks about those issues favourably, let us give it the opportunity to do so.

Subsequently, Ms Anderson went on to talk about the child poverty inquiry that was conducted by the OFMDFM Committee, and its 49 recommendations. She did not acknowledge that, to date, OFMDFM has not responded to those 49 recommendations. The issue is not that other Departments have yet to carry out their responsibilities: the first response to a Committee report should come from the Department to which the Committee is designated. That has not happened. Therefore, it is not so much the case that Martina Anderson was attacking other Departments, but that she was pointing the finger at OFMDFM — a Department with which she has a close party connection through one of its Ministers and one of its junior Ministers.

Therefore, it is time for people who make allegations about the way that matters are conducted to consider



the position from which they make their allegations. That is the clearest proof of the inadequacies of aspects of the current system and the need to ensure that the Assembly makes improvements.

Unlike Jim Shannon, Ms Anderson does not give way to any other Member when she makes allegations about other parties' lack of concern. Her comments simply do not reflect reality. Any member of the OFMDFM Committee ought to know how frequently Naomi Long and other Members have drawn attention to the need for a proper approach to tackle issues such as poverty, exclusion and deprivation. Although Ms Anderson is not in her place, junior Minister Kelly is in his. I have no doubt that he is aware of the number of times that Mrs Long and others have contacted him to discuss the issue.

Therefore, there is a lack of factual representation as to how OFMDFM has responded to issues that currently relate to it. My party accepts cross-cutting themes and that responsibility for many of them lies with the First Minister and the deputy First Minister. Those do not simply include issues in the Bill that might conceivably be considered as DSD issues; they also include an entire raft of matters as far removed as sustainability, which might otherwise be considered a DOE issue. Certainly, my understanding is that the child poverty inquiry relates to OFMDFM, DSD, DHSSPS, probably to DARD, and to a few other Departments that I have not considered.

The cross-cutting themes for which OFMDFM has responsibility must be dealt with properly. There may well be mechanisms in clause 2 to do that. However, that case has not been made. Certainly, I do not make the case that clause 2 is a power grab, because I acknowledge that those powers already exist in OFMDFM. One might say that clause 1 is a power grab, but that it is necessary for urgent reasons. Given the range of OFMDFM'S responsibilities on those cross-cutting themes — in particular, poverty, deprivation and exclusion — it is important that that piece of legislation is got right.

Naomi Long referred to an interchange that occurred between the deputy First Minister and me during the debate on the Bill's accelerated passage. He took two interventions from me, so I suppose that, when that is averaged with Ms Anderson, it is one each. I made the point that the issue was not whether the Executive need powers to respond urgently, but whether the Executive urgently needs powers without proper scrutiny.

Unfortunately, although he took my intervention, the deputy First Minister did not respond to my point. He merely said that:

“our experience since restoration has shown that the Executive need to be in a position to react quickly to unforeseen events.”  
— [Official Report, Bound Volume 36, p214, col 2].

That is a given. The question is whether they need those powers urgently when they have not needed them urgently since May 2007 even though the issues have existed since then. If the Executive make the case that they need those powers, they ought to acknowledge that it is their duty to accept proper scrutiny.

I am not sure that I agree with Danny Kennedy, who said that the Assembly could end up like a parish council that rubber-stamps what is requested by the First Minister and the deputy First Minister. The Assembly has slightly higher powers than the average parish council.

However, there are real issues about ensuring that a legislature carries out its duties. Unfortunately, this is yet another Bill that contains some matters that may warrant the use of the accelerated passage procedure, but there are other details that need to be examined properly.

It has not been demonstrated in any way that clause 2 requires urgent procedure. Maybe the First Minister will do better tonight than the deputy First Minister did last week and sway me with the power of his oratory. However, what I have heard from Back-Benchers of the two lead parties in the House has not persuaded me of anything. History tells us that, frequently, legislation in haste results in bad legislation.

We, in this part of the House, have acknowledged the need for the use of urgent procedures on clause 1 matters. However, no valid case has been made for the accelerated passage procedure being used for clause 2. To ensure that the process moves forward in a better way, clause 2 should be removed and dealt with properly.

This afternoon's debates have illustrated the utter lack of confidence and how much work needs to be done to build the required confidence in the Assembly, the Executive and, possibly, even within OFMDFM. Removing clause 2 from the Bill, putting it into another Bill and subjecting it to proper scrutiny would be one way of starting that process of building confidence.

**The First Minister:** It gets a little depressing when the same people put forward the same arguments, even though those arguments have been demolished beyond any shadow of doubt in previous debates. The Member for Lagan Valley Mr Basil McCrea complained about parties making references to people being misinformed, stupid or whatever. However, I do not care what term anyone in the House might use.

I ask everyone to consider the following situation. People, such as Danny Kennedy, came to the debate tonight with written speeches and made certain accusations. Those people were informed that, far from being a matter that is subject to OFMDFM, this is a matter that will go to the Executive at each Stage and be voted on by the Assembly, and that nothing will happen until that occurs. After the accelerated passage debate, those people came back at the Second Stage



and made the same points again, even though they had already been informed of the answers.

Even though they were given those answers again during the Second Stage of the Bill, they made the same arguments today during the debate on clause 1 issues. Those people had already been given the answers on two occasions, and one would have thought that those answers would have penetrated even the dullest minds. However, even after clause 1 has been dealt with, the same lame arguments that have no substance whatsoever are read out to us once again in the hope that someone will be gulled into believing that there is some truth in what is being said. There is no truth in those arguments; they are totally inaccurate and totally misleading.

Let me make it very clear once again so that there is no shadow of doubt whatsoever: the First Minister and the deputy First are not grabbing power from anyone through clause 2 of the Bill. The clause 2 issues are our own areas of responsibility. Do I need to say it again? There is no power grab, because those issues are already within our bailiwick. Furthermore, any determination that is made under that clause goes to the Executive for agreement; any designation goes to the Executive for agreement; and any scheme that is reached goes to the Executive for agreement. When all that has happened, it comes to the Assembly for agreement before it starts. How could anyone with two brain cells to rub together stand up in the Assembly and liken that process to the politburo?

7.00 pm

**Mr Spratt:** They are slow learners.

**The First Minister:** They are not slow learners, because they do not learn at all. They have been told repeatedly, yet they have repeatedly misrepresented the situation and repeatedly attempted to use buzzwords to secure media coverage of the nonsense that they have been uttering in the Chamber.

This system is more democratic than any that operates in the democratic world. No other Minister is engaging with such a process. It would not happen at Westminster or the Dáil, and it does not happen with any other Minister. The Executive approves it all, and each scheme must come before the Assembly. It is the most democratic system possible.

Basil McCrea talked about whispers in the corridor. He took that line from Alex Attwood, who has again absented himself. He claimed that there are rumours of disagreement on this, that or the other issue, and he tried to embellish it slightly by saying that, as a result, it is clear that there is a divergence and no agreement on how to progress. That assertion shows how badly informed he is.

The Executive have agreed a way forward and have unanimously agreed a three-year Programme for Government. All four Executive parties agreed to that. The Executive have agreed their Budget — not only for one year, but for three years — which gives the lie to those who argue that there is no Budget for this year. Furthermore, the Executive have agreed a 10-year investment strategy. Therefore, a clear direction has been agreed, not only by the First Minister and deputy First Minister, but by every Executive Minister, including the Minister from the SDLP and the two Ministers from the Ulster Unionist Party.

**Mrs D Kelly:** On a point of order, Mr Speaker. You ruled previously that Members' contributions must relate to the Bill and the amendment. Does that ruling apply to the First Minister?

**Mr Speaker:** As I said earlier, I expect all Members' contributions, as far as possible, to relate to the issue under debate, which is opposition to clause 2 of the Bill. I have continually said that I am prepared to allow Members some latitude as long as they do not overstep the line. On occasions, Members are inclined to use that latitude to overstep the line.

**The First Minister:** I have no doubt that my comments were in order, because the people who made the remarks on which I am commenting were not ruled out of order. Therefore, if it was in order for those individuals to make the remarks, it is, clearly, in order for me to respond to them. The Member, who seems to talk out of both sides of her mouth at the same time, stood up in the Chamber a short time ago and made exactly the same comment — that she was responding to points that were made during the debate.

However, I will move on. The unholy alliance that opposes clause 2 is interesting. One group has a defensible and responsible argument, whereas the other groups are totally irresponsible. If I was allowed to diverge, I would say that they need to examine their consciences and roles, because they cannot be part of the Executive and oppose it while lecturing everybody about the need for collective Government and for us all to work together. Their position does not add up.

On the one hand, there are the representatives of the Alliance Party, who are taking the position — as I understand it — that they are not against the principles in the clause, but they oppose accelerated passage and the lack of consideration of other possible ways forward. On the other hand, there are those who might be described as the mischief makers and wreckers, who want to wreck the whole Bill. Indeed, the Member for Newry and Armagh Mr Kennedy stuck his foot in it when he opposed clause 1 standing part of the Bill. He did not want any fuel payments to be made to people in Northern Ireland — that is what would have



happened, had he had the numbers in the House to make good the opposition to clause 1.

On the one hand is the wrecking crew, and on the other are those who want to consider the issues constructively. The remainder of my remarks will deal with the points that have been made by those who have attempted to be constructive.

It will come as no surprise to anyone who has given notice of intention to oppose the question that clause 2 stand part of the Bill that we are fundamentally opposed to the removal of that clause. Clause 2 is extremely important, and it is integral to what we seek to achieve by introducing the enabling legislation.

When I announced last December that we were proposing to introduce a Bill to take new permissive powers to respond more effectively to circumstances that warrant intervention, I said that the Bill would extend the Executive's powers to deal effectively with poverty and disadvantage. Clause 2 is intended to help the Executive to respond to that challenge.

Naomi Long made it very clear that she felt that such a mechanism was necessary in order to achieve the agreements reached in the Programme for Government. Clause 2 will give Ministers the statutory authority to provide financial assistance where there are no current arrangements in place to do so. It will also enable us to intervene where current funding arrangements are ineffective, inadequate, or unsatisfactory.

It is worth pointing out that the deputy leader of the Alliance Party also commented that OFMDFM should have delayed the introduction of the clause 2 provisions, in order to allow for the consideration and exploration of mechanisms to promote better co-ordination, rather than through clause 2. Let me make it clear to her that the legislation does not stop us from considering other mechanisms to improve co-ordination across programmes generally. That can be done for the issues relevant to this Bill, as it can for the other issues that are cross-cutting and need to be moved forward.

To return to the issue of a power grab — one cannot grab power that one already has. That power is already resident in OFMDFM. What is absent in OFMDFM is a mechanism to make good its responsibility. At the present time, we rely on Ministers, in each of their silos, to make good the commitments that are the responsibility of OFMDFM. The Bill enables a co-ordinating role to be taken, which would bring the issue together, bring it to the Executive and bring it to the Assembly, so that can progress on that basis.

**Mrs Long:** I thank the First Minister for giving way and accept, in part, what he said. The position that my party was trying to express was that it would be more logical for cross-cutting themes, and the lack of levers to ensure delivery, to be dealt with coherently and altogether, rather than tagging one issue on to the

Financial Assistance Bill and leaving the rest in the ether, to be dealt with separately. Our position is that the work should be done logically, by dealing with the issues of cross-cutting themes and emergency situations in two separate pieces of legislation.

**The First Minister:** I accept what the Member says. It is a judgement call. My judgement on this matter is that I do not wish to delay the legislation, particularly as we are dealing with a very vulnerable section of our community. We have Programme for Government targets to meet. The Member will forgive me for saying that if we had six months to debate this Bill, I suspect that we would have six months of listening to the same speeches from some people. It has been tiring enough to take that over two days with the same speeches being read over and over again for the record. The poor researchers have to go to the photocopier and produce the same speech for the next Stage of the Bill.

It is a judgement call. My judgement is that we should not delay this matter. If the mechanism proves to be successful, it could well be that we need to consider using the mechanism to deal with other cross-cutting issues. However, this Bill deals with areas of hardship, and we should not hold back because of those other issues — particularly as people are in need.

During the Second Stage of this Bill — and again during today's debate — I was very conscious that Members expressed their difficulties and concerns about supporting clause 2. The Members who support its removal seem to be of four sorts. There are those who do not fully appreciate the purpose of the clause, although it is difficult to accept that there could be many in that category after all of the explanations. There are those who support the clause but do not want it to proceed by accelerated passage. In addition, there are those who support the clause but feel that other considerations and arrangements should be taken into account, rather than the one for which we opted. Furthermore, there are those who fully appreciate the purpose of the Bill in its entirety, but seem more concerned with creating the illusion of this Bill being a power grab, rather than with the potential benefits of clause 2 for those who are in poverty.

To those who are in the first group, I stress that the powers of clause 1 and clause 2 are different. They are independent of each other and are aimed at tackling social need in different circumstances, but they are two sides of the same coin. The removal of clause 2 would reduce the Executive's capacity to target resources across Departments at those who are in the greatest need.

I dealt with the second group during my comments to Naomi Long. My view still remains that I see no good reason to delay introducing legislation that could deal with this element of our Programme for Government



while we may consider some of the other areas. There is a contradiction in those who oppose clause 2 stand part of the Bill. Some of them believe that it should be extended so that the First Minister and the deputy First Minister will be able to bring more matters to the Executive, and there are those who do not want them to be able to bring any at all.

It is fairly clear that we are not making sufficient progress towards the targets that we set in the Programme for Government that was endorsed by this Assembly. The present economic downturn makes those targets even more challenging. Clause 2 improves our ability to meet those challenges by providing a mechanism that does not currently exist.

I have considered other routes to achieve our goals. Some reference was made to ring-fencing resources, which could still be done. However, we are not involved in trying to manipulate every Government Department, so we are reluctant to tell Ministers how they should allocate funds in their Departments by using the mechanism that the Finance Minister uses, which is to only provide and ring-fence money on the basis of using it for particular purposes. A great deal of discussion has taken place about OFMDFM taking a new power. However, that power already exists with the Finance Minister, who can make allocations, subject to those being used for particular purposes.

That could even still be done. However, the more open, transparent and democratic way that is set out in this Bill is the best way forward. The other route is less satisfactory, and certainly less democratic.

7.15 pm

For the benefit of those in the fourth group, I shall repeat the point that I made last Tuesday, during the Bill's Second Stage, and again today: if the deputy First Minister and I wished to grab more power, we would not require this enabling legislation. The power to transfer statutory functions between Departments already rests with the First Minister and the deputy First Minister, acting jointly. In the last debate about the Bill, I referred to the powers available under section 17 of the Northern Ireland Act 1998; the power also rests under article 8 of the Departments (Northern Ireland) Order 1999. Members will recall our bringing such a transfer to the Assembly for approval last year, in relation to relocating ordnance survey functions from DCAL to DFP. Therefore, if this were a power grab, and we were attempting to add more functions to the Office of the First Minister and deputy First Minister, other routes would be available to us.

Although clause 2 is not our only response to the economic downturn, it is an important element of the strategic approach to tackling poverty that the Executive have a statutory obligation to adopt under section 28E of the Northern Ireland Act 1998. We have formally

adopted the broad architecture and principles of the Lifetime Opportunities strategy in order to tackle social exclusion and deprivation. In addition, the Executive have agreed to the establishment of an Executive subcommittee on poverty and social exclusion, to be chaired by OFMDFM Ministers, which will be tasked to identify and agree several key actions that will contribute most to achieving the goals of the Lifetime Opportunities strategy. Tackling poverty is therefore a statutory obligation, and a major challenge, for the Executive. I can assure Members that we take that challenge seriously, and we have taken the opportunity offered by the Bill to adopt the necessary legislative authority to act further where the existing arrangements to tackle poverty are inadequate and we need to do more.

I do not wish to prejudge how the Executive might seek to use clause 2 in future; however, the Programme for Government commits us to working towards the elimination of child poverty by 2020, reducing child poverty by 50% by 2010 and working towards eliminating severe child poverty by 2012.

Furthermore, the child poverty inquiry report and recommendations produced by the Committee for the Office of the First Minister and deputy First Minister will provide a platform and a stimulus for such work. If I heard correctly, the leader of the Alliance Party indicated that OFMDFM has not responded to the recommendations from the Committee's child poverty inquiry; however, a response was issued to the Chairperson of the Committee on 12 December 2008. The Executive are totally committed to meeting that challenge, and they will work across Departments to ensure that child poverty targets are achieved and that the Executive's response to the recommendations of the child poverty inquiry report are fully implemented.

Clause 2 will be of assistance in making progress in both areas, and its enabling powers will be available to the Executive in order to address cross-cutting issues such as poverty. Clause 2 will enable us to act when there is an absence of funding arrangements or when existing arrangements are inadequate.

Much has been made of the fact that, on the face of the Bill, the power to trigger determinations and to designate Departments is vested in the First and deputy First Minister, and I explained why that is so when I spoke to the first group of amendments. I wish to reiterate and reinforce the safeguards that we are building into the decision-making process for using the enabling powers in clause 2. As I said earlier, and on several other occasions, the Executive are bringing a specific recommendation to the Assembly to amend the ministerial code in order to put matters of Executive responsibility beyond doubt.

Before the First Minister and the deputy First Minister can make a determination under clause 1 or clause 2 of



the Bill, the Executive must agree that the relevant circumstance or situation exists and that intervention by means of financial assistance is warranted and necessary. Before the First Minister and the deputy First Minister designate a Department to develop a scheme for providing financial assistance, the Executive must agree which Department, or Departments, should be so designated.

In addition, the Executive will be required to agree the scheme drawn up by the designated Department before it receives approval from the First Minister and deputy First Minister. We have written to the OFMDFM Committee to confirm the proposed changes to the ministerial code and to confirm that the Executive have agreed those changes.

Furthermore, by accepting amendment No 10, the Assembly has agreed that any regulations made under clause 2 require the approval of the Assembly before they can be made and brought into operation. I trust that Members will accept that the necessary checks and balances are being put in place to ensure that the powers contained in clause 2, as amended, are not misused or abused.

I say to those Members who intend to oppose clause 2 that the Government need to take legislative powers to help in their fight against poverty. No Member should stand in our way. Colleagues in Westminster acknowledged that last year, when Gordon Brown announced his intention to legislate to meet child poverty targets. In fact, clause 2 will put us ahead of our colleagues in Westminster, who are yet to announce the details of their legislative proposals. More importantly, as a relatively small jurisdiction, we have a greater potential to achieve the effective cross-departmental working that is required in our fight against poverty in particular. Not to exploit that opportunity, by voting against the inclusion of clause 2, would be to sell short our people, particularly those who are in, or at greatest risk of, poverty in the current economic downturn. It is they who will be looking to the Executive and the devolved Administration to make a meaningful difference to their lives.

The enabling provisions in clause 1 and clause 2 are very much two sides of the same coin, and the removal of clause 2 would devalue that currency. Therefore, I oppose the removal of clause 2, and I urge the Assembly to agree that clause 2 stands part of the Bill.

**Mrs D Kelly:** I do not wish to incur the wrath of the First Minister, but I will refer to my notes in an attempt to reflect accurately Members' contributions. I assure the House that I do not have a script before me, but I noted that the First Minister used a script in his response.

In Mrs Long's introduction to the debate on clause 2, she set out some of the reasons why the Alliance Party, the Ulster Unionist Party and the SDLP have

real and genuine concerns about clause 2 of the Bill. If the Assembly votes to include clause 2 as part of the Bill, it is our intention to table further amendments at the Bill's Further Consideration Stage.

In his rather patronising and condescending approach and answer to other parties, the First Minister did not impress upon us that we should not reiterate our argument, because it remains a good one to make.

Members were at pains to point out that clause 2 of the Bill applies to situations in which poverty, social exclusion and patterns of deprivation have to be tackled, and not, as Mrs Long said, the range of cross-cutting themes for which the First Minister and deputy First Minister have responsibility. The First Minister responded to some of the issues. He was at pains to point out that the First Minister and deputy First Minister have a number of powers at their disposal already, so one wonders why they have been so slow in proposing solutions in relation to the economic downturn and tackling poverty. After all, poverty did not happen suddenly in May 2007, when the Assembly was restored. Poverty has been around for a long time, and, unfortunately, it will be around for a long time to come.

As members of the Committee for the Office of the First Minister and deputy First Minister will know, the Committee has included several papers and several decisions in its work plan. However, on reaching the point at which the Committee is supposed to discuss those matters, all that it gets is a "paper to follow" message. Therefore, one can understand why my colleague Mr Attwood, and Mr Basil McCrea, are hearing rumours elsewhere and in the corridors that there is a lack of collective agreement by the DUP and Sinn Féin.

If one were to believe Sinn Féin and its desire to tackle poverty, one would have to ask why, in the face of an economic global crisis, it put its party political needs before the needs of the wider community. Had Ms Anderson allowed an intervention, we could have asked that question. However, in failing to allow interventions, she demonstrated that she lacks confidence in her argument.

There is some confusion among members of OFMDFM about the inquiry into child poverty. I understand that the junior Ministers are scheduled to come before the Assembly in the next few weeks. However, among the main findings of the Committee that carried out the inquiry were the lack of affordable childcare and the lack of opportunities for single parents, particularly young women, to return to the workplace. However, the Department of Education cannot even accept that preschool provision is its responsibility.

**Ms Ní Chuilín:** Given that the Minister for Social Development is about to force parents back to work,



particularly single parents who do not have access to affordable childcare, I am glad that the Member raised the issue of affordable childcare and that it will be on the record.

**Mr B McCrea:** I would simply like to congratulate Mrs Kelly on her ability to engage in a debate and take points of view. That is in stark contrast to Members from Sinn Féin; all they can do is issue statements, after which they say nothing. In a democracy, surely we can talk about the issues. If Sinn Féin really believes what it is saying, why do its Members not stand up and share it with the rest of the Assembly? Sinn Féin offers only platitudes. Congratulations, Mrs Kelly.

**Mrs D Kelly:** I thank the Member for that vote of confidence.

In answer to Ms Ní Chuilín, the Department of Education and her Minister have a considerable responsibility to deal with some of the issues relating to child poverty and childcare places. Affordable childcare should be available to allow people the option to return to work, but it does not exist because Sinn Féin will not accept that it is the responsibility of its Minister.

**The First Minister:** I thank the Member for raising the issue of childcare, thereby demonstrating, beyond doubt to anyone who listened to the last few minutes of debate, the need for clause 2. There is a clear dispute between two Departments about which should take responsibility for childcare. Those are exactly the kind of issues that OFMDFM must deal with by determining how to advance any cross-cutting issues. Perhaps the Member will propose that childcare is one such area that could be considered under clause 2 and developed by using that mechanism?

**Mrs D Kelly:** I am grateful for the First Minister's intervention because I understood that the two junior Ministers, Mr Kelly and Mr Donaldson, were the self-appointed champions for children. They have not produced many proposals. What ability have they shown in negotiating an understanding between the two Ministers concerned?

**Mrs Long:** The First Minister suggested that clause 2 would be one way to deal with disputes between Departments. Clause 2 is part of the Financial Assistance Bill and, therefore, relates specifically to financial assistance. If clause 2 is now being interpreted as a means to direct Departments on their responsibilities, that seems to go beyond what is contained in the legislation. I accept that there must be a solution to any dispute, but I am not sure that it comes under the category of financial assistance.

**Mrs D Kelly:** Mrs Long is quite right, because she has articulated how we fear that the Bill will really be used. It is a scheme — many people are scheming around here, that is for sure.

**Mr Beggs:** Does the Member agree that it is strange that the First Minister has now discovered that there are cross-cutting issues that are not being dealt with? *[Laughter.]*

It was the Office of the First Minister and deputy First Minister that removed the Executive programme funds that existed to deal with such issues. They have now discovered the hole that they have created and are trying to fill it, but they are doing so through an accelerated passage of the Bill instead of using the normal means of approving new legislation.

**Mrs D Kelly:** I am always pleased to assist the First Minister and the deputy First Minister in determining some of their work plans. *[Laughter.]*

**The First Minister:** I am grateful to the Member. However, anyone, and particularly someone who has spent a short time as a member of the Committee for Finance and Personnel, knows the additional cost of duplication. The Executive programme funds were stopped because civil servants in OFMDFM were dealing with the same issues as civil servants in other Departments.

The responsibility lies with OFMDFM, and clause 2 provides a mechanism for taking issues forward. Those issues will move forward under that mechanism without the duplication that was set up when the Ulster Unionist Party was the largest party.

7.30 pm

**Mrs D Kelly:** The First Minister has articulated — and, perhaps, in a roundabout way, admitted — the failure of his party and Sinn Féin with regard to the removal of the Executive funds. Sinn Féin and the DUP have been in charge for the past five years. Members will be surprised to learn that 31 former civil servants have been re-employed by the Assembly for £424,000 —

**Mr Speaker:** Order. I ask the Member take her seat. I have given her quite a bit of latitude. I ask her to return to the subject matter on the Floor, which is opposition to clause 2 of the Bill.

**Mrs D Kelly:** I accept that point, Mr Speaker, and I am grateful to return to addressing those issues. I was interrupted by so many interventions. Nevertheless, one likes to participate in a debate, rather than listen to the lectures that we receive from some sides of the House.

Some other important points are missing from the Bill. There is a concern that not enough is being done to tackle poverty, social exclusion and deprivation. Nevertheless, a plethora of strategies and action plans from the First Minister and deputy First Minister have been delayed. Indeed, by agreeing to a strategic take-note debate, not a fundamental root-and-branch review of the Budget and Programme for Government, we are not dealing effectively with the economic



downturn and the crises of poverty, social exclusion and deprivation in our community.

I understand that Westminster — the home of the comprehensive spending review — is allowing such reviews and evaluations to take place formally, year by year. Proper consultation should have taken place, not only in relation to the Budget, where poverty and apparent crises could be best dealt with, and — as Mrs Long and others rightly pointed out — this legislation, and clause 2 in particular, does not need to be part of emergency crisis-dealing legislation; it does not need to be here at this stage. I would be interested to hear the views of people in civic society in relation to clause 2. However, that opportunity is being denied them by accelerated passage and by the inclusion of clause 2 in the Bill.

Ms Anderson defended civic society. Mind you, no civic forum has, as yet, appeared under the watch of Sinn Féin and partnership Government. That idea rings hollow, not only in the Chamber but across the wider community.

Mr Danny Kennedy was concerned that clause 2 would give OFMDFM unbounded power over all Departments. That was how he interpreted Ms Anderson's comments. A range of Members asked the First Minister directly whether he shared Ms Anderson's view that the legislation is a significant sea change, rather than enabling legislation. Unfortunately, he did not take the opportunity to respond. Mr Kennedy was careful to differentiate between his speaking on behalf of the Committee and on behalf of his party, which was in sharp contrast to the attitude of the First Minister, who gave the impression that all Executive members agreed all the points all the time, when we know quite clearly that that was not the case.

Mr Kennedy repeated the point about the politburo aspect of the Bill. He said that not only was it deeply divisive among the parties here, but that it had the potential to be deeply divisive among Ministers.

I have dealt already with some of the other remarks about proper scrutiny by others outside the House. It is most unfortunate that that part of our rationale and argument has not been listened to.

The First Minister said that he was very frustrated that we were not listening to his argument and explanation — and other Members remarked on that. However, we are equally frustrated that Sinn Féin and the DUP are not listening to our valid argument and that our concerns about clause 2 have not been addressed at all. It is regrettable that the First Minister comes across as rather patronising and seeking to insult the intellect of individual Members; it really belittles his own argument. It comes back to where the real frustration lies for the First Minister: although he has Sinn Féin at his feet now, he does not yet have

compliance from the other Ministers and parties in the Executive. We dare to question Mr Robinson as First Minister — that is what I thought we were elected to do. Certainly, we cannot rely on Sinn Féin to stand up to the DUP; that is for sure.

During the debate, comments were made about why there was no wake-up call among the Back-Benchers in the two parties. There is still time for that. Removing clause 2 from the Bill would allow for proper scrutiny, and it would give us the time and opportunity to see whether we got it right in this instance. It would allow us time to consider what measures can be used and how the Bill can be improved. Moreover, it would allow the whole community and our society to tackle the issues that affect those who are most marginalised. In fact, if we applied that methodology, it would allow those who are most marginalised to have a voice in the consultation process. The only way in which the marginalised members of our society are being represented here today is through the Ulster Unionist Party, the Alliance Party and the SDLP, and we are asking for the brakes to be put on clause 2. That would allow for proper scrutiny and debate and would put an end to the power grab in which the First Minister is continually engaged.

*Question put.*

*The Assembly divided: Ayes 48; Noes 28.*

#### AYES

*Ms Anderson, Mr Boylan, Mr Brady, Mr Bresland, Mr Brolly, Lord Browne, Mr Buchanan, Mr Butler, Mr T Clarke, Mr W Clarke, Mr Craig, Mr Easton, Ms Gildernew, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr G Kelly, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Mr I McCrea, Mr McElduff, Miss McIlveen, Mr McKay, Mr McLaughlin, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Murphy, Mr Newton, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr Paisley Jnr, Ms S Ramsey, Mr G Robinson, Mrs I Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Shannon, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Ayes: Mr Moutray and Mr Spratt.*

#### NOES

*Mr Armstrong, Mr Attwood, Mr Beggs, Mr D Bradley, Mrs M Bradley, Mr Burns, Mr Cobain, Rev Dr Robert Coulter, Mr Cree, Mr Elliott, Dr Farry, Mr Ford, Mr Gardiner, Mrs Hanna, Mrs D Kelly, Mr Kennedy, Ms Lo, Mrs Long, Mr A Maginness, Mr McCallister, Mr McClarty, Mr B McCrea, Dr McDonnell, Mr McFarland, Mr McGlone, Mr P Ramsey, Mr K Robinson, Mr Savage.*

*Tellers for the Noes: Mr Kennedy and Mrs Long.*



*Question accordingly agreed to.*

*Clause 2, as amended, ordered to stand part of the Bill.*

**Clause 3 (Schemes for financial assistance)**

*Amendment No 11 made:* In page 3, line 16, at end insert

“(2) A scheme contained in regulations under section 1 or 2 may provide for the scheme to cease to have effect at the end of a specified period from the date on which the regulations are made; but (without prejudice to the operation of section 28 of the Interpretation Act (Northern Ireland) 1954) the scheme may include such saving provisions as the relevant department thinks necessary or appropriate for dealing with matters or proceedings under the scheme which are outstanding at the time the scheme ceases to have effect.” — [*The First Minister (Mr P Robinson).*]

*Clause 3, as amended, ordered to stand part of the Bill.*

*Clauses 4 to 6 ordered to stand part of the Bill.*

*Long title agreed to.*

**Mr Speaker:** That concludes the Consideration Stage of the Financial Assistance Bill. The Bill stands referred to the Speaker. Members may take their ease until we move to the next item of business.

## ASSEMBLY BUSINESS

**Mr Speaker:** Before we move on, Members will be aware of the substantial number of points of order that were raised during proceedings yesterday and today. A number of the issues that Members raised appeared to be more points of business than points of order. In any case, I will consider all the matters that were raised and return to the legitimate points of order as appropriate in due course.

Several of the points of order that were made were not points of order, but there are two points of order that I wish to address without delay. The first relates to a reference that was made earlier today to an official. I remind all Members that it is not in order to refer to Assembly officials at any time in the House.

The second point of order relates to unparliamentary language. During this afternoon’s debate, Mr Durkan accused the First Minister of misleading the House. Members should be aware that such language is clearly unparliamentary. Therefore, I will call on Mr Durkan to withdraw that remark at the earliest opportunity. We will now move on.

**Mr Attwood:** On a point of order, Mr Speaker. I note that you named Mr Durkan, but you did not name Mr Peter Robinson, who was the Member —

**Mr Speaker:** Order. The Member is out of order, and he knows that he is out of order. I have made a clear ruling on the two issues on which I felt I could make a ruling. I am speaking about the language that has been used in the House today.

**Mr Attwood:** Further to that point of order, Mr Speaker. You indicated that Mr Durkan should take some action further to the comments that he made. Further to your ruling, is there no responsibility on any other Member to take any action in respect of comments that they made about officials of the House?

**Mr Speaker:** Order. As I said earlier, several points of order were raised yesterday and today, and I am extremely happy to come back to them. However, let me be absolutely clear about the issue of unparliamentary language: when a Member accuses another Member or a Minister of misleading the House, that is clearly unparliamentary language, and it must be dealt with.

**Mr Attwood:** Further to that point of order, Mr Speaker. Are you saying that you intend to come back to the issue of Mr Robinson’s treatment of staff of the House? Is that the case, or is the matter closed as far as you are concerned?

**Mr Speaker:** The Member is sailing very close to the wind on challenging the authority of the Speaker.



I ask the Member to please not go there. My ruling is absolutely clear; I am happy to respond to points of order. *[Interruption.]*

Order. I am happy to consult the Hansard report on whatever any Member says in the House. When referring to a Member or a Minister — as Mr Durkan did — the use of the phrase “misleading the House” is a clear example of unparliamentary language. I have told the Member already that I will deal with the issue when Mr Durkan is next in the House. *[Interruption.]*

Order. I will be happy to speak to the Member about all those issues.

## EXECUTIVE COMMITTEE BUSINESS

### Public Authorities (Reform) Bill

#### Final Stage

**Mr Speaker:** I call Mr Jelly — sorry, Mr Gerry Kelly to move the motion. *[Laughter.]*

**The junior Minister (Office of the First Minister and deputy First Minister) (Mr G Kelly):** Thank you for giving me my new name. *[Laughter.]*

I thank the Back-Bench Members of my party for their support. *[Laughter.]*

I beg to move

That the Final Stage of the Public Authorities (Reform) Bill [NIA 19/07] do now pass.

The Public Authorities (Reform) Bill arises from decisions that were made on certain public bodies as part of the review of public administration and that were confirmed by those Ministers with the relevant policy responsibilities following the restoration of devolution.

As Members will be aware, the Bill’s main purpose is twofold: first, to abolish the Fisheries Conservancy Board and to transfer its functions to the Department of Culture, Arts and Leisure; and secondly, to abolish the Disability Living Allowance Advisory Board, pending the extension to here of the remit of the board’s counterpart in Britain. The Bill also carries repeals of primary legislation that is no longer required following the dissolution, by separate subordinate legislation, of the bodies concerned.

At the outset, I record my gratitude to the Committee for the Office of the First Minister and deputy First Minister for its work in considering the Bill in liaison with the other Statutory Committees that have an interest in the Bill.

As I said, the Public Authorities (Reform) Bill will abolish the Fisheries Conservancy Board and transfer its statutory functions, staff, assets and liabilities to the Department of Culture, Arts and Leisure. Since the decision to abolish the Fisheries Conservancy Board was made, the Department has been working closely with the board to ensure that conservation and protection functions continue during the winding-up process by providing funding and assistance as required. Plans are also well advanced to ensure that functions transfer seamlessly; that new organisational structures are established; and that staff are briefed at the outset in order to ensure that the service that is provided after abolition is consistent with the needs of the public.

Resource needs have been assessed, and monetary bids have been made in order to finance the new



arrangements and to ensure that the former Fisheries Conservancy Board functions continue after transfer. It is estimated that it will cost the Department £1.1 million to carry out the former functions of the Fisheries Conservancy Board. That figure is similar to the current running costs of the board. Bids for additional resources for that important function will be reviewed over time, but are, as always, subject to other budgetary constraints and pressures. The real benefits of the transfer of the board's functions will, however, be non-financial in the creation of a more integrated, flexible and strategic conservation and protection service.

The conservation and protection of salmon and inland fisheries are of paramount importance, and we recognise the need to involve those who have an interest in those matters. The Department of Culture, Arts and Leisure will set up a new non-executive forum to advise, assist and inform the Department and provide valuable input into the decision-making process on matters concerning salmon and inland fisheries.

I understand that the Committee for Culture, Arts and Leisure has made a valuable contribution to the consultation process on this issue. If the Public Authorities (Reform) Bill is passed today, the Fisheries Conservancy Board will be wound up once the Bill receives Royal Assent and an order for the commencement of the Fisheries Conservancy Board provisions can be made.

The Bill also abolishes the Disability Living Allowance Advisory Board. Arrangements are being made for the remit of the equivalent advisory board in Britain to be extended to cover the provision of advice on disability living allowance and attendance allowance to our Department for Social Development.

That will bring the provision of advice in that area into line with the Social Security Advisory Committee and the Industrial Injuries Advisory Council, which also provide advice to both jurisdictions. Given that social security remains a reserved matter, the Department for Social Development and the Secretary of State for Work and Pensions in Britain will benefit from having consistent advice from a single authoritative source. The board does not have any staff, assets or executive functions, and no additional costs or savings are anticipated.

8.00 pm

The repeals of primary legislation in relation to the Pig Production Development Committee, Enterprise Ulster and the Laganside Corporation are simply to remove from the statute book primary legislation references that will no longer be required following the dissolution of the bodies concerned by separate subordinate legislation. A commencement Order or Orders will be required to bring all the Bill's provisions into operation. Those will be made by OFMDFM at

the request of the Ministers who have policy responsibility.

I commend the Bill to the House.

*Question put and agreed to.*

*Resolved:*

That the Public Authorities (Reform) Bill [NIA 19/07] do now pass.



## COMMITTEE BUSINESS

### Report on the Devolution of Policing and Justice Matters

8.00 pm

**Mr Speaker:** The Business Committee has agreed to allow up to two hours for the debate. In accordance with the Business Committee's agreement to allocate additional time to Committee Chairpersons when moving and winding up a motion on a Committee report, up to 15 minutes will be allowed to propose and 15 minutes to wind up. All other Members who are called to speak will have five minutes.

#### **The Chairperson of the Assembly and Executive Review Committee (Mr Spratt):** I beg to move

That this Assembly approves the First Report of the Assembly and Executive Review Committee on the arrangements for the devolution of policing and justice matters.

The report before the House is the first of two planned reports on the arrangements for the devolution of policing and justice matters. It contains 15 recommendations about some, but not all, of the issues that must be addressed before any request is made to the Secretary of State for Northern Ireland to transfer a range of policing and justice matters. I intend to return to the detail of those 15 recommendations, but, before I do, I shall outline the background to the Committee's involvement in the issue.

Members will also be interested to hear about a range of other important issues that the Committee will begin to address next week before bringing a further report to the Assembly in due course. Some Members may seek to press me on when, precisely, that might be. However, I will not be drawn on that, and, later on, I shall explain why not.

The Assembly and Executive Review Committee was established as a direct result of the Northern Ireland (St Andrews Agreement) Act 2006. Section 18 of that Act also placed an obligation on the Assembly to make a report to the Secretary of State before 27 March 2008 on progress towards the devolution of policing and justice matters.

The Assembly referred the matter to the Assembly and Executive Review Committee, and its subsequent report was debated in the House on Tuesday 11 March 2008 before being referred to the Secretary of State. I

have cause to remember that debate well, because it was my first official engagement as Chairperson of the Committee, having taken over from Jeffrey Donaldson, who had been appointed as a junior Minister.

On 23 September 2008, the Committee was granted a fresh mandate by the Assembly to further involve itself in matters relating to the devolution of policing and justice powers. To some extent, that was prompted by a letter that the First Minister and the deputy First Minister sent to me on 28 July 2008 in which they asked whether the Committee would undertake some further work on the devolution of policing and justice matters.

However, the Committee is a Committee of the Assembly, and it was both right and proper for it to seek the authority of the Assembly before acting on that letter. Having been given the authority by the Assembly to do so, one of the Committee's first acts was to invite the views of all the party leaders in the Assembly about the range of issues that they felt the Committee might consider. A similar invitation was extended to the First Minister and the deputy First Minister. That led the Committee to consider in detail a list of 26 issues, each of which it allocated to one of three categories: category 1, which were issues to be resolved in Committee pre-devolution; category 2, which were issues for the Committee to resolve pre-devolution but that required wider consultation and consideration; and category 3, which were issues to be resolved post-devolution.

I pay tribute to the members of the Committee for their respective contributions to its work since September 2008 on what is a sensitive, controversial and politically challenging issue. The level of attendance at Committee meetings was of a consistently high standard. As Chairperson, I always tried to ensure that proceedings were conducted so as to allow all members to express their opinion. Those discussions were often tense, robust and typical of what politics is about.

I do not want to give the impression that, when the Committee came to consider the category 1 list of issues, it was a smooth or straightforward task — it was not. The Committee was unable to reach agreement by consensus on some, but only some, of the report's recommendations. I am sure that other Committee members who participate in the debate will take the opportunity to elaborate on that point, and they are perfectly entitled to do so. Nonetheless, the



Committee hopes that the report will contribute positively to the successful devolution of a range of policing and justice powers.

My task today is to bring to the attention of the Assembly, in an objective, constructive and helpful way, the report's main elements. That the report is laid out in a way that is easy to follow is no small way owing to the diligence of the Committee Clerk and his staff. In the highly charged atmosphere in which at least some of the discussions took place, it would have been easy to lose sight of some of the issues under consideration. However, the structured way in which the Committee was encouraged to look at the category 1 list of issues allowed it to be thorough and to make progress on a number of fronts.

As I mentioned, this is the first of two planned reports. It deals with the departmental structure; the powers to be transferred; the timing thereof; and the appointment of the Minister. The first six recommendations of the report — on pages 10, 11 and 12 — deal with the Department and its structure. The Department is to be known as the "Department of Justice", and it is proposed to create it as additional to the 11 Departments that make up the Northern Ireland Executive. With the exception of the Judicial Appointments Commission, the various organisations that currently deliver the range of policing and justice services will, in the main, be attached and accountable to the Department of justice.

Recommendation 7 reaffirms an earlier decision, reflected in the Committee's original report, about the range of powers to be devolved, and recommendation 8 signals that those powers:

"should cease to be reserved matters at the point of devolution".

Quite when that will occur depends largely on the further work that the Committee needs to do. That is why, at present, there is not a specific date for the transfer of those powers.

Recommendations 9, 10, 11 and 12 — on pages 14 and 15 of the report — deal with what are described as "interim arrangements" for appointing, removing and replacing the Minister of justice. It is proposed that those arrangements will apply until May 2012.

The Committee decided that it wished to give further consideration to the Minister's role in, and relationship with, the Northern Ireland Executive. That residual issue, together with the question of the most appropriate location for the Public Prosecution Service, are matters to which the Committee will return, and will address in its second report.

Recommendations 13, 14 and 15 — on page 16 of the report — relate to procedural or technical issues. For example, recommendation 13 refers to the fact that the Committee decided that there was no need for a "shadow Minister", a "shadow department", or a

"shadow Statutory Committee". Recommendations 14 and 15 relate to avoiding potential conflicts of interest that might arise if Members of the Assembly who were members of the Policing Board were to become members of the Statutory Committee of justice.

I hope that Members will find this a helpful summary of the Committee's first report. The Committee's deliberations have been painstaking, and, occasionally, painful. I thank the Committee Clerk and his staff for the impartial and professional way in which they have facilitated the work of the Committee, and for providing procedural and other advice and support, to not just me, but to all members of the Committee.

The Committee will now turn its attention to the category 2 list of issues. There may be as many as 12 issues with which to deal, and they have the potential to be even more challenging. However, I have every confidence that the Committee, with the support of the Committee staff, will be up to those challenges and that it will report to the Assembly again, in due course.

It is worth placing on record that the Committee last week agreed to appoint a specialist adviser on the significant issue of the financial implications involved in devolving policing and justice matters. It is also worth noting that the Committee expects the First Minister and the deputy First Minister to appear before it again soon during the course of its deliberations on the category 2 list of issues.

In addition to examining the financial implications of devolving policing and justice powers, the Committee's deliberations are likely to include how the relationships will work between the Minister of justice, his, or her, Department, the Assembly and organisations such as the Serious Organised Crime Agency and the security services; what needs to be done to maintain existing North/South policing and justice agreements; and whether there is a need for a justice sector of the North/South Ministerial Council.

At this time, I cannot say how long all that will take. However, what I can say — and what I believe that the Assembly would expect of the Committee — is that the Committee should take whatever time is necessary to give detailed and careful consideration to those issues, bearing in mind that the First Minister and the deputy First Minister said on 18 November 2008 that they wished to proceed on this matter without undue delay.

I commend the report to the Assembly.

8.15 pm

**Mr A Maskey:** Go raibh maith agat, a Cheann Comhairle. Cuirim fáilte roimh an tuarascáil seo, agus molaim don Tionól í.

I welcome the report and am very happy to commend it to the Assembly. It is a step forward in our efforts to



ensure that the smooth transfer of powers for policing and justice happens as soon as possible, which I believe is what the vast majority of the public want to see.

The report represents a considerable amount of work, as the Chairperson of the Committee said. The fact that we have reached such a degree of consensus should not be underestimated in any way. Sinn Féin — our party — is committed to ensuring the successful transfer of policing and justice powers into the hands of accountable, locally elected representatives.

I am pleased to note the commitment expressed by Peter Robinson and Martin McGuinness, the First and deputy First Ministers, in their statement on 18 November last year, to ensuring that this would happen without any undue delay. In fact, they went further and urged all political leaders to show a similar commitment and responsibility to building the necessary public confidence by doing all that they can to ensure that that happens. Therefore, ensuring the transfer of powers should be a priority for us all.

Hardly a day goes by without a matter of public importance being raised and in which, unfortunately, there are examples of crime or attacks on the vulnerable in our communities. We have absolutely no influence over many of those issues, and that is regrettable. On an almost daily basis, we hear of burglaries, serious assaults of a sexual nature, racist or homophobic assaults, and even the tragic murder of good citizens as a result of antisocial behaviour on our streets. Our communities are crying out for a police service that can help to maintain a safer community. They are also crying out for a wider justice system that will deal with offenders in a fair, just and proportionate manner, but in a way that clearly provides justice for the victims of crime.

Let me make it very clear, for all those who want to listen, that the level of crime against many of our communities is completely and entirely unacceptable. Therefore, I make no apologies to anyone for ensuring — certainly on behalf of my party — that we make all necessary efforts possible to ensure that a Department of justice is established. In that way, we will not only assume our own responsibilities, but help our communities to see their way through the many difficulties that they face. Therefore, my view and that of my party — and, perhaps, of many others — is that the transfer of powers will provide all communities with the necessary influence over locally elected representatives who will, then, be responsible for the justice system, and that influence can help to shape the system in the interests of our community.

The report makes many recommendations that will help to deliver a Department of justice and a Minister from among the Members elected to the Assembly. I remind Members that the arrangements for that are interim measures, subject to the sunset clause referred to in the

recommendations taking effect no later than May 2012. Those recommendations point the way forward, with, of course, much more work to be done.

**Mr Elliott:** Does the Member envisage that his party will, in the near future, command the position of Minister for that particular portfolio?

**Mr A Maskey:** I should say at this point that I am always prepared to engage in debate — despite it being suggested earlier that Members of our party are not very keen on that — but although I listened intently to some of this afternoon's debate, what I heard was a lot of acrimony and a lot of people scoring points but not delivering anything.

Let me make it very clear that I do not intend to take many interventions if I believe that those Members, many of whom we have heard speak already, will do nothing except try to score points without delivering anything. It is not about the debate — as the Chairperson of the Committee pointed out, we have had months of debate. Every one of the issues has been debated extensively and exhaustively on many occasions, both in the Committee and in the House, as well as in the media. I have no doubt that that will continue.

I believe that the recommendations point the way forward, and, as been said already, the Committee has identified a programme of work that it will continue with from as early as next week.

I mentioned earlier that I do not in any way underestimate the burden that crime and antisocial behaviour inflicts on many of our communities. I know full well that many people in our communities — and, indeed, in the wider criminal justice system — are working together to tackle those problems.

Everyone knows that our criminal justice system is simply not performing in the manner that is required in order to give the necessary confidence to the whole community. Its work is simply not joined up, and it is obviously not yet either representative or fully accountable — or responsive, I might add — to the needs of the community. A single Department that is headed by a locally elected Minister and that has all the associated scrutiny would help us to bring a much greater focus to finding the necessary solutions to crime in our communities. I believe that everyone will welcome that. Go raibh maith agat.

**Mr McFarland:** I thank the Chairperson, the Deputy Chairperson, the Committee Clerk and staff of the Assembly and Executive Review Committee for their stewardship and support in the production of this report.

Members will recall that the Preparation for Government Committee met over the summer of 2006 to open all-party discussions on policing and justice. Members will also recall that the DUP used to get extremely upset over accusations that it was negotiating



with Sinn Féin, claiming that the discussions were only a scoping exercise. Who would have believed that such a faltering scoping exercise would lead to today's debate?

Policing has, of course, been an issue for a very long time. In 1972, the Ulster Unionist Government crashed Stormont because policing and justice powers were withdrawn. Over recent years, unionism has been vexed about the possibility of policing and justice powers being returned. At one level, it has been difficult to understand that concern, given that the Chief Constable runs operational policing, and neither the Policing Board nor the Assembly can interfere with his decisions. The Policing Board runs the personnel, buildings and finance aspects of policing; the Court Service will be transferred as an agency; the Lord Chief Justice runs the judiciary; and the Prison Service is an agency. That being the case, what power will the justice Minister have? He could introduce legislation, which would be subject to a cross-community vote, thus limiting his powers to interfere with policing and justice.

The issue has perhaps not been about interference. However, hidden under the euphemism of "unionist confidence", the real issue was the threat that a senior Member of Sinn Féin — with a criminal record — might be in charge of policing.

The former Taoiseach Bertie Ahern has told us that he was present in St Andrews when the DUP leadership agreed to devolve policing and justice.

**Some Members:** No.

**Mr McFarland:** On that basis, Sinn Féin held an Ard-Fheis at which it agreed to support policing. Sinn Féin then became upset at the DUP's reluctance to fulfil its part of a deal that was kept secret from the public and from the Assembly. The result was Sinn Féin/DUP paralysis and a suspension of the Executive for some 154 days in the midst of the most serious economic crisis that we have seen for a century.

The pressure on the DUP was so great that it caved in, and the McGuinness/Robinson deal on the devolution of policing and justice emerged in November. Looking at the timetable of that agreement, we see a fast-track process that has phase 1, which is the bulk of the modalities, being forced through the Assembly today.

A letter from the First Minister and deputy First Minister politburo states that it expects the Treasury to complete deliberations on the phase 2 issues — finance — on 31 March. Presumably, that will allow policing and justice powers to be transferred in early May. Watch this space.

How can that be? What about unionist confidence? My colleagues will later examine the DUP attitude to unionist confidence. However, comrade Robinson and comrade McGuinness of the politburo have decided

not to carry out a public consultation. Instead, they have stated:

"We remain open to views from any quarter at all stages of this process."

Therefore, unionist confidence will exist when Peter and Martin say that it will.

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

**Mr McFarland:** I am not giving way.

That is amazing, given DUP comments.

The Ulster Unionist Party is opposed to various parts of the report, and I want to cover some of those now. Since the St Andrews Agreement, the DUP has colluded with Sinn Féin to corrupt the democratic process of the Assembly. In that agreement, the DUP allowed Sinn Féin to remove the Assembly's selection of the First Minister and deputy First Minister, saving DUP Members from having to put their hands up to vote for Martin McGuinness as deputy First Minister.

Today, the politburo wants to force on the Assembly the voting system that they removed in respect of the First Minister and the deputy First Minister, so that DUP/Sinn Féin can put in, discipline and remove, any future justice Minister. The Assembly has a laid-down system for selecting Ministers, and today's change would be a corruption of Assembly democracy in order to gain political control.

The DUP and Sinn Féin could not agree on the justice Minister's relationship with the Executive, and that has been put off until the phase-two discussions. What is that all about? Do not be surprised if the eventual justice Minister is, in effect, half a Minister, with the politburo only allowing that person to attend Executive meetings when policing and justice matters are being discussed — potential candidates please note.

Why is all this happening, and why have the DUP and Sinn Féin refused to take that ministry? It is all to do with their concern as to who the Minister will be. Of course, there is no sunset clause, and the deal does not stop Sinn Féin from taking the justice ministry in 2012.

Despite what Ian Paisley Jnr of the DUP said recently —

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

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

**Mr McFarland:** Yes.

**Mr Speaker:** The Member's time is up.

**Mr Beggs:** Does the Member —

**Mr Speaker:** Order. The Member's time is up.  
[Laughter.]

I asked the Member to take his seat.



**Mr McFarland:** I was letting my friend speak, Mr Speaker.

**Mr Speaker:** Order. I clearly indicated to the Member that his time was almost up. By the time the other Member intervened, his time was certainly up. I call Mrs Carmel Hanna.

**Mrs Hanna:** I thank the Committee staff for their courtesy and support.

In 1998, when I became a Member of the Assembly, one of the first Committees that I was appointed to was the Ad Hoc Committee on the Procedural Consequences of Devolution; a Committee that was concerned with the devolution of policing and justice. Ten years on, I do not think that we are much further forward.

In common with every Member, matters of law and order, crime and antisocial behaviour are a major part of my constituency workload. Most matters are relatively low key; however, they can be very important and distressing to the individual constituent concerned, especially to older people.

My constituency, South Belfast, has by far the highest crime rate in Northern Ireland. Drug dealing is rife, as has been recorded recently in the media, and people in the area are at the end of their tether. In the university area, there has been a spate of rapes and sexual assaults, many of which remain unsolved. There have been racist attacks, with very few people ever made amenable to the law.

In the newspapers last week was one of the saddest stories that I have read; an interview with the widow of the late Harry Holland, who was murdered so brutally in west Belfast last year. Mrs Holland told 'The Irish News' that her late husband had died in vain; that crime and antisocial behaviour are worse than ever.

There is no logical reason why the devolution of policing and justice should be delayed. The people want it; they want local politicians who are answerable to them to be in charge, and not some part-time English MP who does not know Ballygawley from Banbridge. They want the issues of crime, and the fear of crime, bail, sentencing policies, delays in court hearings, and the handing down of illogical and capricious sentences to be sorted out. They want reform of the Public Prosecution Service and the officials there — who get very good salaries, and who, despite spending millions in legal fees, have been spectacularly unable to secure a conviction in three high profile cases — to be made accountable.

The text of the Good Friday Agreement, which ranks very highly for the SDLP, states:

"The participants also note that the British Government remains ready in principle, with the broad support of the political parties, and after consultation, as appropriate, with the Irish Government, in the context of ongoing implementation of the relevant

recommendations, to devolve responsibility for policing and justice issues."

8.30 pm

Policing and justice was, until recently at least, one of the few issues on which the SDLP and Sinn Féin agreed. I have quotations from Gerry Adams, who has said repeatedly that public confidence exists throughout the community for devolution of policing and justice. All of that changed in November 2008, when Martin McGuinness signed a joint statement with Peter Robinson which pledged that their parties would commence the process of building confidence; consult party organisations and external stakeholders; engage in public consultation; and secure necessary community confidence. How long is a piece of string?

Sinn Féin has, therefore, somersaulted from saying that public confidence exists to now saying that it needs to be built up. Worse still, that party signed up to an open process before policing and justice could be devolved. Put simply, Sinn Féin sold the pass; it handed over the keys of the shop to the DUP. The SDLP still stands for the Good Friday Agreement. In July 2008, Martin McGuinness agreed that, at all times, the justice Minister should be elected by cross-community vote, thereby handing a veto to the DUP for all time.

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

**Mrs Hanna:** No, I am sorry; I have very little time left.

The justice Minister should be selected by d'Hondt, as is the case with all other Ministers. The Minister should be a full and equal Member of the Executive, and the justice Ministry a separate Department. A definitive date for the devolution of policing and justice is needed in order for the necessary powers to be provided to get to grips with crime in society.

**Mr Ford:** This seems to be, yet again, another important debate. It is a pity that the Business Committee manages to give us days of nothing much, and then days of intensive activity such as this. I welcome the publication of the report, and congratulate the Committee Chairperson, Mr Spratt, for the way in which he set out its recommendations, and the staff who assisted him in doing so.

The Alliance Party wants the devolution of policing and justice to happen as soon as is possible and practicable. However, I noted that the Chairperson drew attention to several difficulties in the category 2 list of issues, which the Committee will now examine. If there is to be a coherent Executive and stability of devolution, it is essential that moves are made to complete the final package. As Alan McFarland acknowledged, no power over the justice system has emanated from this Building since 1972. There is a need to ensure that those powers are returned.



The Alliance Party has always considered the timing of devolution of policing and justice to be conditioned, rather than calendar-led. By any stretch, however, the point has been reached when progress must be led by the calendar and conditions. In that context, it is pleasant to be able broadly to welcome such a constructive and positive report, despite the fact that my party has no representative on the Committee, as the First Minister acknowledged last week.

Certainly, my party broadly welcomes the report because there is little in it as it stands with which to disagree. The key issues are, as the Chairperson has to some extent acknowledged, among those that have been left out of the report. The Alliance Party is concerned about the concept of joined-up Government in this place. Indeed, it has been accused of banging on about the issue all the time. It seems that unless justice is devolved, there will not be the level of coherence that is required in order to build joined-up Government.

Consider the fact that a consultation on community safety is currently under way. What is the point in the Northern Ireland Office and its various agencies being engaged in a consultation about community safety, when its effects are of far more concern to a range of devolved Departments, particularly those of health, education, and employment and learning, than to bodies such as the Police Service and the Probation Service? Community safety cannot operate in its own little vacuum or silo. That is why progress on devolution of policing and justice must happen soon.

There are, certainly, problems ahead in areas such as police numbers, because there is no way that it would be acceptable in the current situation to reduce the number of officers from 7,500, which was set out by the Patten Report; nor is there any way that that could be managed, because it does not set out a plan for doing so. There will be massive knock-on effects on morale and efficiency, and one only has to consider the current shortage of detectives.

The glaring gap is finance, which was highlighted by Mr Spratt. There are massive issues concerning the future financing of policing, in particular, and the justice system, in general. During yesterday's debate on the number of Departments, Stephen Farry said that the cost of establishing a Department, and transferring the powers that currently reside with the NIO and its agencies, is relatively small, and getting the devolution of policing and justice will be key to improving joined-up government.

Real and ongoing costs — concerning policing and the capital programme for prisons, for example — have to be met and weighed against the costs of dealing with the past. Much of the legacy of the past is the result of short-term expediency and, in particular, decisions made by the former Prime Minister when he

wished to buy off certain people at various stages of negotiations.

Those costs are the responsibility of the Westminster Government, and the Assembly and the people of Northern Ireland should not have to bear any responsibility for them. We welcome the recent actions of the First Minister and the deputy First Minister in engaging with the Treasury to get a proper financial package. However, unfortunately, the so-called £50 million package to underpin devolution is not a happy example. That situation should act as a lesson, and a lot more work needs to be done to ensure that the same mistakes are not made again.

As Carmel Hanna said, we all regularly face issues relating to policing and justice in our constituency casework. Constituents bring those kinds of concerns to us all the time. We must ensure that we can deal with the issues by relating them to a local Department. If devolution is to work, we have to be seen to be tackling issues such as the perception of higher crime rates, even if that is not always the reality. We cannot simply sit around, work devolution as we have been doing and leave Westminster to deal with those matters. The devolution of policing and justice would demonstrate cross-community ownership of the important issues and would be an important signpost on the way forward.

**Mr McCausland:** The report that is before the Assembly today is to be welcomed, because policing and justice is one of the most important issues that we face. It is also important to say that devolution of policing and justice is good for Northern Ireland. It gives us responsibility for several issues that we would not have responsibility for otherwise, and some of them are of particular concern to many people in this community.

Policing and justice is also a complex issue due to its architecture and structure. I once counted 26 different organisations and bodies that are involved in policing and justice. Therefore, the Committee has undertaken a complex process.

I am deeply indebted to Carmel Hanna for her DUP party political broadcast. She clarified the position that is set out already: that there will be no Sinn Féin Minister in the initial period of devolution and thereafter.

**Mr Paisley Jnr:** For all time.

**Mr McCausland:** For all time, the DUP will have a veto on the matter. I commend Carmel Hanna, and I am deeply indebted to her for setting out the position so clearly. There are some people in the Chamber who are slow learners on this matter, and who have not quite —



**Mr B McCrea:** I am sorry, because I realise that I should have paid more attention. Can I just check that you are saying that the DUP will have a veto for all time?

**Mr Paisley Jnr:** That is what Carmel said.

**Mr B McCrea:** I just want to make sure that Nelson is saying that.

**The Speaker:** A minute will be added to Mr McCausland's speaking time.

**Mr McCausland:** In earlier debates today, I noticed that Basil McCrea had difficulties with his hearing, and it seems that his problem is ongoing. Some other Members in the Chamber would be well-advised to listen more, because they might learn a bit more if they did.

The Committee's report sets out several issues. It clearly sets out that there is a process that now has to be taken forward. Confidence is a key issue and the actions listed in group 5, on page 225 of the report, clearly sets out the process that has to be gone through to ensure that there is proper community confidence in this aspect of devolution. The Committee is also committed to carefully examining the key issue of cost, rather than simply leaving it for the Exchequer, the Treasury or anyone else to come up with the figures.

The Committee will conduct its own piece of work on that matter, which, in a sense, will complement the process undertaken by the Office of the First Minister and deputy First Minister (OFMDFM) and others. However, it is an important matter for the Committee. If Members read the arrangements in the report about that process, some of the silly points made a while ago from my right might be answered.

The DUP is certainly not wedded to the d'Hondt system. I believe that some people are wedded to the d'Hondt system and almost feel that it came down from Mount Sinai or descended from heaven and that there is no other way to look at the world. As was clear from the Committee's discussions, that is a lesson that the Ulster Unionists and the SDLP need to learn. It is important that there is cross-community support, and the method and process outlined in the report will ensure cross-community support as we progress with this issue.

I trust that we will be able to make progress on the category 2 issues. Much more work needs to be done in that area, as well as on the ongoing issue of finance and building community confidence. People sometimes ask when that will happen; the answer is, of course, when those matters are completed. However, there are no set times or deadlines. There is work to be done, and the Committee will continue until it has completed that work. It is not a case of setting dates.

**Mr Kennedy:** It is interesting what the Member said, because his view contradicts that of the Prime Minister, and the Secretary of State who, in his

Christmas message, said that the early devolution of policing and justice — the final piece of the jigsaw — was complete and that the deal was done. Who do we believe: Nelson McCausland, the Secretary of State or Gordon Brown?

**Mr McCausland:** I am touched by Danny Kennedy's utter confidence in Shaun Woodward or any other of those Ministers. His confidence is quite touching. However, I will, for him, simply repeat the facts so that he is clear and not in any doubt or confusion about the matter: there will be no Sinn Féin justice Minister in the initial period and thereafter. The DUP has a veto over that matter. The time has not been, and will not be, set. The process will be followed through. Once again, it is sad, because if Danny Kennedy would only learn to listen, he might learn an awful lot more.

**Mr O'Dowd:** Thank you. Go raibh maith agat, a Cheann Comhairle. I, too, welcome the publication of the report as a step in the process towards the devolution of policing and justice matters. I know that it has been a long day for some Members, but perhaps they could read the report. Recommendation 9 states:

"Permanent arrangements would be put in place by May 2012, and there would be no fall back arrangements. This will require the political parties to agree a way forward".

Recommendation 9 also states that Sinn Féin and the DUP will not nominate any member of their parties as Minister for justice for the interim period. Moreover, the recommendation states:

"These arrangements would be subject to a sunset clause which would bring them to an end not later than May 2012."

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

**Mr O'Dowd:** No, I will not give way. I want to get into my flow. Sinn Féin — and only Sinn Féin — will decide whether or not it will nominate a justice Minister after that period. The arrangements — *[Interruption.]*

**Mr Speaker:** Order. Members should not try to speak from a sedentary position. The Member has the Floor.

**Mr O'Dowd:** The arrangements that will apply after May 2012 have yet to be decided and will be subject to political discussions and negotiations among the political parties.

Let us deal with the report that is now before us. I understand that a number of political parties in the Chamber have already started their European election campaign. The report before us and the letter from OFMDFM set out the process with which the Assembly and Executive Review Committee has agreed to proceed. *[Interruption.]*

Mr Speaker, it is very difficult to hear —

**Mr Speaker:** Order. The Member has the Floor.



8.45 pm

**Mr O'Dowd:** I have no difficulty with being harangued from the Floor — I am keen on doing the same to other Members. However, it is very difficult when one cannot hear oneself speak.

Hoping, or wishing, that the policing and justice arrangements will happen, is not going to make them happen. I listened carefully to the SDLP Members, at meetings of the Committee, when speaking to the media, and this evening in the Chamber, and I am still awaiting a plan from that party on how to make policing and justice arrangements a reality — how to bring devolution about.

I know that the first premise of their speech writers is to blame Sinn Féin no matter what the subject — they work from that premise, and then write a speech in accordance with it. The SDLP has a single transferable speech: they could have removed references to policing and justice from their speeches on this subject and have probably used them in the previous debate.

I am more than happy to listen to any other political party. I have sat through presentations on the first report produced by the Assembly and Executive Review Committee and on this report, and I have not heard the SDLP outline any way in which the devolution of policing and justice will be achieved that they could promote to the DUP, the Ulster Unionist Party, Sinn Féin, the Alliance Party and others. If they have a plan, I am more than happy to look at it.

The interim arrangements for the election of a justice Minister are based on cross-community support — one of the principles of the Good Friday Agreement. If the SDLP wishes to nominate someone for that post, surely it is up to the SDLP — not Sinn Féin — to convince the Members opposite that its nominee is the right person for the job. Perhaps the SDLP would like Sinn Féin to convince the DUP and the Ulster Unionist Party that that is the case — that is the impression that one gets when one listens to some radio and television interviews.

When the devolution of policing and justice matters eventually takes place, and a Department and Minister with that remit are established, it will be relevant to the debate we had in the Chamber yesterday on efficient Government. Policing and justice is one of the largest-spending areas of Government, yet we have no control over that finance whatsoever. There is a call for further finance to be invested in that area, and my party is supportive of that call, but we must also ensure that the finance already available for that purpose is being spent wisely.

One of the important things about the devolution of policing and justice is that the Northern Ireland Audit Office will have a role in examining the books of the

policing and justice Department for the first time. That will be a vital component in ensuring that an efficient service is in place. I commend the Committee's report to the Assembly, and I expect those who wish for the devolution of policing and justice to support the report, because it is a step forward. One Member said that they sat on a devolution Committee in 1998 — I did not see any reports produced by that Committee. This report allows us to move forward.

**Mr Paisley Jnr:** To a degree, the real division in the House this evening has been masked by part of the debate. Anyone who has followed the Committee hearings — which have been very good hearings, as the Chairperson has said — will realise that, as unionists, we sat through those Committee hearings, week in, week out, as spectators of a squabble between the SDLP and Sinn Féin. We were spectators of the dispute about who are the better negotiators for the nationalist people; spectators of the quarrel about who has got the best deal for the nationalist people; spectators of the quarrel about who has given up which part of the Belfast Agreement; spectators of the quarrel about who has ditched the d'Hondt mechanism, and spectators of the quarrel about who has lost the debate on policing.

As unionists, we should sit back this evening with this 300-page report and recognise that unionists have reversed a trend. For most of my lifetime I saw unionism on the back foot. I saw my country and my people being pushed around and bullied.

Tonight, we see a situation in which nationalists have gained very little from a demand and a debate that they proposed that sought the devolution of policing and justice powers. It will happen — the vital question will be answered. Policing and justice powers will come to this Assembly when its leadership determines that it is the right time. For the DUP, that is when the unionist people are satisfied and confident that it is the right time to devolve those powers.

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

**Mr Paisley Jnr:** Yes.

On second thoughts, I will not give way.

The issue highlights that the unionist people were spectators for a short period of time while other unionists produced an agenda for policing and justice. They told us that the devolution of policing and justice powers had to be achieved by 2005. They told us that the d'Hondt system would be used, which would automatically have given that power to Sinn Féin under the electoral arrangements of the time. They also said that that would happen immediately.

As unionists, we laid down electoral commitments. This report fulfils those electoral commitments for us, because it answers the question that Mr Attwood and



the press claim was left unanswered. It answers that question loudly and clearly — the devolution of policing and justice powers will take place only when unionists are confident for that to happen. The Ministry will only go to a Member in whom we have confidence. It has been spelt out very clearly — that Ministry will not have gone to Sinn Féin by 2012.

After 2012 — as Carmel Hanna reminded the House — it does not matter who Sinn Féin or the SDLP nominate; the Democratic Unionist Party has been handed a veto for all time. Let us hope that that is a benign veto — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Paisley Jnr:** It must be remembered that the veto is benign. We will use it wisely, and on the basis that we want policing and justice powers to be devolved to a person in whom the people of Northern Ireland — Catholic and Protestant; unionist and nationalist — can have confidence to exercise those powers sensibly, sanely and appropriately.

That is a good deal for unionists. In this House, unionists should recognise when something has been achieved, rather than spitting in the face of those of us who have happened to achieve it. We have given the unionist people the confidence that they need — instead of them being on their back heels, which has been the case far too often.

I commend this report, and I am happy to support its recommendations. I look forward to the Assembly and Executive Review Committee continuing its important work of ensuring that we secure the proper resources to deliver effective policing and justice powers in Northern Ireland.

**Mr B McCrea:** I am not much the wiser about this matter. Some people claim that they have a categorical guarantee, and others claim that those people categorically do not. We have to read through a 300-page report — perhaps the answer is in there.

I am disappointed that Mr McCausland is not around — is he hiding? He said that the devolution of policing and justice powers was a good thing. That is rather strange, because he also said that it would place an intolerable strain on the Assembly. When he started his discussion and talked about counting up the number of bodies, I thought that he was heading in a different direction. However, he was talking about the number of bodies in the criminal-justice system. He accused me of having poor hearing, but he singularly failed to answer the question.

On the subject of quotes, it was the question about which Ian Paisley Jnr just spoke. Anybody who watched the ‘Politics Show’ recently would have heard Gerry Kelly say that he had the right to nominate

himself for the position of Minister of justice. This is what Ian Paisley Jnr had to say:

“I can categorically state, with a copper-bottomed guarantee, that Sinn Féin will not be the policing and justice minister in Northern Ireland — now, up to” —

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

**Mr O’Dowd:** Will the Member give way?

**Mr B McCrea:** Of course I will give way; you know me and democratic debate. However, if Mr Weir will just allow me to finish the sentence, he will then be able to comment on it:

“now, up to 2012, and after 2012.”

After dealing with Mr Weir’s intervention, I shall invite Mr O’Dowd to intervene, so that he can tell me whether that statement is wrong.

**Mr Weir:** I thank the Member for giving way. He is quite right; anyone can nominate themselves. Similarly, the Member could nominate himself as the accountant of the year; however, that does not mean that he would get the award. *[Laughter.]*

**Mr O’Dowd:** Sinn Féin is not interested in the politics of veto, because, in the Chamber, we all share a mutual veto. Sinn Féin is concerned about delivering policing and justice powers and a local Minister to the people. Exercising the politics of veto will get us nowhere; my party is looking forward to the devolution of policing and justice powers.

**Mr Speaker:** The Member will be allowed an extra minute to speak.

**Mr B McCrea:** Thank you, Mr Speaker. Before I move on to what I really want to say, I notice that the debate has caused mirth and merriment on the Back Benches. These are strange times, when we hear cheap, snide remarks that do not properly address the issue. It does not behove the Member to deal with the matter in such a manner; some serious points must be dealt with.

My colleagues and I have a list of quotes, so we will have a quiz. Who said a year ago:

“As far as we are concerned it is simply not on the agenda.”?

It was Nigel Dodds. Apparently, the devolution of policing and justice powers is back on the agenda.

Although I have a quote by the First Minister, I will not mention it, because it forms part of Mr Kennedy’s speech. There was somewhat of a rush to use the quote, because it is so juicy.

The first question about policing and justice is whether this establishment is ready to take on those powers. Although we have yet to sort out education, poverty or any of the other matters that we have been discussing today, we want to add that most troublesome burden to our plate.



Secondly, are the Members that I see in the Chamber collectively mature enough to take difficult decisions, because there will be issues about sentencing that Members will have to deal with. Regrettably, given what I have witnessed today, many Members would not qualify to take such decisions because of their level of maturity.

Thirdly, and by no means the least important, when it comes to finance, which will be discussed later, Members must appreciate that when they assume responsibility for policing and justice, they will also assume responsibility for the money. However, if unplanned-for matters arise, the money to deal with them must come from DSD, Health, DETI and other departmental budgets, and mechanisms such as the Financial Assistance Bill will provide part of the recipe for taking money away from essential services. Therefore, Members should be careful about what they wish for.

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

**Mr B McCrea:** Of course.

**Mr A Maskey:** I thank the Member for giving way; I was beginning to take the earlier knock-backs personally.

When the Member deals with the report at some point, he might refer to the fact that in a joint press conference on 18 November 2008 Peter Robinson committed himself and Martin McGuinness to supporting the devolution of policing and justice powers without delay. Furthermore, they suggested that all political leaders have a responsibility to help to build public confidence in order to secure the transfer of those powers. When the Member addresses the matter of the report, will he inform Members whether the Ulster Unionist Party intends to assume its responsibility for delivering that public confidence?

**Mr B McCrea:** I would have answered the Member's question if he had left me with more than 15 seconds in which to respond to his intervention. The Ulster Unionist Party is interested in debating sensibly and reasonably, but this report is being rushed through for party-political advantage. It has nothing to do with policing and justice.

9.00 pm

**Mr A Maginness:** Any small amount of progress that was made by the Assembly and Executive Review Committee during the deliberations on the report has been fundamentally undermined by today's debate, because we have seen Ian Paisley Jnr and his colleague from North Belfast Nelson McCausland gloating about the DUP veto on the appointment of a justice Minister. During the summer, we said that no nationalist need apply for the position of justice Minister, and today's

debate confirms that the DUP has won a veto over the appointment of such a person.

**Mr McGlone:** It is not correct to say that the DUP has won a veto — at St Andrews, it was handed a veto by the members of provisional Sinn Féin, who, with poor negotiating, passed on — *[Interruption.]*

**Ms Ní Chuilín:** On a point of order, Mr Speaker. On 24 November 2008, I asked you for a ruling when the same Member used the term "provisional Sinn Féin", and you provided one. Will you remind the Member that my party is called Sinn Féin? Sin é. He understands that.

**Mr Speaker:** I made a clear ruling that such terminology should not be used in the House. Mr McGlone may continue.

**Mr McGlone:** I am sorry for causing so much insult don ghluaiseacht sin. Cibé ar bith. I do not hear any response. They are abandoned; I forgot about that.

As a result of those negotiating skills, a veto was handed to the DUP, loosely and glibly, and that party has gloated about it in the Chamber tonight. Again we see that gloating, and my colleague is correct: no nationalist need apply.

**Mr Speaker:** Alban Maginness has an extra minute in which to speak.

**Mr A Maginness:** I thank Mr McGlone for his timely intervention. However, the situation is even worse than that which he describes; it is not merely a matter of a veto over the appointment of a justice Minister; it signifies a real and substantial departure from the Good Friday Agreement. The d'Hondt principle lies at the heart of the Good Friday Agreement. However, the bilateral agreement arrangement between the DUP and Sinn Féin is a departure from d'Hondt, because the cross-community vote, which Sinn Féin has agreed to with the DUP, hands a veto to the DUP. Worse than that, it detracts from the fundamentals of power sharing that are enshrined in the Good Friday Agreement.

If the d'Hondt system were applied, there would not be any problem with a veto, because it would be the responsibility of the parties to sort out who the Minister should be by exercising d'Hondt.

The DUP has a clear agenda to diminish power sharing. We saw the chipping away of power sharing in today's debate on the Financial Assistance Bill, in yesterday's debate on the reduction of Departments and in the report on the devolution of policing and justice in which the fundamental principle of d'Hondt is being undermined. The DUP's agenda is to try to roll back the Good Friday Agreement, and, unfortunately, Sinn Féin does not appreciate the danger that lies in that agenda.



I pay tribute to the Chairperson and members of the Assembly and Executive Review Committee, but the report on the devolution of policing and justice matters is a litany of evasions and avoidances.

The report avoids or evades addressing the difficult issues, such as the powers of the Minister. The SDLP wants the new Minister to have the same full powers as any other Minister. The report, however, states that the Minister's powers and position, and role in, and relationship with, the Executive are to be decided later. That is avoidance, a delay, and a prevarication on the status of the Minister. It has been said that there will be a half Minister, or perhaps there will be a virtual Minister. However, if the DUP gets its way, the Minister will not, by anyone's reckoning, have the full standing or status enjoyed by any other Minister.

The situation is most unsatisfactory. If the Assembly wants to be a fully fledged, powerful institution, it must have immediate control of law and order. Any self-respecting legislature in any other part of the world would have control of law and order. Our people want that control, our people desire that control, and we should work towards establishing that control.

**Mr Hamilton:** I support the motion. I welcome the report, its recommendations and its conclusions. I join my colleagues in strongly supporting the devolution of policing and justice powers to Stormont. I am cognisant that my forefathers originally fought to establish policing and justice powers in Stormont in the early 1920s. Indeed, the Stormont Parliament was prorogued in 1972 due, in part, to the removal of policing powers.

It is certainly a unionist ideal to have policing powers based in the Building; in no way is it anathema to the unionist family. I join my colleague Ian Paisley Jnr in welcoming the report from the perspective that it represents a good deal for unionism. It is a particularly good deal when contrasted with other unionist parties' plans for the devolution of policing and justice powers to the Building.

The DUP has been clear and consistent; its manifesto pledges supported the devolution of policing and justice powers, but only under certain conditions. The two principal conditions were the requirement for community confidence and, as others mentioned, no Sinn Féin Minister, and the report's recommendations highlight a good deal for unionism in both respects.

Historically, other unionist parties in the Chamber have had somewhat different views on the timing of the devolution of policing and justice powers, and they placed few conditions on that in the past.

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

**Mr Hamilton:** Bear with me for a second.

They would have devolved the policing and justice powers by 2005; the mid-point of the last mandate of

the Assembly. Everyone remembers David Trimble and the nightmare that he left behind. I think that he is making a bit of a comeback and infiltrating his party by stealth in an attempt to win back the leadership that was taken from him some years ago. Even further back in time, on 21 October 2000, he said:

"I can think of nothing better to give everyone confidence, and to bind all the community behind law enforcement, than to see the central political policy direction of the criminal justice system — including policing — in the hands of Seamus Mallon and I, and our successors."

It is telling that, even in 2000, the Ulster Unionist Party was contemplating the devolution of policing and justice powers into OFMDFM, with no concern for what the future would hold. Typically, the Ulster Unionist Party showed no vision and did not consider what might happen in the future; there would have been a real possibility that a Sinn Féin Minister, via the Office of First Minister and deputy First Minister, could have taken control of policing and justice. I had promised to give way to Mr Basil McCrea, and I will do so now.

**Mr B McCrea:** Mr Hamilton mentioned consistency. I put to him a comment made by Mr Dodds in 2006 about the prospect of proposals for the devolution of policing and justice:

"In fact, they are so remote that it is difficult to envisage when it might happen."

"So remote" are the proposals that that the DUP is now all in favour of them. As recently as November, Mr Dodds made a point about political lifetimes in reference to Sinn Féin. Yet now we hear that it is not a question of waiting for a political lifetime; only until 2012. That is not consistent, and the DUP's attempt to put the blame on the past actions of my party does it a disservice.

If we are going to sort this out properly, we must start by being honest with one another.

**Mr Speaker:** The Member will have an extra minute added on to his time.

**Mr Hamilton:** Thank you, Mr Speaker. I am somewhat baffled by Basil McCrea's position. The Ulster Unionist Party is trying to take a robust, macho approach, and trying to be tougher than tough on the issue, yet its track record does not stand up to scrutiny. If one goes back to 2006 and the Preparation for Government — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Hamilton:** I hear the points that have been made about whether Members of Sinn Féin will be nominated for the Ministry, suggesting that we have been done on the issue, and that it has been seen through. Anybody can be nominated for the Ministry. However, that does not mean that he or she will get the position. Recommendations 9, 10, 11 and 12 of the report make



it clear that nobody will get that position unless the DUP says so. That is the case now and in the future.

On 14 December 2006, the UUP's representative on the Sub-Group on Policing and Justice Matters said:

"if the barrier to Sinn Féin announcing support for the police was removed and devolution is restored, this could provide the necessary confidence."

Even two or three years ago on the issue of confidence, the UUP was saying that if Sinn Féin endorsed policing, it would somehow be entitled to be in positions of power and that the devolution of policing and justice could happen.

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

**Mr Hamilton:** No; I have little time left.

I have also heard the criticism that the DUP has given in on the matter. I have listened to Mr Attwood so much during the course of the Committee that I cannot believe that that I am going to quote him. In fact, if he were elsewhere, I might yield my time to him to repeat some of the things that he has said recently. This month, he said that the DUP had a veto over the issue and that the DUP was running the justice show. That makes a lie of what the Ulster Unionist Party has been saying.

The report represents progress on key aspects of the devolution of policing and justice. However, there are outstanding issues surrounding accountability and where the Minister would sit in the Executive. There is also the important issue of community confidence and the financial situation, which is probably the biggest issue that we face in the devolution of policing and justice. I am glad that every member of the Committee — no matter what he or she says here — is committed to doing sterling work and to complementing the work that is going on elsewhere. I welcome the report; it represents a good deal for unionism and it represents a good deal for everyone here.

**Mr Ross:** I welcome the opportunity to speak on the report, and it is important that the Assembly gets the chance to do that. As other Members have said, some of the more important issues, such as the precise role of the Minister and the relationship with the Executive on financial matters, will come at a later stage. That may take a considerable time.

Nonetheless, the first report has several important recommendations for Members to consider. As Mr Hamilton said, this party has made it clear that it wants to see the devolution of policing and justice; it said so in its 2007 manifesto and since then. However, we only want to see it when the conditions are right and there is sufficient confidence in the community. As Mr Hamilton said, why would we not want to see it? It is something that unionism wants, and it brought down the old Stormont when those powers were taken away.

Given Northern Ireland's history over the past 40 years, there are obvious sensitivities surrounding policing and justice, how it will operate and who will head it. Significant progress has been made, and the Assembly and Executive Review Committee has been working hard for months to reach this stage. Clear progress has been made on several issues surrounding the justice Department, such as ensuring that there will be a single Department, deciding how the Minister will be appointed, and maintaining the independence of the judiciary by ensuring that there will be no political role in the appointment of judges. There has been agreement on who the first Attorney General could be.

It is important that the issue of community confidence was acknowledged in the report. I listened to comments made by Mr Alex Maskey and Mrs Hanna, who said that the public were ready for the devolution of policing and justice. I am not sure what they base those comments on, but I know that the unionist community needs that confidence to be built up. The DUP is in the process of trying to build up that confidence, and we will decide when that confidence is there. I know that the people whom I represent —

**Mr D Bradley:** Is it the DUP's view that Sinn Féin should continue to wear sackcloth and do its penance until the DUP decides that it has been sufficiently cleansed to be in a position to take up the justice Ministry?

**Mr Speaker:** The Member will have an extra minute.  
9.15 pm

**Mr Ross:** I am sure that that dig was directed more at the people sitting to the Member's right than at anyone else in the Chamber. I am also sure that the Member can continue in that vein in his own speaking time.

The people whom I represent would be uncomfortable with a Sinn Féin Minister, and they would, quite rightly, be appalled by that prospect. We have consistently said that there will not be a Sinn Féin justice Minister. I welcome the fact that the report contains a clear commitment that Sinn Féin will not be nominating for that post. Safeguards are also in place for the appointment of that Minister, and the unionist community will have the safeguards there.

**Mr Beggs:** The Member is giving assurances that, in the future, there will be no Sinn Féin Minister. Will he tell us what will happen after the sunset clause takes effect? Reference has been made to recommendations in the report that give a date. Are we in danger of having no Minister in charge of a billion pound budget after 2012?

**Mr Ross:** If the Member had read the report, he would know that if there is no agreement by 2012, there is no fallback position. Therefore, the safeguards will not go; there will be nothing to fall back on. The



Member should have read that in the report. We said that it is essential that the conditions are right and that we have the necessary community confidence. It is important that the justice Minister commands support from the communities in Northern Ireland, both unionist and nationalist.

Thus, recommendations 9 and 10 in the report on the mechanism for appointing a justice Minister are very significant as they require buy-in from both communities. It means that the unionist community must have confidence in who that Minister would be. Having a cross-community support requirement is a sensible way forward. It recognises the unique nature of the justice Department and the sensitivities around it, and it ensures that there will be buy-in from both communities — or as Alban Maginness put it in his contribution, it means that the DUP maintains a veto on who that person would be. Indeed, we have maintained our triple-lock veto on the entire devolution of those powers, which is important in showing the unionist community that we would not have a justice Minister who is not acceptable to us.

**Mr O'Dowd:** Will the Member agree that his key comment so far is that the justice Minister must have the confidence of the entire community? Therefore, if we follow the DUP's logic to its conclusion, and if Sinn Féin adopts the same attitude as the DUP does, there will never be a DUP Minister.

**Mr Ross:** It is very clear that it is important that there is buy-in from both communities on the issue. I readily acknowledge that there is sensitivity around that issue in the nationalist community, too — that is why it is important that there is buy-in from both communities. That does not mean that we are just going to accept anybody who is not responsible for us, and we maintain that veto. If there is no agreement, there will be no justice Minister.

**Mr Paisley Jnr:** Will the Member accept that we have just heard an argument that Sinn Féin is now going to block the devolution of policing and justice powers in the future?

**Mr Ross:** I agree that it seems very strange, given the party's tactics over the past year.

I have listened to a lot of heckling from the Ulster Unionist Party, both during my speech and other Members' speeches. Basil McCrea asked whether we are ready for policing and justice powers to be devolved. The answer is, no, we are not, which is why we do not have a timetable nor will we be led by any calendar. However, it is very hypocritical for the Ulster Unionist Party to come out with that line now; its members are in no position to lecture anybody. Earlier, my colleague Simon Hamilton remarked that the Ulster Unionist Party was ready to devolve policing and justice powers by 2005. Crucially, its members did

not want to see anything from Sinn Féin in terms of support for policing and the criminal justice system. That is important.

**Mr Speaker:** The Member's time is up.

**Mr Kennedy:** I pay tribute to the Chairperson of the Assembly and Executive Review Committee, the Committee Clerk and all the officials. It is no exaggeration to say that the debate will help to decide one of the most important issues that the devolved institutions have faced since 1998. The issue helped to destabilise the Assembly under its previous mandate, and, of course, led to the demise of its predecessor institution, the old Stormont Parliament.

It is clear that the report does not have the support of all Committee members. As evidenced by the votes recorded in the report, the Ulster Unionist Party has serious reservations about its key recommendations on the appointment of a Minister for justice and policing. My party has always contended that policing and justice powers can be devolved when sufficient confidence exists in the community to allow it to happen. Does such confidence now exist? Let us look at what the now First Minister said about that confidence a mere two years ago:

"It doesn't exist. I cannot see it for the foreseeable future existing and like Nigel"

— Dodds, the now Finance Minister —

"— indeed I think that I probably said it before Nigel that it wouldn't be in my lifetime, let alone my political lifetime."

It appears that the definition of a lifetime, let alone a political lifetime, has radically changed in the past two years.

**Mr Ross:** That is not Nigel Dodds's position, and Mr Kennedy would know, had he listened, that the remark was that there would be no Sinn Féin justice Minister in a political lifetime. That remains the position.

**Mr Kennedy:** I am sorry that Mr Dodds is not here to defend himself, although he has a little helper to do it. Anyway, it is precisely because community confidence does not yet exist that the DUP and Sinn Féin have, together, invented the interim arrangement or, if one likes, a special arrangement that flows from a special relationship.

Nor does the DUP/Sinn Féin game of poker with policing and justice powers stop there. The deadline of May 2012 looms large over the patched-together expedient for the appointment of the justice Minister. According to recommendation 9, from which the Ulster Unionist Party and the SDLP dissented, although it had the support of DUP/Sinn Féin, permanent arrangements will be put in place by 2012, and there will be no fallback arrangements.



In other words, those two parties — which were unable to call even an Executive meeting during 154 days of a global economic crisis, and some of whose MLAs are still unable to bring themselves to speak to each other — now ask us to trust them to create permanent arrangements by 2012 — with no fallback, no safety net, and in the face of gridlock.

Policing and justice powers are among the most sensitive issues that our community faces.

**Mr P Robinson:** There will be an election before 2012, so will the Member confirm that he is saying that those two parties will remain the largest after that election? *[Laughter.]*

**Mr Kennedy:** The First Minister knows that he is in his position temporarily.

**Mr Speaker:** The Member may have an extra minute.

**Mr Kennedy:** The truth is that the First Minister knows that a deal has been done between his party and Sinn Féin. The Prime Minister knows it; the Secretary of State knows it; only some of his Back-Benchers in the Assembly know it. However, the people of Northern Ireland are not so easily fooled, and they now know it, too. We will see what the next verdict of the people of Northern Ireland, and of the unionist electorate, is on policing and justice.

To have complete instability in the Assembly over the past nine months is no way for any legislators to prepare for the devolution of policing and justice powers. The signs are that it is still not stable, with ongoing republican dissident activity and the potential threat of republican violence.

**Mr Elliott:** Does the Member agree that it is even more difficult to accept that we have a permanently stable society here while Semtex that was brought into the country by the Provisional IRA, which is inextricably linked to a party that sits in the Assembly, remains in the community?

**Mr Kennedy:** That is a very well-made point. Yes, the DUP response to that fact has been deafening. Perhaps for reasons of political expediency, nobody wants to upset the political apple cart. The deal is done; everything is in place. The Secretary of State knows it, the Prime Minister knows it, Peter Robinson knows it and the people of Northern Ireland know it. Ulster Unionists remain opposed to that deal for the very reasons that we have stated. I oppose the motion.

**Dr Farry:** I welcome the report, in so far as it moves forward such an important issue as the devolution of policing and justice powers. It is not a bad report, given the absence of any formal Alliance Party representation on the Committee. No doubt my party would have made the report even better. However, in so far as it goes, progress is being made.

Over recent weeks, there has been a sense in the community of serious engagement among parties on policing and justice, and there has been steady progress. We have been moving away from political grandstanding on the issue, although tonight's debate may force me to revise that opinion. Nevertheless, we are making steady — if not spectacular — progress.

My party has no difficulty in supporting the bulk of the report's recommendations. The Assembly may accept the report this evening, but there is a lot left to do, such as the consideration of other important issues — not least finance — and the taking of formal decisions either here or in Westminster on matters that require further legislation and potential changes to Standing Orders. Therefore, over the coming weeks and months, Members will have plenty of other opportunities to discuss in detail the issues in the report.

There has been much discussion between the nationalist and unionist parties about mutual recriminations. The debate has been very backward looking — I want to try to look forward.

**Mr B McCrea:** If called on by the people, would the Member be prepared to let his name, or that of one of his party colleagues, be put forward for the position of justice Minister? If so, we could sort out a lot of issues here and now.

**Dr Farry:** As the Member well knows, there is a programme set out by the First Minister and deputy First Minister on how the process will unfold. We should take things one step at a time — we can all make our judgements as the debate unfolds. *[Laughter.]*

I want to look to the future on the devolution of policing and justice, because it is important for the community. Devolving those powers is not just about copper-fastening the peace process and securing what some people describe as the last piece in the jigsaw. Instead, it is about delivering joined-up government. Policing and justice do not sit in a silo; although, due to the nature of the Northern Ireland Office, they unfortunately do at present. If we are to deliver rounded solutions to the people of Northern Ireland to address antisocial behaviour, provide community safety and tackle levels of offending, joined-up solutions are required, not just from a Minister of policing and justice alone, but from one who acts in co-operation with Ministers from other Departments. Therefore, if we get this right and produce proper co-operation among Departments, there is a real prize for our society.

My party is satisfied that we can proceed with policing and justice in the very near future. We are at a stage where confidence can be established. Obviously, we must respect the views of others on that, and we cannot move forward until there is a critical mass of



support in the Chamber on a cross-community basis, but we are getting there. Although the current difficulty is the lack of stability in the Executive, one could make the argument that the formal devolution of policing and justice may copper-fasten stability and provide the missing link. Therefore, there is a prize that we should keep our focus on.

We must keep an open mind on structures and not become prisoners of what happened in the past. I am a supporter of the Good Friday Agreement, and always have been. However, for me, the Good Friday Agreement is about its underpinning principles, including power sharing — I am not a hostage to any institutional designs, particularly those that have outlived their usefulness or never worked in the first place. Therefore, we should keep an open mind about how to address the issue of structures. Instead of worrying about the precise nature of structures, the important thing in the eyes of the public is that we provide proper policy solutions to the problems that Members have identified, such as crime and antisocial behaviour on the streets.

The most critical issue is finance. It may be possible for us to deliver policing and justice within our current Budget, but the big difficulty is the legacy of the past — costs can easily mushroom and get out of any Minister, Committee or Assembly's control, because there are particular legal commitments and requirements that must be met.

Most people here are more than capable of going through all the risks that exist in that regard. To my mind, the British Government need to focus a lot of their attention on that area. The legacy of the past was not caused by the Assembly, although individual Members may have had a responsibility in creating it. However, it is unfair to lumber the people of Northern Ireland, who are looking to the future with hope, with the cost of dealing with the past. The British Government will have to face up to that if they want the devolution of policing and justice to be a success in the very near future.

9.30 pm

**Mr Attwood:** Responding to some of the points that were raised during the debate, I will start with the comments of my fellow member of the Assembly and Executive Review Committee Ian Paisley Jnr, who stated correctly that unionism has got something out of the report. That is true, and nationalism has got less from it. However, that surely misses the point, which is that the community has got absolutely nothing. It has been 18 months since restoration, and the way that things are shaping up, it could be another 18 months before justice and policing is devolved.

There was a constant stream throughout the debate about how the Assembly responds to the issues of

crime in our community — Stephen Farry was the last Member who spoke to articulate that point. Tonight, the community knows that the Assembly has done — and is doing — nothing to take control of those issues. Given that hard fact, I do not think that the community will understand ultimately how the DUP can share responsibility for certain matters at the Policing Board with Sinn Féin and the SDLP. Also, depending on what happens in London today, the board may have to appoint a new Chief Constable in the next few months. The Policing Board has to deal with some of the most sensitive issues imaginable, including, for example, the collapsed Omagh bombing trial. Given that, people will not understand how the DUP can share policing responsibility a mile away from this Building, but not share responsibility for justice issues. It is confusing, and it is a contradiction that the DUP needs to face up to.

The DUP is being tactical in its approach to the devolution of justice and with its forthcoming motions about the North/South Ministerial Council and the Civic Forum. The party's motion yesterday about collapsing a number of Departments was tactical positioning in advance of the European election in order to close down the flak that will come at them from Jim Allister. Therefore, everyone must understand that the DUP approaches are not simply about having control when the devolution of justice might arise: it is all about positioning to maximise its vote in the European election.

Sinn Féin Members made several interesting statements, the most curious of which was Alex Maskey's challenge to Basil McCrea about what the Ulster Unionist Party is doing to build confidence. Never has there been a more eloquent statement of surrender to the DUP. If the DUP has an issue about community confidence and about the failure of people to show leadership around community confidence, a lot of that —

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

**Mr Attwood:** I will give way in a moment.

A lot of that is sourced in how the republican movement treated the unionist community over the past 40 years. Therefore, in challenging Basil McCrea and the Ulster Unionist Party to show leadership and build confidence, the Member was conceding how the Republican movement damaged and destroyed confidence in the community for 40 years, to the point where he had to surrender to the DUP requirement to have community confidence. The point that disturbs me about that particular surrender —

**Mr A Maskey:** I made the point earlier that we will listen to a lot of attempts to score points from people who are delivering absolutely nothing, and of course the SDLP has not done one scintilla to get the transfer of policing and justice powers brought forward by one



moment. That aside, Mr Attwood should not try to twist anyone's words, not least mine. I asked the Member for Lagan Valley Basil McCrea directly what he was doing about the question of public confidence. I do not accept that there is no question of public confidence in the broader unionist community.

In fact, I am sure that there is confidence in the broader unionist community. However, it was the Ulster Unionist Party Member who suggested that that confidence was not there. I merely asked him, if that was the case, what he was doing about it. Mr Attwood should not twist my words.

**Mr Speaker:** The Member will have an extra minute.

**Mr Attwood:** Now the contradiction is confirmed. On one hand, Alex Maskey is telling the Assembly and the community tonight that he knows that there is confidence within unionism. If that is the case, why, in November, did Martin McGuinness sign off with Peter Robinson, a 37-step process, five steps of which are specifically about building confidence in the community by consulting with parties and other stakeholders?

If there is so much confidence in the unionist community, why did Martin McGuinness agree to do that, when, several months previously, Gerry Adams said in 'An Phoblacht' — and in paper after paper in Northern Ireland — that community confidence existed, and that the only issue was whether the DUP had the confidence to respond to it?

Sinn Féin cannot have it both ways; that is the message of the Assembly and Executive Review Committee's report. In September, Gerry Adams told the nationalist community that there was enough community confidence, and that his party would obtain a deadline within two weeks. Two months later, Sinn Féin turned round and told the nationalist community that there was no community confidence and that, by the way, it had not secured a date for the devolution of justice and policing. When it comes to representing nationalist interests, the nationalist community will draw its own conclusions about those who hold to their words; Sinn Féin does not.

**The Deputy Chairperson of the Assembly and Executive Review Committee (Mr McCartney):** Go raibh maith agat, a Cheann Comhairle. Mar LeasChathaoirleach ba mhaith liom fáilte a chur roimh an tuarascáil seo. Rinne an Coiste obair mhaith, agus ba mhaith liom buíochas a ghabháil le gach aon duine a chuidigh leis an tuarascáil.

The Members who spoke in the debate laid out the perspectives of their respective parties. Indeed, some indulged themselves by outlining their own perspectives on the Committee's report, and their views will now be on the record. Therefore, I shall not summarise each of their contributions; the merits or demerits of their cases are there to be read.

If my calculations are correct, 14 Members, five of whom are not members of the Committee, made substantive contributions to the debate and there were 13 interventions. In his opening remarks, the Chairperson of the Committee, Jimmy Spratt, rightly pointed out the fact that, during the Committee's deliberations, he was always keen to ensure that members were given every opportunity to express their views and those of their respective parties. Indeed, under Mr Spratt's direction, the Committee went as far as extending to those parties in the Assembly that have no representation on the Committee the right to attend the discussions on the transfer of policing and justice matters and to actively participate in what the Committee wished to be an inclusive process. The Committee acknowledges those who availed themselves of that opportunity in the spirit in which it was offered; their attendance and contribution is appreciated. The two hours set aside for this debate provided a similar opportunity for other Members to make a contribution.

Mr Spratt also pointed out that, at the time of the publication of the Committee's previous report to the Assembly, he had only been the Chairperson for seven days. This time, he can rightfully claim that he steered the Committee through this important report — a report that will contribute significantly to the transfer of policing and justice powers to their proper place in the Assembly. Mar sin de, gabhaim mo bhuíochas leis.

I also wish to acknowledge the excellent work — and even higher degree of patience — of the Committee Clerk and his staff throughout the weeks that it took the Committee to complete and agree the report. Agus gabhaim mo bhuíochas leo fosta.

Most of the parties that are represented in the Assembly contributed to the Committee's report. A consistent theme throughout the process was that all the parties favour the devolution of policing and justice powers, and all of us, whether in or outside the Committee, know that it is the right thing to do. There were disagreements, and those are reflected in the report and in the debate, but I re-emphasise that there was no disagreement that there should be a justice Department and that powers attached to policing and justice should be transferred to the Assembly.

Jimmy Spratt also emphasised that this report is one of two planned reports, and that the Committee's work on the category 2 issues will be the focus of its attention in the coming weeks. At the outset, the Committee identified 26 issues that required detailed consideration. They provide a road map on which the ultimate destination is the successful devolution of a range of policing and justice powers and the establishment of a Department of justice and a justice Minister.

The Committee has already covered much ground along that road, and tonight's debate is an important



milestone as we report to the Assembly on where we are now, and where we intend to go next.

As both I and the Chairperson have previously stated, the first report is now complete. As well as recording agreements that have already been reached, the report points to issues that are still to be addressed. Among those are the financial implications of transferring policing and justice powers. The Committee will deal with that matter and all other matters as we endeavour to make an assessment of the cost that will be involved.

The organisations that are currently involved in delivering the range of policing and justice services have been asked to provide the Committee with an assessment of the financial pressures that they face. The Committee intends to call some of those organisations to give oral evidence.

Before concluding my remarks as Deputy Chairperson of the Committee, I shall make a number of points as a member of the Committee and reflect my party's and my own position. I suggest that, in future, the Committee should include a glossary of terms so that all members can understand the difference between "interim arrangements" and "at all times". Included in that list should be a definition of "veto", "mutual veto", "nothing" and "surrender".

The SDLP talked about chipping away at the Good Friday Agreement and warned Sinn Féin of the dangers of those who would try to get away with that. Perhaps SDLP Members should read their leader's recent speech at Oxford and understand that those who think that power sharing is up for negotiation and can be chipped away gain succour from his speech. They should advise him accordingly.

I know that all the comments are from party perspectives, but if Ian Paisley Jnr believes that the work of the Committee was down to a quarrel between the SDLP and Sinn Féin, perhaps the next report should read "needs to pay more attention", or, at least, it should state that he needs to read the minutes of the Committee meetings.

As Deputy Chairperson of the Committee, I commend the 'First Report on the Arrangements for the Devolution of Policing and Justice Matters' to the Assembly. I reassure all Members that the Committee, under direction of the Chairperson, will continue apace with its work so that the transfer of policing and justice can proceed without undue delay.

*Question put.*

*The Assembly divided: Ayes 49; Noes 16.*

#### AYES

*Ms Anderson, Mr Boylan, Mr Brady, Mr Bresland, Mr Brolly, Lord Browne, Mr Buchanan, Mr Butler,*

*Mr T Clarke, Mr W Clarke, Mr Craig, Mr Easton, Dr Farry, Mr Ford, Ms Gildernew, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr G Kelly, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Mr I McCrea, Mr McElduff, Miss McIlveen, Mr McKay, Mr McLaughlin, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Murphy, Mr Newton, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr Paisley Jnr, Ms S Ramsey, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Shannon, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Ayes: Mr Moutray and Ms S Ramsey.*

#### NOES

*Mr Armstrong, Mr Beggs, Mr Cobain, Rev Dr Robert Coulter, Mr Cree, Mr Elliott, Sir Reg Empey, Mr Gardiner, Mr Kennedy, Mr McCallister, Mr McClarty, Mr B McCrea, Mr McFarland, Mr McGimpsey, Mr K Robinson, Mr Savage. Tellers for the Noes: Mr Kennedy and Mr McCallister.*

*Question accordingly agreed to.*

*Resolved:*

That this Assembly approves the First Report of the Assembly and Executive Review Committee on the arrangements for the devolution of policing and justice matters.



## PRIVATE MEMBERS' BUSINESS

### Gaza Crisis

*Motion proposed:* That this Assembly condemns the appalling loss of life and scale of injuries among the civilian population in Gaza; calls on those responsible for all attacks involving civilian casualties to cease; calls for humanitarian aid organisations to have the freedom of movement to deliver their aid unhindered to the people of Gaza; and further calls for an immediate ceasefire and withdrawal of Israeli forces from Gaza and for the international community to mobilise to secure these objectives. — *[Ms Ni Chuilín.]*

*Amendment proposed:* Leave out all after “Assembly” and insert

“regrets the loss of life amongst the civilian populations in the ongoing conflict in Gaza and Israel; calls on the international community to use every influence to establish a verifiable ceasefire, bringing an end to all attacks on civilians in Gaza and Israel; and urges the restarting of the Middle East peace process, with the aim of delivering peace and security for Israel and an independent, democratic, and viable Palestinian state.” — *[Mr Kennedy.]*

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

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

*Resolved:*

That this Assembly regrets the loss of life amongst the civilian populations in the ongoing conflict in Gaza and Israel; calls on the international community to use every influence to establish a verifiable ceasefire, bringing an end to all attacks on civilians in Gaza and Israel; and urges the restarting of the Middle East peace process, with the aim of delivering peace and security for Israel and an independent, democratic, and viable Palestinian state.

*Adjourned at 9.54 pm.*



# **Committee Stages**







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# NORTHERN IRELAND ASSEMBLY

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## COMMITTEE FOR EDUCATION

10 December 2008

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### EDUCATION BILL (NIA 3/08)

#### Members present for all or part of the proceedings:

Mr Mervyn Storey (Chairperson)  
Mrs Mary Bradley  
Mr Trevor Lunn  
Mr Nelson McCausland  
Mr Basil McCrea  
Miss Michelle McIlveen

#### Witnesses:

Mr Jeff Brown	}	Department of Education
Mr John McGrath		
Mr Chris Stewart		

**The Chairperson (Mr Storey):** I welcome John McGrath, Chris Stewart and Jeff Brown. Gentlemen, I am glad to see you again; no doubt, you will be here regularly in 2009. I ask John to make a few opening remarks.

**Mr John McGrath (Department of Education):** Chairperson, I am glad that you want to extend the time that we will spend with you.

**The Chairperson:** Yes; we value your company.

**Mr McGrath:** We are heartened to hear it.

**The Chairperson:** I am sure that you are.

**Mr McGrath:** We look forward to that. We will have much to learn from bringing this first major Education Bill through the Committee. It will be useful because we will be able to share our experience with colleagues who are involved in drafting future legislation. Therefore, when I said that we look forward to working more closely with the Committee, I did not say it lightly. We have provided the Committee with a briefing paper and a timetable of events. If the Committee thinks that it will help, Chris can speak about the briefing paper for a few minutes.

**The Chairperson:** That will be useful. I wanted to hold this meeting so that members can inform

themselves of the process so that relevant questions and concerns can be raised now. That way, when the Committee reconvenes after Christmas recess, it can get to down to hard work.

**Mr Chris Stewart (Department of Education):** Thank you, Chairperson; and good morning, members. This paper follows on from the stocktake paper that we provided to the Committee a couple of weeks ago. It focuses on the two-Bill nature of the Department's legislative programme, its timetabling and arrangements. We take members' concerns about the two-Bill process seriously, as does the Executive.

That is reflected in the Executive's decision that the Department of Education take forward the entire programme; cherry-picking is not an option. We will do that by means of two Bills in a way and to a timescale that addresses the Committee's and other stakeholders' need for clarity about the whole programme. The timescale and implementation arrangements outlined in our paper are intended to do that and to ensure that the two Bills remain synchronized.

The timescale is a significant challenge for us; a year of very hard work lies before us to meet it. However, our aim is that the First Stage of the second Bill should be given in the Assembly as the first Bill is being given its Final Stage. If possible, both Bills will become law at the same time in January 2010.

The fallback position is that the second Bill should come into operation no more than three months after the first. However, in either case, it is extremely important that the Committee be clear on the content and purpose of the second Bill before the first Bill has passed the point of no return.

We recognise that to achieve that and to earn the Committee's confidence we must have an open and transparent process and that we must work closely with the Committee in developing the policy and the legislation of the second Bill so that there are no surprises. That is what we intend to do. We look forward to working closely with the Committee on the first Bill in the months ahead and on the development of the second.

We recognise that, despite what I have just said, many members will continue to have concerns about the two-Bill approach and would have preferred that the Department had presented a single Bill. However, as I have attempted to illustrate in our written submission, a single-Bill approach would cause another significant delay to the review of public administration (RPA) reforms in education. Worse, it would have prolonged uncertainty for staff throughout the education system; it would have reduced morale, which has been low until recently; hastened the recent exodus of mobile staff; and threatened the continuity in delivery of services in the coming year.



Monday's debate and decision in the Assembly on the Education Bill's Second Stage has already changed the outlook significantly. It has ended uncertainty and has reassured people throughout the education sector who, until recently, continued to doubt whether the RPA would ever happen. However, as the Chairperson correctly emphasised, it has also brought home to the Department the fact that it has a great deal of work to do. Committee and other Members raised significant concerns at Second Stage, and the Department recognises that it must work hard to address them. We look forward to working with the Committee in the months ahead with a view to doing just that.

**The Chairperson:** Paragraph 3 of your written submission on the legislation timetable says:

"This was reflected in the Executive's decision that the programme in its entirety should be taken forward."

Am I right in drawing a distinction between the programme — that is the establishment of an education and skills authority (ESA) — and the details of the regulations? It is not saying that the Committee will not be able to make changes to the Bill during its scrutiny.

**Mr McGrath:** That is correct. Changes are subject to the will of the Assembly and the Committee. The paper simply says that the integrity of the programme must be preserved rather than, for example, deciding to stop halfway through.

**The Chairperson:** Paragraph 4 gives details of the intended timescale. You will have heard the Committee say earlier that it will seek an extension to the Consideration Stage. That extension is not to allow us to drag our feet but to ensure that we have appropriate time to consider the Bill. An exchange between the Committee and the Department on amendments, which would have to go to the legislative draftsman, would take time. There is an intended timescale, and we will endeavour to make it work.

I want the Committee to be clear that it has the power to scrutinise the Bill, express its concerns about it and suggest changes that will mould the authority into what it should be.

**Mr McGrath:** We fully recognise that. The outcome is subject to the decisions of the Committee and, ultimately, the Assembly. Members will recognise that we are becoming increasingly concerned about the state of play in the boards, for instance. I need not go into that; Members will know what I mean. Everyone agrees that it is critical that we get to the end point as quickly as possibly.

**Mr McCausland:** Mr McGrath said that everyone wants to get to the end point as quickly as possible. However, that will depend on the Committee's receiving clear information from the Department on contentious issues such as the controlled sector and input into the sub-regional structures as soon as

possible. The quicker you provide us with information on those, the quicker the process will be; the longer it takes to provide that information, the slower the process will be.

**Mr McGrath:** Those are fair points. Some areas might be regarded as contentious or unclear, and the Department must quickly paint a clearer picture of them. That is one of the matters that we are considering. Now that the timetable has been set, we are addressing parallel work strands that need to be accelerated; we also need to paint a picture of how we see the ESA operating. I accept your comments, Mr McCausland: it is our responsibility to fill those gaps.

**Mr B McCrea:** You will be aware from the discussions on the Bill's Second Stage that the Ulster Unionist Party is suspicious of the ESA, and we think that we reflect a widespread concern throughout the education establishment. Although we understand that there are benefits in centralising certain functions — and we would like to see those pursued — we are worried that a £50 million invest-to-save fund is being made available to realise a potential £20 million per annum at a time when life is tough. From the information that we received from the chief executive designate, it seems that the savings are coming from a narrow band, and we are not sure that those savings can be trapped.

We are concerned about democratic accountability. If the Bill becomes a vehicle for the Minister of Education to bypass the Assembly, we will resist it line by line; I do not know whether I can make it any clearer. We are not happy with how the Minister of Education has engaged with the Committee, the Assembly or the people whom we represent. Our biggest concern is that everything else will become superfluous. Therefore you will need to help us in the process if you want our support.

We support the desire to devolve responsibility and resources to schools, but we must ensure that it is more than mere words. We hear all the nice stuff, but there is an old saying in the Civil Service that "he who drafts wins". It is imperative that in the drafting of the Bill the power and resources go to the authority because the voluntary principles that allow the schools the freedom for action — with appropriate resources and good leadership — are fundamental to good schools. That is what we want to see from the Bill.

Without that, it will simply be another layer of bureaucracy.

**Mr McGrath:** The Minister's recent statements outlined that the Bill is designed to deliver a proposition that differs from the original ESA, which aimed at making savings and centralising functions and which might have been regarded as a sort of regional monolith.



Caitríona Ruane's new proposition aims to maintain high standards at the top end and to raise standards elsewhere in order to reduce the gap between them. Furthermore, it will enable the ESA to help and support schools and, as we told the Committee previously, will leave schools in a commissioning model with the ESA and allow them the freedom to deliver the outcomes. Schools will be accountable to the boards of governors and local communities, to the Education and Training Inspectorate, the ESA and, ultimately, the Committee and the Assembly, which will assess the use of taxpayers' money.

More work needs to be done to flesh out the important issues of local accountability and delivery; indeed, we discussed some examples of supporting schools with Ken Robinson at the last meeting. Although the ESA will be a single authority, that will not dilute accountability to the Minister, the Assembly and the Committee. The Northern Ireland Housing Executive and Invest NI are single authorities; a single model is only ineffective if it is unaccountable.

We accept those points, and we need to provide more detail about how the new body will operate, some of which will extend beyond dry words and drafting. It is not necessarily a case of he who drafts wins but of he who creates the first draft having more influence than whoever creates the final draft.

**Mr B McCrea:** That is where I have gone wrong.

**Miss McIlveen:** I am unsure how to follow the Ulster Unionists' party-political broadcast.

**Mr B McCrea:** You should listen and learn.

**The Chairperson:** It is different from the party's manifesto.

**Miss McIlveen:** Although we want John and Chris to brief the Committee as often as possible, has the Minister indicated that she will, if required, attend the Committee to provide clarification?

**Mr McGrath:** I am sure that the Minister would give that appropriate consideration.

**Mr B McCrea:** We do not want party-political broadcasts.

**Mr K Robinson:** I am sorry that I had to nip out; I thought that we were going to discuss the Bill, and I did not want to go through a brand new copy again.

John and his colleagues must realise the historic background — there is not much trust between most Committee members and the various forms of the Department of Education. The legislation was a twinkle in the eye of a direct rule Minister or a direct rule regime. Over the years, those Ministers patted us on the head, gave us tea and a bun and sent on our way; that was "consultation". The Committee is not prepared to endure that again.

We have some grave reservations, particularly about the role of controlled schools, which, we always felt, have received the short end of the stick; they are not even getting a stick this time. Moreover, we are concerned about delivery. You said that the ESA will not be a monolith, and you used the Housing Executive as an example. I am dealing with the retrenchment of that body, which is vacating its offices. Regional education offices could gradually be centralised.

You talked about unease in the education and library boards. That unease is due to the job uncertainty that affects all grades. We sometimes forget that the lower-ranked people make the daily bread-and-butter decisions on which schools rely. Are those people in the loop? A newspaper headline last night mentioned the loss of 460 jobs in the education sector. There is a scare story doing the rounds before we have even begun our scrutiny of the Bill.

**Mr McGrath:** The jobs that will go are in senior and middle management.

**Mr K Robinson:** What about the people who have kept the system going? They will become uneasy too.

**Mr McGrath:** I agree entirely. The continued uncertainty has not been helpful to anybody, particularly staff.

**Mr K Robinson:** How did we get into such uncertainty? The Committee did not cause it.

**Mr McGrath:** Political uncertainty.

**Mr K Robinson:** There was a rush to bulldoze the legislation through before anybody understood its implications.

**Mr McGrath:** The ESA and the date of 1 April 2009 were included in the Programme for Government, for which there was political support; however, difficulties arose that created uncertainty. The problem was that it created uncertainty about whether, rather than when, the RPA changes that emerged in the Assembly were to take effect. That has caused difficulties. Some people were briefing against the very notion of the ESA until recently. However, the mood music has changed significantly in the past week or two; particularly since Second Stage when people realised that, subject to the will of the Assembly, there would be an education and skills authority.

There are issues about boards' capacity to continue to provide a service to schools in the meantime. There are worries across the piece; no doubt the Committee has heard that from school principals. The status quo does not hold. The model that we offer is a single but decentralised organisation, the main focus of which is to help and support schools. It will centralise the back-office functions because that is where efficiencies can be made; and the outline business case makes it clear that the 460 jobs are in senior/middle management.



I do not think that anyone would have difficulties in shrinking such posts.

**Mr K Robinson:** How do replace that loss of expertise? Will those people be put out of a job only to come back again next week as consultants at a higher salary?

**Mr McGrath:** If we centralise functions, we will be able to run the same single-functioning finance, human-resources and transport services without those posts. However, it is almost certain that there will be no compulsory redundancies. We will reduce posts, shrink the organisation and decentralise the back-office functions as a starter.

There is scope to make further savings as we centralise functions such as transport and operate them on a single regional basis; those savings will be made simply through efficiencies. The education transport budget is about half that of Translink — it is a big operation. I cannot believe that in moving from five organisations to one and introducing better logistical management, savings cannot be made that could go back into the schoolroom.

**Mr K Robinson:** Will it be more efficient?

**Mr McGrath:** It should be. I am talking about delivering a proper service more efficiently; I am not talking about simple cuts.

**Mr Stewart:** We cannot afford to lose expertise that is required for service continuity. However, such a risk already exists and has been exacerbated by the uncertainty that has pervaded the system until now. Vital mobile staff left educational organisations because they were not sure what the future of the RPA in education was. We hope that that pattern will now stop.

**Mr K Robinson:** Whose fault is this?

**Mr Stewart:** It is not a function of civil servants to apportion blame. Nevertheless, uncertainty has damaged staff morale and has impaired organisations' ability to deliver the services for which they are responsible. It is incumbent on the Department to move matters forward as quickly as we can, recognising, as has been said, the role of the Assembly and the Committee, and to be satisfied that we have the right model and the right legislation.

**Mr K Robinson:** Some of us were on the Committee for Culture, Arts and Leisure when it scrutinised the Libraries Bill. We saw the difficulties ahead, so we dug our heels in, and, after a long struggle, eventually other people recognised that we were not being obstructive; we merely wanted to ensure that the Bill would be more efficient.

I am glad that the Minister has at least recognised democratic accountability, although I know that Trevor has reservations about that. There must be democratic

accountability of the kind that has been built into the Libraries Bill. Ensuring accountability is one of the functions of a Committee.

However, the Committee feels that this Bill is being steamrollered through. This Bill will effect such a massive change in the education system that we cannot afford to miss anything in it.

**Mr Stewart:** We do not want to give the Committee the impression that the Department will attempt to steamroller it.

The Bill is not immutable. The Department would not be surprised if significant amendments were proposed by the Committee and other MLAs; neither would we be surprised by a request for a significant extension to Committee Stage. Indeed, we bore that in mind when considering the timetable.

The Bill is the most important piece of education legislation in a generation. Therefore it is important that we get it right and that the Bill commands the broadest possible consensus.

The Minister has made it clear to John and me that she expects us to work closely with the Committee in addressing its concerns; there will be no attempt at steamrolling or at paying lip-service to the Committee.

**Mr McCausland:** In answer to Michelle's question, John said that the Minister would give consideration to requests to appear before the Committee. The nature of that consideration is one of the factors that will influence how people view the Minister's role and whether she is acting in good faith. Delighted though we are to see John, we are reminded constantly by the Minister that she is the Minister; therefore it would be appropriate for her to speak to the Committee. Not that we do not want to see you, John —

**Mr McGrath:** It is not my job to commit the Minister —

**Mr McCausland:** Yes, but will you convey that point to her?

**Mr McGrath:** I will convey your sentiments and the wish of the Committee that the Minister should appear before it on occasion to help explain the objectives of the Bill.

**Mr K Robinson:** In which context do you intend or not intend to commit the Minister?

**Mr McGrath:** I never commit Ministers unless I fully know their minds.

**The Chairperson:** You say that there is no intention to steamroller the Committee. This Committee will not allow itself to get into the same position as the Committee for Culture, Arts and Leisure with the proposed libraries authority. The Committee has raised several issues concerning the Bill, and we all believe that changes and amendments must be made.



Point 4 of your briefing paper states that:

“The first Bill will be introduced to the Assembly as soon as possible, with the aim that it would be on the statute books before the 2009 summer recess.”

Why must it be on the statute book by the summer of 2009 if we have commencement orders for 2010? The Committee will seek an extension of Committee Stage; therefore it could be on the statute books by the end of 2009, but it does not have to be on the statute books by the summer recess.

**Mr Stewart:** You are absolutely right. The timetable in the briefing paper was a compromise that was agreed by the Executive. That compromise balanced the desire of the Minister and the Department to establish and maintain momentum and demonstrate clearly to the education system that we are making progress with the concerns expressed by the Executive and the Committee on the need for clarity on the entire programme before there was an irrevocable commitment to any of it. That is why the briefing paper is carefully worded and why we have recorded that date as an “aim”.

If the Committee decides to extend Committee Stage significantly — and this is a significant and complex Bill — the Bill may not be enacted by the summer recess. We recognise that possibility, and it is a matter for the Committee to decide how long the Committee Stage will take.

**The Chairperson:** Thank you.

**Mr Lunn:** If the Bill had been presented a year ago, the Committee might have tried to extend its deliberations in order to stymie it. However, as John said, the mood music has changed and the Committee will examine the Bill in a constructive manner. We may need some extra time, but that extra time will be taken with a view to getting it right.

Ken Robinson is right that even the Alliance Party has reservations about aspects of the Bill. However, there has been a sea change and the Committee wants to see the Bill progressed. Some members still need to be converted, but as the months go on we will see how things progress.

I am looking forward to the next few months; it is nice to have substantive legislation to get our teeth into at last.

**Mr Stewart:** I assure the Committee that when the Second Stage of the Bill was passed on Monday, no one in the Department interpreted that as ticking a box. The first thing that I said to my team afterwards was that the work starts now. The Department has considerable work to do.

**The Chairperson:** John, Jeff and Chris, thank you very much for appearing before the Committee today.







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# NORTHERN IRELAND ASSEMBLY

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## COMMITTEE FOR FINANCE AND PERSONNEL

10 December 2008

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### PRESUMPTION OF DEATH BILL (NIA 23/07)

#### Members present for all or part of the proceedings:

Mr Mitchel McLaughlin (Chairperson)  
Dr Stephen Farry  
Mr Fra McCann  
Ms Jennifer McCann  
Mr Declan O'Loan  
Mr Ian Paisley Jnr  
Ms Dawn Purvis  
Mr Peter Weir

#### Witnesses:

Mr Neil Lambe	}	Department of Finance and Personnel
Mr Oswyn Paulin		

**The Chairperson (Mr McLaughlin):** The next item on the agenda is the Committee's clause-by-clause scrutiny of the Presumption of Death Bill. We will again hear evidence from Oswyn Paulin, the departmental solicitor and head of the Government Legal Service, and Neil Lambe, principal legal officer in the civil law reform division of the Departmental Solicitor's Office. I note that they arrived early. I refer members to the Department's response to the issues that were raised at last week's meeting and the secretariat briefing paper.

The public gallery is quite full. Hansard is recording this session, and I remind everyone that all mobiles telephones must be switched off completely to avoid any interference with the sound.

The best approach might be if, on a clause-by-clause basis, I ask the Committee Clerk to talk to the secretariat paper. I ask members to consider each clause in conjunction with the related explanatory paragraphs in the secretariat paper. As we consider each clause we will ask whether any further clarification is required from Oswyn or Neil, and then

I will put the question on a clause-by-clause basis. The Committee Clerk will now say a few words about the secretariat paper.

**The Committee Clerk:** The paper summarises briefly, clause by clause, the key issues that arose from the evidence sessions. There are a number of potential amendments against some of the clauses. The DFP officials are here, and members may wish to get any clarity that they require at this point. This is the last formal occasion to consider the Bill. The Committee report must be drafted after this session, and that draft will then be considered on 7 January 2009. It must be agreed by 14 January and laid before the Assembly by 16 January at the latest.

The paper briefly summarises the key issues arising in relation to each clause. It is not definitive; the table of issues that members received last week was a much more detailed document and covered all the issues, but this is just a summary.

**The Chairperson:** I know that the Department has taken account of the discussion last week. Oswyn and Neil, have you any comments initially, or will we simply deal with each issue as we come to it?

**Mr Oswyn Paulin (Department of Finance and Personnel):** We have no introductory comments.

**The Chairperson:** We will proceed to discussing the Bill on a clause-by-clause basis, and members will have an opportunity to request any further clarification or to make a comment.

#### *Clause 1 (Declarations of presumed death)*

**The Chairperson:** Members should take a moment to read through that clause, along with the relevant explanatory section of the secretariat paper, and I will then ask whether there are any issues arising.

**Ms Purvis:** I would like clarification that the additional third jurisdictional rule will be included in the clause, as we discussed last week.

**Mr Neil Lambe (Department of Finance and Personnel):** Yes; subject to the necessary consent of the Executive, we propose to table a third jurisdictional rule, which would become clause 1(2)(c).

**The Chairperson:** If there are no other indications, I will put the question.

**Mr O'Loan:** Are we agreeing the Committee's report now? What is the process here?

**The Chairperson:** We are discussing the Bill clause by clause; we are now dealing with clause 1. If you are not content that you have read the explanatory section on clause 1 you should take the time to do so. It is important that people understand.

**Mr O'Loan:** What are we doing differently, or extra, on 7 January?



**The Committee Clerk:** The report will simply reflect all of the issues that arose during the evidence sessions, the response of the Department to each issue, and the outcome of the clause-by-clause consideration. The report will be commentary on all of that, and will detail any proposed amendments.

**Mr O'Loan:** This meeting, here and now, is our key decision time as to the opinion that the Committee will offer on the Bill. Is that correct?

**The Chairperson:** Yes.

**Mr O'Loan:** Is it usual to do that in the presence of the departmental officials?

**The Chairperson:** I am assured that it is. The question did not occur to me prior to the meeting, but I am sure that it is usual. This is for clarification.

**Mr O'Loan:** Is the Committee in open session?

**The Chairperson:** Yes. The meeting is being recorded by Hansard.

**Mr O'Loan:** Is it usual to agree a report in open session?

**The Committee Clerk:** The evidence and proceedings on primary legislation should be covered in open session.

According to precedent, Committees' consideration of reports, such as inquiry reports, take place in closed session. The overriding rule is that Committees' consideration of Bills take place in open session.

**The Chairperson:** Several amendments have been accepted. We are reading down to point 13 on the briefing paper. Do members have any objections or points to raise?

Question, That the Committee is content with the clause, subject to the Committee being satisfied with the wording of the Department's proposed amendment, put and agreed to.

*Clause 1, subject to the Committee being satisfied with the wording of the Department's proposed amendment, agreed to.*

*Clauses 2 to 5 agreed to.*

**Clause 6 (Effect on property rights of variation order)**

**The Chairperson:** I will give members time to read the short paragraph on the proposed amendment in the briefing paper.

Question, That the Committee is content with the clause, subject to the Committee being satisfied with the wording of the Department's proposed amendment, put and agreed to.

*Clause 6, subject to the Committee being satisfied with the wording of the Department's proposed amendment, agreed to.*

**Clause 7 (Insurance against claims)**

**The Chairperson:** I will give members a moment to read the short paragraph on the proposed amendments in the briefing paper.

Question, That the Committee is content with the clause, subject to the Committee being satisfied with the wording of the Department's proposed amendment, put and agreed to.

*Clause 7, subject to the Committee being satisfied with the wording of the Department's proposed amendment, agreed to.*

*Clauses 8 to 10 agreed to.*

**New Clause (Disclosure of information)**

**The Chairperson:** A new clause on the disclosure of information must be inserted. I will give members a moment to read the briefing paper. I will also invite the officials to explain the clause, if that will help.

**Dr Farry:** The High Court will have the ability to order someone to disclose information. In the event that the person does not disclose that information, what is the recourse open to the court with regard to imposing a penalty? If a criminal penalty is to be imposed, do we need permission from the Secretary of State to create such a penalty?

Given that we are only a devolved Assembly, can this legislation bind bodies and institutions that are not part of the Northern Ireland devolved settlement?

**Mr Paisley Jnr:** On the back of the previous question, would that be a civil penalty or a criminal penalty?

**Mr Paulin:** My understanding is that it would follow the rules that apply in third-party disclosure in general, so it would be a contempt of court and it would proceed through the court, presumably at the instance of the Attorney General.

**Dr Farry:** There is no new offence being created then. It is simply a wider interpretation of the existing issue of criminal contempt of court.

**Mr Paulin:** There are two types of contempt of court — civil and criminal.

**Dr Farry:** Will this be civil or criminal contempt?

**Mr Paulin:** I assume that it would be civil contempt.

**Mr Lambe:** It is likely to be civil contempt of court. We were content to rely on the general law on contempt, rather than to create a new criminal offence.



**Dr Farry:** Does the scope of any requirement to disclose that information simply apply to institutions that are under the control of the Northern Ireland devolved settlement, or can it apply to non-devolved bodies?

**Mr Paulin:** The intention is that it will apply to both sectors.

**Dr Farry:** Do we have the capacity to deliver this piece of devolved legislation?

**Mr Paulin:** There are two aspects to that. First, the High Court and its powers are not devolved, so the Secretary of State's consent is required in respect of that. Secondly, as the new clause was not in the original Bill that was laid before the Assembly, we will have to go back to the Secretary of State and get consent in relation to it. The consent would cover the devolved and non-devolved sectors with regard to holding the documents, in addition to the powers of the court. In both aspects, the Secretary of State's consent would be sought.

**The Chairperson:** Before I invite any further questions, it might be helpful if Neil wishes to elaborate further on the matter, especially given that this is a new clause, which arose from the discussions that we had last week. If you give us a broad outline, it might anticipate or inform some of members' questions.

**Mr Lambe:** We also made clear that subsection 6 of the new clause as it is currently drafted binds the Crown. That statement coupled with the Secretary of State's consent that we hope to obtain will mean that UK-wide Departments of State, for example, would be bound by any order of the High Court to disclose information to it.

**Mr O'Loan:** As I have said before, I am very concerned about the new clause. I am supportive that the High Court would have the right to order information to be given to it, but I have argued before and I will continue to argue for a much stronger clause that imposes a general duty on anyone who has knowledge about the possible death of someone to bring that to the court if they know that the court is looking at that matter.

I refer to the answer which the departmental officials gave last week, and which they have now given us in writing: The second paragraph, on this point, reads:

"The Department considers that discretionary power as preferable" —

I am sure that the word "as" is intended to be "is" —

"to the imposition of a general duty of disclosure on any person with information about the circumstances surrounding the disappearance of the missing person. A duty of disclosure could result in the provision of large quantities of information to the Court, which could in no way assist it making a decision on an

application. That would place an unnecessary burden on those who provided information to the court as well as an unnecessary burden on the Court in its consideration of that information."

I find those statements very surprising. I am seeking a requirement of disclosure pertinent to the decision that the court is making, which is whether the person can be presumed to be dead, and not information about anything else. Therefore, it would only put a duty on persons who had particular information relating to that issue only to provide that to the court. It would not require handing over vast amounts of documentation.

The suggestion that there could be a considerable amount of information to be handed over is, in itself, a concession from the officials that such pertinent information could exist. I am not persuaded of the point of putting an undue burden on persons to hand over such information, or an undue burden on the court to consider it. It is clear that the burden would only be to hand over information to the court that is very directly pertinent.

The equivalent Scottish legislation carries a requirement to disclose, and the Committee has been told that that provision has not been used in Scotland. However, we have a very different situation here, as this piece of legislation relates, in particular, to the situation of the disappeared. Those deaths have been much examined, and there may well be information in the hands of the public authorities regarding those deaths. That is quite different to ordinary cases of people being missing in the Scottish situation. We know that the relatives of the disappeared want that clause to be present and that, during the original consultations on the Bill, the judiciary wanted it to be present. Therefore, I find it strange that the officials are arguing against that weight of opinion.

I make explicit my concerns when I see some elements of the official system are unwilling to disclose information, or are placing barriers in the way of the disclosure of such information. That makes me very worried. My instinct is to allow that information to come forward.

The Committee should support the inclusion of an extra clause to cover such a situation. Indeed, there may be a stronger clause that could be used in place of the existing one, but I am not a lawyer, and I cannot argue that. There must be a clause in the Bill that imposes a duty on those who have information about a missing person and whether that person should be presumed dead. There should be a duty on that person to bring that information in front of the court.

**The Chairperson:** I refer members, in particular, to paragraphs 12 to 14 of the DFP submission.

**Dr Farry:** Peter, as a lawyer, are you on strike today?



**Mr Weir:** As MLAs, we should be well used to supposedly not working, but still getting paid.

**Dr Farry:** Really? [*Laughter.*]

**Mr Weir:** That is the public perception.

I do have a certain level of sympathy for what Declan has said, but I also have some concerns. There could be one of two scenarios if such a provision were included in the legislation. First, if there is a duty to disclose information on a missing person that is entirely general in nature, there is a danger that a deluge of such information could be received by the court. Although, I appreciate that is not entirely what has been said, if such a duty were enforced that could lead to a flood of information much of which would be completely irrelevant.

Conversely, if there were an attempt made to define the type of information to that of a pertinent nature, that could also create problems, as people would need to define what was “very pertinent” as I believe Declan said. That could potentially lead to relevant information being held back because a person or organisation did not want to disclose it, or could lead them to make the excuse that they do not believe it to be particularly pertinent. Alternatively, that person or organisation could err on the side of caution and send all the information that they have.

I have greater sympathy for the general position that the court has complete power to seek any information that it feels is relevant. Although I appreciate that our position is different from Scotland, the Scottish experience does not suggest that a general duty of power is something that is particularly useful in that respect.

Furthermore, there is the specific issue of the disappeared. Will the officials tell the Committee whether any consideration will be given to some degree of special consideration for the disappeared, as they are a relatively tightly defined group? Such a provision would take on board Mr O’Loan’s position, while retaining the general position of the power residing with the High Court.

**Mr Paulin:** It is worth returning to the purpose of the legislation, which is to enable people in certain circumstances to legally register a death. The purpose is not to investigate how that person came to disappear or die.

The difficulty in relation to the disappeared is that there seems to be absolutely no doubt that all those people in that category are dead. Therefore, little evidence is required to obtain an order from the court from which the legal consequences would flow. The efforts being made by relatives of the disappeared would not be helped by a disclosure order, which would merely add to the cost of their application.

One of the major expenses in litigation is disclosure. Large amounts of documents are frequently disclosed and not used. That involves a cost for the person who has the documents and for all the other parties who examine them because, if they are disclosed, everybody will look at them and take time in doing so. That is why the Department has sought a focused approach that gives the court the power to order disclosure, where it considers that necessary.

**Mr Weir:** Whatever effect disclosure would have on institutions, bodies or individuals in the UK, would it bind anyone in the Irish Republic? A lot of issues related to the disappeared were agreed between the British and Irish Governments. The location of the bodies means that the more relevant jurisdiction in respect of most of the disappeared is probably the Irish Republic.

**Mr Paulin:** The Department previously advised that it would work almost by consent from outside the jurisdiction. However, the Independent Commission on the Location of Victims’ Remains is protected from legal proceedings and from disclosure; therefore, any documentation that it has will not be captured by this provision.

**Mr Weir:** I have some sympathy for Mr O’Loan’s position, without agreeing with his conclusion. Would it better serve the purpose of this legislation if the duty to disclose information were associated with the powers and duties of the commission? Information would have to be gathered, and a broader level of disclosure is required in relation to the disappeared. That would require action by the British and Irish Governments, rather than this Bill.

**Mr Paulin:** The concern of the families is that there should be some proper investigation of how their relatives came to die. However, that would not be for the court in presumption of death proceedings. The court will only look at whether there is sufficient evidence that the person is dead.

In certain circumstances, where there is doubt, that might lead to an investigation into when a person was last seen alive. In regard to the disappeared, that is not the issue. I do not know if any other form of investigation continues into such deaths, or whether cases are closed when the bodies are recovered. I assume that inquests are held after bodies are found. That would be the proper forum in which to investigate the circumstances of those deaths, rather than an application for presumption of death.

**Mr Paisley Jnr:** Am I right to assume that this proposed insert is quite powerful, in that it gives the court the power to issue an instruction requiring any person to present and disclose information that he or she might have — even if that person is not party to the proceedings? Ultimately, that person could go to



jail if he or she shows contempt for that order. That is quite a power, if it is used to its extreme.

**Mr Paulin:** Yes. One can also look at it as an intrusion on the people who hold documentation, and there can be consequences if the court's order is not complied with.

**Mr Paisley Jnr:** That power was not in the Bill originally. Members must realise that the Bill has that power of sanction as it progresses through the Assembly; it gives a different colour to what was available previously.

**Mr Paulin:** I agree.

**The Chairperson:** Mr O'Loan, are you satisfied that your comments be reflected in the Hansard report of the discussion? Or do you want to have the opportunity to register dissent?

**Mr O'Loan:** I will be registering my dissent at the draft statement of the Committee's view; I will be making a counter-proposal.

**Mr Paisley Jnr:** Can we agree to include the draft clause, with Mr O'Loan's agreement, and also look at his counter-proposal, which is very different?

**Mr O'Loan:** Counter-proposals usually are.

**Mr Paisley Jnr:** There is a chance that the person does not know that they have possession of certain material; they may be ignorant of the fact. The draft clause states that if the court discovers that an individual has relevant information, the court has the reins to bring a person or papers to them. However, your counter-proposal works the other way round; it puts the onus on the individual to present information to the court because they know that it is relevant. What happens if they do not know that it is relevant?

**Mr O'Loan:** My concern about the proposal as it is — and notice that we do not have the draft clause in front of us —

**Mr Paisley Jnr:** We do.

**Mr O'Loan:** It has not been signed off by all the interested parties, and discussions are still ongoing with Revenue and Customs and NIO, so it is not finalised. We know the broad thrust of it, so I am not quarrelling on that point. I am unhappy with it because it requires the court to have information or an instinct that a person or public body has further information before it can make any order. My counter-proposal would be to put a duty on an individual to present information if he or she knows that a court process is ongoing. Not being aware of that process would be an acceptable defence.

**Mr Paisley Jnr:** That is not a defence.

**Mr Weir:** Ignorance of the law is no defence.

**Mr O'Loan:** It is not ignorance of the law. You are lawyers; even I, as a non-lawyer, can see that you are not right. If the individual was unaware that the court was looking at a particular case, and did not reveal information for that reason, they would have a good defence. The clause should require anyone who has information about the circumstances of a person's disappearance and on whether they should be presumed dead — and who is aware that the court is examining the issue — to bring that information to the court.

**Mr Weir:** If there is a duty to disclose and an individual withholds evidence — and is found to have done so at a later stage — he or she will be told that they should have made the disclosure. This would be a get-out clause; the person could say that they were not aware of what was happening, even if they were. It strikes me that you are almost insulating people on that basis.

Would it be fair to say that what you have in mind would be a potential addition to what is there? You do not want to rein back the role of the High Court. Is it possible to take this in two stages? I would have thought that there could have been general acceptance of the power of the High Court; the issue is whether a general duty to disclose should be added.

**The Chairperson:** Mr O'Loan has suggested that he wants to put forward a proposition. That will have to be technically and legally proofed, as the offer that we have already in front of us has. I do not know whether you are in a position to do that today, but we can consider the options. An amendment could be offered at Consideration Stage, if more time is needed. I am not sure whether you can present something to the Committee today for consideration. Although we are discussing the Bill on a clause-by-clause basis, this is a new clause on which further work is ongoing, so we could just remit this to our next discussion, and deal with it at that point.

**Mr Paisley Jnr:** There is a huge principle at stake. This piece of draft legislation is to determine the question that comes before a court of whether person X is dead. That is the purpose and thrust of the legislation, and the clause that is being proposed adds to it quite considerably in that any judge can call any person — any person — and consider whether they have information relevant to the determination of that question. That is a very powerful insertion. I cannot understand why anyone on this Committee would not want to see that power in the Bill. Even though they may want to see a different power in addition to that, I cannot understand why we cannot agree, today, to what is actually there in principle.

**The Chairperson:** I will take a reading from the Committee on that. I am trying to establish, in the first



instance, whether Declan is in a position to put his counter-proposal before us. There is a subsequent opportunity to offer an amendment. I intend to come back to the Committee to decide whether we want to proceed on what is in front of us. That is a matter for us to decide, not for me. I am not calling it at this stage; I will be guided by the Committee. Declan needs to tell us whether he has something additional that he wants to put before us.

**Mr O'Loan:** If we had a wording to say that the Committee is content with the inclusion of a new clause on the disclosure of information which confers on the court the power to require the disclosure of information, and that, in addition, with particular reference to the disappeared, we would seek an additional clause to impose a duty on any person who had information relating to the court's decision on the presumption of death of that person to bring that to the court.

**Mr Weir:** Clearly, we have to take a formal position on the new clause that has been drafted. I appreciate that Declan is being put on the spot to draft on the hoof, but as regards approving a new potential clause, do we not need to have the exact form of words, as opposed to a general proposition? There is the opportunity for us in January to make known our general position as part of the report. Presumably there would be the opportunity for Declan to have a bit of time to formulate an exact form of words for the legislation. That is what we are looking for. I am loath for the Committee to effectively give a blank cheque to a particular form of legislation, on any subject, without its specific wording having been decided on.

Currently, we are in a position to look at, and potentially adopt, the new clause that is in front of us. However, that does not rule out the possibility of Declan coming back to the Committee with a counter-proposal. I think that some members would want to see the wording of that proposal, and test whether legally it is the right way to go forward. We need an exact form of words for a new clause, rather than a general proposition. In January, Declan will have an opportunity to bring that forward.

**Mr Ian Paisley Jnr:** Mr O'Loan is suggesting a completely new clause, not an addition to the draft new clause before us. The draft new clause confers a specific power on the court. Mr O'Loan is proposing a different clause, and, therefore, I think, that has to be a stand-alone clause. We should consider the new clause as it stands, and, if another new clause comes forward, we can consider that too.

**Mr O'Loan:** I worded it as an additional clause, and I am content with that. I said that I thought it provided for a stronger requirement and, therefore,

might replace the original new clause. As I said, I am not a lawyer.

**The Chairperson:** I have deliberately flagged up the fact that there is an opportunity to reflect on this, and to prepare the additional clause for consideration. Are you content that the Committee can proceed with what is in front of us?

**Mr O'Loan:** The wording of the question requires some alteration. To say that the Committee is content with the approach being proposed by the Department suggests that it is entirely content, and that that new clause is the sole proposition.

**Mr Weir:** As I understand it, the Committee is restricted; we have to follow a formula. Agreeing to the question does not mean that Committee members' minds are closed. There is the opportunity for Declan to bring forward his own additional proposal.

**Mr O'Loan:** I will take guidance from the Chairman and the Committee Clerk. However, it seems to me that to agree to the question as worded would close down the discussion.

**Mr Weir:** I do not mean it that way. My understanding is, as when we look at other questions, the question is whether the Committee is content. Technically, that is how we have to proceed. It does not preclude an additional clause being brought forward at a later stage. Agreeing that we are content with one thing does not mean that we are content with everything.

**The Chairperson:** Agreeing that we are content with the clause that we are considering does not close down the possibility of a further clause being added. The question would be whether the Committee is content with the approach being proposed by DFP for a new clause to be added concerning disclosure of information. That deals with the subject matter in front of us, without precluding Mr O'Loan from coming back to us with an additional clause.

**Mr O'Loan:** I am content with that.

**The Chairperson:** That will be reflected in the Hansard report. Are you content that we proceed on that basis?

**Mr O'Loan:** Yes.

**The Chairperson:** I recognise that everybody, including some of the consultees, will be on holiday over the recess period; however, I ask that, if it is possible, the officials inform the Committee of any updates in order to keep members as up to date as possible in their deliberations.

*Question, That the Committee is content with the new clause, put and agreed to.*

*New clause agreed to.*



*Clauses 11 to 15 agreed to.*

**Clause 16 (Interpretation)**

*Question,* That the Committee is content with the clause, subject to the Committee being satisfied with the wording of the Department's proposed amendments, *put and agreed to.*

*Clause 16, subject to the Committee being content with the wording of the Department's proposed amendments, agreed to.*

*Clauses 17 and 18 agreed to.*

**Clause 19 (Commencement)**

*Question,* That the Committee is content with the clause, subject to the Committee being satisfied with the wording of the Department's proposed amendment, *put and agreed to.*

*Clause 19, subject to the Committee being content with the wording of the Department's proposed amendment, agreed to.*

*Clause 20 agreed to.*

**Schedule 1 (Register of Presumed Deaths)**

**Mr Lambe:** We are working with the Office of the Legislative Counsel to establish the precise wording that will be used to require the Registrar General to annotate an entry when he becomes aware that an entry in an ordinary register of deaths has been recorded outside Northern Ireland.

**The Chairperson:** Dawn Purvis raised that issue. Are you content with that response, Dawn?

**Ms Purvis:** Yes, subject to the Department's proposed amendment.

*Question,* That the Committee is content with the schedule, subject to the Committee being satisfied with the wording of the Department's proposed amendment, *put and agreed to.*

*Schedule 1, subject to the Committee being content with the wording of the Department's proposed amendment, agreed to.*

*Schedules 2 and 3 agreed to.*

**The Chairperson:** The next step in the process is for a draft report to be prepared for the Committee's consideration on 7 January 2009. In addition to reflecting the outcome of today's clause-by-clause consideration, that draft report will include a commentary on the various issues that arose. The Committee is required to report to the Assembly by 16 January 2009 at the latest, in accordance with the extended timetable for the Committee Stage of the Bill. Mr Paulin and Mr Lambe, can you confirm that the Department's amendments which the Committee has signed off on will be tabled by the Minister at the Consideration Stage of the Bill?

**Mr Lambe:** Yes. They will have to be taken through the formal Executive clearing process.

**The Chairperson:** That is the most effective and efficient system, because you have the legal wherewithal.

**Mr Lambe:** It is intended that, after the Committee has submitted the report and we have considered it, we will move quickly to the tabling of amendments for Consideration Stage.

**The Chairperson:** Thank you very much. It was a little complicated, but we got there in the end. The draft report will be available for members' consideration on 7 January 2009.







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# NORTHERN IRELAND ASSEMBLY

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## COMMITTEE FOR AGRICULTURE AND RURAL DEVELOPMENT

6 January 2009

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### DISEASES OF ANIMALS BILL (NIA 22/07)

#### Members present for all or part of the proceedings:

Dr William McCrea (Chairperson)  
Mr Tom Elliott (Deputy Chairperson)  
Mr Thomas Burns  
Mr Trevor Clarke  
Mr Pat Doherty  
Mr William Irwin  
Mr Edwin Poots  
Mr George Savage

#### Witnesses:

Ms Collette Connor	}	Department of Agriculture and Rural Development
Ms Jennifer Corkey		
Ms Sandra Dunbar		
Mr Roly Harwood		
Mr Andrew Kell		
Ms Colette McMaster		
Ms Jackie Robinson		
Mr Mike Steel		
Mr Pat Millen	}	Departmental Solicitor's Office

**The Chairperson (Dr W McCrea):** May I remind members that, for the purposes of Hansard, all mobile telephones must be switched off in order to prevent interference with the recording equipment. I also ask that members declare any interests. The meeting will consider two issues: departmental responses to amendments suggested by the Committee to the Diseases of Animals Bill at its meeting on 18 November 2008, and formal scrutiny of the draft Bill. The Committee made comments on the Bill as drafted, and the Department has responded on a number of clauses.

With regard to clause 1, 'Power to slaughter', the Committee recommended that the Department undertake a review of legislation relevant to the eradication of tuberculosis (TB), in particular extending powers to allow for a proactive cull of badgers. The Department

has indicated that those powers are currently available under the Diseases of Animals (Northern Ireland) Order 1981, which is being amended by this Bill, and referred members to the 'The way forward on tuberculosis' in Northern Ireland. Members will be aware that that was the subject of a ministerial statement to the Assembly on 9 December 2008.

Members may wish to note that the principles of the Diseases of Animals Bill do not include culling, and that the Bill does not seek to amend legislation relating to the control of TB through the culling of badgers. Therefore, it is not possible to make an amendment to the Bill seeking the culling of badgers. However, members may wish to make a recommendation that the Department reviews and amends the Diseases of Animals Order (Northern Ireland) 1981 to allow for the culling of wildlife, including badgers, in areas of high-incidence levels, and as part of an enhanced disease-eradication programme. What is the mind of the Committee on that matter?

**Mr Savage:** I wish to return to a point that I made previously regarding clause 4, which, under "Powers of entry", states that:

"An inspector may at all reasonable times enter premises".

Should an inspector not have to give notice of entry?

**The Chairperson:** We will certainly come to that point in a moment. However, we are dealing first of all with clause 1, "Power to slaughter". I am told that it is not possible to make the amendment to this Bill seeking the culling of badgers.

**Mr T Clarke:** Why is that?

**The Committee Clerk:** The Bill has a number of principles that were considered at the Second Stage. That would have been the time to examine the possibility of having an additional principle, or to consider that principle. The power to slaughter is contained in the 1981 Order. The Chairperson is saying that — separately from this exercise — the Committee asked the Department to review the 1981 Order so that it could be brought up to date and amended in order to establish an eradication programme that would deal with circumstances in which levels of incidence of disease are high, in places such as Newry and Mourne or south Armagh. Such a programme would include the proactive culling of badgers.

**Mr T Clarke:** Can we not stall this process in order to bring that programme forward? The Department has not been willing even to consider such a course of action in the past. Why are we asking the Department to review that situation now? None of the suggestions that the Committee made in the past — including one that was raised by George Savage — have been taken on board anyway. Even if we continue to help the



Department to get this Bill off the desk, it will not be that willing to help us with any other parts of it.

**The Chairperson:** The matter will be debated in an Assembly plenary. The Department cannot run away from any of the Committee's suggested recommendations if they are accepted by the Assembly. The 1981 Order will be reviewed and amended in order to allow for the culling of animals, including badgers, in areas of high incidence of disease as part of an enhanced disease eradication programme. What type of amendments can the Committee make?

**The Committee Clerk:** If, for example, the Assembly agreed in plenary to the Committee's recommendation that the 1981 Order be enhanced, the Department would have to take note of that. In the same way that the Committee is considering introducing a Committee Bill to deal with the Agricultural Wages Board, it could introduce a Bill to amend the 1981 Order.

**Mr Elliott:** Is it the case that the Department cannot include this issue in the Bill, or that it will not, because of the 1981 Order? If it cannot, we must know exactly why. However, if the only obstacle is the 1981 Order, I see no reason why the proposed Bill could not incorporate the slaughter of badgers for disease control. This is a totally separate Bill. There is no reason that separate provision could not be made as part of this legislation, as well as the 1981 Order. I do not see that the two would act against each other.

**The Chairperson:** Let us hear what the representatives of the Department have to say.

**Ms Colette McMaster (Department of Agriculture and Rural Development):** There are two elements to consider: the culling of badgers as a policy, and the legal powers to cull badgers. As the Minister said in her announcement, she has not introduced the culling of badgers as a policy at this stage. There is a need to gather more information. The Minister has announced that she wishes to carry out a study of the prevalence and distribution of TB.

**The Chairperson:** Let us get this right. Is it the case that the Minister cannot include such a provision in the Bill, or that she will not? Is it not possible to include that provision in the Bill?

**Ms McMaster:** It is our belief that the powers that allow us to cull badgers already exist in the 1981 Order. The new clause 1 adds to those powers. If, at some point in future, we decide to introduce a badger-culling policy, the primary powers are there. We would, however, have to introduce subordinate legislation that is based on those primary powers. We do not believe that new primary powers are required in order to enable the culling of badgers.

**The Chairperson:** Are you saying that a policy can be enabled only by way of subordinate legislation?

**Ms McMaster:** Our understanding is that that is all that would be needed.

**The Chairperson:** How do we get that subordinate legislation?

**Ms McMaster:** Subordinate legislation is a separate legislative process. The normal process is that subordinate legislation comes before the Committee, which has an opportunity to comment and consult on it. The subordinate legislation would be based on the powers that exist in the Bill, and, if the Minister decides on a cull in the future, we could introduce that legislation then.

**Mr T Clarke:** If the power is already partially included in the Bill, why can it not be made a part of the subordinate legislation, even though we may not want to use it? It seems that even if the Department had the power, it would not want to use it.

Is it not easier to include the issue now rather than when the Department makes a decision, which, given the track record of the Minister, is highly unlikely? If that decision is made, it will take longer to introduce the subordinate legislation.

**The Chairperson:** The officials tell us that they already have the power. Is that correct?

**Ms McMaster:** Yes, that is correct.

**The Chairperson:** If you already have the power, what is the purpose of the subordinate legislation?

**Ms McMaster:** The purpose of the subordinate legislation is to amend. I would ask Jennifer Corkey to comment on that.

**Ms Jennifer Corkey (Department of Agriculture and Rural Development):** Article 13 of the 1981 Order gives the Department extensive powers to introduce a scheme to destroy wildlife. The details of the scheme would be included in subordinate legislation, a procedure with which you are probably familiar, because such Orders come before you all the time. Subordinate legislation is, therefore, the procedure used to provide the detail of the scheme.

The issue is that it is not the Minister's policy at present to introduce a widespread, or particular, scheme to cull badgers. However, should that become a policy decision, the subordinate legislation would be introduced. After a policy commitment from the Minister, the Department would draw up the subordinate legislation. However, the Diseases of Animals (Northern Ireland) 1981 Order already contains all the powers necessary to deal with a cull of badgers, such as direct powers of entry and the power to devise a scheme.

**The Chairperson:** Can the Committee introduce the subordinate legislation?



**Ms Corkey:** Not until the Minister decides on a badger cull; subordinate legislation would follow that decision.

**The Chairperson:** My question is whether the Committee can introduce the subordinate legislation. Surely the Committee has powers to introduce legislation in its own right.

**Ms Corkey:** In the Diseases of Animals (Northern Ireland) Order 1981, the powers to make subordinate legislation are vested in the Department. Therefore, it is the Department that would bring the draft subordinate legislation to the Committee for its consideration.

**Mr Elliott:** I believe that it boils down to the difference between the existing legislation and the Committee wanting to introduce legislation that would, if necessary, enforce a badger cull. The issue is that the Minister has not agreed to a widespread badger cull taking place in certain circumstances; that is the crux of the matter.

**Ms Corkey:** Yes.

**The Chairperson:** Clearly that is the difference, but I am trying to find out how the Committee can make the Department or Minister act on the will of the Assembly.

**Ms Corkey:** That would be a matter between the Committee and the Minister, if that is the will of the Committee that there should be a —

**The Chairperson:** No, I am asking how the Minister could abort the will of the Assembly.

**Ms Corkey:** I am not aware that a debate on the subject has taken place in the Assembly. Has that happened?

**The Chairperson:** I am taking a step forward: if the Committee was minded to debate the issue on the Floor of the Assembly and achieved agreement, are you saying that the Department would still abort the will of the Assembly?

**Ms Corkey:** No; that is a matter for the Minister. Obviously, the Minister would have to speak to, and take into account, any Assembly debate on the matter.

**The Chairperson:** Can the Committee add an amendment to the legislation?

**Ms Corkey:** Yes, the Committee can table its own amendments through the Assembly. I am saying only that there are sufficient powers in the Diseases of Animals (Northern Ireland) Order 1981 to carry out a badger cull.

**The Chairperson:** Can the Committee add an amendment that will enforce that part of the legislation?

**Ms Corkey:** The enforcement powers are in the Diseases of Animals (Northern Ireland) Order 1981. You are really asking whether the Committee can table an amendment that will require —

**The Chairperson:** Yes, that will require the Department to get off its backside and do something.

**Ms Corkey:** That is really a policy matter. It is not a legislative matter.

**The Chairperson:** We are policymakers. The Assembly is a policymaker.

**Ms Colette Connor (Department of Agriculture and Rural Development):** The Minister is expected to come before the Committee fairly soon in 2009. That is certainly one of the issues that should be on the agenda, when the Committee can hear the Minister's views at first hand.

**The Chairperson:** Is the Committee minded to table an amendment on this issue and to ask departmental officials to seek legal advice in order to determine how to make the Department listen to the will of the Committee, and to put the matter on the Floor of the Assembly in order to make it the will of the Assembly?

**Ms McMaster:** That would be a policy issue. We do not think that it needs to be done through primary legislation.

**The Chairperson:** Something needs to be done through primary legislation, because nobody seems to be listening.

**Ms Connor:** That matter would not be included in primary legislation. It would be included in subordinate or secondary legislation — which is the implementing legislation — which would follow on from a policy commitment to carry out —

**The Chairperson:** The Committee is trying to ensure that the policy decision is made.

**Ms Connor:** The policy decision lies with the Minister.

**The Chairperson:** I believe that policy decisions can also lie with the Assembly, which has rights, too. Are you suggesting that a Minister will abort the will of the Assembly?

**Ms Connor:** No, we are not.

**The Chairperson:** Well, what are you saying?

**Ms Connor:** We are saying that it is the Minister's decision.

**The Chairperson:** We are saying that it is also the Assembly's decision.

**Ms Connor:** What we can do is to relay the Committee's comments to the Minister as soon as we leave this building today, and report back.

**The Chairperson:** In the meantime, the Committee will clarify its legal position with regard to how the matter can be taken forward.



**Mr Elliott:** The Committee is frustrated that no action has been taken. We have received report after report on the badger issue. Nothing has been done, and the Committee is, in a sense, using that issue in order to force policy changes. The Committee feels a general frustration.

**The Chairperson:** Can we include an amendment that states that, if high incidence of disease is identified, the Department should implement an eradication programme that includes the culling of wildlife? The general opinion is that such an amendment is necessary.

**Mr Savage:** Would that amendment include foxes?

**The Chairperson:** It would relate to all wildlife, which is why I did not use the word “badger”.

**Mr Savage:** Yes, I realise that it is open-ended.

**The Chairperson:** Can that amendment be included? The Committee will determine the legal position, and the witnesses can inform the Minister and the Department of the strength of our opinion that action needs to be taken. The Committee will not accept any more mere words from the Department, which is all that we seem to have had from the Department: words without action.

**Ms Corkey:** Do you intend to check the matter with your legal people?

**The Chairperson:** Oh, yes.

**Ms Corkey:** That is fine. I wanted to be clear on that.

**The Chairperson:** You can check it out, but I assure you that the Committee will determine its legal rights.

We move to clause 2, about the slaughter of animals and poultry treated with serum or vaccine. The Committee asked the Department to highlight legislative references to the compensation rate in the 1981 Order. The Department has provided those references for information. Other than that, are members content with the explanation provided by departmental officials at the meeting on 18 November 2008?

**Mr Poots:** How far do the powers to vaccinate extend, and to what animal diseases do they extend? I recall that, during the foot-and-mouth crisis, consideration was given to vaccination, which had been the case in South America. However, a decision was taken that that would not be done here. Do we have the ability to vaccinate for a range of illnesses in the case of an emergency, or would special powers need to be delegated in order for that to be done?

**Ms Corkey:** There are two ways to deal with vaccination. If it is to deal with a fast-spreading disease, such as foot-and-mouth disease or avian influenza, there are particular control orders to deal with those diseases, which contain powers for vaccination, if it was decided that vaccination was the appropriate

route to follow. That is one way of implementing a vaccination scheme for a particular disease.

The other route that could be followed is outlined in clause 14 of the Bill, which gives the Department powers to cause such treatment as it considers necessary to be given to any animal or bird for the purpose of controlling or preventing disease. That includes treatment with serum or vaccine. Those powers could be used to vaccinate animals or poultry. Therefore, there are two ways of dealing with vaccination, but in a situation involving foot-and-mouth, it would be more likely to be dealt with under the Foot-and-Mouth Disease (Controlled Area) Order (Northern Ireland) 2002, and obviously in conjunction with the European Commission, the approval of which would be needed for a vaccination scheme.

**The Chairperson:** We now move to clause 3, which is about transmissible spongiform encephalopathies. The Committee was concerned that the clause provided the Department with too wide a range of powers. The Department has responded, indicating that the measures detailed in the clause and related schedule can be brought into force only by means of subordinate legislation, which is required to be presented to, and considered by, the Committee prior to its enactment.

In addition, the Department intends to have discussions on legislative proposals with the industry. It is probably that word “discussions” that gives cause for concern. Members may wish to consider advising the Department that the Committee will exercise close policy scrutiny of any relevant subordinate legislation, and make a recommendation that the Department undertakes a full 12-week consultation on legislative proposals, rather than that fancy word “discussions”. A proper consultation process should be carried out, rather than the Department simply stating that it will have “discussions”. What is meant by “discussions”?

**Mr Andrew Kell (Department of Agriculture and Rural Development):** What the Department means by that is a proper consultation process.

**The Chairperson:** Why was that not stated, because “discussions” are certainly not a full consultation process?

**Mr Kell:** We are talking about a scenario that has not happened. Hopefully, with the zero likelihood of BSE in sheep occurring, it is unlikely to happen. However, if there was a transmissible spongiform encephalopathy that was a public health risk, the Department would be of a mind to have discussions with local industry representatives about the best course of action. That would lead to proposals that would, ultimately, go out to consultation.

**The Chairperson:** It is important that, where there is subordinate legislation, or any legislation, there is a



clear understanding that there is a full consultation process, because “discussions” could mean anything.

**Mr Kell:** I can confirm that there will be full consultation.

**The Chairperson:** Are members satisfied with that clear statement? The recording angels have made a note of it.

Clause 4 deals with powers of entry. The Committee called for the following amendments to the clause: that there be an opportunity to call upon third-party oversight; that standard operational procedure be included in the legislation, similar to the Department of Agriculture and Rural Development (DARD) referring to biosecurity guidance; and that allowance be made for compensation to be paid to farmers should it be subsequently discovered that wrongful accusations were made. In respect of the latter, the Department states that legal advice is not to include such a clause as courts currently decide whether compensation is appropriate and at what level. Members may wish to accept — or not to accept — that explanation.

Members may wish to clarify whether standard operational procedure are made available to farm businesses in advance of an inspection or search; namely, would farmers be aware of the requirements placed on the Department? In addition, the Department states that non-compliance with standard operational procedure would result in internal disciplinary proceedings, whereby non-compliance with biosecurity guidance would result in publicly reduced compensation levels. The Department’s legal advisers feel that it is not advisable to create a precedent of including the standard operational procedure and suggests the use of judicial review and the courts if a complaint is made.

It is up to members to consider that matter. They may wish to see included in the Bill an amendment that specifies that inspections and/or searches must be undertaken in accordance with the standard operating procedure, as that offers protection and an awareness for not only farm businesses but for departmental officials, too. What is the Committee’s mind on that issue?

**Mr T Clarke:** If we accept what the Department proposes, are we not placing responsibility on the farmer? If the farmer is not satisfied, he has to take the legal case against the Department. It is highly unlikely that the farmer would go to that expense. Surely the idea behind the involvement of a third party is that there would be independence? There is a reference to a lay magistrate, but surely that was only a suggestion. Someone else could be a third party; it does not necessarily have to be a lay magistrate.

**The Chairperson:** Paragraph 28 of the central enforcement team standard operating procedure states that:

“A friend, neighbour or other person must be allowed to witness the search if the occupier wishes unless the Officer in Charge of the search has reasonable grounds for believing the presence of the person asked for would seriously hinder the investigation or endanger officers or other people.”

In other words, the officer in charge can not only object to the presence of that third party, but can prohibit it.

**Mr Savage:** I have raised this issue before, but I will do so again. It is clear to me that if someone wants to enter a farm, for whatever reason, notice should be given. I cannot see that matter clearly dealt with in DARD’s response. In this day and age, people cannot just walk on and off farms. I know that in some cases, premises must be entered, but the majority of farmers deserve to be treated with a bit of respect. If I were to enter the house or driveway of any of the officials who have entered farm premises, I would soon be asked what I was doing. Respect must be shown to the property owner. At the moment, DARD officials can do almost what they like. They are a law unto themselves. I mean that with the greatest respect, because I have a good working relationship with DARD officials.

There must be a common denominator whereby officials are not allowed to simply do as they please. It is a different story if officials have reason to be suspicious of a farmer. However, in order to build good relationships between DARD and farmers, the legislation should make provision to prevent officials from simply doing as they please. Most farmers want to have a good working relationship with DARD, but there must be mutual respect.

**The Chairperson:** The Department has stated that third-party oversight is not necessary as part of the normal inspection duties that it undertakes. The Department recognises that a third party should have a role if entry to a dwelling house is required. However, it also refers to the standard operating procedure and the appointment of a search liaison officer, who is a senior DARD official unconnected to the investigation. It is debatable whether any DARD officer is truly independent.

**Ms Connor:** We are conscious of the concerns regarding the search liaison officer, which the Committee raised in the last meeting. We reconsidered who a search liaison officer should be and agreed that a DARD official might not be wholly independent, even though that individual would not have any remit or knowledge in the case. We examined whether the search liaison officer should be drawn from a pool of our non-departmental bodies such as the Livestock and Meat Commission (LMC), or whether they should be drawn from a pool of our rural stakeholder forum, which includes representatives of the Ulster Farmers’ Union, the Northern Ireland Agricultural Producers Association (NIAPA) and the National Beef Association.



The search liaison officer would be totally independent from the Department and would be drawn from the pool when required. We do not expect the search liaison officer to have to be called on very often. A pool would be available, and the individual drawn from it would be totally independent from the Department.

The Livestock and Meat Commission, for example, is a non-departmental public body that operates at arm's length from the Department. Therefore, the search liaison officer could be someone from the LMC who is involved in the farm quality assurance scheme and who has knowledge of on-farm visits.

**Mr Savage:** I have no objections to that, providing that the farmer receives notice that someone will be coming onto the farm. If I opened the door of your house and walked in, you would ask me what I was doing. All of the people who you have mentioned are employed by DARD in one way or another. I mean this in the nicest way, but some of those people are not very sociable. Most farms now have CCTV because so much theft and so on has taken place, and those officials will be in trouble if they appear on those screens.

**Ms Connor:** Under the legislation, we must give 24 hours' notice of entry to a dwelling house.

**Mr Savage:** I will be quite happy as long as the farmer receives that 24 hours' notice.

**Ms Connor:** It is in only in circumstances that are not normal DARD business that we will not give 24 hours' notice. If we feel that we have to go out onto a farm immediately to investigate illegal activity, we will do that. The Department will need a search warrant from a lay magistrate, and there are other strict conditions in such cases. Nine times out of 10, 24 hours' notice will be given. Under the Diseases of Animals (Northern Ireland) Order 1981, the Department has never needed to use the power of entry to enter a private dwelling.

**The Chairperson:** I want you to clarify something because all the possibilities must be covered when legislation is being considered. A departmental official who is visiting my farm and house could prevent me from having my solicitor present at that visit. Your official could say that my solicitor has no right to be there. It is totally unacceptable for departmental officials not to allow my legal representative — a person on whom I would rely if matters were to be taken further — to oversee events. Under the legislation, such a person might not be allowed to attend.

Furthermore, because I have not seen your operating procedures, I do not have full knowledge of the rights of the officials who might come to inspect my facilities. Individuals have rights when officials come; therefore, the legislation should allow people to call upon third-party oversight.

You said that inspections or searches must be undertaken in accordance with central enforcement team standard operating procedure, which offers protection and awareness not only to the relevant farm business but to departmental officials, and that that procedure is furnished to the occupier at the time of the search. I am told that the legislation does not state that.

**Ms Connor:** I shall ask Mike Steel, who heads up the central enforcement team, to address those points.

**Mr Mike Steel (Department of Agriculture and Rural Development):** First, the powers that have existed since the introduction of the 1981 legislation have never been used — such circumstances are rare. Furthermore, to allay Mr Savage's fears, farms are not visited unaware unless there is good evidence to expect crime of some sort. Such visits are not used for run-of-the-mill matters or even when we are merely doubtful about whether things might be being done correctly; they are used only when there is strong evidence that something might require investigation without warning.

You referred to paragraph 28 of the central enforcement team standard operating procedure, which states that a friend, neighbour or other person may be present during a visit, unless the officer in charge of the search decides otherwise. You are concerned that the officer in charge has control of that decision.

The decision must be justified by certain circumstances, such as whether there was a risk that evidence might be destroyed, the investigation might be interfered with — which does happen — or that proceedings would be unreasonably delayed. When anyone wishes to be present at a visit, the default position is that he or she is permitted. Nevertheless, there are circumstances in which, for example, we know from a previous visit that if such a person were to be invited, they would come with a shotgun —

**The Chairperson:** We are not talking about anyone coming with a shotgun.

**Mr Steel:** I cannot envisage a circumstance in which departmental officials would not welcome someone else being present.

**The Chairperson:** The standard operating procedure states that a person must be allowed to witness the search:

“unless the Officer in Charge of the search has reasonable grounds for believing the presence of the person asked for would seriously hinder the investigation”.

When, how and to whom does the official prove that he or she has reasonable grounds for making such a decision? The official has the power to make the decision. A legal representative does not usually come with a shotgun; he or she usually comes with some papers. Nevertheless, a legal representative could be stopped.



**Mr Steel:** Legal representatives are frequently present, and we do not stop them.

**The Chairperson:** A legal representative could be stopped.

**Mr Steel:** Theoretically, he or she could be stopped, because we must accommodate circumstances in which someone arrives driving a digger at parked cars or brings a shotgun onto the scene. The procedure must cater for such circumstances, but it is not our intention for the officer in charge to use the powers that are outlined in paragraph 28 to prevent reasonable people from being present. Such actions would not benefit the investigation, because they would — correctly — be challenged when the case came to court, and the investigation would be cast in a bad light. I do not dispute the fact that paragraph 28 gives those powers, but it would not be in the investigating officer's interests to use those in the way in which you fear.

**Mr Poots:** I fully accept what is being said, but perhaps a little more clarity is needed about applying the procedure. In specific circumstances where officers feel endangered as a consequence of the actions of an individual, the procedure should indicate that they should have those powers. I understand the Chairman's point; officers could exceed their powers. Therefore, if some ground rules were in place at that stage, it would sort out the problem and find common ground.

**Ms Connor:** The Department supplied the Committee with a copy of its manual. It is prepared to reconsider what the manual says about the role of the search liaison officer. We are prepared to revisit paragraph 28 in order to clarify the roles and responsibilities of the officer in charge, the person who may or may not go on the farm at a given time and the search liaison officer. The role of those three individuals should be looked at again to try to be more specific on their roles and responsibilities.

**The Chairperson:** That would not necessarily give the individual protection in law. Paragraph 28 is not law and, therefore, that protection is not protection in law.

**Mr Poots:** It is also the duty of the officer to call the police if, for example, someone turned up with a shotgun or rammed the vehicle with a digger. The police would intervene in that situation and, I assume, would arrest the individuals who were acting in a threatening manner.

**Mr Elliott:** We all want the real criminals to be caught and to get their retribution. People who are genuinely innocent should not be made to feel as though they are criminals. I do not see that happening as a result of the proposed change to the legislation.

I accept that the alpha-nortestosterone issue was not covered by this piece of legislation. However, the circumstances that arose from that issue can be

repeated. The Department continually hides behind the legal option that is open to farmers. In this day and age, how many farmers would be willing to take a judicial review against the Department of Agriculture and Rural Development? Unless the legislation includes some possibility for retribution against the Department when it wrongly accuses farmers, we are not making progress. I am adamant about that.

The Bill refers to fixed penalties against farmers. Why does the legislation not include fixed penalties that could be used against the Department? That would be a simple way around the issue. Let us have a fixed penalty against the Department.

Members know how departmental officials have treated some innocent farmers — and the officials who are here today will also accept that. The treatment of those farmers was not very nice. If officials were in a similar situation, they would not like it. I want such a provision to be included in the Bill. I will not put my hand up to vote for it unless that is included, and I am serious about that. Something should be included to protect the innocent farmer, and it is not in the Bill. The Department keeps hiding behind the fact that farmers can take a judicial review or go to court. They will not do that; they do not have the money or the power to do so.

In its response to the Committee's comments on clause 4, DARD said that its departmental solicitors do not feel that it would be advisable to create the precedent of making the standard operating procedure a legal document. Why do they not feel that that can form a legal document? The Department does not give any explanation for that.

**Mr Steel:** I shall return to a point that was made earlier, which does not address Mr Elliott's concerns, but might ameliorate them to some extent. I would be happy for the standing operating procedure — or a concise digest of it — to be handed to the people at the time of the investigation, so that they would be aware of the rights and rules under which the Department operates. That could be included in the standing operating procedure.

**The Chairperson:** We need an answer to Mr Elliott's point. It is important that proper protection is included. Penalties are always being placed on the farmer. No one who is dealing with the legislation wants to protect any rogue, whether that is a rogue farmer or anyone else. If anyone wanted to do that, they would not deserve to sit at this table. We are not out to do that; we are out to protect innocent people.

We want to ensure that that protection is included, because, unfortunately, the previous case that Mr Elliott mentioned left a bad taste in the mouth of the farming community. Farmers who were later proved to be innocent were treated and portrayed as though they



were rogues. That is how it was left. They had to fight to clear their names in their communities, and that is a totally unacceptable position. Therefore, we want to be sure that, if the legislation allows for penalties to be imposed on the farmer — and it should do to penalise people who have done wrong — the Department must also be subject to warnings and penalties.

**Mr Irwin:** My concerns are similar to that of the Chairperson and the Deputy Chairperson. During the time of the alpha-nortestosterone situation, farmers in my constituency who were aged in their 70s and were very decent people were traumatised and shocked. Their houses were raided, and they were consequently proved to be innocent. The difficulty is that guilty people seem to get away and that the Department comes down on innocent people. Something must be done to offer redress to the people who were wronged. I do not think that the Department has made any redress or paid any compensation to those farmers who were traumatised and came through so much. The legislation must include provision to cover farmers in similar situations.

**The Chairperson:** We also need an answer as to why the Department has taken legal advice against the inclusion of the standard operating procedure in the legislation. It seems that the only reason for that suggestion is because of precedent. I am sorry, but that is not good enough.

**Mr Pat Millen (Departmental Solicitor's Office):** That is one reason why I concluded that the standard operating procedure would not be an appropriate inclusion in a primary Bill. To my knowledge, an internal administrative document has never been elevated to a statutory document. Essentially, the standard operating procedure is administrative internal guidance to departmental officials. Such guidance has never been given the status of being elevated to a statutory document.

The fact that it has not been done up to this point is a good indication that it is a course of action that should be thought over before it is pushed forward. In my view, pushing forward an internal administrative document and putting it in the face of the Bill would be tantamount to opening Pandora's box. One simply cannot know where it would go after that.

**The Chairperson:** If it is right, why should it not be included? You can turn things one way whenever it suits the Department, and make those into proper legislation if it suits, and you can change it the other way when it does not suit.

**Mr Millen:** I would need to see concrete examples of that. I am not sure to what you are referring when you say that the Department changes things over.

Regarding the standard operating procedure, an internal administrative document that is drawn up in

the Department is not appropriate for inclusion in a piece of primary legislation.

**The Chairperson:** Perhaps, if I adjust the illustration, it will help you. I am led to believe that the biosecurity guidance, which is currently voluntary, will become primary legislation.

**Mr Millen:** Yes, that is the case, although it will not appear on the face of the Bill.

**The Chairperson:** Nevertheless, there will be an obligation in the Bill.

**Mr Millen:** There will be an obligation to produce guidance, although not in the Bill itself.

**The Chairperson:** That has consequences. I am not sure what Pandora's box that will open.

**Mr Millen:** With all due respect, I would not necessarily compare the two documents. One is an internal document that is drawn up by the Department to guide its officials in how it conducts its business. The other, when it is created, will owe its origins to a statutory document: in other words, it is a statutory document from the start.

**The Chairperson:** There is a problem. All that I am saying is that in order to activate the legislation, the issue must be dealt with. Members have indicated their feelings on the matter.

**Mr Millen:** I accept the Committee's point. I merely interjected in order to clarify to the Committee —

**The Chairperson:** In giving legal advice to your colleagues, you must take that issue into consideration. It is extremely relevant.

**Mr Millen:** I assure the Committee that when I sit down to consider something, I see both sides of the coin. You can be reassured that I did not put that into my response to the Department with one eye closed.

**The Chairperson:** I appreciate that. All that I am saying is that no reason is given —

**Mr Millen:** I apologise for that, Chairman. That should have been added. I provided that part of the response to the Department. Perhaps I should have elaborated.

**The Chairperson:** I appreciate that. It is hard to think of everything. Do not worry about it.

**Mr Millen:** I thought that I should interject when Mr Elliott made his point.

**Mr Elliott:** Although I appreciate that, I still do not consider it to be a good-enough reason as to why the matter was not included. I am not a learned gentleman like Mr Millen. However, as he is present at the table, can he offer advice on how the Department could include protection for innocent farmers?



**Mr Millen:** I suppose that that is where my expertise ends, Mr Elliott. I am not a policymaker. I cannot speak on behalf of the Department of Agriculture and Rural Development.

**Mr Savage:** Well, you are certainly not a farmer.

**Mr Millen:** I am not a farmer, although I live in the country. I assure you that I know several farmers. As I have said, that is where my expertise ends. Clearly, the issue must be examined. It is not sufficient to say that there must be protection, because that raises the question of what structure that protection should take, which is a policy matter. There are many options.

**The Chairperson:** No matter what policy emerges, it will be tested by the Departmental Solicitor's Office when it comes into legislation. It must be tested in order to determine whether it can be structured into a legal framework.

**Mr Millen:** That is the nature of policymaking. I am sure that it is no different in the Department of Agriculture, the Department of Health, and so on. That is the nature of the system. It is all about the devices that come forward. At present, there is none. Policymaking is about coming up with suggestions and solutions.

Although someone says that there must be protection, sometimes, there is simply not enough information on which to offer a view. Therefore, I am sorry, Mr Elliott, that I am not able to give you a list of matters that should be included. I believe that that will require much thought.

**The Chairperson:** Well, you may put on your thinking caps.

**Mr Poots:** It is fairly clear that Mr Millen is saying that the protection that we seek should not be put into primary legislation because that would cause huge difficulties for all legislation thereafter.

The Committee's problem is that the Department has a range of fixed penalties for farmers, but, in order for a farmer to receive compensation, he must take the Department to court. If the Department can apply a range of fixed penalties, and it acts inappropriately or in way that is detrimental to a farmer who has not broken the law in any way, shape or form, there should be means for it to pay fixed compensation. The Department does not have to take a farmer to court in order to apply a fixed penalty. If it is found that the farmer has not been acting wrongly, he should not have to take the Department to court.

**The Chairperson:** Fixed penalties are dealt with in the next clause of the Bill. I understand what you are saying about the Department.

**Mr Poots:** Mr Elliott's hurdle is one that all of us are facing, and if we are to get over it, the matter must be clarified. People who are innocent and who have

been treated wrongly should have access to some means of compensation without having to go through the judicial process.

**The Chairperson:** Let us return to some of the suggestions that have been made.

**Mr Millen:** Perhaps I could address Mr Poots' last point. It is important to compare like with like. With respect, comparing a system of fixed penalties with a system in which a farmer has been wrongly accused is not comparing like with like. There is a difference between the two circumstances.

**The Chairperson:** No. The farmer is a small fry, but the Department happens to be a big fry.

**Mr Elliott:** Are you saying that it does not matter that a farmer's neighbours are saying that he is guilty of using illegal substances? Does it not matter that he is being wrongly accused and is being lambasted in his own community?

**The Chairperson:** He will be written about in the newspapers until, some day, he may be able to prove his innocence. It is a very serious matter.

**Mr Millen:** I completely accept that. However, a system of legal redress is already in place to address such a situation.

**The Chairperson:** You said that you have listened carefully, so you will understand how difficult it is for an individual farmer to take a case in the current economic climate. Will he have the financial backing that is required in order to take such a case? Will his bank back him? If he does not get the backing of his bank, there will be a question mark over his ability to come up with the money to take the case, or to ensure that the money is paid upfront. Some of us have been in similar situations with legal advisers like you in the past, and there are lessons to be learned. It is very easy to talk people into taking a case, but it is a different thing when one has to come up with the spondulicks to do the job.

**Mr Millen:** Absolutely; but, as I said, a system of redress is available. When it comes to examining policy difficulties, the problem with such proposals is how to quantify the loss and express that in legislation. That is just one of the problems that are leaping off the page.

**Mr Savage:** In any rural area, those kinds of investigations on farms create a great deal of suspicion in the community. How many times in the past year has the Department used its special powers?

**Mr Steel:** To which special powers are you referring?

**Mr Savage:** I am referring to the powers of entry and carrying out raids.

**Mr Steel:** In the case of the alpha-nortestosterone problem, the abuse of growth promoters was quite common until 1996, and a lot of on-farm raids took



place. Around 2004 or 2005, an allegation was made about stolen cattle from the Republic, and a Northern farmer was alleged to have been the responsible party. The police asked us to accompany them to the premises, where they found enormous quantities of an illegal growth promoter in a fridge. That search was carried out under warrant by the police.

A year later, a raid on another house revealed a quantity of illegal growth promoters and a syringe for delivering them. That led to the understanding that, if anyone was using those substances, they would not leave them lying around like a bottle of penicillin.

It will be hidden, and it will be in the house. Therefore, when the alpha-nortestosterone case kicked off, we worked on the basis that if there was material to find, it would probably be in the house. On that basis, houses on the first four farms — from about 150 — the houses were searched with police assistance. Those four cases gave rise to the furore since. The subsequent investigations did not include house searches, and, once it became apparent, as it rapidly did, that the science was dodgy and that people were being wrongly accused, we backed off completely and there has not been one since.

**Mr Savage:** Instead of pussy footing about, would it not be far better, plainer and cleaner to put something in the rules and regulations stating what will happen if someone is suspected of wrongdoing? That should be stated in a language that everyone understands.

**The Chairperson:** The Committee feels that there should be an opportunity to call for a third-party oversight, and that that person should be independent of the Department. It also feels that inspections or searches should be undertaken in accordance with the standard operating procedure, which will offer protection and awareness to farm businesses and departmental officials, and that that is furnished to the occupier at the time of the search.

**Ms Corkey:** The Department pursued your suggestion to include in the powers of entry a reference that inspectors must comply with the standard operating procedure. Our lawyer advised against that, because the standard operating procedure document is not a legal document and, therefore, does not have a standing in primary legislation.

**Mr Millen:** There are two ways to include the standard operating procedure document. First, the provisions in the standard operating procedure can be replicated on the face of the Bill in a schedule. Alternatively, it could be included using cross referencing, which does not put everything in the Bill, but requires all inspecting officers to comply with the procedure when they conduct searches. The net result is the same.

**The Chairperson:** Surely, that does not offend anyone. That is what inspecting officers should be doing: acting in accordance with the standard operating procedure. The only difference is that it is made clear and cross referenced in the legislation. Would you want such officers to behave otherwise?

**Mr Millen:** Absolutely not, but I return to my initial point as to whether that type of document is an appropriate inclusion in a primary piece of legislation, whether by inclusion itself or by cross reference. That is simply what I am suggesting.

**The Chairperson:** To be honest, if it is not appropriate to put into the documentation, it is not appropriate to use.

**Mr Millen:** I am suggesting that such a document is not appropriate for inclusion in a primary piece of legislation.

**The Chairperson:** If it is not appropriate for inclusion in the legislation, it should not be used — if it could not be put into law, there is something wrong. There is something suspicious and rotten in the process — the document is good enough to be put into operation, but there is a fear to put it down in law because it ties the Department. The Department should be tied to operate in accordance with proper procedure. Therefore, if you do not want to put it on the face of the Bill, you can cross reference it.

**Mr Millen:** That is a matter for the Committee. I just wanted to assist the Committee in its discussions on that subject

**The Chairperson:** With the greatest respect, your legal advice seems to be the impediment.

**Mr Millen:** Not necessarily. I have to give legal advice to the Department, and I must do so honestly. I cannot agree to a proposal when everything that I understand about it leads me to reject it. I am not against the inclusion of the standing operating procedure because I am worried about it becoming a legal requirement. The Department has an obligation to conduct its searches in accordance with that guidance, even though it is not a statutory document.

My fear is based on the fact that, to my knowledge, an internally drawn up document to guide departmental officials has never been included in primary legislation. I fear that, in going down that route, we would not know where we would end up. I cannot quantify the effect that that would have on other legislation across every Department in Northern Ireland.

**Mr Elliott:** That might be a good thing.

**The Chairperson:** Are you saying that, legally, it is not advisable or, as it seems to me, is it more a fear of opening Pandora's box?



**Mr Millen:** The two are closely connected. I believe that it has never been done before, and there must be a reason for that. As I keep saying, an internally drafted document to guide departmental officials is not appropriate for inclusion in primary legislation.

**The Chairperson:** I say this to the Department: you had better take this issue away, you had better think it through, and you had better talk to your lawyers, but we will talk to our lawyers, too. We must find out more about the fear that seems to strike at the heart of the Department that it might have to adhere to some statutory operating procedure; that it might have to do something right by strict operating procedures. There is something seriously wrong there.

**Mr T Clarke:** Pat, you said that when you give advice, you do not do so with one eye closed.

**Mr Millen:** Absolutely not.

**Mr T Clarke:** You said that you advised against the inclusion of compensation, and you went on to suggest that a farmer could request a judicial review of that decision. I know that I am touching on the next issue, but I want to draw a parallel: why could you not give the Department similar advice on the matter of a fixed penalty? Why could you not tell the Department that it could take farmers to court, as opposed to giving them a fixed penalty?

**Mr Millen:** The Department can do that.

**Mr T Clarke:** I want to draw that parallel now because it is part of the clause that we are discussing. Why did you not advise against fixed penalties and for taking court action, because that is the advice that you gave the Department: to let the farmer take the Department to court?

**Mr Millen:** Absolutely. That was the position before the Department proceeded with the proposal for fixed penalties; the default position is that everyone is prosecuted.

**The Chairperson:** There is a problem there, and I have concerns. If a person is faced with a fixed penalty of, for example, £100 or even £500, to tell you the truth, many people would plead guilty to something of which they are innocent, because it would cost thousands of pounds to fight their case. Therefore, they will take the fixed penalty and stand indicted and guilty, because paying the fixed penalty is more attractive than standing up and fighting the case. Can you see that legal danger: the lack of justice?

**Mr Millen:** That is the essential nature of all fixed-penalty systems. A penalty notice clearly indicates the evidence by which an official has judged a person guilty. There is no circumstance in which deciding not to accept a fixed penalty is the end of the matter. A person would be prosecuted; that is the

alternative of not accepting the notice, but it is up to that individual —

**The Chairperson:** It is up to the individual to plead guilty.

**Mr Millen:** It is not a case of pleading guilty, because a fixed penalty notice is not an indication of guilt. It is not a guilty plea; it is simply a notice of a penalty that is paid in lieu of prosecution. That is the essential nature of all fixed penalty notices.

**Mr T Clarke:** Therefore, if the police catch you not wearing a seatbelt and you pay the fixed penalty notice, you are saying that you are not guilty of not wearing a seatbelt?

**Mr Millen:** No; what happens is that the police cannot subsequently prosecute you for that offence. That is what I mean.

**Mr T Clarke:** By paying the fine, you accept your guilt.

**Mr Millen:** No, what you have accepted is that you will pay the fine as an alternative to being prosecuted.

**Mr T Clarke:** What about the points on your driving licence?

**Mr Millen:** That is the system that is used. A person gets the points and the option of —

**Mr T Clarke:** By accepting the fixed penalty, however, a person has accepted their guilt.

**Mr Millen:** No. I think that the person has considered the case and concluded that the evidence shows that they committed an offence.

**Mr T Clarke:** Yes — guilty.

**Mr Millen:** The person has committed an offence, but they are not prosecuted for that offence.

**Mr T Clarke:** Draw a parallel with what the Chairperson said: if you have a choice between a fine of £100 or £200, or going to court and paying solicitors or barristers thousands of pounds to try and defend yourself, you would probably pay the £200 rather than run the risk.

**Mr Savage:** Then your farm is branded.

**The Chairperson:** That has been done and that has happened. I do not know whether you practice in the real world, but have you never heard of that before?

**Mr Millen:** Absolutely.

**The Chairperson:** Did you ever hear of legal advisers even telling their people to do that?

**Mr Millen:** There is no way to change. That is the essential nature of a fixed-penalty system — the evidence will be laid out in front of the individual and it is then up to him or her to make that choice.



**The Chairperson:** We are certainly not going to agree on that point. Before we move on to the next matter, which is fixed penalties, we will finish with clause 5. I ask the Committee Clerk to summarise the position.

**The Committee Clerk:** The Department suggested the appointment of a search liaison officer, who will be completely independent of the Department, as part of one of the non-departmental public bodies.

**The Chairperson:** The Committee said that it wanted that officer to be completely independent of the Department.

**The Committee Clerk:** The Committee wants the standard operating procedure cross referenced in the legislation and that it will take legal advice in that respect; it wants the standard operating procedure to be furnished to the occupier at the time of the search; and it wants the occupier to have access to a third-party oversight.

**Mr Elliott:** Something should also be included to provide direct retribution against the Department for any wrongdoing.

**The Chairperson:** Is that a summary of the position to which we refer? Are members agreed?

*Members indicated assent.*

**The Chairperson:** We turn now to clause 6, which is about fixed penalties for certain offences. The Department told us that that is too bureaucratic to be done and that it is not being done elsewhere. The form of the fixed penalty notice will be introduced in subordinate legislation. However, the Committee suggested that the Bill be amended to ensure that the evidence on which the fixed penalty notice is issued is provided to the farmer at the time of issue. That would allow for consideration if the amendment that was suggested earlier was adopted.

The Department's legal advice is that an appeal system is not a feature of penalty-notice regimes and suggests that it would not be advisable to include it.

**Mr T Clarke:** That is not true. Parking-ticket fixed penalties can be appealed and overturned. That happens quite regularly.

**Mr Millen:** I studied other statutory examples, such as the Street Trading Act (Northern Ireland) 2001 and the Dogs (Northern Ireland) Order 1983. Those fixed penalty notices do not have appeal systems. There may be a particular reason as to why car-parking offences have an appeal mechanism. Those are appealed in a semi-judicial manner.

**Mr T Clarke:** The Department, in a summary of its responses to the Committee, states that its legal advice is that an appeal system is not a feature of penalty-notice regimes.

**Mr Millen:** Absolutely.

**The Chairperson:** In other words, you seem to be selective.

**Mr T Clarke:** You are selective about which examples you consider.

**Mr Millen:** Not at all. I studied the Street Trading Act (Northern Ireland) 2001 and the Dogs (Northern Ireland) Order 1983, and other pieces of primary legislation. Appeals systems are not features of those.

**Mr T Clarke:** If fixed penalties are considered, surely they must be considered in totality — one cannot be selective about which ones are considered. I cannot accept the advice that states that an appeals system does not work in other areas of fixed penalties when it clearly works for the Department for Regional Development (DRD).

**The Chairperson:** It operates in another legitimate Department.

**Mr Millen:** Appeals systems were not a feature of the two pieces of primary legislation that I considered. On that basis, I advised the Department that an appeals system would not be a feature of a fixed-penalty system. There is the car-parking provision, which, to my mind, is an anomaly.

**Mr T Clarke:** I am not talking about car parking. I am talking about someone parking on a single or double yellow line.

**The Chairperson:** What do you mean an anomaly? Just because DRD decided to do that, and it is regarded as legal, but because it has not been put in the DRD standard operating procedure then, somehow, DRD is right and the other Departments are wrong?

**Mr Millen:** Not at all. There may be a particular reason as to why that Department went down that route. It may have to do with the decriminalisation of parking offences.

**The Chairperson:** Surely a system that allows an appeal to be lodged in the 21 days allowed for payment would protect legitimate farmers who are willing to accept guilt rather than go to court. They could then examine the evidence outlined, as you have suggested, and appeal to an independent panel. That would avoid the cost of pursuing judicial reviews and taking innocent farmers to court. What would be wrong with that kind of justice system?

**Mr Millen:** I have no objection to that in principle, other than that appeals seem to undermine the essential nature of a fixed-penalty system.

**The Chairperson:** May I ask you a straightforward question: can it legally be done?

**Mr Millen:** It could be done.



**Mr Poots:** Is it not logical to have a system whereby papers can be presented that demonstrate that a fixed penalty should not have been applied in a particular instance, or, indeed, to demonstrate that it should have been applied, but that someone could lodge an appeal in any event and present their case so that someone else can consider whether the fixed penalty was applied correctly? Surely that would be better than encouraging people to go to court.

**Mr Millen:** It can be done. To repeat my initial conclusion: it is generally not a feature of fixed-penalty offences. If it is to be done, some thought will have to be given to the structure of an appeals system. The Court Service will have to be consulted, because the appeal could not be made to the Department, as it is not an independent body.

**Mr T Clarke:** DRD is a Department.

**Mr Millen:** Those appeals go to a semi-judicial appointee, who is scrutinised by the Court Service. Legally it is possible to have an appeals system, but some thought will have to be given to the structure, and the Department will have to speak to the Court Service.

**The Chairperson:** Surely now is the time to do it.

**Mr Millen:** Absolutely. I am simply saying that the Department will have to speak to the Court Service.

**Mr Poots:** The Department already has an appeals system in place. Fixed penalties are applied on occasions where, for example, single-farm payment requirements have not been met, yet there is an appeals system for that. There was an appeals system for the issue of duplicate fields, although it was not a very effective one because the Minister overturned the decisions that were made by the appeals panel, and caused huge problems. Nonetheless, there is already an appeals system in the Department of Agriculture and Rural Development to deal with this matter.

**Mr Millen:** You will find that those penalties do not lead to subsequent prosecution; that is the difference.

**The Chairperson:** The advice that was given to the Department by its lawyers was that an appeal system is not a feature of penalty-notice regimes, nor would it be advisable to make such provision. That is not what we are hearing today.

**Mr Millen:** I would still hold to that view.

**The Chairperson:** But you are telling us today that —

**Mr Millen:** It is legally possible to establish an appeals system, but such a system is not a feature of such penalty-notice regimes.

**Mr T Clarke:** I cannot and will not accept that.

**Mr Elliott:** Even if it is not a feature, why is it not right to do it now?

**The Chairperson:** If it can be done, why not do it? Is the Assembly not allowed to look outside the box? Are we just sitting here in straitjackets?

**Mr Millen:** What I have said is that an appeals system can be established, but it is generally not a feature of a fixed-penalty regime. It would be costly and bureaucratic.

**The Chairperson:** It might be a feature of any good society to protect the innocent.

**Mr Poots:** It would certainly be less costly, for both parties, than going to court.

**Ms Corkey:** The fixed-penalty scheme will be applied quite narrowly. We envisage that it will operate only during an epizootic outbreak, such as foot-and-mouth disease, when an individual might be illegally transporting animals. It will also apply to illegal imports. Therefore, the scheme will operate in a very narrow manner.

**Mr T Clarke:** So, there would not be that many appeals?

**Ms Corkey:** No.

**The Chairperson:** Therefore, the process will not be too costly.

**Ms Corkey:** That remains to be seen. If there is an appeals system —

**The Chairperson:** A few moments ago we were told that such a process would be costly.

**Ms Corkey:** It certainly would be costly if we have to set it up to the standard of a judicial hearing. We would have to consider that matter in the context of the costs of dealing with a disease outbreak. That is when we see the value of a fixed-penalty scheme.

**The Chairperson:** On the other hand, however, it could be less costly. You have not determined the costs because such a scheme has never been established. How can you use costs as a reason when you do not have those costs? That said, however, anything legal certainly seems to have a big cost associated with it.

**Ms Corkey:** If an appeals panel must operate to the standard of a judicial hearing, it will be costly. However, the Department believes that the fixed-penalty scheme will benefit the farming community during epizootic outbreaks because it will provide an effective way of dealing with a very small minority of farmers who do not comply with the rules. There is evidence of that during the foot-and-mouth outbreak in 2001.

**The Chairperson:** Some of those farmers might just happen to be innocent.

**Ms Corkey:** The Department would intend to use the fixed-penalty scheme for clear-cut offences, which would be specified in subordinate legislation.



**Mr Poots:** The Committee does not propose to remove that power. We are suggesting only that there is an appeals mechanism that does not involve a judicial hearing. If the scheme's application is as clear cut as the Department suggests, it will be seldom used.

**The Chairperson:** Members may want to recommend that amendments are made in order to ensure that the fixed penalty notice is signed by two officers and that the countersignature is a senior departmental official who is not involved in the investigation. That individual should verify that he or she has examined the evidence against the recipient and is content that it meets the requirements for issue of a fixed penalty notice.

Furthermore, the amendments will provide details of the evidence on which the fixed penalty notice has been issued to the recipient and will outline that the recipient has a right to appeal within 21 days. That will offer protection to innocent farmers who would rather accept the burden of guilt than be publicly embarrassed by a court case. Moreover, the amendments will define existing offences under the 1981 Order that will now be included in the fixed-penalty regime.

Does that summarise the Committee's position?

**Ms Corkey:** With regard to your third point about defining offences: the offences will be specified in subordinate legislation, which will be presented to the Committee in draft form. The Department wants to keep the particular offences under review in the light of experience.

**The Chairperson:** There are existing offences under the 1981 Order.

**Ms Corkey:** Yes, there are, but the fixed-penalty scheme will apply to only very particular offences.

**The Chairperson:** That is what the Committee is trying to establish: to what offences the fixed-penalty scheme applies.

**Ms Corkey:** That matter will be included in the subordinate legislation. As I said, it will probably relate to activities that may arise during epizootic outbreaks, plus illegal imports.

**The Chairperson:** Are members content with the response to that third point?

**Mr Elliott:** I think that that is reasonable, because it may be subject to change, and it would be much easier to change the wording.

**Ms Corkey:** Yes, either taking the term "offence" out of the fixed-penalty scheme, and perhaps —

**The Chairperson:** The first two points, however, remain.

**Ms Corkey:** Your first point about the two officers, and having a second officer to confirm the evidence;

how do you envisage that second officer confirming the evidence?

**The Chairperson:** I was very clear on that. The second officer should verify that they have examined the evidence against the recipient, and are content that it meets the requirements for the issue of a fixed penalty notice. In other words, they examine the evidence, yet would not have been involved in the investigations. They would be a senior departmental officer who could look at the evidence and ensure that —

**Ms Corkey:** Do you mean the paperwork evidence, or the actual offence on the ground?

**The Chairperson:** The second officer would have to look at all the evidence that is available.

**Ms Corkey:** To take the example of the illegal movement of animals: if an officer finds that animals are being moved illegally along a road on a lorry, and the officer stops the lorry and decides to issue a fixed-penalty notice, what would be the role of the second officer?

**The Chairperson:** Surely, if a second officer takes the evidence from the first officer and examines it, that would be a safety net for the officer concerned.

**Ms Corkey:** So, the second officer will not have seen the lorry or the animals; he will see only the paperwork — is that what you mean?

**The Chairperson:** You are talking about a very particular incident.

**Ms Corkey:** I am trying to envisage the practical situation when an officer on the ground detects illegal activity. Where does the role of the second officer come in?

**The Chairperson:** We will talk to our Committee Office regarding the actual wording of that, but the general idea is that a second officer, in my book, provides a protection for the first officer.

**Mr Poots:** It is easy to deal with the clear-cut cases, but where the case is not so clear cut, where perhaps someone observes a farmer with a jeep and trailer or a lorry, which is normally used to carry livestock, moving during a period when no livestock is allowed to be moved. However, if the vehicle is carrying not livestock, but fencing material, meal or some other material, and someone observes it moving, reports it and the officer institutes a fine, then that is where an appeal would kick in. It is at that point that a second officer may be beneficial. Ms Corkey's case was a very clear-cut one; those are always the easy ones with which to deal. There are always more complicated cases when people may think that they have a case, but they do not have a case to answer.

**Ms Corkey:** In that particular case, the officer issuing the fixed-penalty notice would have to inspect



the vehicle at the time. It would not be acceptable to issue a notice for an event that he had seen in the distance. He would have to inspect the vehicle to check that it was transporting animals.

**The Chairperson:** I would have imagined that most officers would refer to a senior officer in any case. I would have thought that an officer would be looking for that protection, and that that would be the normal procedure.

**Ms Corkey:** I understand that; I just wanted to clarify how you saw the role of the second officer. I wanted to be clear about that.

**Mr Steel:** The case to which Mr Poots just referred would be a case in which there was insufficient evidence to prove anything at all. When any officer issues a fixed-penalty notice, it is an offer to that person as to whether they want to accept the fixed penalty or, possibly, be prosecuted. If prosecution is an option, we do not put cases to the court unless we have adequate evidence. In that case, we would not.

The cases during the outbreak of foot-and-mouth disease to which reference has been made, when vehicles carrying livestock were stopped by the police, mostly, I believe, on the M1, the police called a departmental official. That is the sort of instance that actually occurred, and I think that there were eight or nine of such cases.

**The Chairperson:** If you did not have the evidence to take the matter to court, would there be even a suggestion of issuing a fixed-penalty notice?

**Mr Steel:** No, because it is only an offer.

**The Chairperson:** You would not be offering anyone a fixed-penalty notice if you felt that there was not sufficient evidence if the matter had to be taken to court.

**Mr Elliott:** That is the real danger of the fixed-penalty notice. That is when an appeals system works.

**The Chairperson:** That is only proving the very point that the Committee is raising.

**Mr Elliott:** That in actual fact they will use the fixed-penalty scheme because they do not have enough evidence to go to court, and they will say to the poor old farmer: look, you take your chances and go to court.

**The Chairperson:** Absolutely.

**Mr Steel:** I absolutely accept the point that there is potential for abuse of the system, but I am explaining how I would see it operating.

**The Chairperson:** I am merely pointing out what the Committee wants to do, because you are acknowledging the proof of what the Committee is saying. Therefore, we want to have a route by which the innocent can be protected.

**Mr Steel:** My personal view, for what it is worth, is that that is a flaw in the fixed-penalty system in any

case. Anyone, in any circumstances, who is offered a fixed-penalty notice may feel that it is too costly or too difficult to defend themselves, or the embarrassment too great, and just pay and make the problem go away.

**The Chairperson:** Therefore, in acknowledging that, I am happy that the Department actually hears that that is what real life is like. However, the Committee is offering a route that could guard against that. In my opinion, that is what we ought to be doing: protecting the innocent, not defending the guilty, and providing an opportunity to guard against any of those matters that are now acknowledged.

**Mr Elliott:** I believe that this Committee is too pro-active and is making suggestions that are, perhaps, outside the box. I just want to confirm what Pat Millen said earlier that by accepting a fixed penalty one is not accepting guilt. That is not what the evidence is clearly saying. The purpose of a fixed-penalty scheme is to allow a person who accepts that he is guilty of an offence to avoid going to court.

**Mr Millen:** The distinction that I was raising, and perhaps I did not express myself clearly, is that you were not guilty of the offence in a court of law. You were not prosecuted for it.

**Mr Elliott:** But you are still guilty of the offence.

**Mr Millen:** You obviously have to accept that you committed the offence. The distinction that I tried to make clear to, I believe, Mr Poots and Mr Clarke, is that you were not prosecuted for that offence. You then did not have a criminal conviction or a criminal record. That is the distinction that I was making.

**Mr Poots:** That is a lawyer's obfuscation.

**The Chairperson:** I think that the Committee is clear on those two points. In light of the changes that we have recommended and the amendments that we have made, am I correct in suggesting that, while the Committee still has clauses 8 and 11 to consider, we can not proceed with the formal scrutiny of the draft Bill today?

**The Committee Clerk:** That is correct, because of the number of amendments that the Committee has recommended to the Department. The Committee must now see whether the Department agrees to any or all of those amendments. If that is the case, the Department would amend the draft legislation accordingly. If the Department is not in agreement with the amendments, but the Committee still feels that they should be included, then the Committee Office will have to liaise with the Bill Office, and the Committee have its own amending legislation drawn up.

At present, the recommendation from the Committee Office is that, after lunch, the remaining two clauses are considered. If the Department is then in a position



to indicate whether it will allow the Committee recommendations to amendments —

**The Chairperson:** To be fair, I do not see how the departmental witnesses could do that this afternoon, because they may have to confer with their colleagues and legal team, which is only right.

**Mr Millen:** It is clear that, in the case of fixed penalties, the Department will have to go back to the Court Service with regard to the issue of appeals.

**Committee Clerk:** There are issues about which the Committee, too, will be seeking advice. Therefore, today's business can conclude after consideration of the remaining two clauses.

**Mr T Clarke:** I cannot see why the issue of a fixed-penalty appeals scheme has to be referred to the Court Service. Surely the appeals process is an internal mechanism within the Department?

**Mr Millen:** I would have thought that where there was a risk of prosecution, an appeal should really be dealt with by a person who is completely independent of the Department.

**Mr T Clarke:** I think that you should examine how DRD carries out its appeals. That Department carries out the appeal, and if an individual does not accept and pay the penalty, he or she still has the option to go to court.

**Mr Millen:** My understanding of how parking offences are dealt with is that an appeal is sent to an individual who has a semi-judicial role and who is appointed by the Court Service.

**Mr T Clarke:** Does that individual work for the Department?

**Mr Millen:** No, that individual hears appeals.

**Mr T Clarke:** So, you did examine that, too?

**Mr Millen:** That is my understanding of the appeals system for parking offences. An appeal is not sent to a member of staff in DRD — of that I am sure.

**The Chairperson:** We can get that process checked out. Given that, because of the narrowness of the remit, not many offences can be taken into consideration, could not a pool of people be used from, for example, the Law Society?

**Ms Connor:** The Department will have to examine that matter as well as the structure of an appeal, and all the points that you and the rest of the Committee have made will also have to be taken into account. We will have to deliberate on this issue, because it is a very important part of the Bill.

**The Chairperson:** The Committee will return to the formal clause-by-clause scrutiny on 20 January 2009. We will now move on to deal with those two important outstanding clauses.

**Mr Savage:** Jennifer Corkey raised earlier the important issue of animals in transit. Animals may leave a mart, be brought to the farm and remain there for a certain number of weeks, ending up in the abattoir for slaughter. However, if a digit happens to be wrong on the identification tag of one of those animals, is there no comeback for the farmer? I am talking about one animal in particular that was tested by departmental officials two, perhaps three, times. The animal left Enniskillen and returned to the farm, after departmental officials signed the docket to release it. The animal was brought back to be slaughtered and a digit on the tag was wrong. Does the farmer have no comeback in such a case? The animal had been through officials' hands two or three times, and there was inefficiency on the part of the farmer or some of the officials. Can the farmer not be safeguarded in that regard?

That is a serious issue and it happens day and daily, and the incident that I mention happened only two or three weeks ago. The animal was held in the abattoir for more than a week, and it transpired that there was nothing wrong with it. It ended up in the bin, and the farmer lost £700. He was not allowed to bring the animal home. The suspicion fell on the farmer. Some sort of legislation must be introduced to allow a farmer to bring an animal back home. He cannot afford to lose that money. That incident really happened, and similar incidents happen day and daily — not as often as they used to, but they still happen. I would like a provision included in the legislation that would safeguard the farmer. I do not know how that can be done. In the incident I mentioned, the tag must have been read incorrectly at the outset. When the documentation is produced, the numbers are taken from it.

I am not being awkward, but that is what really happens. I apologise for holding up the business of the Committee, but something must be done about it.

**The Chairperson:** Maybe the departmental officials need to take that illustration away and think about it.

**Ms Corkey:** There are strict EU rules on cattle identification. There is not a lot of flexibility in the cattle identification scheme.

**The Chairperson:** The animal had, however, passed through the hands of departmental officials a number of times.

**Ms Corkey:** I do not know the particular circumstances of the case.

**Mr Savage:** It all comes down to the fact that the Department sees the farmer as a soft touch, and the farmer is the person who loses out all the time. A wee bit of common sense must prevail.

**The Chairperson:** We now move on to clause 8, which deals with biosecurity guidance and compliance. The Committee expressed strong resistance to moving



from a voluntary to a compulsory code and asked the Department to define and include its biosecurity concerns in primary legislation. The Department responded by recognising that any effective means of biosecurity must reflect the variety in range, type and scale of farming systems and the dynamic of risk. The Department stated that it was not in a position to provide a definitive list of the diseases on which it is minded to produce guidance, or what the content of that guidance is likely to be.

That response reinforces the Committee's view that the guidance should not be included in legislation, particularly if failure to comply with the as yet unknown guidance could be considered in a court and led to a reduction in the level of compensation. The Department seems to be rushing the matter without giving it due consideration. This was one of the issues to which the Ulster Farmers' Union was strongly opposed.

That is the Committee's opinion so far. Does any member want to raise any concerns on that matter?

**Mr Elliott:** There seems to be a clear difference of opinion on whether biosecurity guidance can be included in the Bill.

**The Chairperson:** Is it correct that the Department is unsure about what specific diseases should be included in the Bill?

**Ms Jackie Robinson (Department of Agriculture and Rural Development):** At this stage, the Department is reluctant to specify what diseases should be included in the Bill. That is on the basis that we have to take account of new and emerging diseases. If we specify the diseases to be included at this stage, we may not take account of, for example, West Nile fever, which could be topical in a year or two years hence.

**Ms McMaster:** The diseases for which we are likely to want to develop biosecurity guidance would include those serious diseases about which we know at present, but those might be added to. They would include foot-and-mouth disease or avian influenza, or brucellosis, which has serious economic consequences here at present. However, the Department cannot be definitive at this stage about which diseases should be included, because there might be other diseases that become very serious problems in Northern Ireland.

**The Chairperson:** Are there general biosecurity measures that need to be adhered to?

**Ms J Robinson:** Yes, as you are probably aware, we already have a biosecurity code. That code sets out simply and clearly the general biosecurity for any farmer. It is reasonably basic and covers most diseases in a general sense.

**The Chairperson:** Is it a voluntary code?

**Ms J Robinson:** It is a voluntary code at the moment.

**The Chairperson:** Is there an intention to change the code from being voluntary?

**Ms J Robinson:** We want to change it from a voluntary to a statutory-based code. The voluntary code is welcomed by 99% of farmers, because they welcome having guidance on what they can and should do. There is a very small number of farmers who do not take account of the code, and the Department would like to have a penalty system to deal with those farmers. Failure to adhere to the code would not be enough to take a farmer to court. However, if biosecurity guidance was based in legislation, we would be able to raise in court the fact that a farmer had not taken that guidance into account.

**Ms McMaster:** The current code provides general advice and outlines what is good practice across the board, but it does not give disease-specific advice to farmers. If there is a particular risk in Northern Ireland at any time — avian influenza, for example — we would like to be able to develop disease-specific guidance. The guidance would be produced at the time and contain everything that a farmer needed to know about what he can do to prevent an outbreak of a disease — avian flu, for example — on his farm. The guidance would be concise and easy to use, as opposed to the general guidance that exists at present.

**Mr Elliott:** I should have declared an interest as a farmer because the booklet reminds me of what farmers have to look through occasionally. The general guidance is, broadly, welcome. The difficulty will be moving from a voluntary code to a legislative base. I am concerned that it gives the Department an opportunity to prosecute farmers for something of which they may not have been even aware at the time. The Department may argue that that is not the spirit or intention of the code, but that is what could happen, especially if a farmer had to deal with a new disease or one that had not been about for a while. I would like to hear the Department's view on how the code would operate in practice.

**Ms McMaster:** The Department would develop the guidance along with industry, as it should be done in consultation; it is not something that the Department would produce by itself. If there was a specific disease risk in Northern Ireland, the Department would feel that it was important to produce guidance in conjunction with industry and to consult on that guidance, so that it would become known. It would also be given a lot of publicity. In a particular disease-risk situation, the Department would alert the farming industry through its normal communications of press releases and media coverage of the risk and threat to Northern Ireland. It would highlight the existence of the advice with which it was asking farmers to comply.



Would the Department use that risk as an excuse to prosecute? We do not plan to prosecute people if they breach the biosecurity guidance. However, if the Department were to prosecute someone for a breach of another statutory offence — and it would be a serious statutory offence if it went to prosecution — and if the Department also had evidence that that person had breached the guidance, then it would also bring that evidence to court. However, the Department would not, in itself, prosecute for a breach of biosecurity guidance.

**Mr Elliott:** If that is the case, what is the difference between having it in the Bill, as opposed to it being a voluntary code? Can a voluntary code not be used on the same basis if a case were brought to court?

**Ms McMaster:** It would not carry the same weight in court. One reason for wanting to make it statutory is to give it more importance in the farming community. The voluntary code is there, and people know that it is a voluntary code, although they might not look at it every day. Nevertheless, many people do comply with it, although some do not. The intention, in giving it a statutory basis, is to give it more importance and weight, so that people understand that it is important.

**The Chairperson:** It would certainly give it more importance if you were tying it all in with the whole compensation issue. Once again, it is a penalty on the farmer. It is strange that all of these codes and guidance can be put into legislation when, a wee while ago when we were talking about another matter, when it was the other way around we were advised that that should not be put in legislation. There seems to be one law for the Department and one law for farmers. Do you not see that?

**Ms J Robinson:** We were talking previously about putting in primarily legislation something that is very detailed — the standard operating procedure. We are now talking about having the power in the primary legislation that will allow us to set guidelines, and we will do that by subordinate legislation. As always in the case of subordinate legislation — and for every disease, unless it is an emergency — the Department will go through the full consultation process.

**The Chairperson:** Previously, I would have liked to have the power to put that in the legislation. However, what guidelines are you talking about? They have still to be drawn up.

**Ms J Robinson:** I would love to be able to sit here and tell you what those guidelines are. However, before I would do that, I would like to be able to talk to our industry. Our idea would be that we would set up joint industry groups so that the guidance would not be guidance that I have decided on, or guidance that purely the Department has decided on. It would be set

up jointly with industry representatives, and they would play a very large part in drafting those guidelines.

**The Chairperson:** The explanatory and financial memorandum to the Bill states:

“Clause 8 of the Bill (inserting Articles 4A and 4B into the 1981 Order) enables the Department to prepare and publish biosecurity guidance for any disease specified by an order”.

That does not say “in consultation” or anything else, it just says “prepare and publish”.

**Ms Corkey:** It states in the Bill that the Department is required to consult —

**The Chairperson:** I am reading from the Department’s explanation.

**Ms Corkey:** Yes, but that is a summary. The Bill states that the Department must consult on the draft guidance. That is definitely written into the Bill.

**The Chairperson:** What is the feeling of members? Can the matter not be withdrawn until the guidance has been consulted on and developed? The Committee could consider it at that time.

**Ms Connor:** As you can appreciate, the timetable and programme for primary legislation involves a convoluted and lengthy process. It has taken a long time to reach this stage of the Bill, so it would take as long again to introduce an amendment to it. The Department wants the Bill to introduce permissive powers, and we will consult with the industry and the Committee on the biosecurity guidance. We hope that the Bill will give the Department permissive powers that will enable us — after we have gone through the full rigours of consultation — to draw up the biosecurity guidance. The Bill provides permissive powers only.

**The Chairperson:** Although that is true, my major concern is that those permissive powers will be developed. It would take a long time to get rid of a bad clause, and the farming community would suffer because of that.

**Ms Connor:** The farming community would not suffer. Although those powers will be in the primary legislation, they will be enacted through subordinate legislation: through the guidance. Nothing in the Bill will have a direct impact on the farmer; it must be enacted through the secondary legislation. This will give the Department the power to make subordinate legislation or guidance. The farmer would not, therefore, be disadvantaged, but the Department certainly would be.

**Mr Elliott:** What are the practical outworkings of the biosecurity guidance? Will it be implemented for only specific diseases, or will it follow a process similar to the farm quality assurance scheme, which includes a regular inspection for biosecurity?



**Ms McMaster:** Much of the detail on how the guidance will be best implemented will emerge from discussions with the industry. The Department does not have firm views on that at this stage. We will develop the question of which diseases are to be included on a disease-by-disease basis. We will consult on each code, so we are not simply adopting it on a wide scale. The method of how we implement the guidance will be discussed as part of the subordinate legislation consultation process in line with the consultation on the code.

**The Chairperson:** Can clause 8 refer to a voluntary code, rather than a compulsory code?

**Mr Millen:** One way of looking at that is that if it is a voluntary code, things may as well be left as they are. The code is currently voluntary.

**The Chairperson:** Apart from where it has not been working.

**Ms McMaster:** As you know, brucellosis has been a real disease problem in Northern Ireland in the past few years. There are examples of factors in serious disease outbreaks in Northern Ireland that currently fit under the voluntary code of practice. We have, so far, more experience where this has been an issue in the case of brucellosis. So far, luckily, there have not been serious outbreaks of avian influenza here, so we do not know whether there might be problems with a voluntary code in dealing with an outbreak of that or any other serious disease.

**Mr T Clarke:** You drew a parallel with the problems with brucellosis. From the first identification of the disease, how long does the process normally take before the Department decides whether there is a case to answer?

**Mr Roly Harwood (Department of Agriculture and Rural Development):** That depends. The Department investigates each outbreak.

**Mr T Clarke:** How long does that take?

**Mr Harwood:** As soon as the Department finds out about the outbreak, it begins its investigation. It can take months, as more and more information becomes available. The source is not necessarily found at the first outbreak. It could be discovered as a result of information from subsequent outbreaks.

**Mr T Clarke:** When a reactor is taken away, how long should it take you to determine whether a particular herd has the disease?

**Mr Harwood:** When we test for brucellosis, it could take a couple of weeks to get the results back from the laboratory, and it could take several weeks for a culture result. First, we have to slaughter the reactor and examine the culture.

**Mr T Clarke:** Therefore, from the first test on the farm, it could take two weeks for a result?

**Mr Harwood:** It can do.

**Mr T Clarke:** If brucellosis is so serious, why does it take so long after the first test to get the result? Given that the aim is to prevent the spread of disease, why is there such a long period between the first test and the identification of a problem? Yet, if a compulsory code was introduced, the Department would make the farmer jump through hoops, which he may not necessarily have to do if the Department was acting quicker.

**Mr Harwood:** We are not asking farmers to jump through hoops, but to take basic steps to prevent the disease entering their farms.

**Mr T Clarke:** My problem is that the disease may not be present on the farm, and, if the Department were to act more quickly, the farmer would not have to take those steps. At present, farmers can take such steps voluntarily, but if the code becomes mandatory, the farmer may become liable for not complying with it.

**Ms J Robinson:** Perhaps we are talking at cross purposes. The Department is talking about a biosecurity code to stop the spread of disease, whereas you are talking about what happens when a disease already exists on certain premises.

**Mr T Clarke:** Given that it takes the Department so long to determine whether the disease is present on a particular farm, that is disputable. Samples were taken from a farm on 19 December 2008, and the farmer found out the results from the Department only yesterday. For one thing, that is longer than two weeks. If brucellosis is so serious, why does it take the Department so long to get back to the farming community?

**Mr Harwood:** It does not always take that long. The processes involved take time, and even when everything works like clockwork, it still takes time to get the result of a blood test. In fact, a couple of blood tests are carried in order to obtain a confirmed result on which the Department can take action. The culture is a long process, but, by that stage, and after a positive blood result, immediate action is taken to prevent the spread of disease.

**Mr T Clarke:** What action is taken?

**Mr Harwood:** The herd is closed so that no more animals can be sold, people are advised to bring animals indoors, and to do whatever else is required to protect their neighbours and themselves from contracting the disease.

**Mr Poots:** I have less difficulty with that issue, given that the Committee will return to it under subordinate legislation, at which point it will have to be consulted again on its ratification. In that sense, we



are not giving the Department an open cheque on biosecurity guidance. Furthermore, we are statutory consultees on the guidance. It is important to put in place reasonable, practical and sensible biosecurity measures, but sometimes people have different judgments on what those are; it is not a perfect science. Therefore, some degree of latitude is required in how departmental officials carry out their duties, so that individuals are not persecuted for committing a minor indiscretion, but have the opportunity to rectify the situation. Some common sense must be applied.

**The Chairperson:** Are we suggesting, therefore, that the amendment be withdrawn until the guidance can be developed and considered by the Committee?

**Mr Poots:** Unfortunately, we do not have the time to do that under this process.

**The Chairperson:** I thought that we were withdrawing our amendment because, under the subordinate legislation's consultation process, the matter would come back to the Committee for further scrutiny, at which point we could determine whether we liked the proposal.

**Mr Poots:** It is harder to stop under subordinate legislation than at primary legislation, but there is a fallback position.

**Ms Connor:** There is certainly a fallback position. However, the purpose of the consultation, with the industry and the Committee, is to try, as far as possible, to come up with biosecurity guidance that is acceptable and workable. Some of the Committee's concerns will, certainly, be addressed at the subordinate legislation stage. However, it is, at least, a two- or three-way process, which involves the Committee, the Department and the industry working together.

The code that Jackie Robinson showed you earlier was drawn up by a working group of the rural stakeholders' forum. It worked exceptionally well. The code was well received by the industry because there was buy-in. The Department also produced a laminated poster to accompany the code, which is in many of the farms that we have visited. Therefore, it has been demonstrated to work at local level.

**The Chairperson:** The Ulster Farmers' Union has difficulty with placing the guidance on statute, which it says would be an unwelcome step. It suggested that it should be retained as a voluntary code. Is that correct?

**Ms Connor:** Yes. That is probably because the Ulster Farmers' Union is concerned about the link to compensation rates. No one would disagree with the importance of biosecurity in any disease outbreak. It would certainly be to the benefit of the Committee, the Department and, indeed, the industry if it could be put on a statutory footing now in primary legislation, with the detail sorted out in secondary legislation, rather than

to lose the vehicle with which to put the matter right. We will get only one chance with primary legislation.

**The Chairperson:** Can the compensation element be withdrawn and be considered under subordinate legislation?

**Ms J Robinson:** To clarify, it was never the intention that non-compliance with the guidance — even if it has a legislative basis — would, in itself, be an offence. It would be admissible as evidence only in connection with another offence under the Diseases of Animals Bill. Therefore, a person will not be penalised for having committed an offence under the biosecurity guidance alone. It is envisaged that cases will be taken when the most blatant or repeated biosecurity negligence has occurred or when lapses in biosecurity have far-reaching consequences for the entire industry.

**Mr Elliott:** In broad terms, I agree with Mr Poots: I do not have as big a concern as he, simply because the voluntary code is in place and most farmers — 99% was, I believe, the percentage mentioned — try to comply with it and, indeed, do so. My difficulty is the Department's duplicity, whereby it wants to make the voluntary code statute in that part of the Bill, but when the Committee tried to put an earlier portion of the standard operating procedure into statute, it would not allow that.

**The Chairperson:** Yes, I would like to draw that to the Department's attention. It seems that it is all one-way traffic.

**Mr Elliott:** That is what really annoys me.

**Ms McMaster:** The Department is not making the voluntary code statutory. The Ulster Farmers' Union was concerned that we would take the voluntary code that it had helped to develop, and make it statutory. That is not the case at all. We are discussing the development of new disease-specific guidance that will become the statutory code. That will be a different piece of advice, and not the existing voluntary code.

**The Chairperson:** It might even be stricter.

**Mr Poots:** I am more concerned about VetNI's response. Clearly, veterinary surgeons are in business to reduce and prevent animal disease where possible. It says that without a clear strategy for implementation and inspection, the suggestion that failure to comply with guidance could lead to criminal proceedings seems heavy handed because different owners will have a different understanding as to what is meant by biosecurity. I fully agree with those comments and urge that they be reflected in whatever action is taken by the Department.

**Ms Sandra Dunbar (Department of Agriculture and Rural Development):** I agree entirely with VetNI, but that is where subordinate legislation is critical and



that when the Department draws up the guidance, it is written in a way that is achievable and understandable by farmers and is not excessive.

The example that was given about avian influenza is extremely relevant. If avian influenza arrived on the island of Ireland, we would want to insist on poultry being kept away from wild birds, and, perhaps, on the housing of free-range flocks. At the moment, we do not have the legislative authority to take such actions. The existing biosecurity guidance does not allow the Department to insist on compliance, but if there are other problems, we can at least use it in order to make a case against someone. It can be very useful in ensuring that disease does not spread.

**The Chairperson:** Unless I have taken it up incorrectly, it is more than guidance, because it is going to be considered as a mechanism by which part or whole of an amount of compensation can be withheld.

**Ms McMaster:** That would happen in only very serious circumstances.

**The Chairperson:** Therefore, it is more than guidance. If I have read it correctly, the courts can take the guidance into consideration as well.

**Mr Poots:** It can be used in criminal proceedings as opposed to civil proceedings. I have an issue with that.

**Ms McMaster:** The courts will take the guidance into consideration only if other statutory offences are being prosecuted. The Department is introducing the power to withhold compensation in very serious circumstances, in which an incident with far-reaching consequences has occurred.

**The Chairperson:** It is like everything else: beauty is in the eye of the beholder. Who decides the seriousness of a case? Who decides whether to withhold the whole amount of compensation, or a part of it?

**Ms McMaster:** In this case, there are existing processes and powers available to the Department. Those are not entirely new powers; we are just adding to those that already exist. We will have to consult with the industry as to how the process will be conducted. We envisage that we would put it to the person concerned that we had evidence. We would have to outline all the evidence that we had to provide the basis for considering withholding compensation. That would be presented to the herd keeper, who would have the opportunity to respond and present his or her case to the Department before a decision was made. That is the process that we would work through.

**The Chairperson:** What is the mind of the Committee?

**Mr Irwin:** I do not have a problem with the issue, other than the concern that other members have expressed about the possible overuse of those powers

in some simple cases. The Committee has sometimes been critical of DARD for not getting to grips with diseases. At the same time, however, if those powers will help in some way, it will be difficult for the Committee to oppose their introduction. Many of us are fearful of the powers being used when they should not be used, particularly in minor situations in which compensation is being withheld. The Ulster Farmers' Union might say the same thing.

**Mr Savage:** I know that there have been some sagas when it comes to compensation for infected animals. Has the Department overcome that problem in the past while? How does the Department arrive at a valuation? Is there a more up-to-date way to compensate a farmer for the loss of an animal?

**Ms McMaster:** If an animal is being slaughtered because of TB or brucellosis, the Department's valuer will go and put a price on the animal. The herd keeper is then offered the valuation and can choose to accept that or bring in an independent valuer. The herd keeper also has the option to appeal a valuation to an independent valuation appeals panel. So, that is the system that currently operates.

**Mr Savage:** The system has not, therefore, changed in recent years.

**Ms McMaster:** The system was revised in 2004 and has been in place since.

**Mr Savage:** I asked that because we seem to be losing ground, instead of getting on top of the diseases. There seem to be more outbreaks now than ever, maybe not in as many herds, but herds have got bigger. I know farmers who have not been able even to let their cattle out these past six months, including in the middle of the summer. Although it was a wet year, the cattle were kept in because the surrounding farms had outbreaks of TB and brucellosis.

I have listened to all of the witnesses carefully, and drastic measures will have to be taken, because we do not seem to be making any headway with the problem. The amount of money paid out each year in compensation because of outbreaks in herds is unbelievable. I wish that there was an answer to the problem, but I cannot see one. When one thinks that an area is clear of disease, all of a sudden there is an outbreak, and the area is wiped out. There are areas that have been cleared, but the disease has continued up one side of the River Lagan, affecting farm after farm. How that can be eliminated I do not know. The situation is getting serious, because the outbreaks are getting into big herds and will eventually wipe them out.

**Mr T Clarke:** The Department is, in a sense, getting a double dunt at farmers through clause 8 — if the case goes to court, the Department can, first, use it as an additional rod with which to beat farmers, and, secondly, withhold compensation. Could the



Department not remove the part about withholding compensation and use just the threat of failing to comply with biosecurity guidance, along with other matters, in court proceedings? The explanatory and financial memorandum states that: “The Department may withhold, either wholly or in part, compensation in respect of an animal slaughtered”.

We all know what that means — the Department will withhold the compensation in its entirety. Therefore, farmers are faced with that threat as well as the threat that a failure to comply can be used to bolster other action that the Department is taking against them. Can the compensation part not be done away with?

**Ms McMaster:** That measure helps to deal with the small minority of people who may disregard good practice.

**Mr T Clarke:** I understand that, but the problem is that DARD is the judge and the jury — the farmer has his animal taken away, and it is DARD that decides whether he has properly complied with the biosecurity guidance and whether to withhold his compensation. The Department is judge and jury, and the farmer has no redress.

I do not like the part of the clause that allows the Department to withhold compensation, because it means that the farmer has lost the animal and he is not being compensated for it. Surely, there can be an alternative process. There is already the threat of using the failure to comply in prosecuting the farmer. The Department will not use that power just for the sake of using it — it will use it to bolster and strengthen the chance of conviction in another case. Surely, that alone should be a big enough threat. The Department should not also be taking from the farmer compensation for the animal.

**Mr Harwood:** Looking at it from another perspective, if a farmer’s actions contributed to an animal becoming diseased, would the taxpayer feel it right that the farmer should be fully compensated?

**Mr T Clarke:** Good point. In that case, can another paragraph be added stating that if the Department fails to act quickly, it will compensate the farmer for the loss of animals because it was slow to act and to establish the cause of the outbreak? If the Department is slow to act and a disease spreads, that would be negligence on the part of the Department. Therefore, can we include a clause that would allow the Department to be fined for neglect?

**Mr Savage:** If a herd breaks down completely, how long is it before the farmer is allowed to restock it?

**Mr Harwood:** Do you mean following an outbreak of brucellosis?

**Mr Savage:** Or TB.

**Mr Harwood:** It is normally brucellosis that results in depopulation, in which case a farmer can restock within six months.

**The Chairperson:** That matter is not specifically mentioned in the Bill, and we must not digress into general debate.

**Mr Elliott:** We are all concerned about the possible misuse of those powers.

**Mr Irwin:** That is the only problem that I have.

**Mr Elliott:** The Committee originally asked about whether the biosecurity guidance issued by the Department could, in some way, be incorporated in the Bill. Is that possible? Although outbreaks will be addressed on a disease-by-disease basis, can the guidance that we asked for be incorporated in, or referred to by, the Bill?

**Ms McMaster:** Do you mean the biosecurity guidance code?

**Mr Elliott:** Yes.

**Ms McMaster:** That will be referred to in subordinate legislation.

**Mr Elliott:** So, it will not be referred to in primary legislation?

**Ms McMaster:** No, subordinate legislation will be required to activate that power, and that is where we will introduce a biosecurity code. With regard to compensation, the Department has in mind serious cases in which a minority of people cause problems for other Northern Ireland farmers. The compensation process is, in itself, quite a good deterrent. If someone’s actions seriously put others at risk, then that is —

**Mr Elliott:** Nevertheless, you must appreciate our problem concerning people who are genuinely innocent. I do not care what you do with people such as those referred to by the Chairperson as rogues.

**Mr T Clarke:** We do care.

**Mr Elliott:** We want them to experience the full weight of the law. The difficulty for the Committee arises when someone is proven innocent — having cost him or her an open fortune to prove that innocence — and the Department is able to walk away scot-free, with no recourse. My personal difficulty is that the Department may abuse or misuse those powers to do that.

**Ms McMaster:** When we come back to consult the Committee about the biosecurity code at the subordinate legislation stage, perhaps we could spell out the processes that we intend to go through when considering any cases with regard to withholding compensation.

**Mr Elliott:** OK. If there was some flexibility from the Department in the other areas that the Committee



highlighted, I am reasonably content to give this issue the go-ahead.

**Mr Irwin:** I agree with Mr Elliott.

**The Chairperson:** The Department had better be very careful with what it comes up with in any subordinate legislation, because the Committee certainly wants to be involved in compiling the biodiversity guidance and in scrutinising the subordinate legislation.

Having listened to all that, I shall now ask the Committee Clerk to summarise what he has taken from what has been said.

**The Committee Clerk:** The Committee recognises the need for guidance; however, it is not content with linking biosecurity guidance with compensation and criminal court cases. Therefore, the Committee advises that it wishes to be fully involved in the compilation of biosecurity guidance and that it will conduct extremely close scrutiny of any subordinate legislation relating to that guidance.

**The Chairperson:** Do members agree with that summary?

*Members indicated assent.*

**The Chairperson:** We come now to clause 11, which deals with deliberate infection. The Committee asked that this clause include repeat offenders, that provision for mandatory disqualification from keeping animals be included, and that custodial sentences for second offences of deliberate infection and repeat offences be catered for.

The Department has welcomed the comments of the Committee, and proposes to amend article 5B, so that in the case of a second or subsequent offence it will be mandatory for the court, by order, to disqualify the person from keeping, or dealing with, animals for a specified period. The Department also advises that under the provisions of clause 11(2) of the Bill, a person found guilty of such an offence is liable to imprisonment, and/or a fine.

Do members accept the amendment to article 5B?

**Mr Poots:** I would be happy with that. However, I have a concern that, very often, individuals who are banned from keeping animals simply start up again in the name of a wife, son or daughter, or someone else. I am aware of a case that involved animal cruelty, in which the same property was visited and prosecuted three times, yet animals are still being kept because they just keep rotating around members of the family.

Deliberately infecting animals is particularly pernicious behaviour, and the strongest measures must be put in place — measures that are not easily surmountable by such individuals. We need to consider those cases in which people were charged with animal

cruelty and were banned from keeping animals, yet one goes to that property days and weeks later and animals are there because they found a means of getting around the ban. Otherwise, those who are engaged in the worst type of behaviour will get away with it.

**Ms Connor:** The Department is considering new powers under the Welfare of Animals Act (Northern Ireland) 1972. The legislation currently under discussion obviously deals specifically with the diseases of animals, but the Department is aware of the welfare issues, and that has focused our attention on the Welfare of Animals Act. We acknowledge that the current welfare of animals legislation does have that weakness, and the Department is taking steps to address that.

**The Chairperson:** The Department stated that it will disqualify a person from keeping or dealing with animals for a specified period. What does that mean?

**Mr Millen:** I would have thought that “keeping” would be the act of, perhaps, engaging in a personal farm business, whereas “dealing” would be those who may say that they are not farmers but commercial dealers, and that they do not hold animals — the animals come in the back of the farm and go out the front door.

**The Chairperson:** Does that cover the point about which Mr Poots was talking?

**Mr Millen:** At present, it does not.

**The Chairperson:** Can it be extended to cover that? That is one thing that really sickens the good farming community.

**Ms Corkey:** Are you asking whether the regulations can be extended to family members?

**Mr T Clarke:** Could the regulations not be applied to farms as opposed to family members? Extending any ban from keeping or dealing in animals would criminalise family members, too, which does not strike me as fair.

**Mr Poots:** The Departmental Solicitor’s Office will give advice on that, but under human rights legislation that may be difficult.

**Ms Corkey:** Yes, and those individuals have not been found guilty of anything.

**Mr T Clarke:** Surely the regulations could be applied to the farm property.

**Mr Millen:** A practical difficulty might arise where there is a father and son relationship.

**Mr T Clarke:** That is too bad. That is the farm.

**The Chairperson:** If we are talking about seriously trying to stop something that has serious implications for the whole farming community, we must do it right. It is the areas in which there are rogues that the teeth



should be put in to the regulations, and not against the person who makes a genuine mistake. It seems that the person who genuinely makes a mistake could be faced with a plethora of enforcement actions, yet the person who is a rogue seems to be able to get away with it.

There must be a real deterrent to stop those who are destroying an industry and the good name of that industry. This Committee is very firm on that. We are not trying to justify wrong-doing; we want to get at the wrong-doer, the person who is a rogue and who is destroying an entire industry. We certainly want to keep an industry, which has been the backbone of Northern Ireland for years, prospering, and we wish to do what we can to enable that. We feel that this is a threat to the present and the future of the industry. The Committee honestly feels that this is an issue on which it wants the Department to show its teeth.

**Ms Corkey:** I am just thinking of the father/son relationship on the farm. If, for example, the son is found guilty of deliberately infecting an animal and is prohibited from keeping or dealing in animals, and the father knew nothing about it — what then happens to the father? He has not been found guilty of any offence.

**Mr Poots:** I did not offer a solution.

**Ms Corkey:** Are you saying that you would not allow the father to keep animals on that farm?

**Ms Dunbar:** How could you determine a geographical farm area? The person who is not allowed to keep animals could keep them on conacre, and how would you then legislate for all the possibilities?

**The Chairperson:** That is one of the things on which the Committee wants the Department to legislate. How is the person who is destroying every other innocent person to be stopped? How do you stop that 0·1% that destroys the good name of 99·9% of farmers?

**Ms Corkey:** It is that 0·1% that we are trying to target. I return to the father/son situation, and the father being innocent of any offence. How do you treat him? Are you saying that he should not be allowed to keep animals?

**Mr Poots:** I understand that, under human rights legislation, it is particularly difficult to apportion to someone else a crime or an offence which is associated with one particular individual. I have drawn to your attention the fact that those individuals can use other family members to get around the legislation and find a means of continuing their bad practices. We need to investigate whether there is another means of preventing that.

I do not have the solutions, but we need to apply ourselves to trying to make life as difficult as possible for those who continue to do that. The imprisonment option should happen. That is a matter for a court of law and a judge, but one hears of people

getting suspended sentences for fairly significant misdemeanours. The Committee would support something stronger than suspended sentences.

**Ms Corkey:** That is an issue, but it is a matter for the courts.

**The Chairperson:** Surely, if the legislation specified that repeat offenders receive a custodial sentence, instead of, at present, a custodial sentence and/or a fine — such people would laugh at a fine. With the amount of business that those boys do, they could pay that fine in a bit of an afternoon. They laugh at it. Mind you, they do not laugh in the same way when the family is toddling down the road to the jail.

This is an issue on which the Committee is begging the Department to show its teeth, but against the rogue. It has been showing its teeth against a lot of the innocent. We are now begging you to show your teeth and show your claws, and to show that you are able to take those people on, because they are destroying an industry which we are all — the Department and ourselves — trying to protect. I would certainly like a clause detailing that repeat offenders would get a custodial sentence, and forget about a fine.

**Mr Irwin:** Exactly.

**Mr Elliott:** Is it in the gift of the Department to specify that it would have to be a custodial sentence?

**The Chairperson:** If the Department can tell you that such an offence is liable to imprisonment and/or a fine —

**Mr Poots:** Perhaps the legal advisor can advise us, because judges base their decisions on legislation.

**The Chairperson:** Absolutely.

**Mr Poots:** Can the legislation be devised in such a way as to allow a judge to find it easier to impose a custodial sentence?

**Mr Millen:** We could express something along the lines that a subsequent offence is a compulsory term of imprisonment. A judge has to apply the legislation as he sees it, so if that is what it says in legislation, then that is what he has to do.

**Ms Connor:** On that point, the Department would have to go back to the Secretary of State as it is, obviously, a reserved matter. We would not expect any difficulties with increasing it because we have already had discussions with officials in the Northern Ireland Office. We will take that forward.

**Ms Corkey:** Yes, we will take that forward and pursue your suggestion of a mandatory custodial sentence. Collette Connor is quite right: any matters regarding deliberate infection on which the Department agrees with the Committee is subject to the approval of the Secretary of State.



**The Chairperson:** That completes the session. The Committee will come back to the formal scrutiny of the Bill on Tuesday 20 January 2008.

**Mr Savage:** I would like to raise a matter just before we finish. Way back, I can remember when TB was rife. Whenever there was a breakdown in a herd, TB or brucellosis was detected. The farmer — and this happened to me, too — was not allowed to keep cattle for a period of time and the ground had to be ploughed. The Department made sure that no material was about the farmyard — it all had to be ploughed into the ground. Until the Department adopts such action again, TB and brucellosis will never be eradicated. Such action must be taken. It is cruel to say it, but if we are serious about eliminating TB and brucellosis, the Department must reintroduce those measures.

**The Chairperson:** OK. The Department received some advice there.

**Mr Savage:** Whether the Department takes that advice or not is another matter.

**The Chairperson:** May I very much thank all the witnesses, and we wish you all a very happy and prosperous new year.







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# NORTHERN IRELAND ASSEMBLY

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## COMMITTEE FOR FINANCE AND PERSONNEL

14 January 2009

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### CIVIL REGISTRATION BILL (NIA 20/07)

#### Members present for all or part of the proceedings:

Mr Mitchel McLaughlin (Chairperson)  
Mr Simon Hamilton (Deputy Chairperson)  
Dr Stephen Farry  
Mr Fra McCann  
Ms Jennifer McCann  
Mr Adrian McQuillan  
Mr Declan O'Loan  
Mr Ian Paisley Jnr  
Ms Dawn Purvis  
Mr Peter Weir

#### Witnesses:

Mr Robert Davison	}	Association of Professional Genealogists in Ireland
Mr Steven Smyrl		
	}	Council of Irish Genealogical Organisations

**The Chairperson (Mr McLaughlin):** I welcome Robert Davison, the honorary secretary of the Association of Professional Genealogists in Ireland (APGI), and Steven Smyrl, the executive liaison officer for the Council of Irish Genealogical Organisations (CIGO). Thank you both for attending the Committee, and I wish you all the best for 2009.

As the Committee previously agreed, the session is being recorded by Hansard. Therefore, all mobile phones must be turned off completely.

I invite the witnesses to make an initial statement. I understand that you are content with some of the responses issued thus far from the Department of Finance and Personnel, but perhaps you might bring your outstanding concerns to the Committee's attention.

**Mr Steven Smyrl (Council of Irish Genealogical Organisations):** I have prepared a short statement about

Mr Davison and myself, and the issues at hand. Shall I go through my presentation? Would that be easier?

**The Chairperson:** Sight unseen, I will take your guidance.

**Mr Smyrl:** I represent the Council of Irish Genealogical Organisations (CIGO). I have practised as a specialist in legal and probate genealogical research since the late 1980s. I am a founding member of CIGO, of which I was chairman from 2000 to 2002. In 1991, I founded Massey and King Ltd, the Republic of Ireland's only incorporated firm dedicated to legal genealogy.

CIGO was established in 1992, as a lobby group for national and international organisations that were interested in Irish genealogical research. It aims to provide a forum for family-history and genealogical groups and societies; to encourage greater public knowledge of, and access to, records that are relevant to genealogists; and to formulate, influence and co-ordinate policy on all issues of concern to member organisations.

My colleague is Robert Davison, who represents the Association of Professional Genealogists in Ireland (APGI). Members of APGI are independently accredited genealogists. After his retirement from the British Transport Police, Mr Davison moved to the Ards Peninsula in County Down, where he took up a long-time interest in his own Irish family history, and joined the North of Ireland Family History Society and the Upper Ards Historical Society. He has practised as a professional genealogist since 1997, specialising in genealogical probate and adoption research. He became a member of APGI in 2003. In December 2008, he completed a three-year term as the organisation's honorary secretary.

The daily work that Mr Davison and I do involves accessing civil registration records in Belfast and Dublin, and through the various county-based genealogical heritage centres that have access to historical registration data. We have each lectured extensively on the use of such records in the study of genealogy. With another colleague, Eileen O'Duill, I compiled a guide to Ireland's civil records, which was published by CIGO in 2000. We have brought a few copies for the Committee.

When the Republic's General Register Office (GRO) announced in the 1990s that it was to modernise legislation — much of it dating back to 1844 — that underpins civil registration, CIGO and APGI were to the fore in lobbying the relevant Department in the Republic in order to ensure that genealogists' views were heard. Over several years of contact with the Minister for Health and the GRO, we convinced the authorities that access to registration data, which are a matter of public record, must not be curtailed.



Beyond that, CIGO and APCI secured a commitment to improve data recorded in death registrations in order that a person's date and place of birth, and parents' full names, would be recorded. That small change in data collection revolutionised the credibility of the Republic's death registrations.

CIGO and APCI welcome the Civil Registration Bill, which will help to create a new and modern framework for civil registration in Northern Ireland, and make it easier for genealogists and historians to access historical registration data.

CIGO and APCI had initial reservations about clauses 13, 16 and 22. Clauses 13 and 22 deal with access to historical registration data through third parties and will lead to an innovative, Internet-based service. The importance of the reference to third parties is that current legislation states that registration data are available only in the form of a certificate issued by a registrar. To allow certain data to be passed to a third party will enable the General Register Office for Northern Ireland (GRONI) to establish Internet access to its historical records. CIGO and APCI very much favour that development, but we were concerned that clarity was needed about the wording of a clause that would insert a new article 34A into the Births and Deaths Registration (Northern Ireland) Order 1976.

Clause 16 will enable GRONI to issue edited certificates; for instance, death certificates that omit the cause of death. For example, submitting a death certificate to a bank does not require one that states the cause of death. CIGO and APCI were concerned that the issuing of edited certificates might be done to the exclusion of unedited, or full, certificates.

However, in the past few days, in response to our submissions made in August 2008, the Department has clarified some of those issues. In the light of that, we are happy to withdraw completely our suggested amendments to clause 16, and almost all of what we suggested on clauses 13 and 22.

We wish to see the heading changed in clause 13 at lines 8 and 11 on page 5 of the Bill. Both headings currently read:

"Access to information relating to births and deaths".

We wish to see both headings changed to read:

"Access to historical information relating to births and deaths through third parties".

We wish to see the heading in clause 22 at line 23 on page 8 of the Bill changed from:

"Access to information relating to marriages and civil partnerships"

to

"Access to historical information relating to marriages and civil partnerships through third parties".

Having read through the Department's response to our original submissions, which was mentioned earlier, we are now of the opinion that our new suggested minor changes will do much to improve the clarity of clauses 13 and 22. Furthermore, the new wording will ensure that the Bill is easily understood by people who are unfamiliar with legislation.

Lines 18 to 24 in clause 13 and lines 31 to 33 in clause 22 deal with the issue of where to draw the line between a "current" record, which can only be obtained in the form of a certificate from a registrar, and a "historical" record, which can be made generally available through third parties. The Bill sets the tariffs at 100 years for births, 75 years for marriages and 50 years for deaths, and describes those tariffs as the "relevant period".

In his recent response to CIGO's initial submission, Norman Irwin spoke on the Department's behalf on the subject of "relevant periods". He said:

"CIGO have suggested restricting GRO's power to extend 'the relevant periods' beyond those given in the Bill. GRO included these timeframes as it was considered that this proposal balances the individuals' and the families' rights to privacy against the need for openness. However, GRO consider it is prudent to have this power included so that 'relevant periods' could be extended in the future, if necessary. It should be noted that any future changes GRO may wish to make to the 'relevant periods' contained within the Bill would have to be made by means of subordinate legislation which would be subject to legislative scrutiny."

With regard to possibly extending the "relevant periods" beyond those given in the Bill, the Department's suggestion that they consider it:

"prudent to have this power included so that 'relevant periods' could be extended in the future, if necessary"

is far from convincing. After at least two periods of intensive consultation, GRONI surely cannot argue that it has not yet established where privacy ends and open access begins. Has it not been able to strike a balance between the rights of individuals and families and the need for openness? The "relevant periods" are already well in line with international standards and could be described, when compared with some other jurisdictions, as conservative. CIGO and APCI believe that the periods set out in the Bill are more than adequate and allow that, as a general rule, the subject — the person named in each record — will, by the time a record achieves "historical" status, have been born a century or more earlier. Bearing that in mind, CIGO and APCI are keen that their proposed amendments to lines 18 to 24 on page 5 and lines 31 to 33 on page 8 of the Bill be given further scrutiny and accepted.

In its response to our original submissions, the Department raised the issue of improving the range of data recorded in civil records. It indicated that it intends, by regulation, to commence recording extra detail in death registrations. The extra detail would include the occupation of a husband's wife, and the



names and occupations of parents of children who die before reaching the age of 16. Interestingly, although the Department implies that there will be genealogical value in that new information, none of that extra detail is being recorded on foot of consultation with genealogists. GRONI is already well aware that CIGO and APGI would like the recording of parents' names extended to all persons who die, and not just to those under the age of 16. I raised that issue with GRONI's Stanley Campbell as recently as August 2008, and pointed out that, on foot of representations by CIGO and APGI, such information has now been a matter of record in the Republic of Ireland since 2006.

Given that, we wish to make a case for improving death registration in Northern Ireland by including — in addition to the deceased's date and place of birth — his or her parents' names, too. Beyond mere genealogy, the importance of recording parents' names in death records is that it allows death records to be matched to birth records, thus proving beyond reasonable doubt that a particular person has died. That is vital when dealing with the important subject of inheritance and intestacy. One might call the matching up of birth and death records a game of "genealogical snap".

Since 1973, GRONI has recorded the date and place of birth, and maiden surname, of married women in all death registrations but does not record the deceased's parents' names. Until the passing of its Civil Registration Act in 2004, the Republic did not include any additional information to the meagre data recorded since registration first began in 1864. It was only after extensive lobbying by CIGO and APGI that provision was included in the Republic's new Act for the recording of a deceased person's date and place of birth and parents' names. The fact that such details are not currently noted in Northern Ireland is an urgent issue and one that GRONI should address, particularly because as it can be argued that clause 27, which will establish a record of Northern Ireland connections, is not in any way urgent but is designed to be a register of value to genealogists.

On 28 May 2008, during an evidence session with the Committee of Finance and Personnel, Northern Ireland's Registrar General, Dr Norman Caven, said of clause 27:

"We are planning a book of Northern Ireland connections so that individuals who have a connection with Northern Ireland could register events, births, deaths or marriages that happen outwith Northern Ireland. Such registrations would not have any legal standing but would be an additional valuable resource to genealogists. That is being undertaken in Scotland and has been well received. It is another area where we see a potential improvement but which would be paid for by users and not be a cost to the public purse."

We hope that you have had the time to read the copy of a newspaper article about the improvement of data in death registrations, which was attached to

the briefing notes that we provided last week. The article, which I wrote, appeared in 'The Irish Times' in January 2003 in response to a statement by the Republic's General Registrar Office that the inclusion of further data in death registrations would:

"be outside the requirements of civil registration".

The article compared the situation regarding registration of deaths in the Republic at that time with both Northern Ireland and the European Union, and, through quoting the United Nation's civil-registration policy, it challenged the status quo and highlighted the crucial need for change. Subsequent to our lobbying, the recording of deceased people's parents' names in death registrations is now a reality in the Republic. CIGO and APGI believe that Northern Ireland should now follow suit. In the near future, the Department intends to replace the 1973 registration regulations, and we hope that the Committee will recommend that the new regulations make provision for the noting of parents' names in death registrations.

**Mr Weir:** Thank you for your presentation. For a second, I wondered whether you were going to trace the antecedents of the Bill, back a couple of centuries, to previous pieces of legislation. I am glad that you resisted that temptation.

You have received various bits of communication from the Department and, to some extent, several of your concerns have been addressed. If I picked you up right, your remaining concerns deal with three particular aspects: minor amendments to the wording of the Bill; the potential to vary "the relevant period"; and what information is included on a deceased person's certificate, which is the biggest issue that you want to see addressed.

**Mr Smyrl:** Technically, our concern about the information that is included in the Bill on a deceased person's certificate is askew, because the Bill does not deal with that issue. It was the Department that raised the issue of improving information in civil records, so I took the tack to slip in some extra information and make a plea for that to happen.

**Mr Weir:** Given that your concern is relevant to the legislation but somewhat askew to its wording, will you seek to take separate action rather than to incorporate a provision into the Bill to address that?

**Mr Smyrl:** I had not considered that, because our concern is not really relevant to the Bill. The information that is collected on birth, death and marriage registrations in Northern Ireland is set, I think, by regulations. In the Republic, they are called statutory instruments.

Rather, I raised the issue to highlight the fact that not only will the legislation be updated but new regulations will be introduced to deal with the



collection of registration data. I mentioned earlier that, in future death registrations in Northern Ireland, the parents' names of all children aged under 16 years who die will be recorded.

At present, when a married woman dies, she is said to be the wife of so-and-so, a carpenter. However, when a man dies, he is not said to be the husband of, for example, Florie, a housewife. That will be included in future.

**Mr Weir:** On the minor changes to wording, you received responses that satisfied you on the bulk of the issues. However, that area particular remains outstanding. Are you still pursuing that issue with the Department? I presume that the Department's mind is not closed to making those minor changes, and that you will pursue the matter further.

**Mr Smyrl:** Yes, we will go back to the Department. However, I hope that the Committee will recommend some changes.

A change to the heading to clause 13 will not change the Bill materially. However, in reality, that whole part of the Bill, which must be read through, and I not immersed in legal terms for legislation, is about access to historical information. There would be no harm in the heading's stating that clearly.

**Mr Weir:** The Committee can look at that issue.

I understand your concerns about the relevant qualifying period. However, to be fair to the Department and to those who drafted the Bill, there may not be any sinister motive behind the general provision to vary timescales. That is normal practice with many pieces of legislation in which there are references to time frames. There is a feeling that the original legislation has got it right; however, there is a general provision that if, at a later stage, something appears that requires a variation, it can be made by subordinate legislation, rather than by having to introduce new primary legislation. I appreciate your concerns, but do you accept that that is a safeguard provision that may not need to be used?

**Mr Smyrl:** Absolutely; it is unlikely — given the statements made today. The issue was raised with the Department, which said that it would be changed anyway. To give it its due, the Department did not pull those dates out of nowhere: 100 years for a birth; 75 years for a marriage; and 50 years for a death. The thinking was that a person would be 100 by the time his or her birth record would be available as a historical record. If a person were to marry at an average age of 25, 75 years later would make him or her 100 years old. Therefore, if someone died somewhere between 50 and 70 years of age, he or she would be more than 100 years of age 50 years later. The figures make sense. I would have liked to have seen them closed off, but I agree with Mr Weir that it is very unlikely that the Department will want to vary

them — even though there is provision in the Bill for that. It is not the end of the world if the Department decides not to do that, but we have had our say and made our point.

**The Chairperson:** In the event that the power be included in the Bill, should the matter be referred to a plenary sitting and be subject to affirmative resolution?

**Mr Smyrl:** To my mind, it seems immaterial; it is a standard issue. For instance, in the United Kingdom and the Republic of Ireland, census records are made available once they are 100 years old. It seems to be an accepted instance that 100 years after a person's birth, or after the creation of a record, that information should be made available. I take on board what Peter Weir said about its being a safeguard — it allows for the legislation to be changed easily at a later stage without having to have recourse to primary legislation. However, it is an unnecessary measure, because one is not likely to lengthen the periods for which one would create a record as a historical record. Anything longer than that would be 100, 110 or 120 years.

**Mr Hamilton:** Does the General Registrar Office in the Republic intend to make pre-1922 records for the whole of Ireland fully and freely available on the Internet?

**Mr Smyrl:** The General Register Office in the Republic has a long-standing, ongoing policy to make information available on the Internet eventually. Given the current financial situation, such a development may be a long way off. On numerous occasions, we have been promised access to the new computerised index of births, deaths and marriages that the GRO in Dublin has created. However, we still do not have access to that index.

**Mr Hamilton:** Does GRONI intend to make post-1922 records available on the Internet as well as offering access to the records in its office for a fee?

**Mr Davison:** I am a member of the GRO users group. As far as the group is aware, post-1922 records will not be available on the Internet. The idea is to make historical records available to enable users to conduct index searches and view digitised versions of the records.

**Mr Hamilton:** If post-1922 records are available on a fee-paying basis only, will that pose problems for genealogists? Is it a competitive disadvantage?

**Mr Davison:** Genealogists and researchers want all information to be made available. However, we realise that, for obvious reasons, limits are necessary. It is positive that GRONI is taking steps to introduce a digitisation process for historical records. Although the current search facility at Chichester Street is, occasionally, slightly restricted, it provides a very good service within



those limitations. Post-1922 records are available there and will, I hope, continue to be available there.

**Mr Hamilton:** If public authorities were to make records available online, would that encourage more people in Northern Ireland, and in Ireland as a whole, to trace their roots? Have you conducted any empirical research into that matter?

**Mr Davison:** It is a given that if we provide easier access to information, more people will use that facility. More and more information is being made available online daily through Departments, agencies and commercial organisations. In fact, the 1911 UK census was placed online yesterday. We are keen to keep that information coming.

**Mr Hamilton:** The more the merrier. Your earlier submission mentioned the Church of Jesus Christ of Latter-day Saints (LDS). Are its records freely available in libraries and in its Churches in Ireland and the UK? Or are they available in Salt Lake City in Utah only?

**Mr Smyrl:** As part of its belief system, members of the LDS Church trace their ancestors and baptise them as members of the Mormon Church. That should not affect other Christian Churches that do not share those beliefs. The LDS Church actively encourages outside parties to view its material. During the past 50, 60 or 70 years, it has assiduously microfilmed and made copies of records.

Although I do not know the history of the matter, in the 1950s, the LDS Church convinced the GRO in Dublin and in Belfast to allow it to microfilm copies of records. Although there was no legal provision for such action, an agreement was signed and the records were copied. Almost all Dublin's records, which, prior to 1922, covered all of Ireland, were microfilmed. However, every single birth, death and marriage in Northern Ireland and the associated indexes from 1922 to 1959 were microfilmed and stored in the Church's library in Salt Lake City. The LDS Church can copy the microfilms from the negative to create a positive, and circulate the records to any LDS church that has an attached library. The LDS church on the Hollywood Road in Belfast had copies of many of Northern Ireland's post-1922 births, deaths and marriages, and associated indexes, which it made available.

Those were withdrawn about a year ago, and we heard that that was facilitated by negotiations with the General Register Office in Northern Ireland. Making the films available was contrary to the agreement that was struck between GRONI and the Church of Jesus Christ of Latter-day Saints in 1959-60. I appreciate that GRONI has reservations about that, but the films should have been readily available. It seems bizarre that, although the same information can be obtained

free of charge in various libraries around the world, Northern Ireland citizens must pay GRONI to see it.

**Mr Hamilton:** Near the end of your presentation, you mentioned additional information on death certificates in the Republic. You said that, in Northern Ireland, information is available only on death certificates for children up to the age of 16. Is there any reason why a more conservative approach is being taken in Northern Ireland?

**Mr Smyrl:** It is actually the other way around. The Department is suggesting that genealogists should be thankful and pleased that that new information will have genealogical value. However, it was not recorded for its genealogical value but for its statistical value. The most useful new information will be that information relating to children who died before the age of 16 and the names and occupations of their parents. Recording details about a deceased husband's wife is about parity of esteem; a wife must not be treated as her husband's chattel, and, therefore, a husband's death record should state the name of his deceased, or living, wife.

In order to illustrate why such information should be included on death records, take, for example, an individual called John Murphy, who was born in Limerick. Up to two or three years ago in the Republic, exactly the same information was recorded on death records as was recorded on records going back to 1864: a person's home address; occupation; age; and cause of death. If John Murphy were born in Limerick and died in Dublin, the only identifying information on his death record would be his name and age — John Murphy, age 67, died Dublin — but there would be nothing to say that he was born in Limerick. Therefore, when attempting to demonstrate that an individual had died, it was difficult to match one record with another.

Since 1973, death records in Northern Ireland have sensibly included individuals' date and place of birth, and that at least provides one with some idea when attempting to match birth and death records to prove that someone has definitely died. One problem that can arise from that is that dates and places of birth can be wrong. Consequently, one can end up not being absolutely sure, so the proof positive is to include parents' names, and that is why including such information would be a great boon to genealogists. Moreover, having worked as a legal genealogist, I know that it is important to be able to say to a solicitor that John Murphy died on a particular date in a particular town, and here is the death record, on which the information matches that on the birth record — snap, two matching records.

**Mr Davison:** As someone who deals with adoption tracing, I agree that such a paper trail is invaluable.



**Ms Purvis:** To return to what Simon Hamilton said about the Church of Jesus Christ of Latter-day Saints and the removal of records from its Family History Centre on the Hollywood Road, you said that the agreement with the church more than 40 years ago would be unlikely to have withstood legislative changes in recent years. Will you elaborate on that?

**Mr Smyrl:** I was necessarily vague, because I cannot pretend to be an expert in that area. However, I was attempting to say that, given the UK's Freedom of Information Act 2000 and Data Protection Act 1998, I cannot envisage a contract made more than 40 years ago, which insists that people in Northern Ireland must pay to access information that the body charging for it has allowed a third party to make available outside Northern Ireland free of charge, still being valid. That seems inequitable.

**Ms Purvis:** Therefore, would you be an advocate of making those records freely available at the Family History Centre on the Hollywood Road?

**Mr Smyrl:** Yes, I would.

**Ms Purvis:** Or would you prefer that they be available at GRO for free?

**Mr Smyrl:** I do not want to say whether the GRO should provide free access to its records. It must be allowed a means of gaining revenue — one cannot provide free service and access to everything. The LDS Church already has copies of those microfilms, and, until a few years ago, it made them available through every one of its libraries worldwide. Now we are being told that it can provide them free of charge at every library across the world except at those in Northern Ireland. I do not know whether there is more than one located in Northern Ireland, but the LDS Church has one at the Hollywood Road in Belfast.

**The Chairperson:** I thank the witnesses for the information and evidence that they have provided.

The Committee will consider that evidence, and the general body of evidence relating to the Civil Registration Bill, at next week's meeting. Does the Committee agree to forward to the Department of Finance and Personnel the Hansard report of the discussions on the Bill from 28 May 2008? We can also send it the briefing paper received from organisations today, the response from the Foreign and Commonwealth Office, and any other outstanding issue raised at today's meeting. We will ask the Department for a written response on all outstanding issues by the end of this week. That will fit into our agreed programme of work.

Thank you all very much for taking the trouble to come to talk to the Committee this morning.



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# NORTHERN IRELAND ASSEMBLY

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## COMMITTEE FOR EDUCATION

14 January 2009

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### EDUCATION BILL (NIA 3/08)

#### Members present for all or part of the proceedings:

Mr Mervyn Storey (Chairperson)  
Mr Dominic Bradley (Deputy Chairperson)  
Mrs Mary Bradley  
Mr Trevor Lunn  
Mr Nelson McCausland  
Mr Basil McCrea  
Miss Michelle McIlveen  
Mr John O'Dowd  
Mrs Michelle O'Neill  
Mr Ken Robinson

#### Witnesses:

Mr John McGrath	}	Department of Education
Mr Joe Reynolds		
Mr Chris Stewart		

**The Chairperson (Mr Storey):** The two issues that we want to discuss today are the regional and sub-regional structure of the education and skills authority (ESA) first, and the sectoral representation organisations. I welcome John McGrath, Chris Stewart and Joe Reynolds. Joe, you are very welcome, and it is nice to see you here. I will now ask John to proceed.

**Mr John McGrath (Department of Education):** I am very glad to be here this morning for the continuing process of the review of public administration (RPA) Bill. I have my trusty support Chris, and also Joe, who has joined the RPA team in the Department, and who will be a constant feature at these meetings. We have provided two papers to the Committee: the first on the regional and sub-regional structure of ESA, and the second on the role and responsibility of sectoral organisations. I will speak about the first paper and deal with any questions that Committee members may have, and then Chris will discuss the second paper

A considerable amount of work has gone in to producing both papers, by the Department, and by the education and skills authority implementation

team (ESAIT), but they do not yet represent signed-off proposals, particularly with regard to structure. The Department will shortly feed back some views to ESAIT on how its existing thinking matches the criteria set out by the Department. After that process, it is envisaged that ESAIT will begin a consultation process, involving particularly the trade union side and other stakeholders. After that, the proposals will formally come to the Department for the Minister to sign off. We would, obviously, like to accelerate that process in the next couple of months, because we are working to a tight deadline to get senior posts out to the market and filled in adequate time for ESA to be up and running by the target date of 1 January 2010.

As was set out by Catriona Ruane in several speeches in the Assembly recently, ESA has a number of clear, overriding objectives: to raise standards overall, and reduce the gap between the highest and lowest achievers, and in so doing reduce the barriers faced by many in accessing education and fulfilling potential; to provide a clear and consistent model of delivery focused on equality, which is child-focused and also reflects modern professional practice; to provide locally-based and accessible frontline services to help, support and, as necessary, to challenge schools and other education providers — education providers is meant in the widest sense, encompassing everything that is in the education basket, from early years to youth; and to provide efficient and effective support services, and free up resources to be redeployed to the frontline.

ESA, led by its chairperson and members, will be accountable for its performance to the Department, the Minister and the Assembly, and, in so doing, will be, in a broader sense, open to scrutiny by this Committee. The accountability framework for ESA will be clear, transparent and rigorous, and will also reflect the guidance and good practice and the oversight of arm's-length bodies, which are emerging from the Department of Finance and Personnel and from previous work of the Public Accounts Committee.

The two main drivers in designing the structure are to provide locally, as much as possible, the services that schools and other providers need, and, parallel to that, to centralise and derive economies of scale from regional back-up services that need not be provided locally. Schools will be the focus of the system: they will be at the centre of the system, rather than being one element in a wider command-and-control system.

The paper that the Department has provided, therefore, outlines the current development of thought with regard to the regional disposition of central functions — that is, finance and human resources — and how they will be brigaded; and, linked to that, the current thinking with regard to a network of local area offices and the frontline services that they would



provide to schools and other education providers. It is envisaged that those local offices, led by senior managers, should have the flexibility to respond to specific local circumstances in line with the central policy framework. They will aim to be sensitive to, and receive input from, local committees, comprising, among others, a number of elected representatives. The Bill under consideration already contains provisions for the establishment of such committees.

As members will know, the Department set out a range of criteria against which proposals for the structure of ESA should be shaped and, eventually, judged. There has been considerable rigour in the thinking to date. The outline business case, which has been signed off in the system and has now been made available by the Minister, demonstrates the robustness of the case for the creation of ESA and the reduction of a significant number of middle-management and senior posts, which will lead to savings of some £20 million per annum by the third year of implementation.

The intention for the number of senior posts — those that attract salaries in excess of £55,000 per annum — is that they will reduce from 80-odd to fewer than 50. That alone will generate savings of £2 million per annum. As regards the Department's response to thinking on ESA's structure, it is currently considering the cost parameters that it will set for ESA and is finalising the structure with regard to senior management posts.

I emphasise that although those proposals are well developed and have been tested against criteria that have been set by the Department, they have not yet been formally signed off. Therefore, there is still scope for the Department to offer views to ESAIT and for those to be reflected before final decisions are made. In that context, the comments and views of the Committee will be a welcome ingredient. I look forward to discussion on that paper.

**The Chairperson:** I remind members that the proceedings will be reported by Hansard. Therefore, it is important that you raise any concerns that you have, because they will be recorded.

Mr McGrath, what references are there in the Bill or in its schedules to ESA's structure and sub-regional structure? How is that dealt with in the Bill? In addition, what staffing structure is envisaged below senior-official level for each of the six local teams? One of many concerns is that paragraph 12 of the briefing paper on the structure of ESA at regional and local levels begins with the words:

“Overall, the numbers of senior posts (equivalent to the Senior Civil Service)”.

Are those posts equivalent to current Senior Civil Service posts in the Department of Education, or is that a generic term?

**Mr McGrath:** Those posts are benchmarked against the salary level at which the Senior Civil Service starts.

**The Chairperson:** Therefore, the number of posts will be reduced from 80 under the current arrangements to fewer than 50. I am not being a cynic, nor, in any way, suggesting that that will never happen. However, if the threshold is under 50, do we run the risk that, over a period of time, we end up in a situation in which there will be requests for more staff and resources? Five years after ESA has been established, more people will be employed than there are at present in the five education and library boards. People will ask what all that was about: you went through all of that only to have more senior-level staff and the savings that were envisaged were not realised.

**Mr McGrath:** I will deal with those questions in reverse order. A solid piece of work in the outline business case demonstrates that about 460 posts can be removed while still delivering the same functions by rationalising and centralising them.

**The Chairperson:** Are those 460 posts separate from the 80 senior posts?

**Mr McGrath:** Those 80 posts are a subset of that. You could remove 460-odd posts and deliver the same functions with that reduced number of posts. When that is fully implemented, £20 million per annum could be saved. At the senior-management core, 80-odd posts will be reduced to fewer than 50.

As I mentioned, the Department is considering the parameters that it will set for ESA's senior-management costs. We must get that right at the outset so that ESA can do its job. We recognise that the public-expenditure structure and future budgets are almost certain to bring about continued expectations for efficiency savings from public bodies. Education will not be immune from that, although whether we believe that that is a good idea is a different matter. As the second biggest chunk of the block, it would have to be a contributor, and whether generating 3% or 3.5% per annum in the future one would expect to bear down on management costs. Therefore, we expect the drift to tighten up over time as ESA beds down more efficiently, not to increase.

The trick is to get the change process — that is, from the five education and library boards and the other organisations — right at the outset and managing that process over three or four years by putting in drivers that will, essentially, squeeze management costs. That is why it is important to get a figure at the start of the process — and it may be an envelope figure — whereby we say that senior management costs should not exceed X amount, and then — and I am speculating — to say that, in two years' time, we expect that figure to be reduced by Y per cent.



Therefore, the driver will be intended to push down costs, and that is quite appropriate because the public will expect that, as much as possible, management costs should be what is needed but no more than that, with the maximum amount of resource going to the front line. If that answer is satisfactory, I will let Chris deal with the specific provisions in the Bill.

**Mr Chris Stewart (Department of Education):** Chairperson, you asked about how the legislation deals with the sub-regional structure of ESA as described by John McGrath. The legislation does not specify the model that John outlined but it allows for that model, or a variation of it, to be introduced if that is what is ultimately decided. The relevant provisions are in paragraphs 7 and 8 of schedule 1 to the Bill, which allow for the establishment of committees of the ESA and for any statutory function of the ESA to be delegated to those committees or to ESA employees.

That means that if the sort of model that John outlined is signed-off and decided as the right way forward, the legislation allows for that to be implemented from the outset. The flexibility of the approach in the legislation is also an advantage. If that model needs to evolve if we do not get it right first time, the legislation is sufficiently flexible to allow the changes to be made quickly, whereas, under the current arrangements, structures are prescribed in primary legislation and the only way to make a change is through more primary legislation.

Therefore, the Department feels that the approach in the legislation will allow for the introduction of a model that meets all the principles and parameters that John outlined, or a variation on that, and for that model to evolve if necessary.

**The Chairperson:** The problem is that we could end up in the same situation as with pupil profiling — that is a different issue, but the same principles apply. In that instance, the issue was debated and, months ago, organisations went to the Council for the Curriculum, Examinations and Assessment (CCEA) and said that it was not working but the pilot was continued. Then, in September, the Department of Education issued the revised curriculum to all schools and although pupil profiling was mentioned in that, a number of weeks later an announcement was made stating that that was a bad idea and will be scrapped. Are you going to let the matter run, talking about it until March and then with reports having to be done by June? It is a mess. My concern is that, by having a provision whereby the model can be changed, we may allow a similar situation to develop. Is that really the best way to present policy?

**Mr McGrath:** A lot of work is going into getting ESA structures right, getting the key balance between local sensitivity and support, and centralising those

functions that can be centralised and making them sweat to get savings out of them. My own view is that there are no magic answer regarding perfect structure for any organisation, and circumstances will change. I would like to think, therefore, that the issue is not about getting the model wrong. It is more the case that if, over time, there are changes with regard to strategic priorities, or if, for example, there are serious issues about public expenditure and the Department and the Minister are required to take out significant efficiency savings and one way to do that is to tighten up the management structure, the approach that the Department is adopting provides the flexibility to do that.

Almost certainly, once ESA beds down over three or four years, and moves from having been the amalgam from day one, particularly of the five education boards and the smaller organisations, and develops its own culture, any organisation will say that, once it gets over that initial stage and gains a degree of maturity, it may well want to consider and establish whether it has the correct balance that is appropriate for it to move ahead.

The issue is not about getting things wrong; it is about having the scope to fine tune and refine the job that has to be done and the wider policy planning and public expenditure constraints. Therefore, it is not setting in concrete something that could be unpicked only by introducing primary legislation. I believe that that is consistent with the approach that is taken by organisations such as the Housing Executive and, perhaps, Invest NI, which are not subject in primary legislation to any degree of specificity about their detailed organisational structure.

**The Chairperson:** Following on from that, the Bill says that the substructure could include committees. A decision could be made not to have any subcommittees, because the Bill says only that “ESA may establish committees”. It may not agree to establish committees.

**Mr Stewart:** The Department will not give ESA that freedom. The Minister made it clear in the policy memorandum, which was agreed by the Executive, that committees will be established. The Department has, therefore, made a decision that there will be committees, and ESA will not be given that freedom.

**The Chairperson:** If that is the case, why is that not reflected in the Bill? Why does schedule 7 to the Bill use the word “may” when you say that the Minister has made a policy direction, and the policy memorandum uses the word “shall”?

**Mr McGrath:** It is the same issue. In five years from now, the Minister of the day from whatever party may decide that this model is not a good one. In those circumstances, legislation that stated that ESA “must” establish committees would allow no discretion. The word “may” is permissive, and that approach tends to be taken to legislation in general. If someone were to



say in a couple of years' time that those committees are not a good idea or that you want them to evolve with community planning, the Department would have to say that it was stuck with them because Bill had makes that arrangement compulsory. That would not be helpful.

The Minister's policy direction to ESA, reflecting what is in the policy memorandum that went to the Executive, is that there shall be committees. The Minister will tell ESA that she wants it to establish local committees in line with the local area structure, and to get on with that, please.

**Mr Stewart:** There is nothing Machiavellian in the wording. It is normal legislative practice for such measures to be permissive rather than prescriptive. It is also worth emphasising that the Department does not see those committees as window dressing. The important distinction is that they will not be external scrutiny committees; they will be formally part of ESA, and they will be able to carry out functions on behalf of the organisation. They are not, in any sense, external; they are intrinsic to the structure.

**The Chairperson:** I want to give Members the opportunity to ask questions, because time has been set aside to deal with those two items.

**Mr D Bradley:** When the Committee had its initial discussions with officials from the Department about ESA, the selling point was the savings that would be made and that those savings would be redirected back into front line services. The emphasis then shifted to the raising of standards, which now seems to be the Department's key selling point for ESA, and the point that savings would be made is now in second place, as it were.

In your introduction, John, you said that staff who operate in local teams would be guided, supported and, where necessary, challenged by senior management in their efforts to achieve the key priority of driving up standards of educational achievement, with particular regard to closing the attainment gap. Yet, the Committee has a letter from the leader of the CCMS primary principals' group in the Derry City Council area, who already wrote to the Department on 21 May 2008 to ask questions in relation to the raising of standards. The letter states:

"I have been requested by our group to seek specific clarification on the points raised in our initial correspondence that we do not believe were addressed by your response. Accordingly, given the generic change in educational administration that will arrive with the advent of ESA, we feel it is imperative that frontline leaders are absolutely clear in terms of the following:

Is there any empirical evidence to suggest that the development of such a large unitary authority will improve the educational outcomes of our young people?"

With regard to the Minister, the letter continues:

"In your initial response you merely stated what the current educational outcomes are and the perceived economic benefits of a huge authority."

It is very important that education leaders in the front line at the chalk face have confidence in the ability of ESA to improve standards. That group of education leaders in Derry city from whom the letter came are not convinced that that will happen. They are asking whether there is any empirical evidence to suggest that the lofty ideals that the Department has for ESA with regard to raising standards will be realised.

**Mr McGrath:** That demonstrates the problem: that there is an issue about standards at present.

**Mr D Bradley:** Everyone knows that.

**Mr McGrath:** Those school principals and the children are not being served well by the current system. There is an increasing understanding of that, particularly in view of the profile that Caitríona Ruane has given the issue in recent months. There are significant issues about standards and the PAC reports on literacy and numeracy. One of the main problems at present, put bluntly, is that at least five systems — if not more — are doing things in different ways. That was highlighted in the PAC report on literacy and numeracy.

In some cases there are a plethora of organisations. If one organisation is using best practice, one would expect every other organisation to adopt that. However, we have a system in which people make a virtue of doing their own thing. That does not serve children well, and it does not ensure that equity or equality is provided across the Six Counties.

Under Caitríona Ruane, the language surrounding ESA has refined to make raising standards and reducing the gap the primary objective. Achieving savings is still an objective, but it is clear where the savings have to go: to the front line in order to improve standards.

As was the case previously, and as is still the case today, schools remain the focus of the new system. Schools are not somewhere down the chain of command; they are at the absolute centre, and they are to be helped and supported, and that will be the function of the local ESA structure. They will have more of a commissioning role in what services and support — particularly with regard to professional development — that they need and want. Given that facilitation and empowerment, the wider community — and the Department and ESA, on behalf of the wider community — will expect the schools to perform better with regard to delivering standards.

The issue is about not only organisational change, it is about the empowerment of schools. In parallel with that, however, it is finding a more rigorous system of monitoring and performance management, which is articulated through 'Every school a good school: a strategy for raising achievement in literacy and



numeracy', which is moving to final fruition, and the school improvement policy. It is that entire package. The organisation — and that policy direction and the focus on putting pupils first and schools next — is the package which, we believe, will do far more to improve standards than anything that has happened to date.

There is no automatic empirical evidence that one single organisation will bring about improvements; that is not the issue. The issue is that the current system is, arguably, not serving children well. There has been disparity and an unsustainable patchwork of approaches, and they have not served children well. Surely, we need to do better by establishing a single, but decentralised, organisation. We have the opportunity to sweat out the amount of savings, which the outline business case demonstrates, without reducing service. A saving of £20 million, without reducing services, is a good start: it is not the end, it is the start. Against that context, the propagated model deserves the opportunity to demonstrate that it can improve on the past.

Chris may wish to say something about the specific correspondence from which Dominic Bradley quoted.

**Mr Stewart:** I am sure that you are familiar with that correspondence, we are —

**Mr K Robinson:** I apologise for interrupting, Chris, but my comment may actually tie in with what he is going to say. What reward is there for schools that improve their attainment?

**The Chairperson:** Currently?

**Mr K Robinson:** No, built into this process. If this process is going to raise standards, and the whole focus has moved to money, what reward is there for a school or schools to do that?

**Mr McGrath:** I may be naïve, but I would have thought that any school would want to raise and maximise the standards of outcomes of the pupils in its charge.

**Mr K Robinson:** Yes, but they would want recognition for doing so. How will the Department do that?

**Mr McGrath:** How are we going to recognise that?

**Mr K Robinson:** How is the Department going to recognise a school which really sweats itself out, to use your term, and raises standards? We are all in this game to raise standards. If a school really puts itself through a hoop, and the teachers, the principal, the governors, everyone pulls together and the school is assessed as having raised their standards, what reward is in it for them? What carrot? There are lots of sticks, but no carrots.

**Mr McGrath:** I think that there needs to be a balance. I would expect any organisation to take pride in the fact that it is doing a good job —

**Mr K Robinson:** We do take pride —

**Mr McGrath:** In general, I do not mean a school, I mean anyone —

**Mr K Robinson:** We take pride and there's a satisfaction. However, if we are now moving to this super-duper authority, what recognition is going to be built in to make tangible rewards to schools? Will there be extra staffing or some sort of emoluments that can make people strive to improve?

**Mr McGrath:** First of all, the enrolments of a well-performing schools are likely to increase. On the other hand, if there are schools that are performing poorly, and the Department deals with the school improvement agenda —

**Mr K Robinson:** That is the stick. What is the carrot?

**Mr McGrath:** It is both. Parents and pupils will, increasingly, go to the schools that are deemed to be performing and performing well. If there is a more rigorous approach taken with underperforming schools than there has been in the past, there will be a further issue of capacity. First of all, there is the capacity of high performing schools to grow —

**Mr K Robinson:** John, we are moving to a business model here, and in business those executives who perform well, unfortunately, receive very large salary increases in addition and all sorts of bonuses. Therefore, what is in it for the school? I do not mean the individuals in a school, but the school as a corporate body. What is in it for the school if it improves its standards?

**Mr O'Dowd:** The improved life of its pupils.

**Mr K Robinson:** That is taken as a given, and that comment is a wee bit glib, actually.

**Mr McGrath:** This is speculation, but if we are in the territory of asking whether there are ways in which there can be financial incentives for the school, as an institution, to enable it to reinvest in equipment or employ more teachers, then that may well be something that the Department needs to examine. However, I would hesitate in doing so, and I am sure that Mr Robinson is not suggesting some type of bonus system for schools where money goes —

**Mr K Robinson:** I am sure that the unions would jump on that if I were to suggest it. I am not suggesting that.

**Mr McGrath:** One of the issues that the Department has at present is that it has given more money to poorly performing schools, which had no eventual outcome, because we did not link it —

**Mr K Robinson:** The Department did not reward the successful schools. Here is an opportunity to do that.

**Mr McGrath:** No, the Department actually rewarded underperforming schools.



**Mr K Robinson:** The Department rewarded failure.

**Mr McGrath:** We need to find a way, and I agree —

**Mr K Robinson:** Schools that were successful had their added bonuses taken away for raising school standards.

**Mr McGrath:** I do not have any difficulty with encouraging and incentivising the institution to do well, but in any discussion we have with school principals they say that they want to do their best. In many cases, those principals feel — and I am sure that the Committee hear this — that they are prevented from doing so and are disempowered. In matters of professional development, they are told what they can get rather than given the scope to say what they would like. Empowerment will be a feature of the future, and principals will be able to commission what they want, and will have far more freedom with regard to professional support. There will also be accountability.

I agree that schools that perform well should be recognised in the broadest sense of the word, and should be celebrated. Let us face it: well-performing schools — that is, well with regard to the circumstances with which they deal, and not just the pure academic achievement — already take great pride in doing well. The Department, and, I am sure, the Minister, would want to find ways to incentivise, as you put it, in such a way that it enables the school to progress and to do better.

Critically, if we are going to improve standards, we must improve teaching. That is the core of it. There are issues around incentivising and creating a better approach to the workforce, including morale and absenteeism, as opposed to investing a lot. As Mr Robinson put it bluntly, there will need to be carrots and sticks. It is not linked to just ESA: if we were not changing the organisational structure, we would still need to do something about standards. ESA's importance is not seen in just organisational structure.

**Mr D Bradley:** I will go back to my question, which I am asking on behalf of that group of teachers which wrote to the Committee and to the Department. You outlined the difficulty with standards and the long tail of underachievement, about which we have known for some time. You said that it is worth giving the model a chance, but are those sufficient grounds to make such changes? In the letter, the leader of that group of primary school principals asked whether the Department has done any research which offers empirical evidence to support the establishment of such an authority as the best way to raise standards.

**Mr McGrath:** I believe that the issue is more complex than that.

**Mr D Bradley:** When you said that it is worth giving the model a chance, that does not sound extremely complex to me.

**Mr McGrath:** There is enough evidence that standards are not high enough.

**Mr D Bradley:** I did not dispute that.

**Mr McGrath:** The current organisational structure has not helped — and has, perhaps, hindered — achievement or the pursuit of it. We have not made the best use, as PAC reports have demonstrated, of significant funds that were invested in literacy and numeracy in particular. Therefore, the status quo is simply not good enough.

The 'Every school a good school' policy is soundly based and contains mechanisms and approaches to school improvement that have far more rigour and transparency in how to deliver that. Linked to that is the need to create the organisational structure, the vehicle that will help to support schools and drive improvement.

**Mr D Bradley:** Where is the evidence that that particular model is the most effective vehicle by which to achieve that improvement?

**Mr Stewart:** The evidence is in the GCSE results.

**The Chairperson:** I would like to go back to something that John said, because it is a worry. You referred to numeracy and literacy. The problem was not the education and library boards; the problem was the Department.

**Mr McCausland:** Hear, hear.

**The Chairperson:** I do not think that any of the education and library boards will take any of the blame for the failure of the Department which introduced a numeracy and literacy strategy on which it spent £40 million, and they are now being told that there has been failure and that that failure lies with the boards, when the failure on that occasion lay fairly and squarely with the Department.

**Mr McGrath:** I think that I said the current structure.

**The Chairperson:** The rationale of your comments, however, is that the boards were responsible.

**Mr McCausland:** The point is that the only things that are being changed are the schools and the system. The Department is not changing. It is a classic example of buck passing.

**Mr Stewart:** The Department is changing very substantially.

**Mr McCausland:** Well, maybe not for the better.

**Mr Stewart:** However, the Chairperson is absolutely right on the point that he made about literacy and numeracy. The Public Accounts Committee (PAC) put



the blame squarely on the Department and said that the Department was wrong to allow to continue a system in which there were five different approaches to literacy and numeracy. The PAC rightly criticised us for not having done something about that earlier.

If I could return to Dominic Bradley's point. The Department is familiar with the correspondence that you mentioned, and we are engaging with that group of principals. It is very important that we do so, because, as we emphasised, all school improvement starts and finishes with school principals and school leaders. The Department very much wants to engage with them and take seriously what they have to say. It is, I believe, interesting that that concern comes from a group of CCMS principals, which is, of course, a regional organisation which covers all Catholic maintained schools throughout Northern Ireland. The schools and CCMS as a sector have been very successful in tackling underperformance and raising standards.

As John said, the evidence is there, but, sometimes, the question has the wrong emphasis. The size of the ESA is not the issue. We are not making this change because we feel that we have to achieve some kind of critical mass in order to achieve success. The issue is about the number of organisations and the number of approaches.

We have seen — and the empirical evidence is in the GCSE results — an unacceptable variation in outcome and an unacceptable inequality in the standards of attainment in different parts of the fragmented education system in Northern Ireland. Good practice is being developed by principals; however, it is not crossing sectoral and organisational boundaries.

They are not the only source of good practice; good practice is being developed in all the other sectors, including the controlled sectors, but it is not spreading. It is being trapped in the organisational boundaries of the present system. The PAC rightly criticised the Department for not doing anything about that.

Ken asked me to make the link between the two. We need carrots — I will be careful in how I phrase this because it may sound as if the carrot may involve a great deal of work — but where a principal or school leader or group of school leaders have demonstrably achieved success we should publicly recognise and celebrate that success. However — and this is part of the change — the completely different approach that the ESA will take compared to the education and library boards will be to ask what a principal has done or what new approaches have been developed in a school or a group of schools that have worked? Should the ESA be made amenable and responsible to that principal who, along with his local colleagues, may ask for money because they have developed good practice in one school which will spread, rather than the ESA's

simply offering a set of services to schools and telling them that they must take what is on offer? That good practice could spread from one school through the neighbouring area by means of co-operation, sharing of staff, and the sharing of resources.

The development of services in schools or groups of schools — and this is captured in the Every School a Good School policy — is based on their self-improvement and self-development rather than simply taking what is offered on a very restricted menu from education and library boards, as they do at present.

The two straight-forward carrots are recognition and money for the development of services and expansion of good practice in schools, which, as John said, is driven by the schools in a commissioning role and making the ESA responsive. If the ESA cannot provide the services, and the schools can provide them better, then we shall make sure that the ESA responds appropriately.

**Mr K Robinson:** Thank you very much, Chris; that is quite heartening. A school that came here showed how it had changed things around, and how with added flexibility they could do so much more —

**Mr Stewart:** It could put an arm around the school down the road as well.

**Mr K Robinson:** You said something right at the end of your presentation that interested me. However, it has gone for the moment; I have lost my train of thought.

**Mr McGrath:** May I respond to what Nelson said? Reports have highlighted failures of the Department. Many of those failures, to be blunt, stemmed from the Department's failing to performance-manage the education system — to give direction and expect people to take account of it. It has allowed a system without the necessary orchestration in which people did their own thing. That is not acceptable in a devolved context where a Department and a Minister are accountable to the Assembly, and in which the Committee would also have a role.

The Department is changing; it is about to change its structures radically. However, it must accept that its job is to police the policies and targets that have been endorsed and police them across the system. I referred to the accountability framework for ESA, and it will expect to be held to account by the Assembly and by the Committee that is it doing its job in overseeing and pursuing targets and holding people to account. The Department needs, culturally and structurally, to address its weaknesses, and it is doing so.

**Miss McIlveen:** In relation to the recruitment of the core structure, which you refer to in paragraph 8 of your paper on the structure of the ESA, saying that you



aim at finalising the overall proposals by mid-February and at starting recruitment in early spring.

Paragraph 6 talks of undertaking a consultation on a proposed structure. It almost looks as if the proposed structure has been pre-empted and that that consultation has already been sorted. Drafting job descriptions for the core structures gives the impression that decisions have already been made, irrespective of the consultation.

You refer to the PAC recommendations and the commitment to appoint high-calibre candidates, and we would not expect you to recruit anyone less than high calibre. However, experienced people who would meet the requirements are likely to come from the existing boards. I raised that issue before when I mentioned asset-stripping and our concerns about the transition. I know that you are aiming for an operational date of 1 January 2010, but that may not be realised; there may be slippage. How will we ensure that the boards operate efficiently and that there is no asset-stripping?

**Mr McGrath:** To date, much work has been done to consider structure in ESA and in the Department, and consultation on that will begin shortly with trades unions and other sides. The timetable is very tight, and work is ongoing on various issues on which there is no disagreement: we will need a director of finance, because there is a £2 billion budget; that is almost a given. People can begin to work on the bones of a job description and have it in the tank while the consultation is under way. Indeed, it is important to remember that commitments have already been given to the PAC that high-calibre appointments would be made to the human resources post and director of finance post. Reports on job evaluation and other issues highlighted a lack of expertise in those areas.

As regard asset-stripping, the Minister met the chief executives of the boards on Monday morning. ESA will largely be made up of people who have moved across from the education and library boards. The boards will largely be responsible for the delivery of services until 1 January 2010. It is in nobody's interest for ESA to "asset-strip" boards by moving people thereby leaving gaps in delivery. If people in the board structure are successful in their application for a post in ESA — whether they be second or third level — we will have to adopt a clever management approach to deal with the situation. We must first ensure that they are not removed from their day job any earlier than need be, and we must work out a sophisticated system in the autumn when staff move posts.

We must be very careful, because this transition is not about asset-stripping. The first step is to identify who will hold the posts in the future. The second is to figure out how to, in a sense, migrate from managing

the current situation to managing future changes. However, we know that we must not suddenly pluck successful applicants out of the system on a given date, thereby leaving the boards beleaguered in the last months of transition. That is by no means our intention; such a move would not help ESA or us.

Business continuity, which has been flagged up, will be critical over the next 10 months. We have already said that there must be a careful balance between managing existing services and supporting schools and getting ready for ESA. We must ensure that the second does not prejudice the first. It will not be a matter of asset-stripping, Michelle. It will be about allowing people to apply for the posts — and, of course, people are free to apply — getting some certainty about who will do certain jobs and then working out how they migrate over and when.

**Miss McIlveen:** At the same time, you do not want anyone to feel that they cannot apply for those posts.

**Mr McGrath:** The matter will have to be very carefully managed, for the reasons that you have outlined. The earlier we know who will fill the posts in ESA, the better — even if those people are not actually in post. That is important.

**Miss McIlveen:** There is mention of business changes, and you talked about the seven main functions and a process that would last three to five years. Do you foresee a post being established so that someone can oversee that change?

**Mr McGrath:** Gavin Boyd is making a strong case, based on empirical evidence, that it is a significant challenge for any organisation to weld more than five organisations together, create new structures, build in the identity of the new organisation and then set strategic targets so that everyone is moving in the same direction.

Books have been written about managing change. In the early years, there must be someone whose job is to oversee that process of change in the organisation and to get systems built in and bedded down. There may a post that reports to the chief executive for the first three or four years of ESA, but when systems have sufficiently bedded down, that post would not be needed. Change does not end on 1 January next year: it starts then. We will have to look at how far the transformation from the boards and the organisations into a single cohesive body has progressed. That is an issue that the Committee will want to be reassured on.

It would be a time-limited post that will not, however, be a part of the permanent structure.

**The Chairperson:** Paragraph 17 states:

"The Department's initial thinking is that a configuration of six units (one covering the greater Belfast area and five others)".

In his presentation Gavin Boyd said that ESA had envisaged 11 units.



**Mr McGrath:** I do not wish to talk behind anyone's back. However, at that time ESA might have thought that such a structure should be compatible with 11 local authority areas.

**The Chairperson:** Gavin showed us a diagram setting that out.

**Mr McGrath:** If Gavin were here, I imagine that he would say that that is one option. The Department's view is that we need to strike a balance between having a local structure that is sensitive and coterminous with local government and also cost effective. We envisaged that each would be headed by a senior manager, as they will be doing an important job.

However, we need to strike a balance between a decentralised structure with 11 offices — which would complicate the reporting relationships in ESA — and cater for local sensitivities. Therefore a six-unit model, five of which would dual two of the new district councils and one of which would be in Belfast, is preferable. Which council areas would be paired is an issue for further discussion. Many of the deep-seated issues of school improvement and performance concern Belfast, and we need a focus on that. That is not to say that there are not significant issues about performance elsewhere. The six-unit model strikes the right balance between local sensitivities and keeping management costs sensible without over-complicating the structure of the organisation. That is within the parameters that the Department has given ESA and will limit senior management costs in future.

**The Chairperson:** Where is the thinking on children's services? Three options were given originally. How many posts will be needed to deliver children's services?

**Mr McGrath:** There should be a second-level post in charge of children's services, which will be one of the primary posts in the system relating to quality and standard of service. We have not yet considered the structure below that post, but children's services will fit into the role of the local offices. ESA is setting up two groups to advise it: one on education quality and another on children's services.

**Mr Stewart:** Members will know the background and the concept of children's services. It originated in England in response to several serious cases of child abuse, including the Victoria Climbié case. It is not a direct read-across to Northern Ireland. However, the key point about directors of children's services in any organisation is not about the quantum but — uniquely in this case — the level of the post. He or she must be at a sufficient level in the organisation to have the clout necessary to ensure that the difficulties and deficiencies revealed by the Climbié case and similar cases do not occur here.

Those difficulties include issues that fall between stools, a lack of sharing of information, and a lack of co-ordination within, between and across organisations. The issue, therefore, is having someone at sufficient level in the organisation to pull the levers and ensure that that cannot happen. That is why thinking has evolved to show a particular focus on the second tier.

**Mr McCausland:** I welcome John's assurance that the Department will act in a way that is clever and sophisticated.

**Mr Stewart:** There is nothing new in that.

**Mr McCausland:** It is a novel approach, and one that the Committee welcomes.

Paragraph 16 of your submission states:

"Local managers and service staff will have the flexibility to respond to specific local circumstances and need. They will be sensitive to and receive input from a committee for that area comprising, amongst others, a number of elected representatives."

What do you mean by:

"They will be sensitive to and receive input from?"

**Mr McGrath:** It means that a range of functions would be provided locally to the education system, including schools, statutory and non-statutory youth providers, and so forth. However, they will also act as the local front offices of the ESA, they will be expected to connect and interrelate with local representatives and other service providers.

**Mr McCausland:** What power will the local committee have?

**Mr McGrath:** The committee will be largely advisory, but it is a question of striking a balance. The model for the committee may be based on bodies such as the district policing partnerships (DPPs) — and I use that model carefully — which are there to advise the system. It is not a central decision-making body. I am trying to find a body in the pantheon of local bodies with which to draw a comparison. It will identify the challenges and the particular circumstances of a local area, of which ESA and its parent organisation must take account.

**Mr McCausland:** Staff in a local office will take decisions, and they will probably be advised by a local committee. However, they can ignore that advice, in the same way that the police often ignore the advice of a DPP.

**Mr Stewart:** Perhaps the key difference is that this committee, unlike a DPP, is part of the organisations, and I do not think that it can, therefore, be ignored. The formal power of a committee would depend on which, if any, formal functions are delegated to it from the ESA.

**Mr McCausland:** At what point would that be decided?



**Mr Stewart:** We would welcome the Committee's views on that; it is not set in stone. As John said, we must strike the right balance: on the one hand, this is not intended to be a federated model, and we do not intend to move from five boards to six or 11 boards. On the other hand, there is a genuine recognition that for this sort of model to work properly, those committees cannot be ignored. The representatives of local communities and locally elected representatives must have sufficient influence over what is happening at that level. Otherwise, the structure would be a waste of time.

Therefore, we want to strike the right balance, and we welcome the Committee's views on what functions the committee have and what decisions should it make. How far beyond the role of advice ought it to go?

**Mr McCausland:** Might it go beyond being merely advisory?

**Mr Stewart:** The legislation allows for that; it allows for functions to be delegated to the committee. However, the key point is that the committee is not, in any sense, a separate organisation acting off its own bat; it remains functionally part of the ESA. Anything that a committee does or says, it does as in the name of, and as part of, the ESA.

**Mr McCausland:** I am interested in the possibility that its role might be more than simply advisory, because that has not been clear until now.

Paragraph 17 mentions:

"six units (one covering greater the greater Belfast area and five others)".

I understand that grouping 11 councils into pairs results in five units, but does "greater Belfast area" refer to the Belfast council area as it emerges, or might it not necessarily be totally coterminous with that?

**Mr McGrath:** Our starting premise will be that it should be based on the new Belfast district council area.

An issue with area-based planning is that several areas will straddle the boundaries. However, we suspect that that would be the case regardless of where the boundary is cut. That is something that is facing other Departments as well as education. In the current Belfast area, there were planning issues concerning Poleglass and Newtownabbey. It would take a strong argument to convince us that we should not stick to the new Belfast district council area.

Planning work has to be done on a cross-boundary basis. Two or three of the area offices might be engaged in strategic planning; the travel-to-school patterns, for example, do not adhere to administrative boundaries.

**Mr McCausland:** Have you any indication of what percentage of the activities and expenditure that are currently dealt with by the individual board would remain at a local level? Human resources, pay systems

and so on will be centralised, but what percentage of activity will continue to be delivered at a local level?

**Mr McGrath:** I cannot give you a figure because thinking on area offices is still developing. It may well be that there will be a change in the pattern of spending within boards.

**Mr McCausland:** I am not seeking an exact figure such as 36.9%, but is it a half, a quarter or three quarters? I want you to make a guesstimate.

**Mr McGrath:** We will need to come back to you on that, Nelson. The thinking is that local area offices will have a number of functions, including dealing with standards and school improvement. Ken Robinson might comment on this point, but the view is that anyone who is talking to schools about standards must have credibility. The model might be a principal who is on secondment to ESA, and the budget for school improvement would be devolved locally to deal with that.

There will be an arm that deals with area-based planning. The area teams will have to undertake several area-based planning exercises because, for example, travel-to-school areas will be much smaller than some of the other areas. There will be a range of direct educational-support mechanisms, including education welfare officers, educational psychologists, help for literacy and numeracy, and child protection. The current CAS budgets will be disaggregated and reshaped to fit the commissioning model that we talked about earlier. There will be support for a linkage with youth in early-years education.

There will be management support and a finance support function in the local management of schools. There will be human resources capability to help schools on local issues of recruitment and discipline. Some elements of the function area will even be available locally.

**Mr McCausland:** Consider, for example, a building on Academey Street in Belfast that has x number of staff carrying out a range of activities. What presence will remain in that building if these plans come to fruition? Will a similar number of people be employed there? We are trying to get a sense of what situation you envisage. When will it become clear how the process will work out?

**Mr McGrath:** It will be a while before that becomes clear, but there are two strands. As Gavin Boyd has explained, the education and skills authority's thinking is that centralised functions reflect its current footprint. For example, finance could be centralised in Ballymena; human resources could be centralised in Omagh; the teachers' payroll is already based in Derry; something else could be centralised in Armagh; and there could be a centralised function between the south-east and Belfast. Therefore, some of



that would remain under the new model. There would also be an area office for Belfast, which might be —

**Mr McCausland:** It is the area offices that I am talking about.

**Mr McGrath:** We do not anticipate the area offices being big — they will have, perhaps, 50 people in them. Those offices will have budgets and will be dealing with the support for the local management of schools; that is, the services that need to be available locally. Subsidiarity is important — we must provide services locally in order to support schools, but those services that do not need to be available locally should be centralised. Doing so will produce economies of scale and will mean that the services benefit from more professional oversight and management.

**Mr Stewart:** Some services may move out of Academy Street, but they will not all necessarily move centrally — some may move more locally. I am sure that the Committee is aware of the good examples that exist of services that have been developed by particular learning communities, where groups of schools have developed services, functions, and activities that call for staff to be recruited and based in the schools. As we move beyond the Curriculum Advisory and Support Services (CASS) into school-led self-development and self-improvement, we see a lot of scope for that model. Therefore, some services that are currently based at Academy Street will end up being provided out in the schools.

**Mr McCausland:** I have no problem with that; there are services that should be moved from what are currently boards into schools.

**Mr McGrath:** What do you have in mind, Nelson? I think that we are talking the same language.

**Mr McCausland:** I agree that a conversation should be had about that, but not necessarily this morning.

**Mr McGrath:** The idea is that the services that need to be available locally to help support schools should be available locally, which is why some elements of finance and human resources will be available locally, services relating to recruitment, discipline, and absence management, for example. The big machine elements — for example, payroll and awards — can be centralised.

**Mr McCausland:** People are familiar with the current system because it has been there for some 30 years. It would be helpful is to have some indication of what a typical board will be like. That is why I am asking about percentages — I want to know what is moving up, what is moving down, and what is left sitting there. That would help us to develop a better understanding of what the system might be like and the implications of that.

**Mr McGrath:** I understand your point, but the problem is that in the case of Belfast, for example, some people are probably not based in Academy Street, which makes it difficult to calculate figures for before and after. I hope that, before too long, we will be able to provide an embryonic idea of the structures that might exist in an area office, which should help.

**The Chairperson:** You must be pretty near that stage, because you mentioned going out to consultation and having some of this in place by February —

**Mr McGrath:** It has been an iterative process and we are still testing because, to be frank, I have been in the Department for almost 12 months and the whole issue of local presence and sensitivities has moved on significantly in that time. That issue was not on the radar as much when I joined the Department, the concerns were about the money agenda and centralising. However, the issue of local sensitivity and local support has come much more to the fore because the Minister has put it to the fore and it fits with the whole issue of standards. A lot of elements are in train currently; the issue is not signed off.

ESAIT will go out to consultation shortly and I am quite happy to return to the Committee before too long — perhaps with Gavin — to try to paint a more detailed picture of that. The scheme is on the cusp of being realised; we are simply fine-tuning a lot of the detail. We need to feed in how area-based planning will work — an issue that I know that the Committee will want to discuss; examine what skills are needed to do that locally; find the balance between local presence and engagement; and undertake core pieces of research, analysis and number crunching about how we do that.

I see area-based planning as an issue that the area offices will have a major role on and that will be very labour-intensive. It is not just education providers who will want to know about this issue — local communities will also want to know about it. It will be very time intensive so we need to factor that in to the thinking. We are developing that but will want to come back to it pretty quickly, because — as you pointed out to us previously — the more that we paint the picture and fill the gaps, the more that that will help Committee members to understand what we are about, which is something that we take very seriously.

Therefore, we want to be able to add quickly to the information that we have given today. I am not sure whether we have the precise number analysis that you would like. However, we could, perhaps, look at a hypothetical board and imagine which functions might go in which direction in the future. If the Committee wishes, we will talk to ESAIT to see whether we can do that, if the Committee thinks that that it would be helpful.



**Mr McCausland:** Could that be done in the next few weeks?

**Mr McGrath:** Yes, of course. The structure of ESA and the functions of the area offices should be put out for consultation soon, as Michelle McIlveen said. We need to be explaining what the area offices will do. We want to be explaining more. Although we are explaining to the Committee, we also want to be explaining and filling in the gaps much more for the wider stakeholders. That is one of the issues that Joe Reynolds is on board to help us to do in the period up to the spring.

**The Chairperson:** We could table a motion for the Assembly and maybe get the information on the day before.

**Mrs M Bradley:** It could be rushed through.

**The Chairperson:** Not that I am not a cynic, by the way.

**Mr O'Dowd:** We would have to make sure that the Irish version was available.

**Mr McCausland:** Yes, for Michelle.

**Mr B McCrea:** The Ulster Unionist Party has deep-seated concerns that this is a triumph of process over policy. We do not think that there is agreement on what the policies should be and that some sort of mechanism has been arranged in lieu of that agreement. It does not seem right that regions should be divided on a geographic basis. Inner cities provide a big challenge, so I wonder why the Department takes Belfast as a council area and lumps all the schools in together, because some schools are in challenging inner city areas and others, such as Grosvenor Grammar School, that straddle borders.

If you had told me that Northern Ireland has a population of only 1·8 million people and that that is why we could afford to have one regional body, and why ESA works — despite what was being said by colleagues from Londonderry — I could, perhaps, have understood the intellectual thinking behind that. I thought that the essence of this process was about removing duplication. Yet, we are just going to go back in and do the same thing again. There will, effectively, still be five boards.

Mr McGrath shakes his head, but he must recognise that there is a dichotomy in the views that I am expressing. On the one hand you say that ESA will police the system, look at standards and control the problems that were highlighted in the PAC report on numeracy and literacy. On the other hand, we talk about decentralisation and about getting as many resources as possible to the school level. I view those as being inconsistent.

With regard to local involvement and political input, I do not particularly want local councillors involved in the issue. The changes that you are trying to bring about have a political — with a small 'p' — connotation. If you do not get on board the views of everyone, you are not going anywhere with this. I see no mechanism in the new arrangements to get those views on board; in fact, I see a mechanism to sidestep what are the widely held views of different political parties, because one particular grouping may be in the ascendancy at this time. I am looking for a mechanism that ensures these matters are not run roughshod over the views of a lot of people.

**Mr McGrath:** ESA is a public body to deliver public policies, as signed off by the Assembly and the Minister. The political level and political process have to determine the policies. ESA can only take them and deliver. With regard to your point about boundaries, you are correct in saying that it is a small population, and I am not sure whether we made it clear if we can afford a model with at least five organisations all doing things differently in such a small population. If everything was being done consistently, there might have been a different debate.

I made the point that there are differences, and the challenge about school improvements in particular circumstances presents differently in inner city Belfast than in some rural areas. Therefore, in each area office, the profile of school improvement, as opposed to raising standards, will be different. In some areas of Belfast, it will be the major issue, elsewhere it will be a problem but not the major issue compared with the balance of staffing. However, no matter where the administrative boundary is drawn, there will always be a problem that crosses it, whether it is in health or in education.

**Mr B McCrea:** I hope that you do not mind me saying, but that is why drawing boundaries on a geographic basis seems illogical. If you had said to me that numeracy and literacy is a core issue cutting across the entire 1·8 million of the population, albeit focused on various areas, I could understand a body being set up to deal with numeracy and literacy, or if you had said that the Department understands the problems about early years and that it wants to have an early years strategy across Northern Ireland —

**Mr McGrath:** Which we are working on.

**Mr B McCrea:** Absolutely, but it is form following function. We are carving up what seems to be, and I apologise for saying this, a rehash of the old system, and that is a worry. I will not labour the point, but you need some help.

**Mr McGrath:** Yes, but essentially anything that makes this seem as if we are moving from five boards to six or 11 is not what my Minister is about, and it is



not in the remit that we have given to ESA. This matter needs to be viewed in tandem with the issues that we discussed with Ken Robinson. It is about putting schools first and enabling them to have as much scope as possible regarding how they shape and go about their business. Therefore, there need to be things that are closer to them. I do not see any contradiction between delegating responsibility to schools and getting more control over their affairs but then holding them to account for delivering standards. There is no contradiction in that. You empower them to do as much as they can, and then you say that you will measure what they have done against benchmarks and expectations.

**Mr B McCrea:** I could get into a discussion with you about that, because I do not subscribe to a one-size-fits-all approach. Some schools are operating in very challenging areas and have different sets of standards. Furthermore, I reject free school meals as being a proxy for social deprivation, because many people do not take them up. I look at all those issues to find if there is a system that will help to move things forward, and my personal feeling — and I think that there is some support for this view from the public — is that devolving control to local school leaders, with appropriate financial support, appears to be the way forward. However, all the time I am worried. We will not sort out this issue today, but I am simply telling you our concerns.

It all comes back to the failed command and control structure of a centralised Department or a centralised ESA telling people what to do, standardisation, one-size-fits-all, what happens here will happen there. All of that seems to strip the professionalism away from the teachers and the people who can make developments.

You said that ESA is not really for policy — it is for implementation and that policy happens elsewhere. However, everything is connected. There is no forum for my colleagues and I to influence policy, short of winning the election and taking the position of Minister of Education.

**The Chairperson:** You have 20 years. *[Laughter.]*

**Mr B McCrea:** One of the good things about coming from my culture is that I do not mind being in a minority of one, if that is the case, because the truth is still the truth.

When it comes to the issue, therefore, I put to you another challenge, which I am not necessarily expecting you to resolve, because there are other political aspects to it. Nevertheless, I tell you that our biggest concern is that ESA is a Trojan Horse designed to propagate other policies that do not have the agreement of a significant proportion of the population. If ESA is given all of those powers, people

will fight battles by proxy, and I do not believe that rationalisation and cost saving — which the Ulster Unionist Party supported in the early stages — will be achieved. However, we are extremely unhappy that ESA is being used for purposes for which it was not originally intended.

**Mr McGrath:** The political process by which policy is determined is not for me to comment on. Whether the organisational structure will be ESA, five boards or something else, it will have to deliver whatever policies come down. I cannot offer a view on the political input into that.

The Department favours the points that you made about local sensitivity with regard to the local structures. The approach to tackling issues about standards and school improvement in inner city areas and the mechanisms for that are likely to be different to the approach that is taken in a rural area where schools are not close together and issues of scale are a consideration. Therefore, a policy of school improvement will be set down and driven forward by strategy from the key post at the centre of ESA, but the precise delivery mechanisms may differ depending on the local area and the circumstances.

Particular issues relate to inner city schools in areas such as north Belfast, Shankill and west Belfast. A special push, which might not be needed elsewhere, will be needed from one of those area offices to deal with a significant problem, and school leaders will need to be directly involved in that.

**Mr Stewart:** I shall answer Basil McCrea's earlier point. John has explained why the Department sees the need for local services to be locally based. That lends itself, therefore, to a structure of delivery of services that has a strong geographical element to it, whatever that may be.

However, the legislation is flexible enough that if ESA, for example — or if the Department instructs ESA — needs to take a particular focus on youth services, early-years provision or some other aspect of education delivery, ESA can set up a committee on early-years provision, youth services or on raising standards for the length of time and with the focus that is deemed appropriate to deal with a cross-cutting or thematic issue. The legislation does not bind us to having everything squeezed through a geographical sieve; it is flexible enough to cope with the challenges that are there.

**Mr McGrath:** Mr McCrea made a point about free school meals as indicators of social deprivation. The Department will introduce proposals for a longer term review of the common funding formula, and Catríona Ruane is keen to address how to recognise deprivation in the funding formula. That vehicle is available, and, when results come out of that through the political



process, ESA's job will be to distribute funding in line with that.

Not every policy aspect is covered by the legislation. As Chris said, as policies emerge and are signed off, ESA will have to cope and flex itself to deliver that with the appropriate balance between regional strategies and coherence and local flexibility. That needs to be fairly sophisticated, because this is a very complex and sophisticated business. I use that term in a generic sense, because we are trying to improve.

**Mr B McCrea:** I want to ensure that you understand the key point. The Ulster Unionist Party does not see the intellectual rationale for having five or six sub-regional bodies. That appears to be an arbitrary decision. If you said that there are different challenges, one could argue that there is an inner city challenge in Belfast, that there is a Belfast travel-to-school challenge and that there is a rural challenge that is separate from those two challenges.

A regional body is required in order to achieve the real economies of scale that have been set out for ESA. The sub-divisions should focus on the challenges that schools face, such as numeracy and literacy, early years, and social deprivation and exclusion. Why has the Department arrived at five plus one as a set of bodies? That is not logical to us. John said that the travel-to-school areas are likely to be different —

**Mr McGrath:** But smaller.

**Mr B McCrea:** — different to those inner city areas. I personally believe that policy decisions on area-based planning need to be taken in a regional context, because people travel such large distances, and there are other areas in which two schools can be only 500ft apart and yet have completely different demographic intakes and challenges. I have set out those issues in an attempt to be helpful. Our concern is that the new structure will simply be a replication of what went before, and we do not like the look of that.

**Mr McGrath:** That is helpful. The education and skills authority is designed to help to support schools. One of the issues that Ken Robinson raised was having support available locally, whether in human resources or school improvements, whereby someone can go and have a dialogue with a group of local principals and suggest that they should have something available to them.

However, it is difficult to pitch where on the spectrum an issue sits between, for example, literacy support or something that is a bit more sub-regionally significant. Basil McCrea essentially summarised that balance. The authority is not six bodies, it is six areas, and, in one sense, it is not unlike the way in which the Housing Executive is organised. It is a regional body with a number of areas. Area managers do a lot of the

political connection and facing up, dealing with local councils and representatives. However, policy is set down centrally. ESA is a similar sort of model: it is not six new education and library boards; policy will be set down centrally by the Department; and the delivery of issues such as special educational needs, where there are five different approaches, which is unacceptable, will move towards more coherence.

There are different circumstances, and Basil McCrea has just produced an example of such a difference in travel-to-school. Addressing area-based planning in the Belfast area will present a different set of challenges to those in Fermanagh, which, being a larger county, will be identified as having a larger travel-to-school area, whereas Belfast has a hub-and-spoke model. The solutions may be different, but the same principles about area-based planning are needed and will come out from the centre.

I take Basil McCrea's point, which is helpful. It is precisely on that spectrum that we all want to get it right: that ESA is a regional organisation, with central policy and guidance from the Department, a consistent approach, and equity and equality with regard to what children get, while having a sensitivity to respond to local needs and circumstances.

**Mr Stewart:** That is why we were cautious in our answer to the earlier question about what might be formally delegated to local committees. On the one hand, we must avoid the situation in which a committee could be ignored by a local office. On the other hand, we do not want to bring about the thing that you fear, which is a federated model of six boards. Therefore, the Department must strike the correct balance with regard to what powers would be devolved formally to a committee.

**Mr O'Dowd:** My questions have been covered, but perhaps I might comment on Basil McCrea's previous point. Health and education almost mirror each other in the sense that where there are poor educational outcomes, there are poor health outcomes. If you advance Basil's argument, the Health and Social Care (Reform) Bill, which was recently passed by the Assembly, would have further broken down the health structure, with a health trust for north and west Belfast, or broken it down even more for west of the Bann in order to zone in on areas of poor health outcomes. As I see it, ESA can, under its structures, be broken down in order to examine areas of poor educational achievement, just as, under the health trusts, it will, hopefully, be possible to zone in on north and west Belfast. Therefore, the ESA structures are not so rigid that they simply apply a one-size-fits-all, as Basil put it.

The other side of your argument leaves us with the prospect of having not five or six new boards, but 950 boards — one for each primary school in the



North. If each primary school were allowed to set its own educational agenda, there would be 950 different outcomes instead of one centralised outcome. That can not be done for the same reason as the Health Minister does not allow doctors and nurses in each hospital or health centre to set health policy.

They implement, and are key to, the health policy, but there needs to be a centralised direction, which must also be as democratically accountable and as responsive as possible to the needs of local communities. Under ESA, that is possible, because the majority of members of the board of that authority would be political representatives. The local communities would have their political representatives. Nelson McCausland's point about what heed senior management must take of the committee needs to be expanded and further explored.

**Mr B McCrea:** I think that I have obviously not made my position sufficiently clear: I was not going down the route of having 950 individual boards; I was going in the other direction. The idea of having a regional body is an interesting one, because many of the issues, such as area-based planning, have regional implications. If a solution is provided for Downpatrick, for example, that will have an impact on the intake of schools in Belfast, because some pupils currently travel from Downpatrick to Belfast. My view is along the lines of give unto Caesar what is Caesar's; that is, certain issues must be dealt with on a regional basis, while others must be dealt with on a topical basis, because the geography is not relevant.

**Mr McGrath:** There is nothing in the structure which means that that cannot happen.

**Mr B McCrea:** I just wanted to make that clear, because John O'Dowd was, perhaps, thinking that I was heading in a particular direction. My view is that the Ulster Unionist Party supported a regional body because Northern Ireland is a relatively small area with a relatively small population, and it is possible to do it on a regional basis. However, one then gets into situations in which, quite patently, that sometimes does not work due to different regional variations.

I want someone to tell me the guiding principles, in which everyone's views are respected and worked out. A process that works properly can then be devised. In other words, we should try to get the cart behind the horse, not in front of it. My worry is that, in the absence of having worked out those guiding principles, we come up with a set of rules, which is almost like shaking dice and seeing what way things fall out. I do not believe that that is helpful.

I apologise, therefore, if I did not express myself properly at the outset. I agree with John O'Dowd that there must be a tie-in with health, because the

inequalities in each sector are linked, and there is also an interesting point with regard to regional structures.

**Mr McGrath:** John O'Dowd made a very good point. The other dimension in all of this is what happens when the RPA of local government occurs and community planning rolls out. Health inequalities cannot be dealt with in isolation from wider issues. Forums are required, and the Department believes that the structure of ESA offers the potential for community-level planning into which the education aspect can slot neatly. Furthermore, the structure will also allow for someone of sufficient calibre to be available to contribute to the wider process from an educational perspective, in relation to the health perspective. Whether each sector should have exactly the same boundaries is always an issue and is never right.

Basil McCrea is quite right in saying that an area-based planning exercise around Belfast would be of sufficient weight that it would not be done by the Belfast office alone, because it would have such significant knock-on implications that it would probably be centrally led within ESA and have to be signed off at a very senior level. An area-based planning exercise for somewhere such as Fermanagh or Coleraine would be much more self-contained within that area, and could probably be led locally. However, it would still have to be signed off centrally in order to ensure that it met the central principles governing area-based planning, and did not have repercussive implications that were not spotted locally.

That is how that balance would be achieved. It is not a do-it-yourself-locally thing. It is a question of balance. Whether tackling health inequalities or wider issues of deprivation, a joined-up public sector approach is required. That is not easy to do, under even the current structures, and ESA offers the potential to achieve that.

In my previous work in the Department for Social Development, we tried to pull the various factors together. If I may cite one example: we did work at Dunclogh a couple of years ago, and, from the education sector alone, one had to get someone from the Council for Catholic Maintained Schools (CCMS), someone from youth services and so on, and one would end up with four people in the room to deal with just the education bit. Under this model, however, the person leading the local area office is the front person in education, with, for example, the chief executive of the local trust or council. That is where you begin to get some of the advantages of the new model.

**The Chairperson:** I want to tease that out: it is vital that there are public representatives on the, for want of a better phrase, local committee. However, how do we then define the key stakeholders, who they are and how they get onto that committee? What we do not want is a local strategic partnership (LSP) Mark II,



when everyone came and said that is fine, lovely, great but I am sorry, I cannot make a decision on that because that is outside the remit of my Department, and it becomes pointless.

**Mr McGrath:** I understand exactly what you mean.

**The Chairperson:** If that local committee does not have the power to make a decision, one wonders why bother getting everyone around the table in the first place, because paragraph 5 of the document entitled 'Structure of the education and skills authority at regional and local levels' — which is, I suppose, directed at the board — states that:

"The Minister, through her Department, will direct the work of the ESA Board."

If the Minister does not give direction to the board, and if the board does not delegate power to the local committee, we will all be shaking our heads and saying that we disagree, but nothing could be changed.

**Mr McGrath:** I understand exactly. However, the LSP was, in a sense, a collection of representatives of every stakeholder. These committees will be committees of ESA. There will not necessarily be officials from other public bodies on the committee, because that would be mixing up governance issues.

**The Chairperson:** Do you understand the rationale behind my question?

**Mr McGrath:** I understand exactly.

**The Chairperson:** How will we identify who is a key stakeholder in a local area and is best suited to sit on a local committee? Taking the point that Basil McCrea and John O'Dowd made about the crossover between education and health, there is a big issue there, because we have all visited schools in which there are problems with, say, getting psychologists into schools each side of the current provision that is made by the Department.

**Mr McGrath:** I think that one has to be very careful. These are committees of ESA, and I am not sure that officials from other public bodies would sit on them, because that would put them in a difficult position. In my view, the key stakeholders begin with the community — the people that we are trying to serve — followed by schools and other bodies. Within youth and early-years services, there is a large voluntary representation. One would want to involve those who are more closely connected. The local committee must reflect the community — the pupils and the parents — rather than institutional stakeholders.

You are right; further work is needed, but you have highlighted some of the issues about which we need to be very careful.

**Mr McCausland:** You say we need to be very careful; I think that there are questions around who would

represent the interests of parents and the community. Those matters must be teased out very carefully.

**Mr McGrath:** I know, but I just meant that, at times, stakeholders are seen as just schools and some sector representatives. In my view, the principal people that we are trying to serve are communities and children and pupils.

I understand the point that you make about determining who are to be the representatives of those groups, but they should not be populated with the providers, rather than the users, of the services.

**Mr McCausland:** That is fine.

**The Chairperson:** Is there any paper or emerging thinking that you could provide to the Committee to help that process? Has ESA done anything in regard to that?

**Mr McGrath:** To be honest, I do not think there is a lot in stock on that issue. We are grappling with the issues that have been well articulated by Basil McCrea regarding how a balance can be achieved between local sensitivity without diluting the advantages of a regional body, and without confusing decision making or mixing up accountability, which can lead to trouble. The factors that were flagged up about the role of the committee and the delegations will need to be addressed. Today's meeting has been helpful, because issues were raised that had not yet come into our ken. The Department will do some work on those and bring back a think-piece paper on the committees.

**Mr Stewart:** You have given us two areas on which such work clearly needs to be done and more detail produced. One is more detail on the precise delivery functions at the local level, and the other on what those committees will do, who will be on them, and how they will get there.

**The Chairperson:** That would be very useful. I have purposely allowed the discussion on the first paper to carry on rather than moving to discuss the second paper. If members agree, and if John McGrath is happy with that, we will deal with the second paper, on the sectoral bodies, next week.

**Mr McGrath:** I am quite happy with that.

**The Chairperson:** I am conscious of the time, but I want these sessions to be focused and beneficial, and we have stuck reasonably well to dealing with the paper, for which I commend members. I know that Trevor will do the same.

**Mr Lunn:** Of course I will. I want to ask about the establishment of the organisational structure as outlined in the paper. If recruitment is to begin in early spring, does that mean that senior people will be recruited before ESA has been legally established?



**Mr McGrath:** The ideal is that we are not actually appointing people. The recruitment process can be started, but people cannot be appointed until the Bill is, ideally, on the statute book, or is in such a condition that it is clear that it will be on the statute book. There is a balance to be struck. The target date is 1 January 2009, and people will have to be appointed so that there is an organisation to pick up the reins on that date. Therefore, there are difficult judgments to be made with regard to balancing the implications of a political process, the scrutiny of this Committee and the Assembly in general, and taking some preparatory steps.

Advertisements will be placed, but it is only when someone is appointed that a definitive decision has been taken. In the same way, as I have mentioned, for the sake of openness we need to identify the chairperson-designate for ESA at an early stage, because the chairperson should, ideally, have a role in the appointment of senior executives, so one would want him or her to be in place. The chairperson should also be involved in the appointment process of the members of the authority, in line with the practice for commissioners. Therefore, the Department is now looking to start a process to identify a chairperson, but it could be June before that process has culminated. However, some of those processes must be started.

**The Chairperson:** Who would appoint the chairperson?

**Mr Lunn:** Presumably the Minister will appoint the chairperson. On the issue of appointing staff, I presume that we are talking about the 50 senior staff to which the paper on the structure of ESA refers. I believe that there was a suggestion earlier that they would come mostly from within the existing education and library boards. However, some will not: staff in the boards may be reluctant even to apply until they see what way the whole thing is going. It is not certain that ESA will be established, although I would like to think it will be.

**Mr McGrath:** The point is that something needs to be done, because if it is established on 1 January, everyone, including the Committee, will be exercised to ensure that it is ready to pick up the mantle. We spoke earlier of asset stripping, as Michelle McIlveen termed it. There must be a balance. We must start some processes and then make a judgement to finish them. For example, are people appointed formally or on another basis?

Gavin Boyd has been chief executive-designate of ESA for a significant period because he did not envisage this delay. Under a different scenario, if there was no ESA then that status would end. We would want to appoint a chairperson, or a chairperson-designate, subject to the Assembly passing the Bill. We should do everything in the proper sequence for the 1 January date. The Department has put together a fairly

detailed and critical path, which is still being refined, listing everything that needs to be done in order to get ESA up and running. It is highly challenging, and slippage on one item will have a knock-on effect. For example, if there is no chairperson to participate in the recruitment of senior posts, that will be delayed, which will delay the appointment of members, and the structure will be up and running.

At the same time, we have serious concerns about the position in boards as a result of the uncertainty to date, which has people voting with their feet and moving to other jobs in other organisations because they did not have the certainty of ESA coming along and applying for positions there. We need, therefore, to send signals to the recruitment market. Senior posts will be advertised in line with the Public Service Commission's guidelines on the review of public administration. There will be due process within the parameters set and the outcome will be the most appropriate that can be achieved within a proper recruitment process. The expectation is that a number of those working in the current system will be successful, but there is no automatic presumption: it will depend on the outcome of the recruitment process. In some areas, it may well be that there is not the same reservoir, because with regard to age profile, a lot of people are part of the present – they will choose not to be part of the future.

**Mr Stewart:** I will add some detail to that in order to reassure Trevor Lunn further. We do not in any way ignore the democratic process, or anticipate the will of the Assembly. As John McGrath has said, however, the practicalities demand that certain processes have to get under way now.

There are rules that govern this: we can take certain action at only certain points in the process. It would be entirely wrong to move on the appointment of a chairperson or members of ESA before the Bill had proceeded to Second Stage. The Department of Finance and Personnel's rules on financial guidance and accountability state that it is legitimate for us to incur expenditure in the appointment of staff at this stage, and to take steps related to the appointments now that the Second Stage of the Bill has been reached. That does not mean that there is any guarantee that this will go ahead. Therefore, we must take steps to manage the risk involved in doing that. We cannot at present appoint senior staff to ESA, because ESA does not exist. If we appointed staff at present, it would have to be, as John McGrath said, on a designate basis and to an existing organisation — the Department or one of the existing education organisations.

That might provide a part of the answer to Michelle McIlveen's question on asset-stripping. If senior appointments are made in advance of 1 January 2010, then those staff could be based, initially, in one of the



existing organisations and combine their new role with a transitional role in that existing organisation.

A further risk-management arrangement would be to make the appointments, initially, on a secondment basis. Then, in extremis, if the Assembly decides to vote down the Bill and not to proceed with the review of public administration, the secondments would be ended and the staff would return to their original organisations. We would still have incurred expenditure, but only nugatory expenditure, and we would have managed the risk to highest possible degree.

**Mr Lunn:** If we could move on to the authority itself and the appointment of members and chairperson: if the Assembly decides to amend the requirements for members of the authority, particularly that the majority of them should be local councillors — and I believe that only the Alliance Party is absolutely certain that that is a bad thing; however, we are very important, you know —

**Mr B McCrea:** I think that you got a little support from others on that matter.

**Mr Lunn:** If we managed to persuade the Assembly that that is not a good thing, is it possible that the Minister and the Department would have already moved ahead and appointed members-designate, so to speak?

**Mr McGrath:** Given that a chairperson-designate would need to be appointed in order to participate in the process of identifying members, it is unlikely that the process to appoint members would begin until after the summer. Therefore, I imagine that if any detailed changes were made, we would know about them.

Appointments are appointments, as opposed to jobs. If it turned out that the nature of those appointments no longer existed, there would be scope for the Minister to terminate them. Appointments are not the same as jobs, whereby it would be too late to terminate the appointment if someone was already in post. People would be appointed on the basis that they would take up a post at ESA if the structure of the authority was as originally intended. If that structure changed, the matter would be orchestrated in such a way that the appointments would lapse or would have to be made again. It is a process that can be refined very easily. Appointments are easier: they are not jobs; they are appointments made at the Minister's discretion.

**Mr Stewart:** They can be un-appointed.

**Mr McGrath:** They can be un-appointed.

**Mr Lunn:** I might stand down from my position as a councillor and join that.

**Ms McIlveen:** I want to return to a point that Trevor Lunn made with regard to appointments. Would the situation be similar to that of area-based planning

groups, whereby the Minister simply taps someone on the shoulder, or will there be open recruitment?

**Mr McGrath:** No. The Office of the Commissioner for Public Appointments has very clear guidance. Any of those appointments — for example, the chairperson — will be widely advertised publicly. People will apply and will receive a job description, et cetera. They must submit an application form. Application forms will be scrutinised in the first place with an assessor who has been identified by the Office of the Commissioner for Public Appointments. In that case, for each competition, an assessor is identified and chosen by the commissioner. The Department does not choose the assessor. That individual is there to ensure that the process is conducted properly.

From that process, those candidates who meet basic eligibility requirements will be interviewed by a panel which, again, includes an assessor from the Office of the Commissioner for Public Appointments. That will result in the selection of the names of those deemed fit to do the job — the key principle which the commissioner must ensure — which will go to the Minister, who can choose one of them or instruct us to start the process again. No Minister can appoint anyone who, under the commissioner's rules, is not judged to be up to the job.

**Ms McIlveen:** Presumably, those positions will be time-bound and reviewed after certain periods? There will not be a situation in which the same board remains in post for life.

**Mr McGrath:** No. A term would normally be three or four years. The commissioner's rule is that no one should normally do more than two terms. When a board is appointed, the convention is that a stagger is built in whereby there would not be a date when all members would stand down and a completely fresh board appointed. Some people would, for example, be appointed for four years and then another two, and others for four years followed by another four, while some would stand down after four years and there would be rolling membership. That is the convention, and it is carefully orchestrated and scrutinised by the commissioner's office.

**Ms McIlveen:** The remuneration will, presumably, not be too extensive. Will members be paid a wage? Obviously, the role will carry heavy responsibility.

**Mr McGrath:** There will be remuneration, which would take account of the role. ESA will be a major public-sector body.

**Ms McIlveen:** I would be concerned that members would, essentially, be on a wage that competes with that of the chief executive.

**Mr McGrath:** No, we are very clear on that matter: the entire process to identify chairpersons and board



members is designed to test their understanding of what non-executives do on a board, as opposed to executives, and that they understand the balance of boards. Their role is to scrutinise and challenge. They are not there to run the organisation on a day-to-day basis. The critical test in any such competitions is to understand corporate governance and the role of non-executives. The principal role of a chairperson is to manage and hold to account the chief executive and other executives.

We can return to that issue. When the proposals come out, we will be happy to talk, but this is a well-trodden path across the public sector.

**Mr McCausland:** When do you expect to start the process of appointing a chairperson? Do you already have the job description and personnel specifications?

**Mr McGrath:** The Department is working on such material to bring to the Minister about the critical path. It would be our advice that we need to start the process soon by publishing advertisements and so on with a view that it could well be May or June at the earliest before we would be in a position to appoint someone. Even the appointment would be on a chairperson-designate basis subject to the organisation's coming into existence. Therefore, we need to start soon because it takes time to get to the position of having a chairperson ready to step into place at the appropriate time.

**Mr K Robinson:** The Library Authority has already started that process by sending circulars to councils and so forth.

**The Chairperson:** The travel-to-school issue was raised several times by members. What work has the Department done on that, and what is its current thinking on that? Perhaps you could prepare a paper for the Committee on the issue.

**Mr McGrath:** Travel-to-school is very much in the context of area-based planning, so would that be the framework in which to put it?

**The Chairperson:** Yes, exactly. It is not included in the context of this subject, but it has emerged as an issue, and I would like some more detail on it.

**Mr McGrath:** That is an issue at which the Department is looking generally. I know that the Committee is interested in it, so we would be happy to bring something back to the Committee in the context of area-based planning.

**The Chairperson:** Thank you, John, Chris and Joe. Next week, we will look at the issue of sectoral bodies.

**Mr Stewart:** We will also endeavour to supply the Committee next week with the input on employment matters for which is asked, if you wish to address that at the same or at a subsequent session. In any case, we

will get it to you in time for next week's Committee meeting.

**The Chairperson:** Thank you.

We will move on. The Committee agreed at its meeting on 10 December 2008 that there would an extension motion on the Bill, which we would consider today. We have until next week at the latest to make a decision on that. We have agreed that there would be a motion to extend the time that we can spend on the consideration as a Committee. You can see the reasons why the Committee needs to take as much time as it possibly can, not to delay the process unduly, but to make sure that the Committee has satisfied itself that the issues of concern are being properly and adequately addressed.

Another reason, which we also discussed at the meeting on 10 December, is that we do not know at this stage what is in the second Bill. If the Department makes sure that that information is brought forward in a due and timely fashion, as it has said that it will be, then I think that that gives us all confidence as we work through this process. It is not about trying to have a delay tactic for the sake of delay; it is to ensure that the integrity of this Committee is maintained and kept intact, and that we have given every possible consideration to all the issues of concern.

Therefore, I ask all members, particularly, I suppose, in relation to the parties, to make sure that we will make a decision by next week. We must decide on the date, and whether it will be before the summer recess or after the summer recess. That decision must be made, because the deadline for moving the motion in the House is 13 February.

**The Committee Clerk:** The Assembly must meet in plenary session and debate the motion before 13 February. Therefore, it is imperative for the Committee to put forward its motion by next week.







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# NORTHERN IRELAND ASSEMBLY

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## COMMITTEE FOR AGRICULTURE AND RURAL DEVELOPMENT

20 January 2009

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### DISEASES OF ANIMALS BILL (NIA 22/07)

#### Members present for all or part of the proceedings:

Dr William McCrea (Chairperson)  
Mr Tom Elliott (Deputy Chairperson)  
Mr Trevor Clarke  
Mr Willie Clarke  
Mr William Irwin  
Mr George Savage

#### Witnesses:

Ms Colette Connor	}	Department of Agriculture and Rural Development
Ms Sandra Dunbar		
Ms Roisin Gilchrist		
Mr Danny Gray		
Mr Roly Harwood		
Mr Ian McKee		
Ms Colette McMaster		
Mr Mike Steel		
Mr Patrick Millen	}	Departmental Solicitor's Office

**The Chairperson (Dr W McCrea):** I welcome Ms Colette Connor, Ms Colette McMaster and Mr Patrick Millen. Thank you very much for coming. I am sure that more officials will come to the table, as necessary, as we move through this Bill.

The Committee sought legal advice in respect of the power to slaughter in clause 1. The advice is contained in the table of correspondence. It indicates that there may be scope to include an amendment that would require the Department to implement an eradication programme when a defined trigger level is reached in an area. That programme would only be conducted in that specific area, and it would include the removal of animals that are susceptible to bovine tuberculosis (TB).

It is unlikely that the Department will agree to such an amendment. However, there is nothing to stop the

Committee from proposing it, seeking the agreement of the Assembly and making the Department listen to sense. At this stage, it may be more appropriate to recommend that the Committee conducts an inquiry into the eradication of bovine TB, with an objective in its terms of reference being the amendment of article 16 of the Diseases of Animals (Northern Ireland) Order 1981 to implement that scheme. That would require the Committee to propose its own legislation. That may be the route that we must take with regard to that matter. If the Committee desires such an inquiry, it can take that approach. What is the mind of the Committee?

**Mr Elliott:** Would that be an inquiry solely into the eradication of TB?

**The Chairperson:** Yes. According to the terms of reference that the legal adviser supplied to the Committee, a defined trigger level would need to be reached.

**The Committee Clerk:** According to the advice that has been provided by Legal Services, an eradication scheme is within the scope of the current Bill. However, the degree of detail available at this stage is insufficient to do that, and the inquiry would need to build the detail of the policy behind the proposed eradication scheme.

The intention would be that, once a trigger level was reached, the policy would change. The Diseases of Animals (Northern Ireland) Order 1981 says that that the "Department may" implement an eradication programme with respect to bovine tuberculosis. Subject to the findings of the proposed inquiry, a Committee Bill could be promulgated that would change that wording to the "Department shall." Therefore, the Department would be compelled to implement an eradication programme within a defined trigger area, which would include the removal of wildlife and cattle at risk from bovine tuberculosis.

**Mr Elliott:** That could be a lengthy process. The Committee would need to conduct an inquiry, make recommendations, bring those recommendations to the Floor of the Assembly and then start the process of amending the Bill.

**The Chairperson:** Seemingly, it would a speedier process than the Department —

**Mr Elliott:** I am not saying that it would not be speedier. Would the inquiry be a totally separate process to the Diseases of Animal Bill that we are dealing with at the moment? I thought that there was a degree of linkage.

**The Committee Clerk:** It is linked, and the advice was given in relation to the Bill that has been presented to the Committee; however the detail is required.

Essentially, the Committee would need to draw up the policy and identify issues such as the trigger



levels and when those levels would be introduced. An inquiry would allow the Committee the scope to do that and to take advice, for example, from colleagues in the National Assembly for Wales who have recently conducted a similar process and may be in the course of defining their own eradication policy. The Committee could also consult with the Convenor of the Rural Affairs and Environment Committee in the Scottish Parliament to find out whether it has had any developments in this area. An inquiry would give the Committee more time for consideration of the issue, and would allow for consultation with stakeholders.

**Mr W Clarke:** Mr Elliott has already touched on a question that I wanted to ask. However, where would the resources for an eradication scheme come from?

**The Committee Clerk:** If the proposed Committee Bill were to become statute, the obligation would fall on the Department to provide the resources.

**Mr W Clarke:** Yes, but the Department does not have that sort of money; so that funding must come from the Executive.

**The Committee Clerk:** The onus would be on the Department to access funding. On several previous occasions, the Committee has raised the issue of the annual spend of £26 million on the control of TB. That £26 million a year would become available to the Executive in future if an eradication process were to be successfully implemented.

**The Chairperson:** Therefore, rather than paying out for problems caused by a disease, that money would be spent on the eradication of a disease. That seems to be a wiser option.

**Mr Elliott:** It would also mean a long-term saving.

**The Chairperson:** It would be provide both short- and long-term savings.

**The Committee Clerk:** Furthermore, as part of the inquiry, a business case could be drawn up, or the Department could be asked to estimate the costs. That evidence would then come before the Committee.

**The Chairperson:** Therefore, it is up to the Committee. Does the Committee accept that it will go down that route, rather than press ahead?

**Mr Elliott:** Does that mean that we will not propose any amendment to clause 1?

**The Chairperson:** Considering the possibilities under the clause, we have been advised that, legally, it would be better to go down the inquiry route, because we must have the evidence to prove our case.

Are members agreed?

*Members indicated assent.*

**The Chairperson:** We will now move on to clause 4, which deals with powers of entry. The Committee

called for a number of recommendations, and it sought legal advice in respect of the inclusion of standard operating procedures (SOPs) in the legislation. The director of Legal Services said that he would not recommend that they should be included but that there is scope for referral to the code of practice in the Bill. Therefore, members may wish to seek the agreement from the Department to insert an amendment indicating that they may be complicit with the code of practice, for example, amend clause 4(1)(a)(i) to read: “substitute “premises” in accordance with the Code of Practice for the Search of Premises under Warrant.” Our legal advisers have said that that can be done.

**Ms Colette Connor (Department of Agriculture and Rural Development):** We are very keen to look at that matter, and we will, in conjunction with the Minister, suggest an amendment to the Bill, which will reflect the amendment that you have just outlined, to say that the code of practice will apply to the search of dwelling houses under warrant.

**The Chairperson:** The Department has agreed that the search liaison officer will be totally independent, the occupier will be given the opportunity to call on third-party oversight and the occupier will be furnished with a copy of the SOPs — to be referred to as a code of practice, following the amendment — at the time of search.

**Mr Savage:** My only concern is about the proper treatment of farmers. At the previous meeting, I listened very carefully to the comments that were made about the powers of entry, but I do not want people to abuse their powers.

**The Chairperson:** I would like clarification that the Department has agreed that the search liaison officer will be totally independent, that the occupier will be given the opportunity to call on a third-party oversight, and that the occupier will be furnished with a copy of the SOPs, which will be referred to as a code of practice following the amendment, at the time of search.

**Ms Connor:** That is correct.

**The Committee Clerk:** The code of practice will be agreed between departmental stakeholders, and it will come to the Committee as a policy document. Therefore, the Committee will also have scrutiny of it.

**Mr Savage:** On a previous occasion when the issue was mentioned, I said that a lot of farms now have CCTV cameras. If a farmer switches on one of those cameras, the last thing that he wants to see is someone in his yard, knocking around near his cows. They would be lucky to come out alive. Someone would probably end up in a scraper.

**The Chairperson:** Let us hope that that will not happen.

**Mr Savage:** That is a very serious point.



**The Chairperson:** Yes. However, we need to be careful about this point, Mr Savage, because a warrant has to be served. The search liaison officers have a right to come on to premises and notify the occupant that they are serving a warrant.

**Mr Savage:** As long as the farmers are notified, that is fine. However, if they are not notified, the officers are asking for trouble.

**Mr Elliott:** Are we not getting the standard operating procedure adopted into the legislation? Is there no way of bringing to book those officers from the Department who fundamentally make mistakes in their assessments?

**The Committee Clerk:** Our legal advice, which echoes that from the Department and its solicitors, is that the detailed nature of standard operating procedures, and the fact that they must act as operational guidelines, makes the process of drafting them into the Bill far too messy. Therefore, a code of practice must be developed and agreed by the Committee, and any future amendments to that code would have to be applied through a statutory rule, which would also come before the Committee.

Our advice concerning some form of recourse against departmental officials is that that is outside the scope of the Bill. The principle was not agreed at Second Stage, and, as members will be aware, once principles are agreed at Second Stage, the Committee can neither change them nor add alternatives, and that is why we can do nothing about that matter now.

**The Chairperson:** When might we be able to do something about it?

**The Committee Clerk:** Although there might be scope to incorporate some type of punitive action into the code of practice, it may be necessary for farmers or occupiers to seek recourse through the civil courts.

**Mr Elliott:** I feel that that matter is well within the principles of the Bill, so that excuse is unacceptable, and I am disappointed by that suggestion. Even before we began discussing the details of the Bill, we flagged up the fact that such recourse should fall within the Bill's scope, and, in my opinion, it does.

**The Chairperson:** Nevertheless, the legal advice is —

**The Committee Clerk:** The legal advice is that action against departmental officials does not fall within the Bill's principles. The Bill's Second Stage — not its Committee Stage — was the time to discuss that.

**Mr T Clarke:** Was a nuclear-button option not discussed all along?

**The Committee Clerk:** Such an option should have been discussed during the Bill's Second Stage in the House. Although the Committee discusses the matter during the Committee Stage, once a Bill has passed

through its Second Stage, such a fundamental principle cannot be amended.

**Mr Elliott:** If that is the case, perhaps, in the future, we should not agree any part of a Bill until we are familiar with every detail. The legal advice may be that action against departmental officials does not fall within the principle of the Bill, but I totally disagree. We all know that the people who give legal advice can interpret information, and direct their advice, in any way that they wish. Is that advice part of the legal opinion that we received today?

**The Committee Clerk:** No, I received advice verbally that such recourse falls outside the principles of the Bill. As I said, we can explore through Legal Services whether something might be included in the code of practice, which would obviously be referred to in the primary Bill.

**Mr T Clarke:** Could clause 4, on the powers of entry, not be removed altogether?

**The Committee Clerk:** Members could propose that, but —

**Ms Connor:** Clause 4 is critical to the Bill. It not only deals with powers of entry, but it affords us our powers of inspection and our new powers to take DNA samples; it enables us to take account of new technology. It is an integral part of the Bill, and if we were to lose clause 4, there would be no point in proceeding with the Bill. The other clauses are not nearly as important to the Department — or to the industry — as clause 4.

**Mr T Clarke:** If we were to decide to remove clause 4, would that mean that we could go back to the start?

**Ms Connor:** Perhaps I can reassure the Committee about the code of practice. The Minister said that she is anxious that her officials will be totally accountable in their powers of search and that their role should be open and transparent. She will pay particular attention to those points when her officials are drafting the code of practice.

She wants to protect the industry and, at the same time, she wants to safeguard the role of her inspectors. As I said during an earlier Committee hearing, the Committee will have the opportunity to scrutinise the code of practice fully, and then we can look at the safeguards.

**The Chairperson:** Will the code of practice be included in the legislation?

**Ms Connor:** Yes, it will be in the legislation. It is too important to remove from the Bill, which will fall without it.

**Mr T Clarke:** Were the Bill to fall and we had to restart this process, how quickly could we get back to



this stage? We have heard statements from the Minister before, but they do not mean much.

**The Chairperson:** I see your point, but the code of practice must come through this Committee.

**Ms Connor:** Creating a new Diseases of Animals Bill would involve us bidding again for inclusion in the Northern Ireland legislative programme, and it could take years to have the resources in place because of the pressures on the programme. We would then need to start from scratch by consulting the industry and other stakeholders. It could literally take years, and would not be an easy process.

The other problem is that if, tomorrow morning, there were an outbreak of an epizootic disease — foot-and-mouth disease, for example — the powers under clauses 2 and 3 will not be in place to allow us to act on that. Even if the European Commission introduce a directive, we do not have the powers to apply that directive at the moment. Our powers are very limited with regard to disease control. The primary purpose of the Bill it is to prevent disease entering Northern Ireland.

**The Chairperson:** We certainly need to be very careful about that.

**Mr T Clarke:** The problem is that there is no willingness from the Department to try to find a way around this. Its message is that it is our way or no way — that is how it has always been with that Department. The Department is basically saying that if we do not take this on, everything is at risk. As Tom Elliott rightly said, all these matters have been discussed at an earlier stage, and any time that we have made a suggestion, we have been told that we cannot do that at the stage we were at, and that is done at a later stage. Now we are at the later stage, and are being told that we cannot do things because we did not suggest them at an earlier stage. You can never win with the Department.

**Ms Connor:** Mr Clarke, that is not strictly true — we are saying that we are going to work with the Committee and the industry on a code of practice to safeguard individuals whose dwellings are being searched under warrant. That code of practice will not go anywhere without the full agreement of the Committee. It will be enshrined in primary legislation. Even if a new Bill were introduced, the same clause would still have to be amended.

**Mr W Clarke:** The safety net is the code of practice — we can scrutinise that. There is willingness on the part of the Minister. Mistakes have been made in the past — that has been widely recognised by a number of people, including departmental officials and the Minister. We cannot drop this clause — there is a cost of time and resources. Not allowing the Bill to roll out would be very wrong and very dangerous. The Bill is

intended to safeguard the industry and we need to get it passed as quickly as possible.

**The Chairperson:** It would be wrong, however, to give the impression that the Bill does not involve any change, because it will result in there being a totally independent search liaison officer and the right to call on third-party oversight.

**Mr T Clarke:** That right has a caveat, however. If you read on down, the paper states that it may not be possible to have a third party present, in very limited cases. To play devil's advocate again, surely the Department is creating the possibility to do what it likes.

**The Chairperson:** There is going to be a code of practice — if that code is tight, the Department will not be able to do that.

**Mr T Clarke:** Why do we need that? Why would there be cases when it is not possible to have a third party present? It is either possible or it is not.

**The Committee Clerk:** The Department is referring to instances when there may be endangerment to the official.

**Mr T Clarke:** Who deems whether that is the case? The Department can say that it did not allow a third party because it felt that that official would be danger, but who adjudicates over that? Is it the Department?

**The Committee Clerk:** The independent search liaison officer will adjudicate over that.

**Mr Savage:** Would the independent official be of a different nationality? Could he come from a different country?

**Mr T Clarke:** No, he is from the Department of Agriculture and Rural Development (DARD).

**Ms Connor:** I do not think that he will be from another country. We need someone whom we can call on at short notice for assistance.

**Mr Savage:** I know that the Department employs veterinarians from Spain and other jurisdictions.

**Mr Elliott:** In our previous meeting, we talked about someone from the Livestock and Meat Commission (LMC).

**The Chairperson:** Yes.

**Ms Connor:** A totally independent person.

**Mr Savage:** But they are all under the jurisdiction —

**The Chairperson:** The Department stated that it was going to consult the public appointments unit of the Office of the First Minister and deputy First Minister (OFMDFM), and that there was a procedure for appointing a panel.

**Mr Mike Steel (Department of Agriculture and Rural Development):** I hope that it would be helpful



to provide an example. During the foot-and-mouth disease outbreak in 2001, one of the hauliers who brought in infected sheep from Great Britain would not state where he got the sheep or where they had been distributed to. Eventually, he was arrested and his house was searched for documentary evidence that confirmed that the sheep had been distributed all over the island. However, that happened two or three days later, and the police probably acted with questionable legality on a warrant — or rather, the question of legality was not recorded. An urgent response was required, but two or three days later, those sheep had mixed with other sheep or had been transported to other destinations. Immediate action is required in circumstances that might arise, but which might not be apparent here and now.

**The Chairperson:** We must be careful not to throw the baby out with the bath water. We must protect our industry.

**Mr T Clarke:** The paragraph that includes the phrase:

“where it may not be possible”

should be taken out. I cannot see how, in such a case, and if a warrant is served, that a third party cannot be allowed to be present.

**Mr Irwin:** Perhaps the Department could explain that a little further? Could you explain the reasons why a third party could not be involved and how that might undermine an investigation?

**Mr Steel:** There is no question about that where there is a case of physical threat. That sort of thing happens. On the other hand, there was a recent case in which a man was bringing old cattle for culling here, and taking fat cattle down to the Republic. He was switching tags left, right and centre, and he had cattle dispersed in a number of holdings. The minute we spoke to anyone, he would get his pals or his workers to shift the cattle that we were coming to see next. Those sorts of circumstances are not straightforward.

**The Chairperson:** We must ensure that we are not covering a rogue's back.

**Mr T Clarke:** Why include any reference to third parties at all?

**The Chairperson:** In the normal scheme of things, we would want a third party to be present. The unions want such a provision. However, in exceptional circumstances, in which a person might be doing something illegal and which might threaten our industry, we must be careful that we are not covering for them. I will certainly not cover for them.

**Mr T Clarke:** I do not accept the argument that is being made. If cattle are being held at different locations, are you saying that the Department will only visit one yard? Its inspectors will visit all those yards

at the same time. No one will change tags when a departmental inspector is present.

**The Chairperson:** You do not know the real world, Trevor.

**Mr T Clarke:** I know that the Department's inspectors will be out in excessive force. If they know that cattle are being stored in various locations, they will visit those locations.

**The Chairperson:** I am sad to say that an awful lot of boys have slipped through the Department's net. I would demand that action be taken against them.

**Mr Irwin:** I agree 100%.

**The Chairperson:** That is the real world. Those rogues are a threat to our industry, and I will not protect them.

**Mr T Clarke:** I am not disputing that, Chairperson. I am arguing against giving excessive powers to the Department.

**The Chairperson:** Where are those excessive powers?

**Mr T Clarke:** The Department can decide whether or not a third party can be present during a farm visit.

**The Chairperson:** Is that not the role of the independent liaison officer?

**Mr Steel:** The officer may not be on the premises. The search might take place at a different time. From my understanding, the independent liaison officer will have been consulted and notified about the search, and given agreement for the search to take place. The herdkeeper will have been notified of the officer's name and contact details, so that the officer can be contacted. In those circumstances, it would be unlikely for him or her to be in the farmyard.

The decision to prevent a third party nominated by the herd keeper to be present at the time would rest with the leader of the investigation at that time, in relation to the circumstances. Normally, there would not be a problem with that. However, there are circumstances, such as the one that I described, whereby something must be done to protect the evidence.

**Mr Elliott:** No one wants to protect the rogues; we want to be even firmer with them. However, there is no recompense for the innocent farmers who are caught up in something and accused in the wrong. I hear about the code of conduct and taking a judicial review. No ordinary innocent farmer will take a judicial review; people need to be aware of that — it is only a smokescreen. We want something that will protect the innocent farmer and get to grips with the rogue. In fairness, the Bill is trying to get to grips with the rogue. However, I have concerns about the other side of that: protecting the innocent farmer.



**Mr Irwin:** The problem is that the rogue will pose as an innocent farmer. In all probability, if there is something in the system to help the innocent farmer, the rogue will use it to his advantage.

**The Chairperson:** Previously, everything was decided by the Department. I thought that the code of practice was not decided by the Department any more; it was decided by the Department, the stakeholders and the Committee. Is that correct? The code of practice will be referred to in the legislation.

**Ms Connor:** Yes.

**The Chairperson:** And it comes through the Committee. I would have thought so. I agree with the Deputy Chairperson; there are lessons to be learned. We must be careful what we let through at the early stage, because when the Bill is introduced, that will not have been debated on the Floor of the Assembly. However, we must take things as they are now, and that is the Committee's legal advice — not the Department's.

**Mr Savage:** Why can that not be put down in black and white, and then there will be no excuse?

**The Chairperson:** It will be in black and white in the code of practice.

**Mr Savage:** It is not there now.

**Ms Connor:** It will be in plain English, and it will be published —

**Mr Savage:** Chairman, I am not going to agree to something that I do not have in front of me.

**Ms Connor:** It will be freely available and copies will be placed on the DARD website.

**The Committee Clerk:** To reply to Mr Savage, the Committee is recommending that the Department, the stakeholders, and the Committee, will develop the code of practice with some urgency. When it is enshrined as part of the primary legislation, any subsequent amendments to the code of practice must come through the Committee by means of a statutory rule. Again, the Committee will have a scrutiny role. That is different to the system currently in operation. Chapter 8 of the standard operating procedures has been defined by the Department alone. However, the Committee and the industry now get a say in what goes into the code of practice and how the Department conducts those searches.

As part of the process, members will be entitled to introduce additional safeguards to the code of practice. However, the code of practice has been recommended to us; we cannot have it at the moment, because we are recommending that it be developed. As Trevor Clarke intimated, we need to get it as quickly as possible.

**The Chairperson:** Is the Committee really saying that it is not proceeding with the Bill and, therefore, not providing any protection against diseases?

**Mr T Clarke:** No. We want something with the proper powers. The Department can do it; if there is a will, it can be done.

**The Chairperson:** The legal advice is that it cannot —

**Mr T Clarke:** Has the code of practice been referred to?

**The Chairperson:** Yes, it can be done under the code of practice.

**The Committee Clerk:** With regard to areas that may be searched under warrant, the 1981 Order includes:

“land, building, shed, pen or place”.

It has been proposed to substitute that with “premises”. The Committee is suggesting that it be amended to:

“premises in accordance with the Code of Practice for the Search of Premises under Warrant”.

That code of practice will be developed, and it will be enshrined in the primary legislation. The Department has agreed to accept that Committee amendment.

The Department has agreed that the code of practice will be developed by the Department, the industry and, through its scrutiny role, the Committee.

**The Chairperson:** How quickly can that be done? It is important that the code of practice be finalised urgently.

**Ms Connor:** We will have to come back to you on that. It will be done as quickly as possible, but we will need to discuss it, because other people will be responsible for the drafting of the code of practice. We will present something soon at a Committee meeting, as per the forward work programme.

**The Chairperson:** We will come back to this issue, and you will have to return to us with a response.

**Mr Steel:** We will be looking at a code of practice that is along the lines of the standard operating procedures that you have seen already. That is what I envisage.

**Ms Connor:** More work needs to be done to reassure members — particularly Mr Clarke, Mr Elliott and Mr Savage. We will have to seek comments from the industry as well.

**The Chairperson:** It is critical that the legislation be progressed. You need to act urgently, but you must consider the concerns that have been expressed by Committee members. They want a robust code of practice that will defend and protect the innocent.

**Ms Connor:** I assure you that the Minister used those very words yesterday, so the Committee and the Minister are at one on this, and I think that we can work together.



**The Chairperson:** In the meantime, we will take the views of the union on the matter. We will come back to this issue.

**The Committee Clerk:** The Department will draw up the amendment, and we will come back to it next Tuesday for formal agreement.

**The Chairperson:** We are not asking for formal agreement now.

**The Committee Clerk:** Members are aware of the recommendations that have been made. The Department has accepted the amendment in relation to the code of practice, and members' concerns must be considered.

**The Chairperson:** The Department is aware of the serious need for a robust code of practice.

Clause 6 is entitled "Fixed penalties for certain offences". In its response to the Committee, the Department stated:

"there is no precedent for this and the requirement for two signatories does not provide additional control; DARD has stated that the intention of fixed penalty notice is that they are applied to designated clear-cut offences which occur".

Members also previously asked that particular offences be detailed in the Bill. Members may wish to call for the "designated clear-cut offences" to be included in the Bill or for the Department to be precise in naming the circumstances in which notices will be issued. That is the crux of what we said.

**The Committee Clerk:** Yes, Chairperson. Originally, Members asked that the notices against which fixed penalties would be applied be detailed in the legislation.

**The Chairperson:** The Department reneged on the designation of the offences. It said that that would be done for clear-cut offences, yet it has not told us what those clear-cut offences are. We ask that they be detailed and circumstances named. As the Department said, the fixed-penalty scheme is intended to apply:

"to designated clear-cut offences which occur during epizootic outbreaks or at ports and airports."

**The Committee Clerk:** The Committee asks that the Department either inserts the list of designated clear-cut offences, or that that provision be restricted to the definition given: namely that the fixed-penalty notices be issued only during epizootic outbreaks or at ports and airports.

**The Chairperson:** We leave that with the Department. The Committee hopes to remove confusion and ambiguity, and asks for clarity. If the Department wants to insert something and states the purpose of it, that should be done.

**Mr Savage:** So long as that is inserted, I am content.

**The Chairperson:** So you will take that back to the Department? That is the Committee's wish.

**Ms Connor:** Yes, we will take it back.

**The Chairperson:** The Department's response continues:

"The Department has concluded that, in the absence of legislative precedent, they cannot agree to this right of appeal."

Members may wish to refer the Department to the statement provided at the head of DARD's central enforcement at the meeting. I hope my quoting this does not get individuals into trouble:

"I absolutely accept the point that there is potential for abuse of the system..."

and

"My personal view, for what it is worth, is that there is a flaw in the fixed-penalty system in any case."

I will not quote any further. In the absence of an alternative from DARD, and given the narrow application of correctly applied notices claimed by DARD, the Committee may suggest an amendment to clause 6 to allow for a right of appeal. The Department may not agree to it; however, if that is the mind of the Committee, it can suggest such an amendment. Therefore, formal consultation will be undertaken with stakeholders about the particular offence and the draft subordinate legislation will be forwarded through the Committee. That is my suggestion as to how the Committee should proceed. What do members think?

**Mr W Clarke:** I was not at the last meeting. Could you clarify which appeal we are discussing?

**The Committee Clerk:** At the last meeting, and many of the others, Members were concerned that there may be circumstances in which a fixed-penalty notice is issued to farmers who have not committed an offence but, rather than take the option of going to court and incurring the cost and public humiliation associated with that, opt to pay the fine.

**The Chairperson:** That happens in many other cases.

**The Committee Clerk:** The head of the enforcement team acknowledged that the potential for that existed. The Committee has suggested to the Department that, in the circumstances where a fixed penalty notice is issued, the likelihood of a guilty person going to court and contesting the notice is minimal. In that case, they would pay up.

However, the Committee has expressed the view that protection must be offered to those people who are innocent. It was felt that there would be only a small number of appeals, and that those appeals should be lodged and considered with a period of 21 days. The Department has since stated that there is no precedent in any other legislation for an appeal against a fixed-penalty notice. The Committee, particularly last week, was of the view that the fact that no legal precedent exists does not mean that it cannot be established. The Committee was keen to see an appeals process put in



place to protect those farmers that were innocent of an offence.

**Mr W Clarke:** I understand where you are coming from; however, that would be very difficult to implement. Obviously, if someone is innocent, they will not take the fixed-penalty notice — they will go to court to prove their innocence.

**The Chairperson:** That is not always the case. The cost of going to court has to be considered, and, unfortunately, no one can ever know how the court will rule. As people often say, at times, the law is an ass. Even if the claimant is innocent, one can never be sure what the court will decide; we see that in everyday life — many an innocent man has been found guilty.

However, there is potential. A flaw has been acknowledged, not only by us, but by departmental officials. Although it was honourable that the Department acknowledged that, how to fix that flaw falls to us. There must be an opportunity for appeal; it cannot be a choice between accepting a fixed-penalty notice or going to court.

**Mr W Clarke:** In that case, everyone would appeal the fixed penalty.

**The Committee Clerk:** If the Department accepts a narrower definition — that the fixed-penalty notices will be issued only during epizootic outbreaks or at airports and ports — that will further restrict the number of fixed-penalty notices, and minimise the number of potential appeals. That will not be a bureaucratic system, and it will not be a costly system for the Department.

A good example was given earlier. If, at a market, a Department official recorded on a camcorder animals being brought in illegally, that is evidence. However, if the camcorder was broken and failed to record, and a fixed penalty was issued anyway, and, subsequently, it was found that the farmer was innocent, the chances are that that farmer would accept the penalty rather than go to court and face the public humiliation and cost. If, however, the Department accepts the amendment in relation to the restricted definition of when fixed-penalty notices will be issued, there will be very few appeals.

**Mr W Clarke:** In general, an appeal is a request to see the evidence against you, before accepting a fixed penalty.

**The Committee Clerk:** An appeal is asking for consideration that you have not caused an offence.

**Mr W Clarke:** Basically, it is a request to see the evidence against you.

**The Committee Clerk:** It is asking for additional consideration that you have not caused an offence, and that a fixed-penalty notice has been issued in error.

**Mr W Clarke:** The fixed-penalty provision is designed to cut down on bureaucracy; we have to guard against replicating the current situation or even making it worse. I think that it is fair enough for a farmer to ask to see the evidence against him before deciding whether or not to accept a fixed penalty.

**Mr Irwin:** There are a number of people — in all walks of life, not just agriculture — who, despite being innocent, would pay the fine rather than go to court, and that is a problem.

**The Chairperson:** That happens because the cost of going to court is exorbitant and people cannot afford it. I know of quite a public case in which a fixed penalty was issued, and, despite being genuinely innocent, the person accepted it. The person in question was a public figure and, as such, could not take the chance of going to court.

**Mr Savage:** Therefore, can I assume that when a fixed-penalty notice is issued, and a farmer comes home and has time to talk it over with other people, he has 21 days in which to lodge an appeal? Is that correct?

**The Committee Clerk:** No. There is no right of appeal. You either accept the fixed-penalty notice, or you choose to go to court. At present, you would go directly to court. The fixed penalty is being brought in by the Department —

**Mr Steel:** It is being brought in as an alternative to prosecution.

**The Committee Clerk:** It is being brought in, through this Bill, as an alternative to prosecution. The Committee suggests that fixed-penalty notices should be issued in a restricted manner — for example, for epizootic outbreaks — but that a farmer must have a right to appeal in order to offer a safeguard or protection to innocent farmers who have been issued fixed-penalty notices in error.

**Mr Savage:** I am not being awkward, Chairman, and I do not want to go against the Department. However, it is a grey area.

**The Chairperson:** The Department has concluded that there is no precedent. It knows that the Committee has major concerns about fixed-penalty notices. In fact, the Department's official review accepted that there is a problem. We do not believe that the proposed legislation meets farmers' needs.

**Ms Connor:** I understand that it does not meet their needs as regards a right of appeal. The Department has serious concerns about introducing a right of appeal. Again, the particulars of fixed penalties and how they are handed out will be detailed in subordinate legislation, which will be brought before the Committee. As we said in the letter, our intention is to amend that clause in order to ensure that it is subject to affirmative resolution in the Assembly. Therefore, the entire



Assembly will scrutinise the legislation. That should safeguard against fixed penalties being handed out — as someone said earlier — like confetti.

**The Chairperson:** The Committee will most likely wish to table an amendment to that clause, which will be debated in the Assembly.

**Ms Connor:** We will certainly take that point back to the Minister, because she may want to —

**The Chairperson:** I suggest that we should try to find some middle ground on the matter.

**Ms Connor:** I will refer that to the Minister.

**Mr T Clarke:** I want to explore the matter further. I can understand to an extent why the Department says that two people cannot countersign fixed-penalty notices, because there will not always be two people available to do that. I am going to throw a question out there, because that is just my nature. We talk about rogue farmers: however, rogue departmental officials could issue fixed-penalty notices. There is nothing to protect farmers against the actions of such officials. However, if a rogue official issues a fixed-penalty notice, and there is an appeal mechanism, the farmer is protected.

**The Chairperson:** Officials from the Department have already agreed that there is potential for abuse. We must ensure that abuse is prevented. Ms Connor has said that she will refer that matter to the Minister.

**Ms Connor:** I will, certainly.

**The Chairperson:** The Department sought clarification on biosecurity guidance. The Department's reading of the Hansard report is that, although the Committee was not content linking biosecurity guidance to compensation and criminal proceedings, members agreed that it would be subject to scrutiny. The Committee Clerk's view is that, in particular, the link to reducing or removing compensation should be removed. The deterrent fact then becomes admissible in a court of law on a separate and more serious offence. Is that correct?

**The Committee Clerk:** Yes.

**The Chairperson:** I do not believe that the Committee will agree with the Department on that matter. The Committee expressed strong views on the matter during a previous meeting. I honestly believe that the Committee will table an amendment.

**Ms Connor:** Before you propose an amendment, Chairman, perhaps, I could call upon Colette McMaster and Ian McKee to explain our position. Ian is head of the epizootic disease control unit. It may, for members' benefit, put into context the importance of biosecurity, which, I am sure, you all appreciate. It might inform the decision-making process before the clause is changed radically.

**The Chairperson:** We are happy to listen to information. We hope that the Department is also happy to listen to our views.

**Ms Colette McMaster (Department of Agriculture and Rural Development):** The last time the Committee discussed the issue of biosecurity it expressed concerns, and the Department recognises those concerns. We wish to inform the Committee of the rationale for including the proposed links to penalties, and the implications of removing those penalties. We also want to give the Committee further concrete examples of instances where breaches of biosecurity have had serious consequences.

At the last meeting, we were asked why two penalties were required, because admissibility of the evidence in court proceedings should be a sufficient penalty. We want to draw it to the Committee's attention that admissibility of evidence in court proceedings would apply only in circumstances where a herd-keeper has also committed a statutory breach of the legislation. If a herdkeeper has seriously breached biosecurity guidance, and that has had serious consequences, he or she would not be brought before the courts unless there was an accompanying statutory offence. Therefore, there is a gap with regard to the penalty and deterrent for such breaches. That is why we have proposed the link to compensation. That link will act as a deterrent for people who might consider acting in a negligent manner, or who do not take biosecurity seriously, because there will be a risk that their compensation will be withheld if their actions, or failure to act, lead to serious disease outbreaks. I wanted to make that clear to the Committee.

The briefing papers contain examples of brucellosis outbreaks in Northern Ireland over the past few years. There are also a couple of examples of avian influenza outbreaks in GB — we have been fortunate enough not to have a serious epizootic disease outbreaks here, so we do not have such examples of how breaches of biosecurity guidance can lead to a serious spread of disease.

**Mr Ian McKee (Department of Agriculture and Rural Development):** Biosecurity guidance is essential, and, although it is not our primary concern at this stage, it appears that Brussels intends to strengthen that guidance.

The admissibility in court of breaches of biosecurity guidance is valuable. In this country and across the water, there have been several cases in which no offence was committed and compensation was payable because there was a defensible reason. However, in those cases the fabric of a plant was such there could have been of ingress from wild birds, which could have spread avian influenza, and other routes of disease transmission had been established. Although an actual offence might not



have been committed, the amount of money that is called for from the public purse is such that it is incumbent on operators, particularly those who are reputable and are established national names, to ensure that the fabric of their plant and housing is such that they are beyond reproach.

It is unfortunate that, in certain circumstances, the taxpayer may have to pay substantial sums of money to compensate for people who have not shown a duty of care. I appreciate that those are rare and exceptional circumstances, and I can see that we have to be reasonable. The Committee's concern is that the Department might be tempted to establish some sort of tick-box failure rate for cost-saving purposes, but that is not the intention. The question is how to legislate to ensure clarity in those matters.

**The Chairperson:** Surely it is incumbent on the Department to lay all the facts out before the court, and for the court to make a decision as regards a penalty. Surely guidance should be guidance. I am very concerned that, quite often when it suits Departments — for example, the Planning Service — guidance is regarded almost as statutory law; yet when it suits an officer, we are told that guidance is merely guidance. It seems that beauty is in the eye of the beholder. Personally, I believe that guidance should be guidance, and if it is not guidance, it should be statutory.

The Bill will give the Department the power to reduce compensation, and, unfortunately, if the Department gets itself into a financial situation, it may do so. I feel that the legislation is a step too far. It has been admitted in the past that biosecurity guidance and everything must be taken in the round. There may be certain circumstances in which guidance can not be followed, and the Department has accepted that it is not possible to do certain things. Occasionally, the Department has not stepped in, because guidance is only guidance.

I would rather that a case be taken to court and a decision be made there, rather than give the Department the right to step in. For example, people felt aggrieved because the Department had an internal process for making decisions on issues, such as duplicate fields, and when those decisions were put to a supposedly independent body, the body ruled in favour of the individuals, but the Minister was able to overturn that ruling. That does not give me confidence that the Department would not use its power to suit particular circumstances. I feel that the legislation gives too much power to the Department by linking the guidance to compensation and criminal proceedings.

**Ms Sandra Dunbar (Department of Agriculture and Rural Development):** My concern is that guidance already exists, but it is sometimes not adhered to. There is no deterrent. That is the argument

from the veterinary point of view — the guidance is there; unfortunately a number of farmers ignore it.

**The Chairperson:** Is it not a deterrent that that guidance is admissible in court?

**Ms Dunbar:** That is what we are trying to achieve.

**Mr McKee:** That is part of it; the Department wishes to have that provision, and I take it that the Committee is agreeable to that.

**The Chairperson:** I have no problem with guidance being admissible in court, as it sets out the legal responsibility of the person. The problem is the link between the guidance to the compensation.

**Mr McKee:** I think that we are all in agreement that they should be linked where an offence has been committed. The problem is that there may be a rare occasion on which an offence has not been committed, but there has been gross negligence.

**The Chairperson:** If no offence has been committed, it will be a matter of an official from the Department making a judgement call. I am happy for the courts to make such a link, but departmental officials should not have that power.

**Ms McMaster:** We have outlined for the Committee the process that we would use to reach decisions.

**The Chairperson:** That still involves the Department having the power. To be frank, I do not want that power to be in the Department's hands. It has sufficient power without adding the power to decide to link breach of the regulations with reduced compensation. Why would anyone breach regulations anyhow, if that would cut their compensation?

**Ms McMaster:** We cannot envisage any circumstances in which that decision would be made by an individual official from the Department.

**The Chairperson:** I know. However, the situation about duplicate fields had an appeals process, and the people involved were supposed to know exactly what they were all supposed to be doing. The appeal body sided with the farmers. However, the Minister overturned that decision on the advice of departmental officials. Why bother with an appeals process?

People thought that a proper appeals process existed and, therefore, breathed a sigh of relief. Then they found out that the Minister had overturned it. The Minister is fooling the public by having an appeals process, because the Department will make decisions anyway, and there is no need to put people through sham proceedings. I have no problem with guidance being taken and court decisions, but the Department should not have that power.

**Mr W Clarke:** I agree; we all want better biosecurity. Some rogue farmers have no interest in the well-being of the farming industry. They demonstrate



poor biosecurity and allow cattle to roam. It is dangerous to the entire industry, and the Department requires a process through which those people can be brought to book.

**The Chairperson:** They should be taken to court if they have committed an offence.

**Mr W Clarke:** Non-compliance with biosecurity standards is dangerous and affects the well-being of animals on other farms. The Committee discussed conducting an inquiry into the eradication of TB, and we need to take such measures to eradicate TB. We cannot tolerate broken fences and people who allow cattle to stray deliberately in order to receive compensation. The Committee and the Department need to meet in the middle on that matter. I do not want the Department to abuse the system, but diseases, such as TB, must be eradicated.

**Ms Connor:** We will return to the Minister on that particular clause to make her aware of the Committee's concerns about the link to compensation. We will come back on that point before the Committee tables its amendment. We can find middle ground on that issue.

**Mr Savage:** The biosecurity code that was introduced in 2004 is not nearly tight enough. Strict regulations are required in order to eradicate TB and brucellosis. The Department should return to the system that it used several years ago. That would have a big impact.

**Mr McKee:** We appreciate Mr Savage's support on the biosecurity issue, and we recognise that the Committee is not opposed to biosecurity but is, in fact, encouraging the strengthening of it. Making biosecurity matters admissible in court proceedings is a forward step and signals our intention. We have put all our cards on the table. The Committee has rejected some of the proposals. It is your right to do so, and, as Collette Connor has said, we will consider your opinions and discuss them with the Minister.

I agree that we all should be determined to ensure greater compliance with biosecurity standards. Individual responsibility is important when trying to reduce the risk of infection and transmission.

**The Chairperson:** If there is particular guidance on the matter, and it is enforced by subordinate legislation, there would be something to act on. People would be liable if they were in breach of that legislation, and I would like those people to appear in court. The guidance should be admissible in court; that should be in the Bill, and I will be happy to help the Department to take that step forward.

Clause 11 deals with deliberate infection. The Committee has asked the Department to investigate how a person can be prevented from circumventing a disqualification from keeping or dealing with

animals by passing responsibility to a family member. The Department has indicated that that would be in contravention of the European Convention on Human Rights. That may be the case, but the Department must acknowledge that everyone else has human rights too. We cannot allow persons to overstep the mark and bring the entire industry into disrepute and, indeed, great danger.

**Ms Connor:** The problem is that, usually, only one person in a family is found guilty. It is very difficult for the Department to stop that guilty person passing the ownership or keepership of an animal to his son, for example, if that son has never been found guilty of an offence. We do not have the power to prevent a guilty person from transferring animals to a son while he or she is in jail for three or six months or whatever. It is a case of being innocent until proven guilty.

**The Chairperson:** The problem was that a guilty person would not have been in jail for three or six months. That person would have been given a fine or a wee rap over the knuckles, rather than feeling the effects of having caused real damage to an industry.

**Ms Connor:** We have raised the issue with the Northern Ireland Office, and the Minister will write to Paul Goggins about that shortly.

**The Committee Clerk:** I remind members that the Department has already agreed to an amendment in respect of clause 11. Members had been concerned about aspects of mandatory disqualification for second offences and so on, and the Department has agreed to amend the Bill due to those concerns.

**Mr Savage:** We have talked about different diseases and one thing and another this morning. How many different types of TB are there?

**The Chairperson:** That is a good question, and Roly is here to give the answer.

**Mr Roly Harwood (Department of Agriculture and Rural Development):** There is one type of TB in Northern Ireland, and that is M bovis, which affects cattle.

**Mr Savage:** I asked that question because farms all around my home are breaking down, and I daresay other people here have noticed similar situations. I was told just last week that there are two different types or strains of TB. I am curious to know whether that is true.

**Mr Harwood:** There is one main type of TB, but there are different strains within it. The laboratory on Stoney Road has been doing a lot of work on that, and there are different strains for different localities. Those strains can be subdivided, but there is only one main type of bovine TB.



**The Chairperson:** No other members have indicated that they want to ask questions. That is as far as we can go this morning. I thank all the officials for coming in and expressing their views forthrightly. I trust that members and officials will reflect on all that has been said this morning. We look forward to hearing from you next week on some of the issues that the Committee feels are contentious and important for the continuation of the Bill. Thank you very much indeed, we are much obliged.



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# NORTHERN IRELAND ASSEMBLY

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## COMMITTEE FOR FINANCE AND PERSONNEL

21 January 2009

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### CIVIL REGISTRATION BILL (NIA 20/07)

#### Members present for all or part of the proceedings:

Mr Mitchel McLaughlin (Chairperson)  
Mr Simon Hamilton (Deputy Chairperson)  
Dr Stephen Farry  
Ms Jennifer McCann  
Mr David McNarry  
Mr Adrian McQuillan  
Mr Declan O'Loan  
Mr Ian Paisley Jnr  
Ms Dawn Purvis  
Mr Peter Weir

#### Witnesses:

Dr Norman Caven        }  
Mrs Annette Gilkeson } Northern Ireland Statistics  
                                      and Research Agency

**The Chairperson (Mr McLaughlin):** I welcome Norman Caven, who is the Registrar General from the Northern Ireland Statistics and Research Agency, and Annette Gilkeson, who is the Deputy Registrar General. You are going to take us through the table of issues. Members can interject on an issue-by-issue basis if they wish to further clarification.

**Dr Norman Caven (Northern Ireland Statistics and Research Agency):** Good morning. I will move forward on that basis and talk about the comments received and about the departmental comments.

The first issue relates to clause 8 of the Bill, which deals with the registration of deaths. Clause 8 is more concerned with allowing deaths to be registered at any registration office in Northern Ireland, and it talks about the potential for remote registration of deaths rather than actually attending the registration office. The issue arose during discussion of the clause with the genealogists, so it is not a point in the Bill itself. Current legislation, which is the Births and Deaths Registration (Northern Ireland) Order 1976,

makes provision for us, by regulation, to specify what information needs to be collected at the time of death. Therefore, it does not necessarily pertain to the Bill. It is something that we would come to in the regulations, but we may consider the issue anyway at this point.

The representatives from the genealogical organisations were concerned that the General Register Office for Northern Ireland (GRONI) was not collecting information about the names of the parents of the deceased person at the time of death, and wished that to be included. During the consultation, the Department proposed that we collect information, in that respect, for deceased children under the age of 16, mainly for epidemiological purposes — analysis of death by social class, because children under 16 do not have a social class. We will look favourably on the proposal and give it further consideration before the regulations come into effect, subject to any disproportionate burden that might be placed on respondents.

The system seems to have been working well — in Scotland since 1855 and in the Republic of Ireland since 2006. Subject to the above caveat, we will be prepared to move forward on this matter. In Scotland, particularly when an elderly person dies and the information is not readily available, it is not strictly necessary to include information about the names of the deceased's parents.

**Dr Farry:** You have more or less answered my question. How will the regulations be framed? Would it be a case of when the information is readily available, it will be included. How much of a burden will be placed on people to obtain that information? If a family member is registering the death of an elderly person, he or she may well know the names of the deceased's parents. If that person is not a family member, it may be more difficult.

**Dr Caven:** In Scotland, individuals registering a death are instructed, where possible, to submit a copy of the birth certificate and the marriage certificate. We will consider following that model. However, it is not a compulsory part of the registration process, which is made plain at the time. We will look more closely at that, and at how the system operates in the Republic of Ireland, so that we will know how to phrase the provision, but the aim is to ensure that there is no disproportionate burden.

**Dr Farry:** In what percentage of registrations of deaths in Scotland is such information recorded?

**Mrs Annette Gilkeson (Northern Ireland Statistics and Research Agency):** The majority of deaths in Scotland are registered with that information included. The Scottish authorities already have the additional benefit of having records in digitised form.



That means that the registrar has the option of checking records on screen while the informant is present.

**Mr O'Loan:** I am sorry if I missed your introductory comments. I wished to raise three points, including the matter of a deceased person's parents. I tuned in to what you were saying about considering that issue, and I support that idea. If it can be done, it would be a good thing, with the protection that it would not be an absolute requirement, because of the attendant difficulties.

My second point is about the evidence given by the genealogists, who referred to the agreement with the Church of Jesus Christ of Latter-day Saints that was made in 1959. They said that it would not stand up —

**The Chairperson:** We will come to that.

**Mr O'Loan:** I am sorry.

**The Chairperson:** That is OK.

**Dr Caven:** The next comments relate to clause 13. The genealogists have accepted the Department's assurance that the article being introduced by clause 13 is not designed to deny access to registration data. That was certainly not our intent, and the genealogists are prepared to withdraw their proposed amendments, with one exception, which concerned the title of the clause. They asked for a specific reference to historic information to be included, and said that the insertion of the word "historic" would be beneficial.

The clause makes provision for access to the registers. Currently, people are afforded access to the indexes, but they do not have access to the actual register entries. Access to those is provided by way of copies of the entries. This clause will open up access to the register entries themselves — as has been the case in Scotland for a considerable period of time — and that universal opening up will be provided by the new article 34A(1).

For those records that will be made available on the internet, we will be inserting an additional caveat of "the relevant period", meaning that access to death records will not be available until after 50 years has elapsed, marriage records will not be available for 75 years and birth records for 100 years. That caveat will only apply to the records that will be available on the internet, in order to prevent causal browsing, and it relates not just to historical records — pre-1922 — but to all records. Therefore, we feel that the insertion of the word "historic" is inaccurate, and we are not proposing to insert it for that reason.

**Ms Purvis:** Article 34A will provide for access to records via the Internet. Will those records be free to view?

**Dr Caven:** No. The intention, which we will come to later, is that a fee will be paid, as is the case throughout

the British Isles. That fee reflects the cost of the service, and the principle in all registration work is that the cost of the service is passed on to the customer.

The genealogical groups were also concerned about the phrase "the relevant period" and wondered whether the Department could vary it; albeit in regulations. I believe that the provision was discussed with those groups last week, and the point was made that the position that the Department would adhere to is that to allow for future concerns to be communicated, it is normal practice when timescales are specified, for contingencies to be established to vary those timescales if required. Any attempt to vary the timescales would be subject to legislative scrutiny.

If the proposed timescales were to be changed, the likelihood is that the periods would be shortened. However, there is a counter argument that if people are living longer, the number of who would be over 100 years old could increase quite significantly. That would mean that allowing a birth record to be made available after 100 years could become more of an issue. Therefore, having the option to vary the timescales is prudent.

**The Chairperson:** The Committee has raised the issue of whether there is any merit in the related subordinate legislation being subject to affirmative, rather than negative resolution. That would mean that the Assembly would be able to exert its views on the issues. Do you have a view on that?

**Dr Caven:** The regulations we will introduce, subsequent to this Bill, will consolidate all of the regulations contained in the Births and Deaths Registration (Northern Ireland) Order 1976 and this Bill. That legislation will be enacted by negative resolution as there is no need for affirmative resolution in any of the other clauses. Introducing a particular clause, to be enacted by affirmative resolution, would require a separate regulation. From the Department's perspective, negative scrutiny still provides an opportunity to question what the Department is doing.

The Foreign and Commonwealth Office is concerned that the reference in clause 14 to "any register" implies that the Registrar General will be making alterations to foreign and consular marriages, for which the Foreign and Commonwealth Office has responsibility. The power to make alterations to foreign and consular marriages is not within the compass of the Registrar General's powers. The reference to "any register" was implicitly meant to mean that the Registrar General may alter any register that is within the compass of his powers. If it would help, the Department is happy to provide clarification on that by including a definition of "any register", citing that point in an amendment.

The issue around clause 16 has been resolved satisfactorily. I will move to clauses 22 and 23, which



were referred to earlier. If members are content with the explanations I gave previously, we can apply those to these two clauses also.

**The Chairperson:** That is sensible.

**Dr Caven:** Clause 27 deals with the record of Northern Ireland connections. I invite my colleague to speak on that issue.

**Mrs Gilkeson:** The record of Northern Ireland connections will be an entirely voluntary scheme, whereby someone who registers an event abroad will be able to register it in Northern Ireland also. That will be helpful for genealogical research.

The Foreign and Commonwealth Office is concerned that the proposal will impact on the work of consular officers abroad and that it will have resource implications, because lots of procedures will have to be changed and documentation followed up on.

The record of Northern Ireland connections will not impact on the procedures that the consuls and the Foreign and Commonwealth Office operate currently. GRONI will maintain the register and all issues relating to an event — registering, deleting or accessing of records — will be conducted through our office in Northern Ireland; therefore, the Foreign and Commonwealth Office's procedures will not be changed in any way.

The Foreign and Commonwealth Office did not contradict this proposal in its latest submission to the Committee. Rather, it focused on elaborating the details of the Foreign Marriage Order 1970. It did not suggest that any changes be made to the Bill. None of the points raised require a change to the Bill as drafted.

**Dr Caven:** A number of other issues that do not relate to clauses of the Bill arose during the course of the Committee's evidence sessions.

First, the genealogists who gave evidence said that they did not want any new legislation or regulations that would restrict access to data. In our original consultation for this Bill, we were slightly concerned about the balance between privacy and public access. That has led to the mooted suggestion that certain fields might not be available on the records. In view of the consultation responses, and the situation in Scotland, where that system has worked quite well over the past quarter of a century, we have changed our proposals in the Bill. Therefore, that is no longer an issue for those who responded.

**The Chairperson:** I am sure that people will welcome that response.

**Dr Caven:** There was also some discussion about the agreement entered into in the 1950s by the General Register Office and the Church of Jesus Christ of

Latter-day Saints to microfilm Northern Ireland civil registers.

Information from the registers was then appearing in the Church library in Northern Ireland. The terms of the original agreement provided for a copy of the records to be made available in the Family History Library in Salt Lake City for research purposes and to be available there only to the attention of the Church. Subsequently, the Church has decided to adhere to the terms of that original agreement and withdraw those records from the library here.

The Committee posed a number of questions relating to that. The first was whether the General Register Office (GRO) intends to make the post-1922 records for Northern Ireland available on the internet as well as at the GRO offices in Belfast and in the various district council offices. The answer to that is yes, but that is subject to what I said earlier: it will include the records of births prior to 1909, marriages prior to 1934 and deaths prior to 1959 and, as each year passes, an extra year will be added to those categories.

There is also the question as to whether making post-1922 records from Northern Ireland available only on a fee-paying basis, creates a commercial disadvantage to genealogists here. Subsequent to the withdrawal of that information by the Church, post-1922 Northern Ireland records are not available anywhere, other than from the General Register Office, so that there is no disadvantage to any group.

Finally, a question was asked as to the correct balance between charging for the information and making it freely available. What would be the impact on tourism? As I said to Ms Purvis, all charging for access to records in Northern Ireland is based on the principle of charging for the service received. In this case, the service is received by a genealogist or someone who is interested in family history. There is a cost attached to that, which would otherwise be borne by the taxpayer. The principle that the Department adheres to is that a charge reflecting that cost should be levied: that is the case in all registration offices in the British Isles.

With respect to tourism, Scotland has a website called "ScotlandsPeople" where such information has been available over the Internet for a number of years. No quantitative or before-and-after study has been carried out as to whether it generates tourism: that might be difficult to prove. Despite the fact that the site levies an access charge, it has been successful.

**The Chairperson:** The theory still stands: but it has not been tested.

**Dr Caven:** It is a hypothesis.

**Mr O'Loan:** I wish to make two points. Many think that if records are put on the Internet, they should be



freely available, for they become almost public records. On first consideration, I think that having a charge, as a barrier to that availability sits ill with me. Various charging mechanisms may be considered: a one-off charge could be levied for people to become registered users, or an annual licence sold. I do not know what system is currently being used. My first instinct, however, is that once such material becomes regarded as of sufficient general use that it is taken out of the protections for the individuals and the families, it becomes a like a public record. If we go so far as to put it on the Internet, it ought to be freely available. How do you react to that?

**Dr Caven:** The Internet will be only one means whereby people can access the records. People will still be able to go to the General Register Office in Belfast and access them there. That inevitably involves a cost: the time of employees who assist people who arrive in Oxford House to find the information that they seek. We try to work out what the cost is. We will include any updating of the Internet system that would otherwise be funded by the taxpayer in the costing regime.

**Mr O'Loan:** I think this is an area in which an economic gain could be made — there has been a reference to tourism. An argument could be made that we would be happy to give away historical information for free, with the expectation that there would be some degree of economic gain elsewhere, but not for GRONI.

**The Chairperson:** We could ask the Tourist Board; I am sure it would be able to put up the money.

**Dr Caven:** If it were helpful, I could provide information on the scale of charges attached to the information in Scotland.

**Mr O'Loan:** The Committee will keep an open mind on the issue. The submission provided by the Council of Irish Genealogical Organisation states that:

“The agreement entered into by GRONI with the LDS Church over forty years ago now would be unlikely to withstand the legislative changes of more recent years.”

Do you know what legislative changes that refers to?

**Dr Caven:** I have been puzzled by that; I do not know.

**Ms Purvis:** I can clarify that, because it is an issue that I raised with the representatives of the Council of Irish Genealogical Organisations (CIGO) who appeared before the Committee last week. They explained that the legislative changes referred to were in relation to the holding of data and freedom of information. Due to those legislative changes, if the GRONI were to enter into an agreement with the Church now to take those records, that agreement would not withstand those legislative changes because of data protection

regulations. It would be like handing over records that belong to someone else.

**Dr Caven:** Certainly, if the agreement entered into in 1959 were entered into now, I would want to take quite a lot of legal advice as to whether it was not ultra vires.

**The Chairperson:** Is that because of the legislative changes, or because of a problem with the original approach?

**Dr Caven:** It is because of the existing legislation.

**The Chairperson:** How can that issue be resolved? Should we just play it safe?

**Dr Caven:** The records that we are making available are public records. Under statute they are available for inspection; we are opening them up more, with certain caveats in relation to Internet availability. I do not think we are transgressing any freedom of information or data protection legislation in that respect.

**Ms Purvis:** I would like to return to the issue of cost. I know some amateur genealogists, and people with an interest in family history. For those who may be just beginning a search and may not have the investigative skills of a professional genealogist, the cost can sometimes be off-putting, particularly if they are just beginning with a general search. I take Declan's point about the Internet and information being freely available, and Dr Caven's point about other citizens in the UK who use the service paying for the cost of that service. Is there any way in which limited information could be made freely available — for example, names and years — so that those who may just be starting a search can try to find information in the general time frame that they are interested in? If they then require further investigation, they could be charged for that, and for the issuing of certificates, etc.

Is there any way in which that information can be made available without an initial charge levied? Somebody could be charged for 10 searches in relation to their great-grandfather, and end up going down totally the wrong line; that is money wasted. Perhaps a limited amount of information from the records could be made available to help people place their search within the relative time period and context.

**Dr Caven:** Are you talking about people who are starting up a search?

**Ms Purvis:** I am talking about not only people starting up, but those who do not have the skills that the professionals have.

**Dr Caven:** The General Register Office offers the facility for an assisted search, which can be a very cost-effective way for someone starting up to begin their search. However, there is a charge to cover the



time of the person who provides assistance; I am afraid that I keep coming back to the principle of cost. That can be a useful means of finding your way around the records. An individual can book a time to come into the General Register Office to avail of an assisted search, and a member of staff will assist them.

**Ms Purvis:** I am thinking more about the Internet; more and more people are using the Internet and therefore would not go into the office.

**Dr Caven:** When it comes to the Internet, the website will include a self-instruction section which will advise people about how to use it. However, I am afraid that we still come up against the basic principle of cost.

**Mrs Gilkeson:** It is worth noting that there is a concurrent project to digitise all our records dating right back to the beginning of registration. Following that, we expect to see a significant reduction in cost; an individual will then be able to access records quickly on the internet, and that is a lot more cost-effective than accessing the books in GRO.

Currently, a person can pay, per hour, for an assisted search, or, they can look at the indexes and then ask for the records — it costs £12 for a certified copy of each individual record. Once passed, the legislation, coupled with the benefits of the digitisation project that we are currently involved in, will allow us to move to a simplified and more cost-effective system.

**The Chairperson:** Digitisation will open up access. Is there a charge for checking the indexes? Is that a step that an individual can pursue in the first instance?

**Mrs Gilkeson:** There is a charge for checking the index, and that entitles the individual to four free searches each time they come in. However, that can still add up to quite an amount of money. Following the digitisation project, there will be an enhanced index, which means, potentially, that someone could check the index without looking at a digital copy of the actual record. Therefore, more information will be available in GRO and on the Internet, for instance, by exposition of a list of common names in Northern Ireland throughout the generations.

**Ms Purvis:** Do you think that those reductions in cost will be passed on to service users?

**Mrs Gilkeson:** Yes; we operate on a full cost recovery basis — there is no profit.

**The Chairperson:** We will move on.

**Dr Caven:** The next issue relates to data security and the risk of people hacking into the central systems. The main General Register Office computer systems are internal and do not have a public interface; nonetheless, as bespoke operating systems, they have industry-standard protection procedures in place, and those are kept under continuous review. There are audit

processes and reports built in, which allow GRO to monitor activities carried out on the system. Over and above that, the public-facing material that we will have on the internet will consist of static images, which cannot be manipulated.

**Mr O'Loan:** An intensive review of all Government security in Northern Ireland was carried out following some major releases of information. Was Northern Ireland Statistics Research Agency (NISRA) part of that review, or are you an independent agency? We may have been told that information before, but I do not remember.

**Dr Caven:** NISRA is an agency, but it is not independent, in the sense that it is an integral part of the Department of Finance and Personnel.

**Mr O'Loan:** Were you part of the review, which was reported by Bill McCluggage on a number of occasions?

**Dr Caven:** I do not recall. I will send you a note on that.

**Mr O'Loan:** There was a lot of new thinking about security in the review, and it would seem prudent for NISRA to be linked into any new processes, correctives and protections that were introduced.

**Mrs Gilkeson:** We have appointed an accredited consultant from the communications electronic security group (CESG) listed adviser scheme, a CLAS consultant, and that is in order to implement the British standard for information security management to BS 7799 for current and new systems such as the digitisation project that we are involved in. The CESG is the UK Government's national technical authority for information assurance. A CLAS consultant was appointed to look at the systems that we had in place and to do an IT health check on them. Those systems, as well as the project that we are currently involved in, have been accredited. The CLAS consultant can approve information data on the system up to, and including, "secret" level.

**Dr Caven:** Will that suffice in place of sending you a note?

**Mr O'Loan:** It would also be useful if you were to send a note to let us know whether you were part of the security review process.

**The Chairperson:** Thank you for your assistance.

**Dr Caven:** I have a final point about sharing information with other Departments and the extension to the Irish passport service. Annette was going to say something about that.

**Mrs Gilkeson:** I have been in discussions with the Passport Office in the Republic of Ireland, and there are no electronic links between that office and the General Register Office in the Republic. Any checks



that the Passport Office wishes to carry out are done by telephone or by written correspondence. The Passport Office in Dublin has no short-term or long-term plan to initiate any action in that area. As such, it has confirmed that it does not wish to enter into any discussions with us at this point in time.

**Dr Farry:** “Ourselves alone”. I presume that the introduction of the use of electronic signatures would be allowed in the proposed legislative or regulatory provision.

**Dr Caven:** We will not require a signature as part of the new process. If someone is doing a remote registration, the legislation will allow us to say that whatever is articulated as being required in regulations for the registration of a birth or other event, with or without a signature, actually constitutes the required record. We will have checks in place so that a birth cannot be registered until we get information from the Health Service that it has actually occurred. In the same way, a death cannot be registered until the medical authorities provide that information. Therefore, someone cannot just come along and register a person as being dead when they are not dead.

**The Chairperson:** Thank you for your assistance. Your responses to the issues were very helpful and constructive.



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# NORTHERN IRELAND ASSEMBLY

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## COMMITTEE FOR EDUCATION

21 January 2009

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### EDUCATION BILL (NIA 3/08)

#### Members present for all or part of the proceedings:

Mr Mervyn Storey (Chairperson)  
Mr Dominic Bradley (Deputy Chairperson)  
Mr Trevor Lunn  
Mr Nelson McCausland  
Mr Basil McCrea  
Miss Michelle McIlveen  
Mr John O'Dowd  
Michelle O'Neill  
Mr Edwin Poots

#### Witnesses:

Mr John McGrath	}	Department of Education
Mr Joe Reynolds		
Mr Chris Stewart		

**The Chairperson:** I welcome the witnesses from the Department. Good morning, gentlemen.

**Mr McCausland:** I understand that the embryonic education and skills authority (ESA) has been holding staff-consultation seminars with various sectoral groups. Can we get information about the nature of those meetings, who was in attendance and the contents of the presentations? I have received feedback that mixed messages were sent at one meeting in particular. For example, the impression was given that the ESA was unclear about where it was going — what a surprise. Moreover, it appeared to be asking what its role should be. I suppose that one should expect that in a consultation, but papers were tabled and PowerPoint presentations were given. Can we get copies of those presentations and papers?

**Mr John McGrath (Department of Education):** Yes, that should not be difficult. It is important to distinguish between those meetings and the workshops that the education and skills authority implementation team (ESAIT) has been involved in since the summer with staff members who fulfil various functions for the

boards — transport, catering, education and children's services — to inform them about what services might look like under the ESA. Such meetings dealt with operational matters. For example, how might catering be configured under a regional organisation? Papers were presented at the workshops and people were asked for their thoughts about how structures might be reorganised.

**Mr McCausland:** I am concerned that papers were presented about how the ESA envisages itself. The ultimate shape of the ESA depends on legislation; even last week, you spoke about flexibility.

**Mr McGrath:** Yes.

**Mr McCausland:** It is important that, rather than ESAIT simply consulting the various sectors, the political process be involved as well. We are talking about the legislation in very general terms, but its practical outworking is equally important. The Committee should be updated on all the information that was given to those sectors.

**Mr McGrath:** Do you mean the representational sectors that we are about to discuss?

**Mr McCausland:** No. I mean the "services", as you would call them.

**Mr McGrath:** That is fine. The Department can obtain material for the Committee on that.

Nelson is correct that this is subject to legislation and to the overall framework that will eventually be agreed. The Department and the Minister will also have views, but someone must begin the preparatory work to realise what the options for delivery are, before those options are signed off. There is no assumption that the process has been taken for granted or that the political process is being ignored. For example, last week the Chairperson asked whether there would be 11 offices or six, and although ESAIT might have its own view on that issue, the Department feels that six offices would be more appropriate. There may be different strands of thought at the moment, but no decisions have been made.

In relation to keeping the Committee updated on all the work with the various services, ESAIT has conducted a series of workshops and presentations, so there would be a great deal of paper to present to the Committee. The alternative would be to ask Gavin Boyd to make a presentation on that process to the Committee.

**Mr McCausland:** Let us do that.

**Mr McGrath:** Would that be suitable? I am wary of drowning the Committee in 35 PowerPoint presentations.

**Mr McCausland:** Has ESAIT also conducted workshops with the various education sectors?



**Mr McGrath:** No. The sectoral organisations — as envisaged and set out in the paper that Chris will present to the Committee — do not yet exist. It is a different relationship. Gavin Boyd is talking to people who will move into the ESA as the legislation develops. For example, he is talking to those responsible for catering and asking how they would run a regional catering service. Entirely different discussions will need to be held with the embryonic sectoral organisations. Those discussions are on a different basis and require the policy context to be set before they begin.

The Department will lead the negotiations and will make arrangements for them. When the ESA comes into being they will have a dialogue role with it, as set out in the paper.

**Mr McCausland:** It would be useful to have a presentation from Gavin Boyd fairly soon.

**The Chairperson:** OK. We will take a note of that and see how we can fit it into the work programme.

**Mr McGrath:** I ask Chris Stewart to make his presentation on the sectoral organisations.

**Mr Chris Stewart (Department of Education):** Good morning. The Committee asked for more detailed information on the role and responsibilities of the various sectoral organisations under the review of public administration (RPA) arrangements, and I will provide that information through this presentation.

First, I will provide the Committee with some background information and context. The policy for those organisations is set out in policy papers 20 and 21, which the Committee has received; however, it is worth recapping the principles governing the development of the policy. I will not weary the Committee by reading out all the principles, but there are several key points that set the context for addressing the Committee's concerns. Those are that all the sectoral-support organisations will be small; they will be non-statutory and without statutory functions; they will be modestly funded; and all sectors will be treated on the basis of equality, including what we refer to as the controlled sector.

On the organisations and their roles, the sectors that have indicated that they wish to be included in the arrangements are Irish-medium schools, represented by Comhairle na Gaelscolaíochta; integrated schools, represented by the Northern Ireland Council for Integrated Education; voluntary grammar schools, represented by the Governing Bodies Association (GBA); and Catholic schools — both maintained and voluntary grammars — which will be represented by a new voluntary organisation to be established by the Commission for Catholic Education. As I have said, the controlled sector must also be included in those arrangements; however, a slightly different approach is required for that sector, which I will describe in a few minutes.

The Department has commissioned, and received, initial draft business cases from those organisations and is undertaking a robust and detailed scrutiny of those business cases.

We aim to complete the process within six to eight weeks. At that point, we will be able to advise the Committee in considerable detail on the proposed grant agreements with each of the organisations, including the level of funding and the detailed activities that those grants will support.

The Committee may find it useful to receive the details of the commissioning brief that we gave to the organisations to inform the development of their business cases, which lists the functions in the paper that we asked them to consider. I emphasise that that is the long list — not all organisations will want to engage in all the activities outlined in the paper. The potential functions are grouped under five headings.

The first group comes under the heading of ethos and identity, and the type of functions that we are prepared to support include: the fostering and development of the collective ethos of schools in a sector; the identification of potential foundation or community governors to serve on school boards; and the offering of advice to the ESA on the ethos and content of support and training programmes that have been provided for boards of governors.

The second group of functions comes under the heading of employment. The paper describes the centrality of schemes of management and schemes of employment in the legislation, which will set out, respectively, the governance arrangements for schools and the role of boards of governors in employment matters. In the paper we describe the role of the “submitting authority” in those schemes, including a potential change to the legislation that we are minded to introduce, subject to the Committee's views.

In that context, the role of a sectoral body might include: the preparation of draft schemes of management and employment on behalf of submitting authorities; providing responses to any consultation by the ESA or the Department on guidance that governs the preparation of those schemes; providing assistance to trustees or owners of schools in the discharge of their role in the preparation and submission of schemes, and general liaison with the Department and the ESA on that matter.

The next group of functions comes under the heading of ownership, planning and procurement. The functions that we could consider are: advising trustees or owners of schools on their roles; and participating in the area-based planning arrangement that the ESA will operate, which might include assessing provision in a sector, future need, consultation with parents and communities, development and advancement of



options and proposals. It is important to emphasise that we are talking about a single planning process that the ESA will operate, to which sectoral organisation will provide input — we are not talking about separate planning processes in each sector.

We have also stated that we will support sectoral bodies to enable owners or trustees to discharge their role in procurement arrangements. Again, those procurement arrangements will be operated by the ESA. That will provide the link between owners and the ESA. The last function under that heading is to engage with any other statutory planning processes that exist or come into being, particularly the community planning process that district councils will lead.

The fourth group of functions comes under the more general heading of representation and advocacy and includes liaising with schools in a particular sector; liaising with, and offering advice to, the ESA, the Department and our colleagues in the Department for Employment and Learning, including, through participation in the education advisory forum when it is established; engaging with other education sectoral interests or stakeholders; and responding to any policy consultation processes that the Department may initiate.

The final group of functions comes under standards and performance. I emphasise that there will be only one statutory authority with legal responsibilities for raising standards — the ESA. However, we recognise that a strength of the present arrangements is the interest that sectors and sectoral bodies take in the performance of their schools. In that context, we see the role of sectoral organisations as including: promoting high-quality education; advising and supporting owners or trustees of schools on strategic issues on performance as they arise; advising owners or trustees of schools on data, reports or information that they may receive on the performance of schools in their sector; offering advice and support to owners or trustees when consulted by the ESA on the discharge of its functions; and liaising generally with the ESA on matters related to the performance of schools in the sector.

That is the long list of functions in which we see a sectoral body being potentially involved. We have received business cases from the existing organisations and from the Catholic trustees on that issue.

The controlled sector requires slightly different treatment because the starting point is different and is, in some ways, more difficult than for the other sectors. No existing organisation is well placed to take on the sort of role that we have outlined. It must also be acknowledged that there is no real tradition in that sector of those sorts of functions or that type of interest being taken on behalf of schools.

We must also recognise that the controlled sector is large and serves diverse communities across

Northern Ireland. The starting point is different, but we are clear that, on the basis of equality, the end point must be same for that sector as it is for all other sectors and that the timescale must be the same. By 1 January 2010, those schools must have effective sectoral representation and advocacy, and in doing so it is important that we ensure that there is a strong sense of ownership across that sector. The sector must have trust and confidence in the arrangements that are established; the arrangements cannot simply be parachuted in by the Department.

Therefore we have proposed the first steps of a way forward on which we welcome the views of the Committee. As a first step, we suggest the establishment of a small working group to act as interim advocates or champions for the controlled sector. That group will be charged with developing more detailed proposals for the more substantive arrangements that will be put in place. In the interests of effectiveness, we have suggested that that group should be relatively small, perhaps comprising between six and eight members. That group should include education professionals; the Transferor Representatives' Council (TRC) would also have an important role to play.

In addition, an important element of the group will be representatives from the communities that are served by the controlled schools. The representatives would have a good understanding of their communities, particularly communities that face the greatest education challenges and in which the socio-economic challenges are considerable. The representatives would understand the service that education can provide and the contribution that it can make to their communities.

The group should be asked to undertake a short, focused exercise with the terms of reference that we have set out in the paper; it should be asked to report as quickly as possible to the Department and, through us, to the Committee. The Department will, of course, be prepared to provide support for that group, including a secretariat. I am happy to take questions from members.

**The Chairperson:** Members will wish to tease out many issues during this section. You referred to “modest” funding. You said that a sectoral body will be established for the controlled sector and that it will have a different starting point because it is a completely new organisation. Given that you referred to equality of treatment across those bodies, how will you ensure that the deficit in the controlled sector — because there is no sectoral body — will be adequately filled?

The deficit in the controlled sector must be given particular attention and assistance because of its diversity. The controlled sector includes controlled



grammar schools, which cover a wide diversity. Can we be assured that objections will not be raised on the basis of equality? There is a disparity, and that inequality must be addressed first. All the sectoral organisations should not be lumped together and treated in the same way because that will cause one sector to lag behind.

**Mr Stewart:** That is correct. We have to address the issue that the controlled sector is lagging behind. It is difficult to comment on what the precise outcome will be, because we do not have a draft business case for the controlled sector. However, I assure you that the Department will work with the interim champions — if we can establish them — to introduce as quickly as possible a business case that is fit for purpose and that will lead to a level of grant that will allow the controlled sector representative body to discharge as many as possible of the functions that we have outlined.

The structure and funding for the representative body that is established for the controlled sector will have to reflect the sector's diversity; it must be fit for purpose and must be capable of discharging its functions.

I assure you that even though it is starting behind other sectors, we will not leave it there. There is no question of our sorting out all the other sectors and merely seeing what is left for the controlled sector; the equality principle will be central. The controlled sector must be able to operate on the same basis as the other sectors.

**The Chairperson:** You mentioned the possibility that the TRC could be included in that. Given that the TRC's representative constituency has changed in the years since it was brought into existence and that the Churches handed over their schools to the Government, how will equality be assured for denominations that are not covered by the TRC? Those denominations have increased in number over the past 30 or 40 years. How can we ensure that they will be adequately represented? Is that discussion ongoing with the TRC?

**Mr Stewart:** Yes, Chairman, to all those questions. This afternoon, the discussion will continue when I meet the TRC to discuss those and other points.

The TRC recognises that although it is a voice for the controlled sector, it is not that sector's only voice; it would be the first to acknowledge that other denominations' interests must be reflected. The interests of the increasingly diverse communities — ethnic minority groups, for example — that are served by those schools must be recognised and considered carefully.

The Department's challenge is to ensure that it recognises that, in putting together the interim champions and the more substantive organisation in

due course, it can speak on behalf of all the schools in the sector and all the communities that they serve.

**The Chairperson:** I will open up the discussion, and if my questions are not covered during the discussion, I will come back to them.

**Mr D Bradley:** What protections does the Bill afford to the Catholic ethos?

**Mr Stewart:** It is the Department's contention that the Bill offers protections to the ethos of any sector and, indeed, to any school. The Bill does not seek to challenge or interfere in any way with the ethos of any school or type of school.

Earlier, I referred to the provisions on the role of submitting authorities and the submitting of draft schemes of employment and draft schemes of management. The change that we are minded to suggest is to define the submitting authority of every school as the owners or trustees of that school, while recognising that, in some cases, the board of governors owns the school.

That is to allow the owners or trustees of every school to ensure that its ethos is lawfully and properly reflected in a school's governance and employment arrangements. We proposed that change because we believe that we did not get the legislation entirely right in that respect. We want to ensure that there is consistency across all sectors and all types of schools.

**Mr D Bradley:** The ethos of an Irish-medium school, for example, is not necessarily protected under the Bill, as a board of governors could un-designate an Irish-medium school. Is that correct?

**Mr Stewart:** I believe that that is correct.

**Mr D Bradley:** Where, then, is the protection of the Irish-medium ethos in the Bill? Could a Catholic school do the same?

**Mr Stewart:** I do not wish to avoid your question, but I am not sure from what we would be protecting the ethos. If a school's board of governors — presumably reflecting the wishes of the community that it serves — decided for some reason that it ought to become a different type of school, I am not certain from whom we would be protecting it.

**Mr D Bradley:** Would a maintained school be able to do the same thing?

**Mr Stewart:** Yes.

**Mr D Bradley:** Could a Catholic school become a school other than a Catholic school if it so wished? Could the board of governors decide that?

**Mr Stewart:** Yes, although there is a caveat: the ethos of a school is not prescribed in legislation, and neither would the Department seek to control or direct it in any way. The important caveat relates to a



question that Nelson asked several meetings ago and to which I still owe him an answer. He asked whether it would be possible for an integrated school to “reverse-transform” or transform into a different type of school, and we agreed to check the legislation to find out. It is not possible in a straightforward way. In fact, the legislation specifically rules out either a controlled integrated school or a grant-maintained integrated school transforming into a different type of school. A further caveat is that the only means of achieving it in practice is for a school to close and reopen as a different type of school. Forgive me if that is a rather long, technical and involved answer.

**Mr McCausland:** It is a very interesting answer.

**The Chairperson:** Could it technically close and reopen?

**Mr Stewart:** Yes, as a different type of school.

**Mr D Bradley:** Would the trustees of maintained schools rather than the board of governors not have to change a school’s ethos?

**Mr Stewart:** Yes. The commonality or the consistency across all schools and sectors is that it is the owners or trustees who determine ethos. In the case of Irish-medium schools the owners are the board of governors, and in that regard there is consistency between the two sectors.

**Mr D Bradley:** Therefore there is a different system of management or ownership?

**Mr Stewart:** There are certainly differences in ownership.

**Mr D Bradley:** Is that why those differences are emerging in the Bill?

**Mr Stewart:** No, quite the opposite; we want to ensure that the effect of the legislation is the same, regardless of any differences in ownership. Part of the central thrust of the RPA is that there are differences in everything from governance arrangements, structures of boards of governors through to finance arrangements, which simply reflect historical differences and ownership. It will require the two RPA Bills to achieve that fully. However, we want, as far as possible, to enable any grant-aided school to enjoy the same relationship with the ESA and be part of the same administrative arrangements as any other type of school. The owners or trustees of a school can determine its ethos, but that will have no bearing on the administrative arrangements.

**Mr O’Dowd:** The scenarios that Dominic outlined can happen now; in a sense, the Education Bill does not change anything.

**Mr Stewart:** That is the case.

**Mr O’Dowd:** My question is about sectoral support, particularly for the controlled sector, and I will touch on the Chairperson’s comments. There is some validity

in the argument that a sector starting from a standstill position may be disadvantaged; therefore it might need some further departmental or financial support. The Committee would have a role in any evidence-based argument that is developed along those lines.

Will the finances and role of sectors collectively be subject to review? As the ESA develops, will the role of the sectors come together without the loss of ethos or identity about which Dominic expressed concerns? Does the ESA plan hold out that hope?

**Mr Stewart:** Yes, very much so. The business cases that we are scrutinising aim at arriving at grant agreements with each sector. Normally, grant agreements would last for no more than three years. That strikes the right balance between allowing an organisation a reasonably stable base on which to plan, but it also recognises the need to review continually such arrangements to ensure that they continue to be necessary and that they represent and provide value for money for the public purse. That is what we expect to happen.

Over time, we envisage that the role of the sectors will evolve. However, we do not foresee a time when the diversity, ethos, character or identity of any type of school or sector will be reduced, and it is not our intention that that will happen. However, the thrust of the RPA is the need for a consistent, equality-based approach that recognises that education is a publicly funded public service from which children and young people in any community are entitled to receive the same provision. We expect and require sectors to operate in the spirit of co-operation more than they have in the past, when they were separate and, at times, antagonistic and adversarial — particularly in the planning of the schools estate and the delivery of the curriculum.

There is no room for sectors to pursue their own agendas in a modern education service. We must proceed on the basis of co-operation.

**Mr McGrath:** The Department will support the sectoral arrangements for three years, at least; however, the present division of schools into different sectors might begin to break down. The Chairperson referred to controlled grammar schools; perhaps they might see themselves as having more in common with voluntary grammar schools. The way in which the pie chart is divided at present may change; there may well be less differentiation. For instance, the sector-support bodies might decide that they want to migrate to a different place, because the situation might change. If that happened, we will respond to it, but we will not be driving any changes.

**Mr Stewart:** We do not want to engineer change, but, as John said, we will respond to it. That is already happening. In your papers you will have seen the proposal for a single body representing all Catholic



schools. The senior trustees want a more coherent Catholic education sector in which the Catholic maintained schools and Catholic voluntary grammar schools come together closely and co-operate as a single, more coherent Catholic-managed sector.

**Mr D Bradley:** Why does the Bill contain a separate clause on Catholic maintained schools and not for other sectors?

**Mr Stewart:** There is a range of definitions of school types. A definition of Catholic maintained schools is provided in the Education Bill because at present it sits in the midst of the provision that established the Council for Catholic Maintained Schools (CCMS). That provision is being repealed because that organisation is being dissolved. Therefore, rather than leave one subsection in splendid isolation in a long provision, we will repeal the whole clause but, for the time being, leave the small part of it that is required — the provision on the definition of Catholic maintained schools.

The other definitions are less affected by the legislation, so they can remain in the existing Orders. However, the Committee will see that our aim in the second Bill is to reduce the number of definitions and separate school types. The only reason for having a definition of Catholic maintained schools was to identify the block of schools for which CCMS is responsible.

When the ESA is the only statutory authority for all schools, there will be no need to separate Catholic maintained schools from other maintained schools. It will be relatively easy to make that change in the second Bill, and, in time, the second Bill will contain a provision to remove the definition of Catholic maintained schools.

**Mr D Bradley:** Is that why it says that Catholic maintained schools are designated under a scheme “for the time being”?

**Mr Stewart:** That is correct. It is a curious provision in many ways. It means that a Catholic maintained school is a school on the list of Catholic maintained schools. That is the most circular definition that I have seen in legislation; it is a technical hangover from the present legislation, and it will be taken out in the second Bill.

**The Chairperson:** I do not want to go off the subject, but there has always been an issue about controlled grammars — and they have been mentioned already. They are different from voluntary grammars in that controlled grammars are under the jurisdiction of the education and library boards.

In respect of function, is that the only difference?

**Mr McGrath:** In the round, yes; therefore, in future, language will be needed that does not state that

it is a controlled sector support group, because the schools will no longer be controlled.

**The Chairperson:** Will that create almost the same situation as that which currently exists in the maintained sector?

**Mr McGrath:** We must think about our language around that situation. I would welcome suggestions that are better than “ex-controlled”. When the schools come out of the jurisdiction of the education and library boards, there will be fundamental differences. Many schools have aspirations of autonomy, which we talked about last week. In the future, they may want to see themselves in a broad voluntary grammar sector, rather than in an ex-controlled one. The boundaries between those sectors may move in the future. In a sense, we would want that, because sector support arrangements should not act as a barrier to schools that seek more autonomy.

**Mr Stewart:** That is correct; indeed, nor should those arrangements determine the outcome. John O’Dowd raised the issue of the future of sectors. Although we do not intend to reduce sectors, we note that they may change by themselves, and we do not want the autonomy of schools to be determined by anything other than the capability of the school and its wish to have autonomy. That should not be determined by historical accident, resulting from the fact that the school happens to find itself in a particular sector. We want policy to go in that direction, and the Department does not regard that as being incompatible with the existence of sectors, or with the champion or advocacy role that those sectors may have.

**Mr Lunn:** The Department’s paper to the Committee on the functions of sectoral bodies states that their roles will be allowed to “prepare”, “respond”, “assist”, “advise”, “assess”, “liaise”, “engage” and “advocate”. It does not state that one of their roles will be to “decide”. May I take it that no decision-making powers whatsoever will be left to the sectoral organisations?

**Mr McGrath:** They can decide how they run their own business, but they are not statutory organisations. One model that is used in many other sectors is that voluntary bodies perform an advocacy role in the discharge of tasks. Age Concern is one example of that.

The Department is very clear that ESA will have the statutory role. That is the function that it is funded to perform. Accountability for raising standards, for example, must not be blurred by involving too many organisations. Clearly, the sectoral bodies will be non-statutory organisations, which the Department will fund to carry out a range of functions of the nature that are described in our paper. The Department will fund them for what they must do, but no more than that. That is a difficult area.



To pick up on the Chairperson's point, equality is an issue in the controlled sector. However, the Department is focusing on equality in respect of the support that we give the sector. We will not take a mechanistic, "count the money in" approach, because there is no value in fostering an ex-controlled sector support body if it cannot do its job. That will not serve us in any way.

**Mr Stewart:** I have an example of school improvement that may illustrate that point. As John McGrath said, the statutory authority with responsibility for action will be ESA. However, if a performance issue arose in the controlled sector, one might expect the controlled-sector champion — its representation and advocacy body — to closely scrutinise and, if necessary, to challenge ESA. As a body that understands the schools it is serving, it might ask ESA: what is it doing to raise standards in controlled schools; what work is it doing with controlled schools; does it understand the ethos of controlled schools and the communities they serve?

The contribution that the controlled-sector body might make is just that — one of challenge, liaison, and of examining whether there is a sectoral ethos. However, the professional, technical, formal, legal and statutory roles are all with ESA.

**Mr Lunn:** Your presentation says that the role of sectoral organisations in the area-based planning process will be brought to the Committee in a few weeks' time. Even at this stage, can we assume that the roles of those sectoral organisations will be reduced to the provision of advice and advocacy? Is there any possibility that they might be left with some decision-making power?

**Mr Stewart:** No. The ESA will operate a single planning process. The role of any sectoral organisation is to provide input into that process, not to decide anything.

**The Chairperson:** Will that also include development proposals?

**Mr Stewart:** Yes. In due course, we still see the legislation focusing on development proposals. At present, a development proposal can come from any source. In future, the key difference will be that, in deciding whether a development proposal should go forward, it will be scrutinised with due regard to the area plan that is in force at the time. By and large, if a development proposal does not accord with the area plan, it is unlikely to go forward. If it does accord with the area plan and has been brought forward in order to deliver the area plan, then it is likely to go forward.

**The Chairperson:** Can the sectoral bodies produce development proposals?

**Mr Stewart:** They can produce development proposals, but if a sectoral body, or, indeed, any other interest, produces a development proposal in defiance, if you like, of an area plan, it is unlikely to get very far.

**Mr McCausland:** I want to pick up on two issues, on which, in a sense, Dominic touched earlier. The first is about equality, and the other is to do with ethos. Some time ago, the Committee asked the Minister to provide information on the range of issues in the education system in which structural or other inequalities had been identified. That request has not been answered yet.

**The Chairperson:** Several issues were highlighted in that correspondence.

**Mr McCausland:** Yet we are always being told that inequality is one of the issues that must be addressed. We do not have a list of those inequalities, or what they are in the Minister's view. Mr Stewart mentioned another inequality — that a controlled school can change to an integrated school, but it cannot transfer back. That is clearly inequitable.

**Mr Stewart:** I note your view on that.

**Mr McCausland:** Is it inequitable?

**Mr Stewart:** That is an issue of policy. I note your view on that.

**Mr McCausland:** Whether that inequality exists is a matter of policy? Whether it is an inequality is not a matter of policy; it is a matter of fact. Is it an inequality or not?

**Mr Stewart:** I contend that it is a matter of policy. It is for the Minister of the day or the Administration of the day to determine policy. The current policy is that legislation does not require a route to transform from integrated status to another type of school.

**Mr McCausland:** It is not permitted. There are many things that were not permitted in the past but are now permitted because of equality arguments. We are back to the question of whether the Department has considered, or intends to consider, the equality implications and other implications of such a course of action.

**Mr Stewart:** The Department has not considered such an option. The issue was not raised until you asked the question.

**Mr McCausland:** Now that it is on the radar —

**Mr Stewart:** Now that it is on the radar, I will, of course, convey your view to the Minister that it constitutes an inequality. I have no doubt that the Minister will consider that.

**Mr McCausland:** I will park the other equality issue. You say in your paper that:

"It will be important to ensure that sectoral support arrangements treat all sectors on an equitable basis."



Is that the same as saying — I contend that it is not — that all children will be treated on an equitable basis?

**Mr McGrath:** It is a different paradigm.

**Mr McCausland:** Will you be able to ensure that the new structure will treat all children equally? Will that be checked by way of an equality impact assessment (EQIA)?

**Mr McGrath:** The Minister has made it clear that her priority is to raise standards and to ensure that each child who goes into the education system has the maximum opportunity to fulfil his or her potential. Therefore, we focus on equality of outcome. If we focus on equality of inputs, we are missing the fact that there is a gross disparity in outcomes. The Minister is very clear about that. In a sense, sectoral support is a different frame of reference.

**Mr McCausland:** A policy decision is being made to create a new structure. Has an EQIA been conducted to test whether that structure will treat all children equally, or will it impact on some children differently than on others?

**Mr Stewart:** Equality impact screening has been applied, and consideration has been given, to the review of public administration programme in general, and to the first Bill in particular. I am aware that the Committee has been waiting for the results of that exercise for quite some time, but, although the results have yet to hit the streets, we expect them to come out within the next week or two. We concluded that, subject to consultation, ESA will treat all children equally.

The obvious answer is that the new arrangements will be based on equality. As a public authority, ESA will be subject to the statutory duties that are contained in section 75 of the Northern Ireland Act 1998. I suspect that that is not the answer that you are looking for, or perhaps you are attempting to make a different point

**Mr McCausland:** We have already talked about the integrated/controlled issue, from which inequalities emerged that had not previously been picked up. Such things can happen, so it is important that all arrangements are checked.

Dominic Bradley mentioned the religious and cultural ethos in Catholic-maintained and Irish-medium schools. Who will determine the cultural and religious ethos of controlled schools?

**Mr Stewart:** An ethos will evolve and emerge from individual schools and from the sector, and a test of the effectiveness of the central body will be the extent to which it can articulate an ethos. Perhaps a multi-dimensional ethos will be required to cover such a diverse range of schools and communities. However, one cannot define, or prescribe, an ethos. The Department made a heroic attempt at doing so in an earlier policy paper, and, as a result, we managed to

unite all education stakeholders in the view that we had got it entirely wrong. At that point, we recognised that any attempt on our part to define ethos is doomed to failure. An ethos comes from schools and sectors; it is not in the Department's gift to define or create it.

**Mr McCausland:** My point is that the focus for those matters is very much on sectors; whereas, I think that it should be on the rights of individual children. Therefore, it is important that the cultural and religious rights of the child are reflected and accommodated in whatever system emerges. Britain has signed up to international commitments in that regard that are only being partially implemented in the controlled sector; whereas, those commitments are being fully implemented in the Catholic-maintained and Irish-medium sectors. There is now an opportunity to address that matter, and, if the sectoral body has a role to play in that process, it is important that it properly reflects the ethos of the community that it serves. I am sure that we will return to that point.

**Mr Stewart:** You are entirely right. Many people associate most schools in the controlled sector with a broadly Christian ethos because they serve predominately Protestant communities, and they associate schools, or parts of schools, in that sector predominantly with a Protestant Christian ethos. However, every grant-aided school must be open to children from any religious denomination or none.

Therefore, we will expect the sectoral body to recognise that the controlled-sector's ethos — perhaps more than any other — must be multi-dimensional, reflecting different faiths, denominations, community backgrounds, and minority and ethnic interests. We would take a dim view of the sectoral body if it were not to recognise that when trying to advocate the ethos of the sector, if it were to attempt to do so.

**Mr McCausland:** Is it accepted that every child has the right to an education in which he or she is taught about, and given respect for, the culture and the ethos of the home from which he or she comes?

**Mr Stewart:** We are not proposing any change to the legislation in that regard.

**Mr McCausland:** There is no legislation in that regard.

**Mr Stewart:** There are references in early articles of the Education and Libraries (Northern Ireland) Order 1986. I cannot recite the full detail to you, but there are duties on us and on education authorities to respect parental wishes regarding the education that is delivered for children.

**Mr McCausland:** It needs to be taken a lot further if it is to meet international obligations. How does the current legislation meet the obligations of the UN Convention on the Rights of the Child?



**Mr Stewart:** Will you draw out that question a little further?

**Mr McCausland:** The UN Convention on the Rights of the Child states the point that I have just made, which is that every child has the right to an education. That education should encourage respect for, and knowledge and awareness of, culture in the broadest sense, of the community from which he or she comes.

**Mr Stewart:** The UK does not have any specific legislative provisions to give effect to the UN Convention on the Rights of the Child, because, unlike the European Convention on Human Rights, it has never been directly incorporated in domestic legislation. Our contention is that our body of education legislation, and the education system that is put in place thereby, give effect to those things.

If the view is that the legislation somehow falls short in relation to any of those dimensions, we would want to look at that, because, although the convention has not been incorporated, it is, nevertheless, an obligation that applies to the state, and we would want to ensure that that is delivered.

**Mr McCausland:** I am merely saying that it happens in Irish-medium schools. They have a clear cultural dimension, and CCMS schools have a clear religious ethos to them. However, that does not necessarily happen in all controlled schools. We have an opportunity now to deal with the issue, while we are reshaping the system.

**Mr Stewart:** We welcome the opportunity to explore that issue and tease it out a little further. We recognise, as I think you have done, that the multi-dimensional nature of the controlled sector presents a particular challenge in that regard.

**Mr McCausland:** The point that I am making is that it is down to the children who attend a particular school. Therefore, the ethos of a school in one town may be different to the ethos of a school in another town, depending on the children who go to it.

**Mr Stewart:** That is true of all sectors, but, on several occasions, I have heard trustees of Catholic schools acknowledging that very fact. A central thread of Catholic education and ethos runs through the sector. However, there are perceived differences in ethos in individual Catholic schools, for the very reasons that you have given.

**Miss McIlveen:** We have to recognise that we probably operate in an 'Animal Farm' view of equality, in which all animals are created equally, and some are created more equally than others.

I welcome Mr O'Dowd's comments, because he recognised that there may be a deficit in relation to representation of the controlled sector. However, I am

concerned that he is looking for an evidence-based argument when the evidence is quite clear that there is nothing, and we are starting from nothing.

Following some of the comments that you made in response to the Chairperson, it appears that a can of worms may be opening up regarding who will sit on the group that will be created for the former controlled sector. I will return to a comment that I made last week about the ESA board. Will members of that group be chosen by simply being tapped on the shoulder, or will they have to apply for the positions? How will that process work?

**Mr McGrath:** The paper highlights the fact that it is not for the Department to create the sectoral support body for the former controlled sector, because it is not a statutory body. It is an advocacy body, but it will not be our body. Therefore, we want to foster that by getting a group of people who will be connected in that sector to begin to do some of the legwork, because it is not our job. We will do our utmost to help to create the body.

The deficit was mentioned, but I wish to make it clear that we will support that work by finding the secretariat. Who the initial key players will be is open for discussion, and that is why we brought the matter to the Committee. In fact, it may be a matter of persuading some people to give their time and effort in certain communities outside the normal TRC and other denominations. Indeed, it will be a broader church than that.

We need to identify people who have some understanding of the issues — particularly those of underachievement — and who want to make a contribution. If those elements of straw form enough of a brick that those people want to constitute themselves into an organisation with the appropriate governance structure and the right legal statutes to produce a business case for us, that is where we want to go.

We will not appoint people; it is not our right to do so. The group will not be a statutory organisation, and it should not be beholden to the Department. It should be as independent as the other sectoral support bodies; otherwise, the general deficit that currently exists in the controlled sector will continue.

**Miss McIlveen:** Who, other than the TRC, have you spoken to about that?

**Mr Stewart:** We have spoken to individuals in education and library boards and with the TRC, whom I am meeting again this afternoon. We have not gone particularly far beyond doing that. We would welcome suggestions from the Committee as to how we might gather the voices or identify those who might play a role in such a facility. It is difficult, but as John has said, we have to start somewhere.



The arrangements that we have set out regarding ESA members and the ESA board are clearly appropriate. ESA will be a statutory organisation to which public appointments will be made. There are clear procedures to follow. The sectoral support body for the former controlled sector will not be a statutory organisation, and public appointments will not be made to it. Its make-up will be defined on the basis of personal contact, persuasion and seeking views and input on an informal basis. If that is characterised as a tap on the shoulder, then yes, it is a tap on the shoulder at this stage.

**Miss McIlveen:** Has anyone indicated that they may be interested in getting involved in that group?

**Mr Stewart:** No, I am not aware of any specific approaches that have been made.

**Mr McCausland:** Is it basically a self-selecting group?

**Mr McGrath:** No, it is not a self-selecting group.

**Mr McCausland:** Whoever turns up at the first meeting —

**Mr Stewart:** Tell us which shoulders to tap.

**Mr McGrath:** In the other sectors, there are pre-determined groups or embryonic organisations that have a link and a broad sense of ownership. That does not exist at all in the controlled sector, which is quite diverse. Collectively, everyone interested in this — including Committee members — has to ensure that enough people are interested so that they can take up the mantle themselves.

The group may eventually be constituted as a charitable trust or a company limited by guarantee, but it will not have ministerial appointments. Its members will not be beholden to the Department, because that would put them in a different position. They will have to be as independent as members of the other sectoral support bodies, otherwise there would be inequalities.

We have made clear in this and in other settings that as much assistance as possible must come into that process, because it will be a matter of trying to identify the people who can give it enough momentum at the start. That does not necessarily mean that those are the people who would constitute the body in due course. It is very difficult. We have spoken about the TRC and about other denominations. Across the region, the body needs to serve a number of very diverse communities, both urban and rural. It must consider secondary schools and grammar schools and the aspirations of different schools, and that is a major challenge.

**Mr Stewart:** If we were to conclude that we must not tap any shoulders anywhere, the alternative would be that we would simply sit in the Department and wait for the appointments to be made. If they were

made at all, it would take a long time. Rival approaches might come forward or rival bids might be placed in order to establish a sectoral organisation. We could allow some of those to succeed and some to fail, and perhaps, in due course, we might end up with something that is effective.

Given what the Committee has rightly said about the need not to let the controlled sector get left behind, we do not feel that we can do that. Although the process may be inelegant and cumbersome, we have to use it to try to hothouse the development of the body without making it an artificial construct of the Department in which people in the sector would simply have no trust or confidence. The starting point is that, yes, we have to tap a few shoulders.

**Miss McIlveen:** Do you have any idea of when the process will start?

**Mr Stewart:** It will start as soon as possible, and within weeks.

**Miss McIlveen:** The other sectors have already put forward a business case. Have you had specific discussions with those sectors about that?

**Mr Stewart:** Yes, and those discussions are ongoing.

**Miss McIlveen:** So you have had meetings with the other sectors?

**Mr Stewart:** Yes.

**Miss McIlveen:** Nelson, did you ask a question earlier in relation to sectors?

**Mr McCausland:** We were told that they were not meeting with sectors.

**Mr McGrath:** No, we have been discussing with the sectors. We said that the education and skills authority implementation team has not been meeting with sectors.

**Mr Stewart:** Given the role that the organisations will have in liaising with, and perhaps occasionally challenging, ESAIT, it is very important that the sectoral support organisations are not funded from ESAIT. They will be funded by the Department, and that is to ensure that no conflict of interest in the relationships would exist.

**The Chairperson:** Let us draw a distinction here, in case there is a slight confusion. We are talking about the sectoral body, but the paper has talked about the establishment of a working group. Who has been tapped on the shoulder for that? That is; who is taking responsibility for it? There is nobody.

**Mr Stewart:** No one has yet been tapped on the shoulder.

**Mr McGrath:** It is in everyone's interest that we make some progress on this affair — that is why the paper states that we would welcome the Committee's



views on it and on the proposals. We would like to provide some secretariat support for the process, with others taking the lead in identifying people who could become part of the working group. Time is pressing, and it will take some time to establish that working group, have some discussion, gel it together, create a constitution and articles of association for a new organisation, and do a business case. No one has been tapped on the shoulder.

I think that you would agree that having discussions with the TRC is a genuine, valid and appropriate action. However, when casting the net to include more than the usual suspects — if you will excuse the phrase — it would be important to capture the diversity of communities that are currently served by controlled schools. In a sense, we are open to any proposals, suggestions and ideas, and we are happy to proceed with that on a clean sheet of paper.

**Miss McIlveen:** I know that, ideally, you want between six and eight members. However, when you start to drill down to identify the number of interested bodies, you could end up with 30 or 50 people in the room.

**Mr McGrath:** We are looking for a core group that will proceed with the work. However, you are quite right — I envisage that that will mean lots of people in the room on different occasions reflecting different interests. We will need to be quite careful when establishing how that is eventually distilled down to a sector support group, which will be a legal entity but which will cover many different constituencies. However, that is not beyond the wit of man.

**Miss McIlveen:** Will the Department provide a secretariat for that group?

**Mr Stewart:** Yes, we will. The group will start off with six people; however, as John said, we always envisaged that rippling out to larger gatherings very quickly. As regards the size of the eventual governance arrangements for the body, your guess is probably as good as ours. It is likely to be larger than between six and eight people, to reflect what is a large and diverse sector. We will provide a secretariat to that working group.

Following on from the point that John O'Dowd made, we recognise that the Department will have to continue to do a bit of hand holding and assisting to that organisation as it comes into being and gets up to speed in order to ensure that it is not left behind by any of the other sectoral organisations. We would not have any difficulty with doing that.

**Mr D Bradley:** Will the Transferors' Representative Council have a guaranteed place as representatives of that sector?

**Mr Stewart:** It is not for us to guarantee any particular membership of the body, but, before we

would agree to fund it, we would be looking for evidence that the body is genuinely representative of the controlled sector. I would be very surprised if such a body did not include the TRC but, as we said earlier in response to the Chairperson's questions, not only be the TRC would be there. We expect other very significant and important voices to be there as well.

**Mr B McCrea:** It is quite interesting; I have got my head around where we are now. As I understand it, the Department did not really want sectoral bodies at all, so it is now prepared to provide them with a very modest amount of funding but no statutory basis and no real input. Presumably they will wither on the vine fairly shortly?

**Mr Stewart:** I am not certain that you will ever hear me describe the policy in those terms. It is not that we do not want sectors, because we recognise the reality that sectors exist. The education system is pluralist, and schools of a particular character and ethos come together to recognise a common identity and ethos.

**Mr B McCrea:** Could a school be a member of more than one sectoral body?

**Mr Stewart:** Yes.

**Mr B McCrea:** The situation is fairly bizarre in that the situation with sectoral bodies will be similar to Prince becoming known as the Artist Formerly Known as Prince. Controlled schools will become schools formerly known as controlled.

**Mr Stewart:** We will aim to have a better descriptor for those schools in due course.

**Mr B McCrea:** I am sure that I can rely on the creativity of the Civil Service to come up with a better name.

**Mr Stewart:** It has failed to come up with a better name so far, but we welcome suggestions.

**Mr Storey:** Made in Britain?

**Mr B McCrea:** I can see commonality among schools that operate in inner cities. Could there be a sectoral body that represents inner-city schools?

**Mr Stewart:** The short answer is yes. As John said earlier, we envisage that sectors will evolve. If, at some point in the future, a proposal were to come forward from a group of schools with something in common, and those schools were to make a business case that demonstrated that that would add educational value, we would accept that proposal.

**Mr McGrath:** We are starting by providing resources that will be used to support sectors in the school system. If morphing were to take place and subsets were to emerge, we would not continue to put more money in to the existing sectors without assessing the division; you would not expect us to do anything different. For example, if we were to fund a



controlled-sector sectoral body from the start and then an inner-city-school sectoral body emerged, we would revisit the funding. We do not want duplicate funding.

**Mr B McCrea:** I understand your point, and I agree with morphing. I contend that the existing sectoral bodies will effectively be made redundant. What is the difference between a grammar school and any other school in a non-selective education system? There is no difference. What is the difference between grammar schools and schools in the controlled sector? The only difference was with certain control matters, but those too will now be changed.

There will be no difference between grammar schools and controlled-sector schools, because they will have the same level of governance and there will be no selectivity. Therefore, those existing sectoral bodies will effectively be done away with. I appreciate that it might be useful for common interests to be brought together in a single body, and I envisage that morphing will take place.

The real challenge is with the tension between the Department and some sectoral bodies. The Department wants to devolve autonomy to schools, provided that the schools want it and that they work within certain policy guidelines. However, some sectoral bodies will want stronger control in order to influence the development of schools in the sectors that they represent.

**Mr McGrath:** There could be tension in some cases.

**Mr Stewart:** There could be some tension, but I do not think that the contrast is as stark as you describe. We have been talking to the various sectors about that matter for some time, as the RPA policy emerged and developed. There is a high degree of agreement between the Department and the sectors that the main focus of each sector is to foster and maintain the ethos, identity and character of the schools that it represents. However, issues such as: the curriculum; the detail of employment arrangements; the handling and stewardship of financial matters; and ensuring that there is commonality of best human resources practice are not sectoral matters. They are matters of front line support to schools, and that is the domain of the ESA.

**Mr B McCrea:** As I said, it has been helpful to listen to you, and I understand what you are saying, but I think that there will be tension from the sector that is formally known as the Catholic maintained sector, which has a strong position. I know that you could not possibly comment, but I would imagine that you would prefer to see a reduction of influence. There will be a problem in relation to that. I am in favour of around 80% of what you have proposed.

**Mr Stewart:** That is probably the highest score that you have given us yet.

**Mr B McCrea:** The problem involves two key areas. The first is the question of who decides the policy. You have told me today what I already knew: the Minister of the day — or the Administration of the day, but probably the Minister — will decide the policy. I have already expressed concern about any multi-faceted education system that does not appear to be inclusive. I have a problem with ESA because of the control that will be exercised over that body.

Secondly, who decides the area plan? Presumably, that is based on the policy decisions that are taken by the same Minister. Although I understand all of the operational issues and all of the issues that you have mentioned, ESA is fundamentally flawed at the policy input stage at the top. This is a diverse society with different requirements, and that is not reflected in the overall structure.

I do not see why the TRC should not have its own sectoral body. I know that you have said that it should be included with the sector formally known as the controlled sector, but why should it not have its own sectoral body? The TRC has a common ethos, and the only mistake that it made was that it, rather stupidly, gave away its schools at one stage. I understand your view on the issue of the exchange; you have a clearer understanding of our objections to the course being taken. I accept that it is not in your gift to change that, but at least you know what the problem is.

**Mr McGrath:** ESA is a much more modern and appropriate vehicle to implement policies that are set down by Government. Your issue is how the policies are set down by Government.

**Mr B McCrea:** I have no absolutely no disagreement with you on that.

**Mr McGrath:** We are talking now about the policies of the day, but we must design a system that is capable of discharging the policies in the future, whether that is in 10 or 15 years from now.

**Mr B McCrea:** The Ulster Unionist Party has never been against a more streamlined, coherent and consistent educational administration system. If we felt that ESA would provide that, we would have welcomed it. However, we have fundamental problems with who controls the area planning and who controls policy, because, in the wrong hands, the efficient and effective system that you have introduced is actually a Trojan Horse, which will be used to further legitimise political positions, but not necessarily my position.

**The Chairperson:** We have dealt with that issue. We will now move on to the issue of ESA as a single employing authority, which is exercising the minds of a considerable number of people and has raised concern. Members have the Department's briefing, in which the issue of employment arrangements is covered.



**Mr Stewart:** We have provided two papers, both of which cover the range of issues that you asked us to address. You asked for some more detail on the employment arrangements, particularly on the respective roles of the ESA and boards of governors. You also asked for information on the review that the Minister announced on teacher employment opportunities, and we have covered that in a separate related paper.

With your approval, Chairperson, I shall deal with the employment arrangements first, and then move on to the review. The paper on employment arrangements addresses two themes: the first is the respective roles of boards of governors and the ESA; and the second is the concerns that have been expressed to the Committee and to the Department by the Governing Bodies Association about those employment arrangements.

By way of background and context, the paper summarises some of the key features of the current employment arrangements. The points to emphasise there are that 86% of schools are already involved in some form of collective employment arrangements, but the remaining 14% of schools currently employ staff directly. The role of boards of governors at present varies greatly.

For example, in Catholic maintained schools, the boards of governors determine all teaching appointments. In the controlled sector, by contrast, some of the senior appointments are determined not by boards of governors, but by the teaching appointments committee of the relevant education and library board. Those variations are historical. They are not based on evidence of the contribution of that sort of arrangement to effective education.

With that in mind, our aim is to achieve greater consistency and equality across the education system, with all schools being given the opportunity to run their own day-to-day employment affairs on the basis of their desire and ability to do so, rather than of their history of ownership or of the sector in which they happen to find themselves.

Turning to the key features of the new arrangements, it is proposed that all staff in all grant-aided schools will be employed by the ESA. That means that formally, for the purposes of education and employment law, the ESA will be the employer, and all contracts of employment will be between the ESA and the staff. However, the role of the boards of governors, as we have said, is to take the day-to-day decisions on the running of their schools, including on employment matters. In practice, that means that the relationship between the ESA and boards of governors will be one in which the boards act on behalf of the ESA and discharge employment functions that are delegated to them by the ESA.

Those delegation arrangements, and the detailed role of individual boards of governors, will be set out in the schemes of employment. The provisions that cover those issues are contained in clauses 3 to 12 of the Education Bill. It is proposed that those schemes will be drawn up by the schools and approved by the ESA. It is for the schools, not the ESA, to decide on the level of delegation. Clearly, some schools will want to carry out the full range of employment functions and leave only a minimal role for the ESA. However, other schools, equally legitimately, may decide that they wish to leave certain functions in the hands of the ESA. Once again, the key point is that that is a decision for the schools.

Our paper attempts to illustrate that in a little more detail by setting out the respective roles of boards of governors and the ESA in relation to several areas of functions. Those are: determining the staff complement of the school; recruiting staff; managing staff, including any necessary disciplinary action; dismissing staff; and managing redundancy.

Taking recruitment as an example, members will see that almost the entire process, from end to end, will be in the hands of the boards of governors. The role of the ESA will be one of providing support and advice, ratification of procedures and the formal action to put into effect the decision of a board of governors, which, of course, in relation to recruitment, simply means issuing the contract of employment.

Members may wish to ask, in such arrangements, how we will ensure that the ESA and boards of governors stick to their respective roles and that they each respect the role of the other. The answer is that clear legal duties will be placed on both, which are covered in clause 8(1) and 8(2) of the Bill. The boards of governors will be under a legal duty to comply with their own procedures, and the ESA will be under a legal duty to give effect to decisions that are made by boards of governors.

The ESA will not be allowed to unreasonably interfere in the day-to-day affairs of schools. Its ratification role will be limited to ensuring that the correct procedures have been followed and that a decision of a board of governors is not manifestly unreasonable. If the ESA were to feel that something had been handled incorrectly, it would be able to refer a matter back to a board of governors to be revisited. However, there is no question of the ESA second-guessing a decision or substituting its own decision for that of a board of governors. In summary, the ESA will not lawfully be able to refuse to put into effect any proper decision of a board of governors.

The paper also attempts to anticipate some of the questions that Committee members may have. The first of those is that if the ESA is formally the employer



in law, could it initiate action without waiting for a board of governors? The answer to that is yes, but only in very serious and extreme circumstances. Those functions will be delegated to a board of governors. Therefore, it will not be for the ESA to initiate action unless a board of governors cannot, or will not, discharge its responsibilities.

The second key question is where the legal liability for employment matters might rest if something were to go wrong. That question is normally put to me as “who gets sued?”, and the answer is potentially everybody. If a complaint were made to a court or tribunal about an employment matter, those proceedings would be likely to include any body that has played a part in the matter that is the subject of the complaint. Therefore, in practice, if something were to go wrong, both the board of governors and the ESA would be likely to be involved in legal proceedings.

That is no different to the current collective employment arrangements, and it would not change the fact that liability for actions on boards of governors is collective; it is on the board of governors as an entity and not on individual governors.

That is a summary of the arrangements that the Department has proposed in the legislation. I can either pause at this point or move on to the concerns of the Governing Bodies Association (GBA).

**The Chairperson:** I think that we should deal with those concerns, because they are all related. Will you deal with those issues now? Members can then raise any questions that they might have.

**Mr Stewart:** The GBA, in commenting on those arrangements, has proposed two counter-arguments to the Department. First, it said that the arrangements would, in fact, constitute a loss of autonomy for the schools that it represents, and, secondly, it said that the arrangements would dilute or interfere with the important voluntary principle that exists in those schools.

On the issue of autonomy, the Department recognises that there is a genuine sense of loss on the part of the GBA. However, we question whether there is any real or practical loss of autonomy. That is because the boards of governors of those schools will remain responsible for the exercise of employment functions for those schools, and they will take employment decisions that the ESA will be under a legal duty to effect. As stated, the aim of the Department is not to reduce autonomy in employment matters, but to ensure that it is available to all schools on the basis of equality, rather than to some schools on the basis of historical differences in ownership.

In relation to the voluntary principle as described and set out by the GBA, the Department recognises that the voluntary principle embodies many good features. However, it is not convinced that those are

unique to any one sector or type of school, or that it is incompatible with the employment arrangements that we propose.

To begin with, the term “voluntary school” is very broad. It includes schools that are employers in their own right — the voluntary grammar schools — and those that are part of collective employment arrangements, such as Catholic maintained schools. All of those are voluntary schools in law. All grant-aided schools have governors who discharge important and significant responsibilities in a voluntary capacity and all grant-aided schools, including voluntary grammar schools, are funded by the public purse to deliver a public service. They all do so on the basis of significant voluntary input from parents and communities.

Undoubtedly, many voluntary grammar schools are extremely successful, but the Department does not view that success as being limited to that sector, or, indeed, to any sector or school type. The most successful schools in any sector tend to be those that embody the voluntary principle; that is those that have a strong sense of belonging and being accountable to the pupils, the parents and the communities that they serve. The Department values the voluntary principle, but we do not accept that any strong case has been made for any particular group of grant-aided schools to have separate employment arrangements.

**The Chairperson:** Thank you. Obviously, that issue continues to be of concern. We want to reach a point where locally delegated autonomy is the reality, and, rather than its being a loss to some schools and a gain to others, every school will gain and will have the sense that they can make decisions. However, there is fear and concern that, somewhere among all of that, the voluntary principle and the schools that have exercised it will have a deficit, although other schools will consider it to be a great opportunity.

To return to the earlier discussion on equity and ensuring that everyone is treated fairly, one matter on which the Committee wants to be absolutely clear and sure is that delegated responsibility does what it says on the tin. We want to ensure that that is what schools get and that the way that they govern themselves will not be hampered or restricted.

**Mr McGrath:** Those are fair points. We do not want to do anything else. The general mood music that we are creating is about promoting autonomy for all schools. The extent to which they want to use it — for back up, and so on — is for them to decide. That is quite appropriate. We do not want to constrain any school.

The issues around the employing authority will, in fact, bring little difference for voluntary grammar schools. As Chris explained articulately, no particular sector has or should have a monopoly on voluntarism.



In a sense, that is what we aim to promote. Earlier, you made an analogy about controlled grammar schools. There is no reason why a controlled grammar school should not aspire to the same status and want to be in the same area of the pitch as a voluntary grammar school. We are trying to reach a point where all schools can aspire to that standard. Therefore, it aims to bring standards level, not widen them.

**Mr Stewart:** We recognise the concerns that you have expressed. They have been put to us by the GBA. That is why we have attempted in the legislation to build in safeguards and to go as far as possible towards dealing with those concerns. That is the reason for those admittedly complex and somewhat unusual arrangements. The key is that the level of delegation and the role of the board of governors are in schools' hands, not in ESA's hands, in order to guard against the danger of undue interference by ESA. We are aware that that issue concerns our colleagues in the voluntary grammar sector.

It has also been recognised that, in developing those arrangements, a one-size-fits-all approach will not do. There will be schools, perhaps, in any sector, that will want to take on the maximum level of delegation and assume all of those functions. However, equally, there may be schools in any sector — particularly smaller ones — that might want to leave much of that in ESA's hands. It will suit them simply to get on with the delivery of teaching and learning. That is an equally legitimate choice. Importantly, it is the choice of the school, not of ESA.

**Mr O'Dowd:** Some schools in the voluntary sector take me to the fair when they talk about their autonomy and their right to be voluntary. Although they want to spend tens of millions of pounds of taxpayers' money, they do not want taxpayers' representatives anywhere next or near them.

It has been the case previously in, for instance, the Catholic sector that a board of governors has set up an interview panel and gone through the paperwork. Does the CCMS ensure that the panel has been set up correctly and that the paperwork has been submitted? Does it ensure that all legal requirements have been fulfilled?

**Mr Stewart:** Yes.

**Mr O'Dowd:** Therefore, now that CCMS is going, will it be ESA's function — if a board of governors decides — to ensure that the legalities of the interview panel, and so on, have been fulfilled?

**Mr McGrath:** As we said earlier, ESA would provide human resources support locally in order to help, for instance, to frame job descriptions, and, perhaps, to sit in interview rooms to ensure that due process is carried out. That is normal procedure in any public-sector body.

**Mr Stewart:** It is very much the call of the board of governors. If it happens to have among its members a human resources professional or someone from that background, it may need little help and support to operate recruitment procedures.

On the other hand, if it does not, it may decide that they want a human resources professional from the ESA to sit with them at every stage of the process to ensure that they get it right. That is done as required and at the behest of the school.

**Mr O'Dowd:** Therefore the skills and knowledge base in a board of governors determines how much support it requires from the ESA. Given the nature of employment law, boards of governors would need to be on a pretty sure footing.

**Mr McGrath:** You are right — boards of governors will want to protect themselves. To be really sure, a board of governors would have to include a practitioner as opposed to someone who dabbled; however, it is the decision of individual boards of governors. The law of the land outlines requirements on fair employment, and every organisation wants to get its system right first time rather than have to be corrected.

**Mr Stewart:** That would be prudent. I have never been a school governor, but I have been a director of personnel. If I were a school governor, I would want an HR professional from the ESA beside me all the way.

**Mr Poots:** John's initial comments explain a great deal. Given that he has been taken to the fair quite often, and CCMS has adopted the policy that he talked about for many years, it is no surprise that he is so critical of the voluntary sector.

When schools appoint head teachers, they must send three names to the education and library boards after they have completed their processes. Is that nonsense going to end? Often, a school identifies the best candidate and has to take part in a lottery and hope that the education and library board chooses the same person.

**Mr McGrath:** That will end. You are correct — that situation is complete nonsense.

**Mr Stewart:** Schools will send one name, and the ESA will issue the contract to that person.

**Mr B McCrea:** It strikes me that your issue is with the GBA because you have to reassure it that you will not take away its autonomy. If you can sort that out, the basic principles are fine.

**Mr McGrath:** We think so. In discussions about resources we have spoken about funding for classroom assistants in voluntary, grammar and grant-maintained integrated schools, because the pay award was for education and library boards, but it has not applied to those schools. The Minister has adopted the principle that those assistants are doing the same work as their



counterparts in education and library board schools and, morally, should be paid the same rate. That almost reflects the spirit of a single employing authority and a single set of terms and conditions. If the GBA wanted to be different, one could argue that it should stay in a position where it pays its own rates. Therefore there is a contradiction between the arguments being put in the Committee for the workforce and the view that a different employing authority outside the system would lead to different terms and conditions. Otherwise what would be the point?

**Mr B McCrea:** The point is the perceived loss of autonomy. There is nothing more central to the ethos of a body than the staff that it recruits. We acknowledge where the problem lies, and we need to find a resolution.

John made sweeping statements about grammar schools —

**Mr O'Dowd:** I commented on some schools in the voluntary sector.

**Mr B McCrea:** We want schools to have governors who reflect their communities and who can select staff who are in keeping with the ethos of a school. That is one of the great strengths of the system that we want to maintain.

**Mr O'Dowd:** We want boards of governors to appoint staff who are qualified for the job and who passed an interview.

**Mr B McCrea:** There was a debate some time ago about whether we need to return to first principles. Do I need to premise my remarks with a statement that I support the Union?

**The Chairperson:** I remind Committee members that the meeting is being recorded by Hansard.

**Mr B McCrea:** I am trying to make the point that I am interested in identifying the areas in which we can move forward and those in which we cannot.

I support the general principle of helping schools to select teachers that they believe are in keeping with their ethos and of relieving them of the inconsistencies and burdens of associated legal matters. However, I am concerned that that principle could be perceived as a Trojan Horse to allow the Administration of the day to dictate to schools whom they should employ or what they should do. We understand the issue and we must find a way of resolving it.

**Mr McGrath:** You said that there is a genuine perception that there has been a reduction in autonomy. As long as they stick to the general parameters of the law of the land and to their management scheme, there should be no less autonomy for a voluntary grammar school in appointing staff. As with all such matters, the difference between perception and reality is critical.

**Mr B McCrea:** John, I am in danger of being far too reasonable, but I agree with you.

**Mr McGrath:** Thank you. We should quit while we are ahead.

**The Chairperson:** Clause 8(3), "Effect of employment scheme", states:

"Where ESA is of the opinion that a decision of the Board of Governors on any matter which falls to be taken in accordance with such a scheme was taken otherwise than in accordance with the scheme,"

— And this is the important part:

"ESA may require the Board of Governors to reconsider that matter."

However, paragraph 11 of our briefing paper states that the ESA cannot lawfully refuse to put into effect any proper decision of a board of governors. Can you explain that contradiction?

**Mr Stewart:** There is no contradiction.

**The Chairperson:** It is good Civil Service speak.

**Mr Stewart:** It is a precise use of language.

**Mr McGrath:** It means that if the ESA has reason to believe, or there is evidence, that a decision has not been taken properly, it would have a duty to intervene. For example, if there was evidence of partiality or if something did not stack up, it would be appropriate for the ESA to intervene; that is entirely consistent with the provisions of the Bill and what is in the briefing paper. If proper decisions are taken in a proper manner, they will not be subject to second-guessing by the ESA.

**Mr Stewart:** Even if a board of governors were not to act properly, the ESA's power to intervene is limited to asking it to repeat the process.

**Mr D Bradley:** On 2 May 2008, the Governing Bodies Association told the Committee that the freedom of individual schools to make local-level decisions in the interests of children will be severely constrained by the vast powers that are proposed for the ESA.

In addition, the association outlined four basic principles: voluntary schools' ownership of buildings and properties; the right of boards of governors to govern schools; their right to employ and dismiss staff; their right to procure materials and equipment deemed necessary for the running of a school; and the right to determine a school's ethos, character and activities.

Recently, the Committee received further correspondence from the GBA; it is still not convinced that the ESA will be a benign force in the operation of its schools. Therefore it appears that the Department of Education has yet to convince the GBA of the ESA's benefits to its members or in general. What is your response to the points made by the GBA on 2 May 2008 and to its concerns?



**Mr Stewart:** Taking the GBA's points seriatim, school ownership — the most straightforward one to deal with — will not change in any way. You are right that we have yet to convince its members that the arrangements will maintain boards of governors' right to make decisions concerning the employment and dismissal of staff and everything in between. The ESA's role will be to ratify proceedings and to do the paperwork. Forgive me, but I have forgotten the other two points.

**Mr D Bradley:** The procurement of equipment and materials necessary for the proper running of schools.

**Mr Stewart:** Procurement procedures will not change in response to the review of public administration; they will change in response to the requirements of public-procurement law, which is largely driven by EU legislation.

Nothing in the RPA will change that. Voluntary grammar schools will not be affected, and they will not be subject to any changes in procurement that any other publicly funded authority that delivers a public service will not also experience.

**Mr D Bradley:** My other point concerned a school's right to determine its ethos, character and activities.

**Mr Stewart:** We have tried to ensure that ethos is properly reflected by building it into the arrangements concerning the role of the submitting authority and through the proposal that schools be responsible for developing schemes of employment and schemes of management. You are correct that we have not convinced schools. Perhaps our next move to attempt to convince them will be to say that we recognise that the GBA will want to see the detailed guidance on those schemes and what the model of the schemes might look like.

Perhaps the GBA could offer its suggestions for a model scheme to the Department. We would find it helpful if the GBA were to set down what it would expect from a scheme and the sorts of the protections that it would wish to underpin the role of its boards of governors. We are more than happy to continue to work with the GBA, as we are with any sector or group of schools, to ensure that we can put in place the safeguards for ethos, identity and character that it wants.

**Mr D Bradley:** The GBA also said that about 62% of the general education budget in Northern Ireland finds its way into schools whereas 80% of the education budget in England reaches schools. The GBA is of the view that it is unlikely that the establishment of the ESA will increase that figure to anywhere near the figure for England and Wales.

**Mr McGrath:** I am not sure that we agree with the figures of 62% and 80%; it depends on the currency that is used. More than 62% of the education budget is

spent in the classroom, although the route by which it gets to the classroom is, in some cases, a bit more confusing. The ESA was aimed at making savings in administration, and, already, £20 million will be saved, predicated on the outline business case. We see that the ESA will make further savings, so there is a direct contradiction between the GBA's view and the Department's. Those savings are happening, because £20 million is predicated on the outline business case, and the budget settlement envisages that already.

**Mr Stewart:** The curriculum advice and support (CAS) service, for example, is staffed by capable and dedicated individuals who work extremely hard; nevertheless, some schools say that it does not deliver the services that they want. The CAS budget is between £30 million and £40 million a year. That is money that, at least in part, we need to move from the ESA into schools or into groups of schools.

In future, instead of CAS offering its services whether they are needed or not, scope must be left for schools, groups of schools or learning communities to come together to ask for some of that money to procure or deliver those services themselves. Schools or groups of schools may fund and take forward their professional development in a way that is specifically tailored to the needs at the point of development that those schools have reached. Instead of CAS being a one-size-fits-all service, a move could be made to a model in which schools commission, first and foremost, from the ESA but procure and provide professional development services themselves.

**Mr D Bradley:** The GBA might argue that the best that the ESA can offer is maximum supported autonomy. The GBA might say that since schools have that already, the ESA offers no advantage. It may ask why it should give up some of its functions when it does not gain anything from the ESA.

**Mr Stewart:** From time to time, the GBA articulates its argument in that way. The GBA does not always recognise that although it represents institutions that are privately owned, they are publicly funded and deliver a public service. When many of those institutions came into being — in some cases, hundreds of years ago — they were private institutions that delivered a private service. That is no longer the case, and they must recognise the need for equality and consistency across the delivery of the public education service.

**Mr D Bradley:** The GBA would argue that the Department has the right to send the Education and Training Inspectorate (ETI) into any of its schools at any time to carry out a full inspection. It would argue, therefore, that its schools are accountable to the Department and to the public.



**Mr Stewart:** They are accountable and amenable to ETI inspection, but there are other dimensions of accountability. They are accountable to staff across the education system; we are all accountable to staff and have a duty to staff to ensure equality, consistency and commonality of best practice in employment.

**Mr D Bradley:** Is there evidence that that is not the case at present in voluntary grammar schools?

**Mr Stewart:** There is some evidence of a lack of consistency and of an information deficit. Neither the Department nor the ESA, when it comes into being, could reassure the Committee that there is consistency because of the fragmented arrangements that we have.

**Mr D Bradley:** Are the discrepancies in equality not being addressed? Does the Department not have a right to ask voluntary grammar schools to address those discrepancies?

**Mr Stewart:** We have a right to ask them to address discrepancies, but we feel that there is a systematic issue that needs to be addressed. We need to move to effective, consistent, single-employer arrangements rather than those that obtain at present. That would be the best safeguard and the best means of addressing those issues.

**Mr D Bradley:** Are you saying that there is a lack of consistency in the arrangements for employment in voluntary schools and that that is leading to inequality for staff?

**Mr Stewart:** We have anecdotal evidence of an inconsistency of approach across education. We do not have enough information, so I cannot give you figures. I cannot give you specific examples because the current arrangements are not amenable to our having sufficient information even to know whether we have, or are moving towards, greater consistency or equality.

**Mr D Bradley:** Have you no means of getting that information?

**Mr Stewart:** Not at present.

**Mr Lunn:** Paragraph 13 deals with legal liabilities for employment matters. There seems to be some change in who is responsible or against whom action might be taken. I have read the paragraph half a dozen times and cannot get my head round it. Does it say that at the moment individual governors cannot be sued or that under the new arrangements they could not be sued individually?

**Mr Stewart:** Both; the position will not change. The liability for governors in employment matters is collective not individual. Therefore, if the decision of a board of governors is wrong according to employment law, the board of governors as an entity must answer for it. Any penalty is applied to the board of governors.

**Mr Lunn:** Therefore, neither now nor in the future can individual governors be liable.

**Mr Stewart:** That is extremely important. We recognise that school governors undertake at present and in future very important tasks on a voluntary basis. From time to time, members have expressed concern about the supply of suitable, qualified people to serve as governors, and it is important that they are not put off by a fear of being individually liable for the consequences of actions that they might take in good faith as a member of a board of governors.

**Mr B McCrea:** I want to return to your response to one of Dominic's questions. It is significant that the GBA and the schools think that they are doing pretty well under the present system, yet you are asking them to give up something for nothing. Your response was that they are publicly funded bodies and that they will just have to get used to it. That is an unhelpful approach. It is important that you win over people and convince them that there is benefit in what you are doing. My party's opposition stems from our belief that although your words may be sweet, your attitude may alter once change has been implemented. If you allow that belief to develop, you will have a very difficult job. It is important that we find commonality and address legitimate concerns.

**Mr Stewart:** That is a fair point. In attempting to set out our position candidly, I would not want to give you the impression that we simply set our faces against the GBA and that we would not continue to engage with it to convince it of the benefits of the proposed changes. We will try to build in additional safeguards if they are required to deal with the GBA's concerns.

I contend that we have already done so to a great degree. The employment arrangements that we have proposed are unusual, to say the least, which reflects the fact that we have gone a considerable distance in building in safeguards. That has resulted in a complex model and complex arrangements, but that is legitimate because of the points that the GBA has raised.

**Mr O'Dowd:** In general, Basil's points are fair enough, but there is also an onus on the GBA to approach the matter with an open mind and not from an entrenched point of view of not wishing to be convinced. If there are genuine concerns — and I assume that there are — they must be responded to. If the GBA can develop a scheme or draft guidance of which the Department can take heed, that would be a very good, open proposal. However, there is an onus on both sides to approach the matter open-mindedly.

**Mr B McCrea:** Would you permit a response?

**The Chairperson:** Yes, briefly.

**Mr B McCrea:** Many voluntary schools will consider the effectiveness with which they run their



schools and educational affairs and compare it to what they see happen in other Government-led bodies. The voluntary schools will conclude that it is they who have adopted good practice, not the other way round.

I will make my next comment through the Chairperson. I am not sure that people really listen to the concerns that are raised here or whether they simply bat them back and forward. I have heard some legitimate concerns that I am trying to articulate, and I am sure that any reasonable person would be prepared to listen to arguments. I cannot speak for the GBA, but I am sure that if it was reassured and if we examined matters, it would respond in the right way. The danger is, John, that people sometimes do not get to the nub of a concern and therefore focus on other issues. If reasonable proposals come forward, it behoves everybody — the GBA included — to listen attentively to them and accept them.

**Mr Lunn:** I think that there is a word missing in paragraph 14, page 61, and that is causing confusion. It says that “this does alter the position”, whereas I think that it should read that it does not alter it.

**Mr Stewart:** You are quite right.

**The Chairperson:** Well spotted, Trevor. You win the prize today.

**Mr Stewart:** A very important “not” is missing.

**Mr D Bradley:** I want to follow up on a point that you made earlier that there was unequal treatment of staff in voluntary grammar schools. That is a serious allegation, which, you say, the Department has no powers to investigate. Can you give examples of that inequality?

**Mr Stewart:** To be fair, I said that there was anecdotal evidence that there is an inconsistency of approach, but I would not go so far as to say that there is unequal treatment of staff. That would be a very serious allegation indeed.

**Mr D Bradley:** I thought that you mentioned inequality.

**Mr Stewart:** I think that I said that there is an inconsistency of approach that could give rise to inequality.

**Mr D Bradley:** That was not my understanding of what you said.

**Mr Stewart:** I am grateful for the opportunity to clarify.

**Mr D Bradley:** We can check the Hansard report in any case.

**The Chairperson:** Earlier, you said that the GBA could, if it wanted, propose recommendations or suggestions regarding the employment schemes. However, the briefing paper says that detailed

guidance on model schemes will be developed in the coming months and will be made available to us. Is there still time for that to happen and for an exchange of views on schemes? Is that work ongoing?

**Mr McGrath:** Yes, it is ongoing, but it is not set in concrete. The guidance on a model scheme might suggest what its key components might be, but one would still have to decide what the model scheme would be. Nothing is precluded.

There is still scope for iteration and dialogue. Further to Basil’s helpful points, we have to address the real problems and the existing perceptions.

Education has a significant workforce that requires strategic planning, but that is not available to date. A single employing authority will address that shortfall by, for instance, balancing recruitment and supply and demand. One way in which the Minister wants to raise standards is to improve the quality of teaching. That will require strategic drivers for all the workforces that are involved, and that could be planned.

It is critical not to miss the strategic dimension when dealing with the issues at local employment level. Workforce planning, establishing a balance between what teachers and classroom assistants do and deciding whether there is scope to change the barriers or adopt new approaches need to be addressed strategically. If actions are to be taken on those issues, everyone must move at the one time. It is important to keep that dimension. That is one of the pluses of the single employer system, and it needs to be fed into the equation.

**Mr Stewart:** The door will not close on employment schemes. Model schemes will be produced, but schools will not be obliged to take them. They can take them off the peg and adopt or adapt them or they can come up with their own schemes — if they wish — provided that they are in accordance with the policy.

**The Chairperson:** Chris, you can speak on the opportunities for teaching staff and the review.

**Mr Stewart:** I will be as brief as I can, as I am conscious of the pressure on your time. On several occasions, members expressed concern about the exemption of teacher recruitment from the provisions of the Fair Employment and Treatment (Northern Ireland) Order 1998 and about the related issue of the requirement to possess a certificate in religious studies as an eligibility criterion for some posts in Catholic schools.

It is worth emphasising two important points. Any changes to the Fair Employment and Treatment (Northern Ireland) Order 1998 will be a matter for the Office of the First Minister and deputy First Minister (OFMDFM) to consider. Before any decisions are



taken on that matter, the Minister of Education has said that there should be a thorough public consultation and that the matter should be considered by the Executive and advice sought from the Equality Commission.

It is also worth reminding members that even if that exemption were removed and if teacher recruitment were brought fully within the parameters of the Fair Employment and Treatment (Northern Ireland) Order 1998, it is likely that the requirement to possess a certificate could continue to be lawfully applied in relation to some posts where it is a genuine occupational requirement of the post.

Nevertheless, the Minister has recognised — and takes seriously — the concern expressed by members about the potential for inequality. Therefore she has decided that there will be a review of teaching opportunities for teaching staff, for which the terms of reference have been suggested, and we welcome the Committee's views on them. They are set out in the paper. Departmental officials will forecast the number of teaching vacancies that are likely to arise over the next three years. They should be analysed by school-type and sector so that we have good, reliable and robust information about the future.

Officials will also have to estimate the proportion of those vacancies for which a certificate in religious studies is likely to be an eligibility criterion and identify the routes by which teachers might obtain a certificate — either as part of their teacher education or subsequently. Furthermore, officials will identify any barriers to obtaining a certificate that could give rise to inequality and make recommendations, as appropriate, on measures to promote equality of opportunities for teachers.

Members will see that the approach suggested and the terms of reference take as their starting point the recognition of the reality that the requirement for certificates is likely to continue, at least for some posts. Therefore we feel that the best way to address the Committee's concerns is to examine and ensure that there are no barriers to any teacher obtaining the necessary certificate if they wish and, therefore, being eligible to apply and take up a post in any school.

On completion of the review, the Minister will advise the Committee of the outcome.

**The Chairperson:** Are we back to the same argument that we discussed earlier? This is not about the potential for inequality; it is about an inequality that has to be addressed. It is not about removing barriers to obtaining the certificate — nobody is saying that anyone is ineligible to obtain a certificate. It is the use of that certificate, in the generic sense, that could be used to discriminate against people of a different religion who do not have it. For instance, the

certificate in religious studies is not specific to anyone who wants to teach geography or mathematics.

An argument could be made that the certificate is necessary for the teaching of religious education, which is a sensitive issue. You referred to the Minister talking about the potential for inequality, but the problem is not the potential for inequality; it is about addressing an existing inequality.

**Mr Stewart:** Before we draw any firm conclusions on that, we would like to have much better information to present to the Committee about which posts have such a requirement attached to them, because we simply do not have definitive information. I am sure that, as part of the review, the Committee expects us to present a clear picture of where that requirement is, or might be, applied.

**Mr McCausland:** We are told that the certificate is a requirement for some teaching posts in Catholic schools. My understanding is that it is also a requirement for some posts in integrated schools, where children are being prepared for first communion. Why is that not included in the briefing paper?

**Mr Stewart:** That is an omission that I am happy to correct.

**Mr McCausland:** People have come to my office and told me that they had been unable to apply for teaching posts in integrated schools. Of all the things, it seems most bizarre that they were excluded from an integrated school.

I notice that the review will take a year. In the meantime, is it possible for you to supply the Committee with some simple, easily accessible information? For example, information on how the certificates are obtained — the teacher who came to me was able to explain that in about five minutes. We would also appreciate information from CCMS, for example, regarding its estimate of the percentage of teaching posts in Roman Catholic schools for which the certificate is required.

**Mr Stewart:** We should be able to bring that information to the Committee very soon and will not dither in doing so. In relation to the routes for obtaining a certificate, I understand that student teachers at Stranmillis can obtain a certificate by distance learning, which is provided, I believe, by Glasgow University. However, it seems that there is a route for teachers in initial teacher education going through Stranmillis.

However, it is not clear whether an already qualified and practicing teacher who, for whatever reason, did not obtain a certificate, has an easy and straightforward route to getting one now. If that is not the case, there would be a barrier for qualified and practicing



teachers, and we must consider how that barrier might be overcome.

**Mr McCausland:** I was led to understand that the distance-learning route was not as simple as might first appear.

**Mr Stewart:** That is why, rather than offering the Committee a bland reassurance that a route exists, we want to get detailed information about how that opportunity is provided, how is it funded, to whom it is available, and whether it is a real opportunity or whether it merely appears to be one. We must discover whether a barrier exists.

There is information that we can get to the Committee quickly. We recognise the seriousness of your concern and that is why we want to get to the bottom of the issue.

**Mr McCausland:** It would be useful to have that information soon rather than wait to the end of the year.

**Mr Stewart:** I do not envisage the review taking a year — the paper says that it would be complete before 1 January 2010, but we expect it to be completed long before then.

**Mr McCausland:** Will the information that we request be available within a couple of weeks?

**Mr Stewart:** Yes.

**Mr B McCrea:** Has the Minister agreed that there will be a significant change on this matter? Whereas a certificate was once required for a wide range of posts, it will now be required only for posts for which it is relevant.

**Mr Stewart:** I do not think that that is in the Minister's power to agree. While teacher recruitment remains outside the Fair Employment and Treatment (Northern Ireland) Order 1998, that requirement can be applied in — if I may use the phrase — a blanket fashion. If the exemption were removed and teacher recruitment brought under the 1998 Order, it would be incumbent on individual schools to justify the need for such a requirement in relation to every post to which they wish to apply it as an eligibility criterion.

I do not think that we can say how much difference that would make without researching where the requirement applies and where it might apply in future.

**Mr B McCrea:** We have spoken anecdotally. There is potential for structural inequality in the requirement to have a certificate in religious education, even if it does not relate directly to a subject.

**Mr Stewart:** In order for there to be a structural inequality, two conditions would have to obtain: one, that the requirement was being applied in the way that you have described; and two, that a group of teachers was denied the opportunity to meet that requirement. We do not look at either/or of those things; we look at

them both. We need to provide the Committee with information on how and where the requirement is applied and how and where teachers can satisfy it.

**Mr B McCrea:** I agree with your analysis that both conditions must be met. From what I have gathered, is the Minister's position that if that was found to be the case, it would not be acceptable and a way would have to be found of dealing with it?

**Mr Stewart:** I think that that is a reasonable description. I do not think that we would have agreed to such a review were not a clear intention to remedy any deficiencies or problems that it uncovered.

**The Chairperson:** That brings us to a conclusion of our discussion. I thank Chris, John and Joe for their attendance.

**Mr B McCrea:** Chairman, do you not think that Joe gets a very easy ride?

**Mr Stewart:** He does not; he works me by remote control.

**Mr Joe Reynolds (Department of Education):** A swan glides only because of what happens under the surface.

**The Chairperson:** I would like to deal the motion to extend. Members will remember that the 30 days' referral stage of the Bill to the Committee that began on 8 December 2008 ends on 15 February 2009. Therefore the Committee must agree an end date for the Committee Stage today so that the Bill can go as a Committee motion for debate in the Assembly on 2 February or 3 February. The end date for Committee Stage is the last date that the Committee must report to the Assembly on its scrutiny of the Bill.

I remind members that the Committee sought a single-Bill approach. We have the unique situation of having two Bills as part of one legislative programme. As the Committee heard from officials on 10 December, they must earn the Committee's confidence on the first Bill and on the development of the second Bill, which will not be introduced into the Assembly until just before the summer recess.

I also remind members that when I raised with senior officials the need to have the first Bill on the statute books by the summer recess, it was recognised that that date was an aim and that it is a matter for the Committee to decide. This is a significant and complex Bill to be enacted by the summer recess. In light of that, I propose that we extend Committee Stage until Wednesday 30 September.

The Committee would does not wish to delay the Bill unduly — I reiterate what I said in the Hansard report of 10 December 2008 — this is not a delaying tactic. We will continue to work. Over the past weeks we have seen the magnitude of what is before us, but



we must ensure that we have allayed all the concerns that have been expressed and that the integrity of the Committee — as its legislative requirements are to scrutinise a Bill — is maintained and upheld. Therefore I make that proposal. Is everyone content?

**Mr O'Dowd:** In effect, by delaying Committee Stage until September — whatever the Committee's intention may be — the Bill will be delayed. Are you suggesting that the Committee's approach is to have one Bill?

**The Chairperson:** The Committee has expressed a concern. It would have preferred one Bill, although there will be two; but we have not seen the second Bill. However, the Department has given a commitment that it will present us with that information. I am reiterating the Committee's concern about having two Bills. I am not saying that we must have one Bill; we are on course for two Bills.

**Mr O'Dowd:** I appreciate that clarification. Given the many months — if not years — of discussions on the Education Bill, we feel that there is no need for a lengthy extension, such as the Chairperson has proposed, and we are concerned that an extension to September will cause delay. If the Committee were to set itself a course of all-day meetings instead of half-day meetings — which many other Committees have to do when scrutinising Bills — it could complete its legislative scrutiny much sooner than September.

**The Chairperson:** That is not precluded by a date of the end of September.

**Mr D Bradley:** Extending to the end of September — all things being well — would not preclude the establishment of the ESA by January 2010.

**The Chairperson:** It would not. If we did what was recorded in the Hansard report of 10 December, that would not be the case. I refer members to Chris Stewart's comments of 10 December.

**Mr D Bradley:** Getting the work done before that will entail close co-operation between the Department and the Committee; papers would have to arrive with us in good time to be considered.

**The Chairperson:** Yes.

**Mr Lunn:** Two aspects are involved: one is that we carry out a proper scrutiny of the Bill; the other is that we get a chance to see the second Bill before we agree the first one. I do not know how long it takes to scrutinise a Bill — this will be the first Bill that I have ever scrutinised. We received a copy of the first Bill in draft form in June 2008, and we did not see the final Bill until December 2008. I wonder when we will see a draft of the second Bill, never mind the final Bill. That could have a significant effect on our thinking and how long scrutiny will take. From now until the end of September seems a long time to scrutinise a Bill. If

there were no second Bill, how long would it take us to scrutinise a Bill? Would it take nine months? I doubt it.

**The Chairperson:** The Committee for Health, Social Services and Public Safety took five months to scrutinise a Bill.

**Mr McGrath:** It is the Department's intention to have a draft Bill available as soon as possible. John wrote to say that you want us to talk about area-based planning and the ownership of the controlled estate. There will be a dialogue about components of the Bill and we will paint a picture of the issues in a matter of weeks, so there will be early transparency about the provisions envisaged in the Bill and how they will work. That is what the Committee wants to know. That work will start soon.

The legislative timetable for getting the Bill on the books must be taken into account. There is also the operational timetable, involving issues such as the appointment of staff, which could not be delayed too late in the year.

As Dominic said, if there were to be prolonged scrutiny, some of the preparatory work, such as appointing a chairperson, establishing structures and creating second-tier posts should commence over the summer. Otherwise, although the ESA could legally come into existence on 1 January it would be unable to operate.

**Mr McCausland:** Our choice of date is prudent. The onus is on the Department to respond promptly. The quicker the Department provides information, the sooner we will achieve our goals. The Committee is not in control of that matter.

**Mr B McCrea:** It is a complex situation. The Education Bill, unlike the Health and Social Care (Reform) Bill, is particularly contentious, and there are strong views on its provisions. Today's session was helpful in identifying issues. If issues such as area-based planning can be resolved to our satisfaction, it is more likely that the Bill will receive a proper passage in the Chamber. We should not underestimate the difficulties, and therefore we need as much time as possible to hear other bodies' opinions because folk need reassurances. The sooner we complete that process, the sooner we can finalise a report.

I have stated the Ulster Unionist Party position, which Michelle McIlveen usually refers to as a party-political speech. We oppose the Bill because we fear that unidentified issues might arise; however, if those issues are resolved, progress can be made. A process of engagement provides the best way forward. Therefore we support the Chairperson's proposal.

**The Chairperson:** I want to clarify the position. Issues of area planning and the controlled estate are not included in the first Bill but are in the second Bill;



they are tabled for 4 and 11 February. As John McGrath said, I included those issues in the work programme to ensure that the Committee will have commenced that dialogue before 20 February, which is the closing date for consultations on the first Bill.

As Chairperson, I want to ensure that the necessary preparatory work and the scrutiny of the provisions of the second Bill are not delayed until an unknown end date and that the Committee examines the two Bills coherently and holistically. That provides a safeguard. It is not a signal to the Department or anybody else that we intend to drag our feet. The Committee will work hard to address the issues, raise concerns and achieve resolutions. It will be useful if the spirit shown in the past two weeks continues. Do members agree with my proposal?

**Mr O'Dowd:** No. Sinn Féin counter-proposes 1 June as the date for extension.

**Mrs O'Neill:** John O'Dowd's suggestion demonstrates an intention to extend to 1 June; however, there is nothing to preclude the Committee from asking for a further extension at that stage.

**Mr McCausland:** It is not possible to ask for a second extension.

**The Chairperson:** Under Standing Orders, I can request an extension in the House only once. Therefore if the Committee identified problems at a later date, it could not request a further extension.

An extension to the end of September will give us all in the Committee a safeguard. We do not envisage that anything will arise, but if it does we have given ourselves that protection. I have only one opportunity, as Chairperson of the Committee, to ask for an extension of the Committee Stage. The protocol is to take a vote on the latter proposal first.

*Question put,* That the Committee ask the Assembly that the Committee Stage of the Education Bill be extended until 1 June 2009.

*The Committee divided:* Ayes 2; Noes 7.

*AYES*

*Mr O'Dowd, Mrs O'Neill.*

*NOES*

*Mr D Bradley, Mr Lunn, Mr McCausland, Mr B McCrea, Miss McIlveen, Mr Poots, Mr Storey.*

*Question accordingly negatived.*

*Question put,* That the Committee ask the Assembly that the Committee Stage of the Education Bill be extended until 30 September 2009.

*The Committee divided:* Ayes 7; Noes 2.

*AYES*

*Mr D Bradley, Mr Lunn, Mr McCausland, Mr B McCrea, Miss McIlveen, Mr Poots, Mr Storey.*

*NOES*

*Mr O'Dowd, Mrs O'Neill.*

*Question accordingly agreed to.*

*Resolved:*

That the Committee ask the Assembly that the Committee Stage of the Education Bill be extended until 30 September 2009.







# 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 (Hansard) reporting process or changed.







## NORTHERN IRELAND ASSEMBLY

Friday 12 December 2008

### Written Answers to Questions

#### OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

##### Public Sector Job Location

**Mr Durkan** asked the Office of the First Minister and deputy First Minister to set out the Department's plans to decentralise Departmental employment and operations of its agencies to locations outside Belfast. (AQW 2202/09)

**The First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness):** We are currently considering the content and implications of Professor George Bain's Independent Review on the Location of Public Sector Jobs alongside various other relevant issues and public policy considerations.

##### Brownlow, Craigavon: Recent Violence

**Mr O'Dowd** asked the Office of the First Minister and deputy First Minister what support and assistance it has offered local statutory agencies and local communities in overcoming the effects of recent violence on community life in the Brownlow area of Craigavon. (AQW 2870/09)

**The First Minister and deputy First Minister:** On 18th November, Junior Minister Donaldson and Junior Minister Kelly met with representatives from local government, local statutory bodies, Department of Education and PSNI officers about the disturbances involving young people over recent months in and around the Craigavon/Brownlow area.

Ministers were briefed on the disturbances in order that they could identify issues where they could facilitate or support efforts to put in place appropriate responses in order to reduce tensions.

Ministers are continuing to monitor the situation in Craigavon and will meet with local representatives in this area to ascertain how the local initiatives are progressing and are reducing tensions.

##### Annual Reports — OFMDFM Staff

**Mr Simpson** asked the Office of the First Minister and deputy First Minister how many staff in its Department did not receive an acceptable mark in their annual report for the last reporting year. (AQW 2981/09)

**The First Minister and deputy First Minister:** No member of staff received an unacceptable mark in their annual report for the last reporting year.

##### UN Convention on the Rights of Persons with Disabilities

**Mr P Ramsey** asked the Office of the First Minister and deputy First Minister what contribution it has made or will be making to the consultation by the UK Department of Work and Pensions on reservations to the UN Convention on the Rights of Persons with disabilities. (AQW 2995/09)

**The First Minister and deputy First Minister:** In December 2006, officials from the Department of Work and Pensions contacted our officials about the UN Convention on the Rights of Persons with Disabilities (the



Convention). OFMDFM assumed lead responsibility for progressing this issue and wrote to other Departments on 2 January 2007 to ask them to scrutinise their legislation, policies, practices and procedures to check their compatibility with the provisions of the Convention. This was to enable the UK Government to make an informed decision about the ratification of the Convention and to identify any need for reservations or interpretative declarations.

Further, on the 26 September 2008, Departments were asked to confirm whether they had any difficulty with the areas of competency covered by the Convention and to confirm how they had arrived at their policy position. Officials concluded that, based on a working knowledge of their respective Department's policies, practices and legislation and their Department's statutory duties and compliance with the Disability Discrimination Act 1995, as amended, and Section 75 of the Northern Ireland Act 1998, the Convention was unlikely to impose any additional requirements.

Finally, we will be bringing forward a paper to the Executive next month to inform them of the progress made in ratifying the convention.

### UN Convention on the Rights of Persons with Disabilities

**Mr P Ramsey** asked the Office of the First Minister and deputy First Minister what preparations it has made for the implementation of the UN Convention on the Rights of Persons with Disabilities. (AQW 2997/09)

**The First Minister and deputy First Minister:** Since January 2007, officials within OFMDFM have taken the lead in preparing for implementation here of the UN Convention on the Rights of Persons with Disabilities (the Convention). The preparations have included:-

- Asking Departments to scrutinise their legislation, policies, practices and procedures to check their compatibility with the provisions of the Convention and to confirm whether they had any difficulty with the areas of competency covered by the Convention and how they had arrived at their policy position;
- Conducting formal and informal discussions with the Northern Ireland Human Rights Commission (NIHRC) and the Equality Commission for Northern Ireland (ECNI) about being designated jointly as a Monitoring Body as required by Article 33 (2) of the Convention;
- Ongoing formal and informal discussions with relevant officials from the Office of Disability Issues (which is within the Department of Work and Pensions) (ODI); and with representatives from NIHRC and ECNI; and representatives from Disability Action on wider implementation issues.

Finally, our officials are intending to organise an event, in conjunction with Disability Action and ODI, early in the New Year to discuss the Convention with interested parties.

### Loan Charges/Mortgage Repayments

**Mr W Clarke** asked the Office of the First Minister and deputy First Minister when it meets with the local banking sector, if it would consider discussing lowering (i) loan charges for small businesses experiencing difficulties; and (ii) mortgage payments for people. (AQW 3141/09)

**The First Minister and deputy First Minister:** As part of our series of 'Cost of Living' meetings we met with the representatives of the local Banking sector on 21st July 2008. The purpose of this meeting was to gather information on the impact of the present difficult financial situation on local social and economic interests.

We are committed to doing all we can to minimise the impact of the economic downturn on local people and businesses. We are examining all of the possible measures at our disposal. While banking is a reserved matter we are also prepared to have further meetings with the local banks if necessary. In such an event we will raise the matters you have raised.

### Positive Relations Project

**Mr McKay** asked the Office of the First Minister and deputy First Minister to provide an update on the Positive Relations project that was submitted by Loughgiel Community Association. (AQW 3174/09)



**The First Minister and deputy First Minister:** We have been requested to consider 5 project applications which have been referred by the Special European Union Programmes Body under delegated authority requirements. These relate to PEACE III, Priority 1.1 (Building positive relationships at the local level).

These are under active consideration, which includes a review of the full economic appraisals, and we shall reply to SEUPB at the earliest opportunity.

### European Commission: Meetings

**Mr B McCrea** asked the Office of the First Minister and deputy First Minister what meetings it has had with representatives of the European Commission since restoration of devolution. (AQO 1505/09)

**The First Minister and deputy First Minister:** There is an ongoing positive relationship between the Department's Ministers and officials and the European Commission. Commission President Barroso visited Belfast shortly before restoration and announced the establishment of a Task Force that will help us make the most of the opportunities that the EU offers. Since then, Ministers from our Department have met with Commissioners or senior Commission officials 8 times in Brussels and 3 times in Belfast. There has also been extensive engagement between our officials and Commission officials as the Task Force report, and the Action Plan that sets out our response to it, are developed. We aim to secure Executive agreement to the Action Plan early next year and hope to visit Brussels in the New Year to present the document to the European Commission.

We are committed to increasing our engagement with all the European Institutions, including the European Parliament, whose President, Hans-Gert Pöttering, visited here two weeks ago.

A list of meetings between OFMDFM and representatives of the European Commission will be sent to the Member and a copy placed in the library of the House.

### Investment Strategy: Opportunities for the Construction Industry

**Mr Brolly** asked the Office of the First Minister and deputy First Minister how the roll-out of the Investment Strategy will be accelerated to provide opportunities for the construction industry. (AQO 1606/09)

**The First Minister and deputy First Minister:** The present difficulties that are affecting the construction industry are a key concern to the Executive at this time, as was made clear to the Assembly two weeks ago during a debate on this issue.

We commissioned the Strategic Investment Board to advise us on how we could best use the Investment Strategy to provide practical help to the construction industry at this time. SIB has now reported its findings and we are urgently examining the range of options open to us to accelerate projects within the available funding envelope.

The Minister of Finance and Personnel will shortly be advising the Executive on the December monitoring round, including his assessment of the amount of capital funding available for the remainder of 2008-09. With the advice we have now received from SIB, we are prepared to bring forward worthwhile projects if funding becomes available through the surrender of reduced requirements by departments.

We are also looking at the position for 2009-10 and beyond in the context of the Strategic Stocktake.

As part of December Monitoring and the Strategic Stocktake we will also consider the opportunities to make use of the flexibility to accelerate up to £86.5 million funding for investment in the local economy over the next two years as a result of the Chancellor's Pre Budget Report.

### MEPs: Meetings

**Mr Cobain** asked the Office of the First Minister and deputy First Minister how many times it has met with Northern Ireland elected MEPs since restoration of devolution. (AQO 1513/09)

**The First Minister and deputy First Minister:** A list of meetings between OFMDFM and MEPs is set out in the following tables.



Minister	MEP	Date	Purpose / context
Ian Paisley, Martin McGuinness	Jim Nicholson	19 July 2007	Briefing on Task Force
Ian Paisley, Martin McGuinness	Bairbre de Brún	19 July 2007	Briefing on Task Force
Ian Paisley, Martin McGuinness	Jim Nicholson, Bairbre de Brún	10 September 2007	Breakfast meeting with European Parliament Regional Development Committee
Ian Paisley, Martin McGuinness	Jim Nicholson	10 November 2008	Potential for greater engagement between NI Executive and the EU

**OFMDFM OFFICIALS MEETINGS WITH MEPS**

MEP	Date	Purpose / context
Jim Allister	8 May 2007	Meeting with InvestNI team in Brussels
Jim Nicholson	13 June 2007	Visit of Sir Reg Empey, MLA
Jim Nicholson	29 June 2007	Meeting with NSMC Secretariat
Jim Nicholson, Bairbre de Brún	10 September 2007	Briefing by NSMC Secretariat to European Parliament Regional Development Committee.
Jim Allister	22 November 2007	Northern Ireland Task Force – NICS visit to Brussels
Jim Nicholson	22 November 2007	Northern Ireland Task Force – NICS visit to Brussels
Bairbre de Brún	22 November 2007	Northern Ireland Task Force – NICS visit to Brussels
Jim Nicholson	19 March 2008	To discuss ONIEB premises in Brussels.
Jim Allister	11 June 2008	Introduce new team member
Jim Nicholson	11 June 2008	Introduce new team member

In addition to these meetings, OFMDFM officials working in the Executive's Office in Brussels are in regular, less formal contact with the MEPs, for example when they address groups of visitors from Northern Ireland or support functions that are hosted in the Executive's office in Brussels.

**Strategic Investment Board: Appointment of Replacements**

**Mr Boylan** asked the Office of the First Minister and deputy First Minister for an update on the process for appointing replacements to the Strategic Investment Board. (AQO 1555/09)

**The First Minister and deputy First Minister:** We are presently considering the appointment of replacements to the Board of the Strategic Investment Board.

**European Parliament: Visit of President**

**Mr W Clarke** asked the Office of the First Minister and deputy First Minister for its assessment of the visit by the President of the European Parliament to Parliament Buildings on Monday 24 November 2008. (AQO 1602/09)

**The First Minister and deputy First Minister:** We were very pleased to welcome European Parliament President Hans Gert Pöttering to Belfast on 23 and 24 November 2008.

President Pöttering met representatives of many different faiths and heard their experiences of bringing communities together. We had a very useful discussion with President Pöttering covering a wide range of issues including cultural integration, the current economic challenges, our particular task of resolving the education transfer issue and our response to the European Commission Taskforce on Northern Ireland. President Pöttering demonstrated great interest in what has happened in Northern Ireland and indicated his willingness to help us in whatever way he can.

President Pöttering addressed the Northern Ireland Assembly and expressed himself honoured to do so as head of one of the three institutions of the European Union. President Pöttering highlighted the importance of the



European project in contributing to the process of peace. His speech also covered the challenges for the European Union in the areas of economic stability, climate change and ratification of the Lisbon Treaty.

We were delighted to be able to show good examples of peace and reconciliation work to President Pöttering by facilitating project visits in Belfast and Lisburn and by hosting an evening reception when the President was able to talk to many representatives of civil society who have done excellent work throughout Northern Ireland. The primary themes of the President's visit were inter-parliamentary and inter-cultural dialogue with an emphasis on work with young people.

We regard this as a very significant visit and a very successful one. President Pöttering has told us how impressed he was with what he saw and heard during his visit. He has also given us a firm indication of his support for our European objectives, in particular as we progress to implement the recommendations of the European Commission Taskforce on Northern Ireland. This includes our wish to share with others our experiences in peace and reconciliation. We intend to avail of this offer of support as we develop our proposals for such a facility.

### **Child Poverty: Rising Energy Costs**

**Mr Durkan** asked the Office of the First Minister and deputy First Minister what action it is taking to deal with the implications of rising energy costs on targets to eradicate child poverty. (AQO 1531/09)

**The First Minister and deputy First Minister:** We continue to be concerned at the impact of all recent cost increases, including rising energy costs, although it is not possible at present to assess precisely what those impacts will be. However, work is in progress which will examine how the purchasing power of different households has changed as a result of recent increases in retail prices. This work is due to report in early January 2009.

The Executive remains determined however to meet our PFG commitments to:

- work towards the elimination of child poverty in Northern Ireland by 2020 and reducing child poverty by 50% by 2010; and
- to work towards the elimination of severe child poverty by 2012.

To take this work forward, a cross departmental group has recently been established. The aim of the cross-departmental group is to ensure a comprehensive and cohesive focus on the issue of Child Poverty in Northern Ireland.

More specifically, the sub-group's work will include the consideration of the social and economic policies needed to reduce child poverty taking account of the current economic climate. The sub-group will also give careful consideration to the recommendations emerging from the OFMDFM Committee's Inquiry into Child Poverty.

The sub-group is chaired by a senior official from OFMDFM and will meet for the second time in early December. Officials will report its conclusions to the Ministerial Sub Committee for Children and Young People.

The Executive recently adopted the 'Lifetime Opportunities' strategy to tackle poverty and social exclusion and patterns of deprivation based on objective social need. Actions on child poverty will be monitored as part of the implementation process for 'Lifetime Opportunities'.

### **West Belfast and Greater Shankill Task Force Report**

**Ms S Ramsey** asked the Office of the First Minister and deputy First Minister what discussions it has held with Ministerial colleagues on ensuring that its policy commitment to the West Belfast and Greater Shankill Taskforce Report is honoured fully. (AQO 1597/09)

**The First Minister and deputy First Minister:** We are presently considering a paper from the Minister of Enterprise Trade and Investment which proposes bringing forward an Executive paper on the way forward on the West Belfast/Greater Shankill initiative.

### **Washington Trip**

**Mr Burnside** asked the Office of the First Minister and deputy First Minister what meetings it will hold during the business trip to Washington DC and to confirm if it will meet with the incoming President-elect's transition team. (AQO 1484/09)



**The First Minister and deputy First Minister:** The main purpose of our mission to the US was to promote the local economy and to attract further inward investment. In Washington we met with President Bush and the Director of the National Security Council Stephen Hadley and we addressed top executives at the Fortune 500 Forum dinner on the benefits of investing here. We also met with the British and Irish Ambassadors and visited Annapolis where we met with Martin O'Malley, the Governor of Maryland. During our visit to New York we participated in a series of high level political and business meetings aimed at promoting the local economy and securing further investment.

The President-elect has stated that it is not appropriate for his incoming transition team to meet with representatives of foreign governments until after the Inauguration

### Civil Service: Privatisation Plans

**Mr K Robinson** asked the Office of the First Minister and deputy First Minister, following the announcement on 11 November on the need to transform public services, what plans it has to privatise any of the services offered by the Northern Ireland Civil Service or other government agencies. (AQO 1485/09)

**The First Minister and deputy First Minister:** A key priority in our Programme for Government is to deliver modern, high quality and efficient public services and we are currently taking forward the most wide ranging reform of public services for a generation. This includes key reform programmes in areas such as health, education, water, planning and local government. At the heart of this reform programme is a commitment to world class public services which meet the needs of the economy and wider society.

Modernising the infrastructure and processes of the Civil Service is a key part of our reform programme. This aims to reduce costs and cut out bureaucracy by sharing key corporate services such as human resources, finance and ICT across departments. This will realise significant savings which will be redirected to delivering key services direct to the public.

In relation to the Northern Ireland Civil Service Reform Programme, there are no current plans to change the delivery mechanisms for any of the projects in order to pursue a higher level of outsourcing or privatisation of these services. The only project where a contract is still to be awarded is Workplace 2010, which envisages the transfer to the private sector of some messenger and facilities management work currently undertaken by civil servants. However, the procurement of Workplace 2010 is currently suspended.

### Asylum Seekers: Conditions in Northern Ireland

**Ms Anderson** asked the Office of the First Minister and deputy First Minister if it will make representations to the UK Government to improve holding conditions in Northern Ireland for asylum seekers and their children. (AQO 1547/09)

**The First Minister and deputy First Minister:** Under schedule 2 of the Northern Ireland Act 1998 asylum and the status and capacity of persons in the United Kingdom who are not British citizens are excepted matters and are the responsibility of the Minister of State for Borders and Immigration. Accordingly queries about specific holding conditions for asylum seekers and their children need to be addressed to the Minister of State for Borders and Immigration, Mr Phil Woolas MP.

We do however recognise that immigration matters have substantial implications for government here, and for people living here under immigration control, and are thus a legitimate concern of the devolved administration. As a member of the OFMDFM Committee you will be aware of our recent correspondence with the Committee on these issues and our continuing engagement with the UK Border Agency (UKBA) over matters of specific concern, including those relating to asylum seekers.

These matters are important and in the interests of all people living here, especially those who are most vulnerable, including people who are seeking asylum, we want to ensure that they can avail of their rights and that they are treated with sensitivity, dignity and respect. This is at the forefront of our engagement with the UKBA.



## Child Poverty

**Mr D Bradley** asked the Office of the First Minister and deputy First Minister for its assessment of the importance of childcare provision in a strategy to tackle child poverty; and to confirm when it will produce a strategy for childcare. (AQO 1526/09)

**The First Minister and deputy First Minister:** We recognise that many of the children here living in poverty are in workless lone parent families or in workless couple households. We believe for many of these families employment is the best route out of poverty and lack of quality, affordable childcare is undoubtedly one of the major barriers to this.

Childcare is an issue which cuts across the remit of a number of departments and at the last meeting of the Ministerial Sub-Committee for Children and Young People it was agreed that an additional cross departmental sub-group would be established to focus on child poverty. The group will make recommendations including on childcare provision.

This group is expected to report in the Spring of 2009.

## AGRICULTURE AND RURAL DEVELOPMENT

### Farm Nutrient Scheme

**Mr Bresland** asked the Minister of Agriculture and Rural Development how many farm businesses were awaiting approval for an offer for the Farm Nutrient scheme at 15 November 2008. (AQW 2720/09)

**The Minister of Agriculture and Rural Development (Ms M Gildernew):** At the 15 November, 133 FNMS applicants still had to provide information so their approvals could be issued. Seven have since submitted the information required and have had their approvals issued. The Department cannot approve the remaining 126 as in these cases it still awaits information from the applicants, e.g. planning/NIE approvals and revised quotations, before processing their approvals.

### Fair Pricing: Retail Policies

**Mr McQuillan** asked the Minister of Agriculture and Rural Development if she places fair pricing at the centre of her Department's retail policies. (AQW 2756/09)

**The Minister of Agriculture and Rural Development:** Retail pricing is a reserved matter under the NI Act 1998 and therefore not within my remit. However, I do agree with the concept of fair pricing and consider that I have a role to encourage and facilitate a mutual understanding of the challenges facing each part of the food chain. As part of that process, I have visited a number of retailers, as well as producers and food processors, to encourage discussion of the challenges facing each part of the food chain, particularly the economic pressures on producers. I believe that all partners in the supply chain have an important role to play and all need to share in the profits.

### Beef Farms

**Mr McQuillan** asked the Minister of Agriculture and Rural Development, how the figure of 20% of the Republic of Ireland's beef farms being economically viable, compares with statistics for beef farms in Northern Ireland. (AQW 2762/09)

**The Minister of Agriculture and Rural Development:** There is no standard definition of farm viability. Whether a farm might be regarded as viable, i.e. will continue to operate, will be determined by the particular circumstances and preferences of, and choices exercised by, the individual farmer and members of the farm household. These will vary over time. Therefore, viability is not necessarily related to farm size or any other statistical measure. Consequently, DARD cannot offer an objective view on the proportion of beef farms that might be regarded as viable or not viable any given point in time. DARD, however, offers a range of services and support mechanisms which are available to beef farmers whatever their individual circumstances.



### Tuberculosis in Cattle

**Lord Morrow** asked the Minister of Agriculture and Rural Development, in relation to tuberculosis in cattle, to detail (i) the cost of testing; (ii) the cost of veterinary fees for testing; and (iii) the number slaughtered but found to be disease free, in 2008. (AQW 2765/09)

**The Minister of Agriculture and Rural Development:**

- (i) We do not record separately the costs of all the activities involved in testing of animals and samples for bovine TB. However the bulk of testing work relates to the costs we record for the Veterinary Science Laboratory at AFBI (VSD), to PVP costs, Staff Costs under the TB programme, and the costs of Tuberculin, and this amounted to £12.5 million for the year ending 31 March 2008. Total costs for the Tb programme are attached.
- (ii) The cost of PVP fees for conducting a comparative skin test in that year was £6.3 million.
- (iii) The tests currently in use confirm the presence of disease but cannot confirm its absence. Between January and June 2008, 4009 animals were removed under the TB Programme of which 3036 did not have disease confirmed.

Cost of the DARD TB Programme 2007/2008

VSD Costs	PVP Costs	Compensation	Staff Costs	DARD Funded Research	Haulier Costs	Misc	Tuberculin	Salvage	Total Expenditure
740,061	6,311,631	8,547,534	4,700,904	526,786	169,918	183,916	793,476	-738,509	21,235,717

### Elderly People: Assistance in Rural Communities

**Mr Shannon** asked the Minister of Agriculture and Rural Development what steps her Department is taking to assist elderly people in rural communities. (AQW 2774/09)

**The Minister of Agriculture and Rural Development:** My Department is taking action to assist elderly people in rural communities in a number of ways.

Under the Rural Development Programme the six 'quality of life measures' of Axis 3 are designed to strengthen the social and economic infrastructure of the entire rural community. Worth up to £100 million, delivery is through a bottom up approach by seven local council clusters, each in partnership with a newly formed local action group. In preparation of the local development strategy for each area, the cluster/local action group partnership was required to include initiatives under the six measures which focus on a range of commitments to key Government cross-cutting strategies including Ageing in an Inclusive Society.

I have also secured a further £10m budget to address rural Poverty and Social Exclusion, a number of key actions in respect of Fuel Poverty, Community Development, Transport and Access to services have been identified. To date my department has collaborated with DSD to ensure that delivery of the Warm Homes Scheme to rural areas can be maximised this year. This includes supporting the installation of central heating to householders over 60 and in receipt of certain benefits.

Further anti-poverty actions are being developed and will be available next year. Already my department plan to support travel for the elderly in rural areas and target direct actions to identify and support the elderly in the most deprived and excluded rural areas.

### BSE and Tuberculosis Testing

**Mr Burnside** asked the Minister of Agriculture and Rural Development how many farms are closed due to BSE and tuberculosis testing. (AQW 2779/09)

**The Minister of Agriculture and Rural Development:** As at 27 November 2008 there were a total of 2963 herds with TB related movements restrictions applied. I can confirm that there are no herds closed for BSE.



### Family Farm Options Scheme: Mid Ulster

**Mr I McCrea** asked the Minister of Agriculture and Rural Development how many farmers have taken up the Family Farm Options Scheme in Mid-Ulster, in each of the last three years. (AQW 2783/09)

**The Minister of Agriculture and Rural Development:** Approximately 5,500 members of farm households participated in the Farm Family Options Scheme over the three year period 2004/05, 2005/06 and 2006/07. Information on a constituency basis is not held by the Department.

### Supply Chain Partnership Training: Mid Ulster

**Mr I McCrea** asked the Minister of Agriculture and Rural Development how many farmers in Mid-Ulster have taken up supply chain partnership training, in each of the last three years. (AQW 2787/09)

**The Minister of Agriculture and Rural Development:** A pilot Supply Chain Development Programme, designed to provide support for farmers and growers working collaboratively to improve rewards from their supply chain, was promoted and delivered during 2006 – 2008. Seven groups comprised of almost 100 farmers and growers applied to take part in the Programme. None of the groups who participated in the programme were located in the mid-Ulster area. Provision for a new Supply Chain Development Programme has been made in the NI Rural Development Plan and is due to open for applications early in 2009.

Prior to the Supply Chain Development Programme, DARD offered a Supply Chain Awareness Programme which was available between 2003 and 2007 and attracted some 1335 participants. The programme improved communications and integration between producers, processors and multiple retailers throughout the supply chain by developing an awareness of market requirements, best practice methods and the capability to access and interpret information. The programme was delivered to a total of 98 farmers from the Mid Ulster area over the 4 years as follows; 03/04 (30), 04/05 (19), 05/06 (26), 06/07 (23).

### Gyrodactylus

**Mr Shannon** asked the Minister of Agriculture and Rural Development what she is doing to address the parasite gyrodactylus, in fishing waters. (AQW 2859/09)

**The Minister of Agriculture and Rural Development:** I am not aware of a parasite with that name. The Member may be referring to the parasite Gyrodactylus salaris (GS) which causes the serious notifiable disease Gyrodactylosis. I can confirm that GS is not present in fishing waters in the North of Ireland.

The European Commission has granted the North of Ireland additional guarantees to help safeguard against the introduction of the parasite. As a result imports of salmonids from areas which are not free of GS are prohibited. GS is notifiable under the conditions of fish culture licences granted by DARD, and the Department also has a contingency plan in place in the event of suspicion or confirmation of the disease.

### Flood Management Legislation

**Mr Ross** asked the Minister of Agriculture and Rural Development what plans she has to introduce flood management legislation similar to that in other European countries. (AQW 2971/09)

**The Minister of Agriculture and Rural Development:** The approach and legislative requirements for flood risk management in Europe is being driven by the EU Directive on the assessment and management of flood risk (Floods Directive). DARD, Rivers Agency as the competent authority in the North of Ireland has plans in place to transpose this Directive into the North legislation by the EU deadline of 25 November 2009.

The Agency also has programmes in place to meet Floods Directive obligations on assessment, mapping and production of flood risk management plans within the required timescales.



### Animal Cruelty Offences: Disqualification/Imprisonment

**Mr Moutray** asked the Minister of Agriculture and Rural Development, pursuant to the answer to AQW 2257/09, to outline the general nature of offences for which neither the maximum disqualification nor maximum imprisonment were handed down for cases of animal cruelty, in each of the last five years. (AQW 2982/09)

**The Minister of Agriculture and Rural Development:** Since Questions 2982/09 and 2984/09 refer to the same subject matter, this response deals with both questions together.

The general nature of offences for which neither the maximum disqualification nor the maximum imprisonment sentences were handed down for cases of animal cruelty, in the last five years, is as follows:-

- Causing, procuring or permitting unnecessary suffering to animals or causing unnecessary pain or distress to animals;
- Failing to comply with the farm animal welfare standards set out in the Welfare of Farmed Animals Regulations (NI) 2000, as amended;
- Failing to comply with animal welfare transport requirements or transporting animals in a way likely to cause injury or unnecessary suffering;
- Cruelly ill-treating animals;
- Failing to comply with pet shop welfare requirements;
- Abandoning animals causing unnecessary suffering; and
- Being in custody of animals in contravention of disqualification order.

With regard to why only one person received the maximum disqualification and two people received the maximum imprisonment for animal cruelty in the last five years, this is a matter for the Courts.

### Veterinary Office Closure: Larne

**Mr K Robinson** asked the Minister of Agriculture and Rural Development where the gateway to 'Fortress Ireland' would be situated if the proposal to close the veterinary offices in Larne is accepted. (AQW 3016/09)

**The Minister of Agriculture and Rural Development:** Should the Larne Divisional Veterinary Office be re-located as part of the roll-out of DARD Direct, the Department will maintain its portal inspectorate facilities in Larne. Checks on imported livestock, animal products and personal imports of risk animal based foodstuffs will continue to be carried out from these facilities. All imported livestock are recorded on APHIS and restricted on the destination farm pending follow up sampling, where appropriate. DARD has devised generic contingency plans that will be activated if a serious epizootic disease is confirmed in Britain or Europe. The proposed relocation of the Larne Divisional Veterinary Office will not impact on control measures or on the local risk.

### Veterinary Office Closure: Larne

**Mr K Robinson** asked the Minister of Agriculture and Rural Development for her assessment of the impact to the farming community in East Antrim, in terms of marginalisation, if proposals to close the Divisional Veterinary Office in Larne proceed with potential relocation to either Antrim or Ballymena occurs. (AQW 3017/09)

**The Minister of Agriculture and Rural Development:** The Equality Impact Assessment (EQIA) on the DARD Direct proposal provides a vehicle through which all impacts on DARD staff, Section 75 and agri-food industry stakeholders can be identified and actions proposed to mitigate against negative impacts.

To facilitate this we sought views from these stakeholders as well as all Councils and MLAs during the public consultation. We received 31 responses of which 29 were received within the timeframe to allow consideration within the EQIA. Responses were received from staff, the agri-food industry, rural and S75 stakeholders as well as from some Councils, MPs and MLAs.

You may be aware the ARD Committee, UFU (Ulster Farmers' Union) and NIPSA (NI Public Service Alliance) provided views on the final draft EQIA report last week and I am currently considering these. Once I have done so, the EQIA will be completed and published.



### Veterinary Office Closure: Larne

**Mr K Robinson** asked the Minister of Agriculture and Rural Development if she will consider the negative impact on the rural community should proposals to close the Divisional Veterinary Office in Larne be presented, as indicated by the meeting held on 28 November 2008, in Larne Library. (AQW 3018/09)

**The Minister of Agriculture and Rural Development:** The Equality Impact Assessment (EQIA) on the DARD Direct proposal provides a vehicle through which all impacts on DARD staff, Section 75 and agri-food industry stakeholders can be identified and actions proposed to mitigate against negative impacts.

To facilitate this we sought views from these stakeholders as well as all Councils and MLAs during the public consultation. We received 31 responses of which 29 were received within the timeframe to allow consideration within the EQIA. Responses were received from staff, the agri-food industry, rural and S75 stakeholders as well as from some Councils, MPs and MLAs.

You may be aware the ARD Committee, UFU (Ulster Farmers' Union) and NIPSA (NI Public Service Alliance) provided views on the final draft EQIA report last week and I am currently considering these. Once I have done so, the EQIA will be completed and published.

### Veterinary Office Closure: Larne

**Mr Ross** asked the Minister of Agriculture and Rural Development for her assessment of how the proposed closure of the Divisional Veterinary Office in Larne will affect farmers in East Antrim, particularly in Islandmagee. (AQW 3021/09)

**The Minister of Agriculture and Rural Development:** The Equality Impact Assessment (EQIA) on the DARD Direct proposal provides a vehicle through which all impacts on DARD staff, Section 75 and agri-food industry stakeholders can be identified and actions proposed to mitigate against negative impacts. To facilitate this we sought views from these stakeholders as well as all Councils and MLAs during the public consultation. We received 31 responses of which 29 were received within the timeframe to allow consideration within the EQIA. Responses were received from staff, the agri-food industry, rural and S75 stakeholders as well as from some Councils, MPs and MLAs.

Feedback from the pilot project in Fermanagh has indicated that the availability of a full range of services at one location and improved quality of service has increased customer satisfaction with DARD's service delivery. Along with the availability of other means of transacting business with DARD this has helped reduce the impact of additional travel distances.

However, no final decision yet been taken on the location of the remaining DARD Direct offices. You may be aware the ARD Committee, UFU (Ulster Farmers' Union) and NIPSA (NI Public Service Alliance) provided views on the final draft EQIA report last week. I am currently considering these and once I have done so, the EQIA will be completed and I hope to be in a position to make an announcement on the location of DARD Direct offices.

### Veterinary Office Usage

**Mr Ross** asked the Minister of Agriculture and Rural Development how many people used each Divisional Veterinary Office, per month, in each of the last five years. (AQW 3022/09)

**The Minister of Agriculture and Rural Development:** Prior to June 2007 no such data was collated. However since then customer information is being collated on a rolling basis, using a quarterly survey, as part of a DARD wide Customer Service Improvement Programme.

The information in the attached Annexes shows usage statistics at the relevant DARD Offices.

### Veterinary Office Closure: Larne

**Mr Ross** asked the Minister of Agriculture and Rural Development how far farmers would have to travel, by road, to get to their closest Divisional Veterinary Office, if the Larne office is closed. (AQW 3023/09)



**The Minister of Agriculture and Rural Development:** The distance farmers have to travel to their Divisional Veterinary Office is dependent on their location within the DVO catchment area. Currently for Larne DVO this can be up to 40 miles for farmers in the South Antrim area near Moira, 30 miles from Lisburn, 25 miles from Cushendall and 33 miles from Toome. Farmers at the northernmost point of Islandmagee (Ballylumford) could travel up to 15 miles due to the geography of the island.

Under the proposals for DARD Direct, farmers will be able to access veterinary services at any DARD Direct office. The current proposals are for Veterinary Services to be available from DARD Direct offices in Ballymena and Antrim. Within this model, typical travel distances to the closest veterinary services would be Moira to Antrim - 20 miles; Lisburn to Antrim - 18 miles; Toome to Antrim - 12 miles; Islandmagee to Antrim - 32 miles; Carrickfergus to Antrim 20 miles; Larne to Ballymena - 21 miles and Cushendall to Ballymena - 20 miles.

However, final decisions have not been taken on the locations of the remaining DARD Direct offices. You may be aware the ARD Committee, UFU (Ulster Farmers' Union) and NIPSA (NI Public Service Alliance) provided views on the final draft EQIA report last week and I am currently considering these.

### **Meat-Processing Companies: Pricing**

**Mr Elliott** asked the Minister of Agriculture and Rural Development to detail the correspondence she has had with meat processing companies in relation to the low prices they pay to local farmers, despite higher prices paid to farmers in other part of the UK.[R] (AQW 3045/09)

**The Minister of Agriculture and Rural Development:** Pricing is a reserved matter under the NI Act 1998. I have not, therefore, corresponded with meat processing companies on this matter.

However, I do share your concern and feel that I have a role to encourage and facilitate dialogue to increase understanding of the challenges facing each part of the food chain to ensure everyone gets a fair return.

As part of that process I have met with representatives of the NI Meat Exporters Association and with a number of major retailers to express my concerns about the pressures being faced by producers, and to emphasise the importance of everyone in the supply chain sharing in the profits.

### **Women's Groups: Funding**

**Mr Weir** asked the Minister of Agriculture and Rural Development what funding has been made available by her Department to each women's group for the 2008-09 financial year; and what programme each group is funded under. (AQW 3179/09)

**The Minister of Agriculture and Rural Development:** The Department has provided funding of £135,560 to the NI Rural Women's Network (NIRWN) under the EU Building Sustainable Prosperity Programme (BSP) for the period 1 April 2008 to 30 November 2008; and £67,456 for the period 1 December 2008 to 31 March 2009 under the Community Development element of the Anti-Poverty and Social Exclusion Framework.

### **Pork Crisis**

**Mr Savage** asked the Minister of Agriculture and Rural Development how many farms affected by the Irish Republic's pork crisis have been farm quality assured. (AQW 3423/09)

**The Minister of Agriculture and Rural Development:** Nine of the 12 farms affected by the crisis are members of the NI Farm Quality Assurance Scheme.

### **Pork Crisis**

**Mr Savage** asked the Minister of Agriculture and Rural Development what contact she has had with (i) the Ulster Farmers Union; (ii) European Commission officials; (iii) Executive colleagues; (iv) members of the Committee for Agriculture and Rural Development; and (v) Republic of Ireland government officials, since the beginning of the Republic of Ireland's pork crisis on Friday, 5 December 2008. (AQW 3425/09)



**The Minister of Agriculture and Rural Development:**

- (i) I have had no direct contact with the UFU. However contact took place, at official level, with UFU representatives;
- (ii) I have had no direct contact with the European Commission. However, the DARD official based in Brussels has linked into all relevant discussions there;
- (iii) I discussed the dioxins in animal feeding stuffs issue with Executive colleagues on Monday 8 December;
- (iv) A Senior official briefed the Chair of the Assembly Agriculture and Rural Development Committee on Monday 8 December.

I made a Statement in the Assembly on the same day and participated in the subsequent question and answer session which involved Members of the Committee. I also responded to a Private Notice Question on Tuesday 9 December at which Members of the Committee had a further opportunity to participate in a question and answer session; and

- (v) I spoke to Mr Brendan Smith in the Department of Fisheries and Food in Dublin on Sunday 7 December.

You may wish to note that contact took place with representatives of the farming and meat processing industries at official level. My officials have also been liaising closely with the Food Standards Agency, Invest NI, NI Meat Exporters' Association (NIMEA) and the Departments of Health, Social Services and Public Safety and Enterprise, Trade and Investment.

I continue to remain in close contact with the Minister for Health, Social Services and Public Safety.

**Pork Crisis**

**Mr Savage** asked the Minister of Agriculture and Rural Development why it took her Department two days to contact the Department of Health, Social Services and Public Safety to inform them of the public health risks surrounding pork sourced in the Republic of Ireland. (AQW 3426/09)

**The Minister of Agriculture and Rural Development:** My Department were first made aware of concerns around pork sourced in the South late afternoon on Friday 5th December. At the same time the authorities in the South advised that potentially affected feed had gone to 9 premises here. The immediate concern at that time was to place restrictions on those premises to ensure that no further potentially infected meat could enter the food chain. My staff were in touch with the Food Standards Agency on Friday and over the weekend to advise them of the situation.

My understanding is that in the event of any incident of this nature which may have public health implications, the FSA would raise the issue with DHSSPS. However, as a matter of courtesy I did speak to Health Minister Michael McGimpsey on Sunday to ensure that he was fully aware of the actions my Department were undertaking.

**CULTURE, ARTS AND LEISURE****Cricket Clubs: Funding**

**Mr Weir** asked the Minister of Culture, Arts and Leisure to detail the money that has been allocated to date by Sport Northern Ireland to cricket clubs for ground safety improvements. (AQW 2946/09)

**The Minister of Culture, Arts and Leisure (Mr G Campbell):** Sport Northern Ireland (SNI) is responsible for the development of sport including the distribution of funding. SNI has advised that no cricket club has applied for funding specifically for ground safety improvements. However, the table below details awards that have been made to clubs and elements of these relate to ground safety.

Cricket Club	Year	Amount	Project
Downpatrick CC	2000	£10,600	Purchase of equipment
Lisburn CC	2000	£25,000	Provision of 5 new grass pitches
NI Civil Service Sports & Social Club	2000	£200,000	Upgrade of pavilion



Cricket Club	Year	Amount	Project
Bready CC	2007	£1,692,451	Development of ground and construction of a cricket centre of excellence
Waringstown CC	2007	£40,000	Development of the pitch and associated equipment
Donemana CC	2007	£60,000	Construction of second pitch

### Commonwealth Games: Delhi 2010

**Mr K Robinson** asked the Minister of Culture, Arts and Leisure to detail the funding available from his Department and Sport Northern Ireland for athletes preparing for the Delhi 2010 Commonwealth Games.

(AQW 2947/09)

**The Minister of Culture, Arts and Leisure:** Responsibility for assisting athletes preparing for the Delhi 2010 Commonwealth Games rests, in the first instance, with the governing bodies of the sports. Sport Northern Ireland, however, which is responsible for the development of sport including the distribution of funding, administers the Athlete Support Programme which provides athletes with financial support to train, compete and access a range of support services such as coaching, sports science and sports medicine.

### Irish and Ulster Scots

**Mr Moutray** asked the Minister of Culture, Arts and Leisure, pursuant to the answer to AQO 1182/09 and AQW 2067/09, for his assessment of (i) the degree to which the use of Irish and Ulster Scots has become politicised and divisive; and (ii) the remedial work required to tackle divisiveness in any future language strategy.

(AQW 2980/09)

**The Minister of Culture, Arts and Leisure:** It is difficult to assess to what degree the use of Irish and Ulster-Scots has become politicised and divisive.

In developing a Strategy for Indigenous or Regional Minority Languages I am seeking to ensure that both languages are given equal respect and recognition. These languages are a shared part of our cultural heritage and the strategy will seek to protect, enhance and develop both Irish and Ulster-Scots for those who wish to use them.

The strategy should also increase awareness of the background to the languages and create a framework where the languages can be shared by all who wish to use them.

### Capital Projects: DCAL

**Dr Farry** asked the Minister of Culture, Arts and Leisure what actions his Department is taking to bring forward the delivery of capital projects to help redress the economic downturn.

(AQW 3104/09)

**The Minister of Culture, Arts and Leisure:** I share the Member's concern about the current state of the economy. My Department is endeavouring to implement DCAL's capital programme as effectively and efficiently as possible. The DCAL Capital Programme Management Board continually monitors the capital programme and budget and is working closely with the Arms Length Bodies (ALBs) to develop robust delivery plans and a steady flow of projects and expenditure.

Work is currently progressing or planned in the near future on a number of key projects with a combined project cost of over £90m. Work on the Ulster Museum refurbishment and the Crescent Arts Centre (Botanic area) is already well underway. We also have a number of major projects coming forward later this financial year: Lyric Players' Theatre, the MAC (Metropolitan Arts Centre), and redevelopment of Tollymore Mountain Centre near Newcastle. In addition site work commenced on 24 November on the new PRONI Headquarters in Titanic Quarter, which represents a £30m public sector investment.

Due to the long lead in times for new capital programmes the Department is not in a position in this first year of the Investment Strategy to bring forward additional projects.

However, I want to reaffirm that I and my Department will continue to do all we can to ensure that the Department's ALBs deliver DCAL's capital programme within the shortest possible timeframe.



## EDUCATION

### Free School Meals

**Dr McDonnell** asked the Minister of Education what plans she has to introduce free school meals for children with no EU status. (AQW 1727/09)

**The Minister of Education (Ms C Ruane):** Bíonn na socruithe reatha ag dul i mbun béilí scoile saor in aisce a sholáthar do pháistí nuair atá a dtuismitheoirí oiriúnach de réir na gcritéar ábhartha incháilithe. Seo iad mar a leanas:

The current arrangements provide for free school meals to be awarded to children whose parents meet the relevant eligibility criteria. These are:

- i. he/she or the parent is in receipt of Income Support or Income based Jobseeker's Allowance; or
- ii. he/she or the parent is in receipt of Income related Employment and Support Allowance; or
- iii. the parent receives the Child Tax Credit; and is ineligible for the Working Tax Credit because he/she works less than 16 hours per week; and has an annual taxable income not exceeding an amount as determined by the Department (currently £15,575); or
- iv. the parent receives the Guarantee element of State Pension Credit; or
- v. he/she has a statement of special educational needs and is designated to require a special diet; or
- vi. he/she is a boarder at a special school; or
- vii. he/she is the child of an asylum seeker supported by the Home Office National Asylum Support Service (NASS).

Children with no EU status are, therefore, currently not eligible for free school meals. I can confirm, however, that officials are reviewing the position.

To date, they have considered the position in the South, and sought the advice of the Human Rights Commissioner (HRC). In the South, meals are provided through the Urban Schools Meals scheme, and the School Meals Local Projects scheme. Both schemes are aimed at schools rather than pupils. However, the nationality of the children in the schools has no bearing on provision.

The HRC advised that persons with no EU status may, like asylum seekers, require a separate category within the existing arrangements, as criteria (i)-(iii) are not suited to assessing their income. I have advised officials to make temporary arrangements from now to feed affected children until a policy line is considered.

### Attacks on Teaching Staff: North Down

**Mr Weir** asked the Minister of Education to detail the number of attacks on teaching staff in the North Down area, in each of the last five years. (AQW 2270/09)

**The Minister of Education:** Ní bhailíonn an Roinn Oideachais an t-eolas a iarradh.

The Department of Education does not collect the information requested.

However, statistics on the reasons for suspension and expulsion are gathered each school year from Education and Library Boards. The table below provides the number of occasions where pupils were suspended for physical attacks on staff, in the North Down Parliamentary Constituency, in each of the last five years that information is available.

2002/03	2003/04	2004/05	2005/06	2006/07
12	27	18	15	8



### Teacher Recruitment Spend: NEELB

**Mr Hilditch** asked the Minister of Education for her assessment of the North Eastern Education and Library Board spending £63,694 on recruiting teachers through recruitment agencies during the academic year 2007/08. (AQW 2637/09)

**The Minister of Education:** As of 1 September 2006, all substitute teaching staff employed in schools must have their names on the Substitute Teachers Register (NISTR); and as from 1 August 2008 substitute teachers paid through the Departmental payroll must also be booked on-line via NISTR. Schools may in exceptional circumstances use employment agencies to recruit and remunerate substitute teachers, provided that this offers value for money and the teachers are registered with NISTR.

Áfach, ní mholann an Roinn an cleachtas seo. Impím ar gach údarás fostíochta lena chinntiú go mbíonn a gcuid scoileanna ag cloí le himlitreacha na Roinne (2006/7 agus 2008/10) maidir le fostaíocht mhúinteoirí ionaid.

However, this practice is not encouraged by the Department. I would urge all employing authorities to ensure that their schools comply with the Department's circulars (2006/7 and 2008/10) on the employment of substitute teachers.

### Investment Delivery Plan

**Dr Farry** asked the Minister of Education to report on the development of her Department's Investment Delivery Plan. (AQW 2843/09)

**The Minister of Education:** Tá Plean mo Roinne um Sholáthar Infheistíochta le fáil ar láithreán gréasáin na Roinne ag an nasc seo thíos.

My Department's Investment Delivery Plan is available on the Department's internet site at the link below.

[http://www.deni.gov.uk/index/8-admin\\_of\\_education\\_pg/pdsu\\_de\\_investment\\_delivery\\_plan.htm](http://www.deni.gov.uk/index/8-admin_of_education_pg/pdsu_de_investment_delivery_plan.htm)

### Broadbridge Primary School

**Mr Durkan** asked the Minister of Education (i) for her assessment of the progress on the delivery of a new school for Broadbridge Primary School in Eglinton; (ii) to detail any delays that have occurred; and (iii) when the project will be completed. (AQW 2910/09)

**The Minister of Education:** Tá Staidéar Fiúchais faoi bhreithniú ag an Roinn agus chomh luath agus a bheidh comhaontú ann, tabharfar faoi mheasúnú eacnamúil le CCMS agus na hIontaobhaithe ionas go socrófar an rogha molta don scéim chaipitil.

A Feasibility Study is with the Department for consideration and once it has been agreed, an economic appraisal will be undertaken with CCMS and the Trustees to determine the recommended option for a capital scheme. It is a requirement for consideration for capital funding that there is an agreed appraisal in place, and as that is not the position for this school I cannot indicate when a scheme would be completed.

### Broadbridge Primary School

**Mr Durkan** asked the Minister of Education what is the value of the new school build project for Broadbridge Primary School in Eglinton. (AQW 2911/09)

**The Minister of Education:** Tá Staidéar Fiúchais faoi bhreithniú ag an Roinn agus chomh luath agus a bheidh comhaontú ann, tabharfar faoi mheasúnú eacnamúil le CCMS agus na hIontaobhaithe ionas go socrófar an rogha molta don scéim chaipitil.

A Feasibility Study is with the Department for consideration and once it has been agreed, an economic appraisal will be undertaken with CCMS and the Trustees to determine the recommended option for a capital scheme. It is a requirement for consideration for capital funding that there is an agreed appraisal in place, and as that is not the position for this school I cannot indicate when a scheme would be completed.



## School Leavers

**Mr Storey** asked the Minister of Education how many school leavers without an upper secondary qualification went into (i) further education; (ii) training; and (iii) employment, for each academic year since 2004-05, broken down by parliamentary constituency. (AQW 2926/09)

**The Minister of Education:** Tá an t-eolas a iarradh mionsonraithe sna táblaí thíos:

The information requested is detailed in the tables below:

### NUMBER OF SCHOOL LEAVERS LEAVING WITHOUT AN UPPER SECONDARY QUALIFICATION BY DESTINATION FOR EACH PARLIAMENTARY CONSTITUENCY 2004/05

Parliamentary Constituency	Number of school leavers not achieving an upper secondary qualification	Number of school leavers not achieving an upper secondary qualification entering further education	Number of school leavers not achieving an upper secondary qualification entering employment	Number of school leavers not achieving an upper secondary qualification entering training
Belfast East	396	135	58	131
Belfast North	571	98	115	242
Belfast South	295	61	45	125
Belfast West	817	137	183	383
East Antrim	433	113	72	185
East Derry	526	223	57	182
Fermanagh And South Tyrone	485	181	67	205
Foyle	713	362	94	167
Lagan Valley	438	154	52	173
Mid Ulster	576	165	107	250
Newry And Armagh	590	239	78	224
North Antrim	553	173	93	231
North Down	304	154	41	74
South Antrim	469	153	82	177
South Down	633	176	68	324
Strangford	476	204	72	151
Upper Bann	571	260	61	196
West Tyrone	315	117	38	120
Missing or Invalid Postcodes	201	52	40	74
	<b>9362</b>	<b>3157</b>	<b>1423</b>	<b>3614</b>

### NUMBER OF SCHOOL LEAVERS LEAVING WITHOUT AN UPPER SECONDARY QUALIFICATION BY DESTINATION FOR EACH PARLIAMENTARY CONSTITUENCY 2005/06

Parliamentary Constituency	Number of school leavers not achieving an upper secondary qualification	Number of school leavers not achieving an upper secondary qualification entering further education	Number of school leavers not achieving an upper secondary qualification entering employment	Number of school leavers not achieving an upper secondary qualification entering training
Belfast East	360	112	57	141
Belfast North	586	108	118	285
Belfast South	282	83	44	123
Belfast West	718	147	197	304
East Antrim	432	135	67	174



<b>Parliamentary Constituency</b>	<b>Number of school leavers not achieving an upper secondary qualification</b>	<b>Number of school leavers not achieving an upper secondary qualification entering further education</b>	<b>Number of school leavers not achieving an upper secondary qualification entering employment</b>	<b>Number of school leavers not achieving an upper secondary qualification entering training</b>
East Derry	531	270	71	149
Fermanagh And South Tyrone	443	165	78	175
Foyle	646	227	109	216
Lagan Valley	452	144	83	193
Mid Ulster	517	168	104	200
Newry And Armagh	588	256	49	236
North Antrim	569	217	86	220
North Down	309	167	49	61
South Antrim	337	118	72	118
South Down	613	189	66	329
Strangford	461	243	66	116
Upper Bann	595	225	89	208
West Tyrone	501	124	56	282
Missing or Invalid Postcodes	194	52	43	68
	<b>9134</b>	<b>3150</b>	<b>1504</b>	<b>3598</b>

**NUMBER OF SCHOOL LEAVERS LEAVING WITHOUT AN UPPER SECONDARY QUALIFICATION BY DESTINATION FOR EACH PARLIAMENTARY CONSTITUENCY 2006/07**

<b>Parliamentary Constituency</b>	<b>Number of school leavers not achieving an upper secondary qualification</b>	<b>Number of school leavers not achieving an upper secondary qualification entering further education</b>	<b>Number of school leavers not achieving an upper secondary qualification entering employment</b>	<b>Number of school leavers not achieving an upper secondary qualification entering training</b>
Belfast East	371	122	84	119
Belfast North	526	70	118	221
Belfast South	294	73	43	144
Belfast West	666	116	160	272
East Antrim	413	100	86	173
East Derry	501	254	64	140
Fermanagh And South Tyrone	437	198	96	108
Foyle	718	351	101	189
Lagan Valley	420	125	87	153
Mid Ulster	434	122	97	171
Newry And Armagh	512	220	57	204
North Antrim	487	181	87	175
North Down	338	168	62	63
South Antrim	441	162	95	131
South Down	579	123	74	350
Strangford	448	228	94	88
Upper Bann	563	232	89	185



Parliamentary Constituency	Number of school leavers not achieving an upper secondary qualification	Number of school leavers not achieving an upper secondary qualification entering further education	Number of school leavers not achieving an upper secondary qualification entering employment	Number of school leavers not achieving an upper secondary qualification entering training
West Tyrone	416	199	50	130
Missing or Invalid Postcodes	190	46	40	74
	<b>8754</b>	<b>3090</b>	<b>1584</b>	<b>3090</b>

**Notes:**

1. The data are taken from the annual School Leavers Survey.
2. The data exclude special and independent schools.
3. The data are based on the residential postcode of each individual pupil.
4. In approximately 2% of cases there are pupils for whom valid postcodes are not held.
5. An upper secondary qualification has been classified as at least 5 GCSE's at grades A\*-C (including equivalents).

### Blind and Partially Sighted Pupils

**Mr Lunn** asked the Minister of Education the timescale for all books in the education system to have an accessible format for blind and partially sighted children. (AQW 2954/09)

**The Minister of Education:** Tá tugtha le fios dom ag Príomhfheidhmeannaí na mBord Oideachais agus Leabharlainne (ELBanna) go mbíonn fáil ag ELBanna ar ábhair agus ar théacsleabhair do dhaltaí atá dall agus do dhaltaí a bhfuil drochradharc acu ó réimse leathan d'acmhainní speisialta, an National Blind Children's Society, an Royal National Institute for Blind People (RNIB) agus an RNIB National Library Service san áireamh.

I have been advised by the Chief Executives of the Education and Library Boards (ELBs) that ELBs currently access material and textbooks for blind and partially sighted pupils from a wide range of specialist sources, including, the National Blind Children's Society, the Royal National Institute for Blind People (RNIB) and the RNIB National Library Service.

Each ELB provides textbooks and materials from selected publishers and locally accessed materials such as providing photographic services or adaptive technology services in response to the needs of specific children and young people who are blind or visually impaired.

I recognise that the expediency with which material can be accessed by children and young people is an area where further enhancements to service delivery could be made. In response to the RNIB campaign, "Where's My Book?", DE established a scoping project, which was led by the Education and Library Boards and on which RNIB was represented. The aims of the project were to consider and scope the scale of the local difficulties in making available materials in the correct format. In conclusion, the scoping study research has found the main conclusion of the RNIB's research "Where's my Book", to be justified and recommends that consideration be given to the establishment of a regional centre which can respond quickly to school requests.

The ELB Regional Strategy Group for Special Educational Needs (RSG) established a working group which is dedicated to the specialist area of visual impairment. The aim of the group is to promote a consistent approach across the five ELBs in relation to service delivery. The working group has consulted the voluntary sector, statutory sector and parents as well as children. The RNIB has had an active role in this consultation process. The Group has recently reported its findings to RSG and the key recommendation of the report was that the consultation process produced a consensus view that, in the context of an overall strategy of achieving full educational inclusion and of improving levels of educational attainment amongst children and young people with visual impairment, a resource base for the north of Ireland should be established.

Under the direction of the RSG the Working Group is currently considering the strategic proposals and is in the process of preparing a detailed options appraisal which will be submitted to DE as soon as possible. The Department of Education will consider the proposals in due course.



## Blind and Partially Sighted Pupils

**Mr Lunn** asked the Minister of Education to outline her proposals for increasing educational attainment for blind and partially sighted people in the education system. (AQW 2956/09)

**The Minister of Education:** Taispeánann an Suirbhé um Lucht Fágála Scoile 2007 go raibh ar a laghad 5 GCSEanna nó níos mó ar ghrád A\* - C bainte amach ag 58.3% de na fágóirí scoile a bhí dall nó a raibh drochradharc acu i gcomparáid le 71.2% de na fágóirí scoile nach raibh SEN acu .

The 2007 School Leavers Survey indicates that 58.3% of blind or visually impaired school leavers achieved at least 5 or more GCSEs at A\* - C as compared to 71.2% of non SEN school leavers. The Survey also indicates that of those school leavers who are blind or have a visual impairment, approximately 36% have an additional special educational need.

The Education and Library Boards (ELBs) advise me that they are satisfied that all children with a visual impairment have their needs assessed and met on an individual level. This provision includes a range of teaching methods, peripatetic and classroom support and equipment that includes a range of IT applications. I recognise, however, that the expediency with which reading material can be accessed by children and young people is an area where further enhancements could be made.

The ELB Regional Strategy Group for Special Educational Needs (RSG) has established a Visual Impairment Working Group . The aim of the group is to promote a consistent approach across the five ELBs in relation to service delivery. The Working Group has consulted with the Voluntary and Statutory Sectors and parents as well as children. The Royal National Institute for Blind People has had an active role in this consultation process and has met with Working Group to discuss outcomes. The Group has recently reported its findings to RSG and the key recommendation is that a regional resource base is needed, in the context of an overall strategy of achieving full educational inclusion and of improving levels of educational attainment amongst children and young people with a visual impairment.

Under the direction of the RSG the Working Group is currently considering the strategic proposals and is in the process of preparing a detailed options appraisal which will be submitted to DE as soon as possible. The Department of Education will consider the proposals in due course.

## Statemented SEN Pupils: Expulsion Rates

**Dr McDonnell** asked the Minister of Education how many and what percentage of pupils with statemented special educational needs have received permanent exclusion from (i) maintained; and (ii) controlled school sectors in each Education and Library Board, in each of the last five years, broken down by gender in both primary and secondary level schools. (AQW 2960/09)

**The Minister of Education:** Information on pupil expulsions, which the Department collects annually from Education and Library Boards, specifies if a pupil has special educational needs (SEN), however it does not specify if the pupil has a written SEN statement. A pupil does not become 'statemented' until he/she has reached stage five of the SEN statementing process.

I understand from the Education and Library Boards that a very small number of pupils with a SEN statement have been expelled. Due to data protection and confidentiality, it would be inappropriate for me to provide the level of detail requested.

However, the table below provides the number of pupils with SEN expelled from schools by management type over the last five school years. The data has not been provided by Education and Library Board as this would have necessitated suppression of the majority of these small figures.

	No. of pupils with SEN expelled from controlled schools	No. of pupils with SEN expelled from catholic maintained schools	No. of pupils with SEN expelled from 'other' schools	Total no. of pupils with SEN expelled from all schools	Total no. of pupils expelled
2002/03	Data on pupils with SEN was not collected at this time				
2003/04	7	#	*	15	71
2004/05	#	10	*	22	63



	No. of pupils with SEN expelled from controlled schools	No. of pupils with SEN expelled from catholic maintained schools	No. of pupils with SEN expelled from 'other' schools	Total no. of pupils with SEN expelled from all schools	Total no. of pupils expelled
2005/06	*	9	*	16	54
2006/07	8	5	5	18	45

**Notes:**

1. Includes pupils at Key Stage 1-4 only.
2. The 'other' category is used for statistical purposes during data collection and includes grant maintained and controlled integrated schools, voluntary grammar schools and other maintained schools.
3. \* denotes figures fewer than five.
4. # denotes a figure  $\geq 5$  which has been treated to prevent disclosure of small numbers elsewhere.

Tá anailís dheiridh á déanamh ar líon na ndaltaí ar cuireadh ar fionraí agus ar díbríodh ón scoil iad sa scoilbhliain 2007/2008 agus foilseofar uair éigin sna seachtainí atá romhainn í.

Statistics on suspensions and expulsions for the 2007/08 school year are undergoing final analysis and will be published in the coming weeks.

### Secondary School Places: Waterside, Londonderry/Derry

**Mr P Ramsey** asked the Minister of Education what is the number of secondary school places in the Waterside area of Londonderry/Derry, broken down by (i) State; (ii) Catholic; and (iii) Integrated sectors. (AQW 2991/09)

**The Minister of Education:** Táispeáintear sa tábla thíos líon na n-áiteanna mheánscoile i gceantar Thaobh an Uisce i nDoire, agus miondealú orthu ó thaobh (i) na Stáite de (ii) an Chaitlicigh de agus (iii) na hearnálacha imeasctha de.

The number of secondary school places in the Waterside area of Derry, broken down by (i) State; (ii) Catholic; and (iii) Integrated sectors are provided in the table below.

Sector / School	Approved Enrolment No. 2008/09 School Year	Approved Admissions No. 2008/09 School Year
<b>(i) State (Controlled) Sector</b>		
Lisneal College	960	178
<b>(ii) Catholic (Maintained) Sector</b>		
Immaculate Conception College	565	105
St Patrick's & St Brigid's College, Claudy	500	100
<b>(iii) Integrated Sector</b>		
Oakgrove Integrated College	800	130

### Catholic Secondary Education: Waterside, Londonderry/Derry

**Mr P Ramsey** asked the Minister of Education to outline development plans for Catholic secondary education in the Waterside area of Londonderry/Derry. (AQW 2992/09)

**The Minister of Education:** Tuigim gur chuir na hIonntaobhaithe tús le tionscadal athbhreithnithe ar iarbhunscolaíocht chun iniúchadh a dhéanamh ar sholáthar Caitliceach-bhainistithe do cheantar Chathair Dhoire agus Chlóidí.

I understand that the Trustees have established a post-primary review project to examine Catholic-managed provision for the Derry City and Claudy area. Provision in the Waterside is being considered within this review. Work is continuing and no decisions have been made on a proposed way forward for the schools covered by the review.



### Statemented SEN Pupils: Exclusion Rates

**Dr McDonnell** asked the Minister of Education how many and what percentage of pupils with statemented special educational needs have received fixed period exclusions from (i) maintained; and (ii) controlled school sectors in each Education and Library Board; (a) once; and (b) twice; (c) more than twice; and (d) more than five times, in each of the last five years for both primary and secondary level schools. (AQW 2999/09)

**The Minister of Education:** Tá socraithe agam go gcuirfear an t-eolas a iarradh i Leabharlann an Tionóil.

I have arranged for the information requested to be placed in the Assembly Library.

### Excluded Pupils: Alternative Education Costs

**Dr McDonnell** asked the Minister of Education how much has been spent by each Education and Library Board in providing alternative full-time education for pupils that have been (i) temporarily; and (ii) permanently; excluded from school in each of the last 5 years. (AQW 3001/09)

**The Minister of Education:** Ní bhailíonn an Roinn an t-eolas seo.

The Department does not collect this information.

The Department allocates earmarked funding to the Education and Library Boards, which they can augment from their block grant, for a range of interventions for pupils with challenging behaviour. Each Education and Library Board decides how to allocate this funding to best meet the needs of the young people in their area.

If a young person is suspended from school, the school is responsible for providing suitable school work during the period of suspension. Education and Library Boards take responsibility for young people who cannot attend school on a temporary basis, due to a range of reasons including physical or mental health, behavioural or emotional difficulties and those who are permanently excluded from school or who have disengaged from mainstream education. The Boards provide a range of 'Education Other Than at School' (EOTAS) provision to meet specific pupil needs, including for example:

- full time placement in alternative education provision;
- full time placement in an intensive support unit;
- temporary placement in a special school or behavioural unit;
- a mixture of tuition and school placement;
- home tuition or hospital tuition; or
- placement in a pupil referral unit.

I understand from the Education and Library Boards that it is not possible to differentiate expenditure on alternative education between those pupils who have been suspended or expelled from school. Nor is it possible to separate expenditure on EOTAS for pupils who are excluded and for others who need to access alternative provision for another reason such as illness or emotional difficulties.

### Selection at Age 14

**Mr Ross** asked the Minister of Education what estimate she has made of the costs associated with moving to selection at 14. (AQW 3020/09)

**The Minister of Education:** Sna tograí a chuir mé faoi bhráid an Choiste Feidhmiúcháin ar 15 Bealtaine 2008 moladh próiseas 'roghnaithe eolasaigh' ag 14 bliain d'aois, seachas próiseas ina mbíonn roghnú acadúil ag 14 bliain d'aois i gceist leis.

The proposals I brought before the Executive on 15 May 2008 allow for a process of 'informed election' at age 14, rather than a process that involves selection at age 14. I have therefore made no estimate of the costs involved in a system of selection at age 14.



### Kindle Primary School

**Mr Wells** asked the Minister of Education, pursuant to her answer to question AQW 2621/09, how many pupils transferred from Kindle Primary to (i) Curran Primary; and (ii) St Joseph's Primary, Tyrella, in September 2008. (AQW 3058/09)

**The Minister of Education:** Tá curtha in iúl ag Bord Oideachais agus Leabharlainne an Oirdheiscirt (i) gur aistrigh 21 dalta chuig Curran Primary agus (ii) gur aistrigh 3 dhaltacha chuig St Joseph's Primary School i mí Mheán Fómhair 2008 ó Kindle Primary School.

The South-Eastern Education and Library Board have advised that (i) 21 pupils transferred to Curran Primary and (ii) 3 pupils transferred to St Joseph's Primary School in September 2008 from Kindle Primary School.

### Teaching Vacancies: Mid-Ulster

**Mr I McCrea** asked the Minister of Education how many teaching vacancies there are in each school, in the Mid Ulster constituency. (AQW 3070/09)

**The Minister of Education:** Bíonn an Roinn ar lorg eolais faoi fholúntais múinteoirí ó gach scoil dheontaschúnta ar bhonn bliaintúil. Soláthraíonn an teolas alaghráf na bhfolúntas ar dháta ar leith gach bliain. Táispeánann an teolas is déanaí atá ar fáil na folúntais a bhí ann ar 2 Samhain 2007, agus leagtar amach thíos na sonraí an bhaineann leis an toghcheantar Lár-Uladh.

The Department seeks information on teacher vacancies from all grant-aided schools on an annual basis. The information provides a "snapshot" of vacancies at a specific date each year. The latest information available identifies vacancies at 2 November 2007, and details for the Mid Ulster constituency are set out below:

NO. OF VACANCIES STILL TO BE FILLED DURING THE 2007/08 ACADEMIC YEAR AT 2ND NOVEMBER 2007 IN SCHOOLS IN THE MID ULSTER PARLIAMENTARY CONSTITUENCY

School Name	School Ref	Full-time, Permanent	Part-time, Permanent	Full-time, Temporary	Part-time, Temporary
Knockloughrim Ps	3016283	1	0	0	0
Greenlough Ps (St Mary's)	3032275	1	0	0	0
St Brigid's Ps	3036103	1	0	0	0
Edendork Ps	5032585	1	0	0	0
Little Flower Nursery School	5136627	1	0	0	0
St Pius X College	3230168	1	0	0	0

The Department is currently seeking data on teacher vacancies which exist at 3 November 2008.

### 'Love for Life': Funding

**Mr I McCrea** asked the Minister of Education to detail the total funding awarded to 'Love for Life' by the North Eastern Education and Library Board. (AQW 3117/09)

**The Minister of Education:** Tugann Bord Oideachais agus Leabharlainne an Oirthuaiscirt le fios nach bhfuil aon chuntas aige ar dháileadh mhaoinithe chuig 'Love for Life'.

The North Eastern Education and Library Board advises that it has no record of allocating any funding to 'Love for Life'.



### Class Sizes: SEELB

**Mr Weir** asked the Minister of Education for the average size of (i) P1; (ii) P2; and (iii) P3, classes in the South Eastern Education and Library Board; and to detail the schools that have classes in excess of her Department's maximum guideline of 30 pupils. (AQW 3136/09)

**The Minister of Education:** Tá an teolas a iarradh sna táblaí thíos.

The information requested is contained in the tables below.

#### AVERAGE CLASS SIZE FOR YEAR 1, 2 AND 3 CLASSES IN SCHOOLS IN THE SOUTH EASTERN EDUCATION AND LIBRARY BOARD AREA – 2007/08

Year	Average class size
1	22
2	24
3	24

Primary schools that have Year 1, 2 or 3 classes exceeding 30 pupils in the South Eastern Education and Library Board area – 2007/08

#### School name

- Crawfordsburn Ps
- Ballyholme Ps
- Braniel Ps
- Fort Hill Ps, Lisburn
- Downpatrick Ps
- St Patrick's Boys' Ps, Downpatrick
- St Joseph's Ps, Carryduff
- St Bernard's Ps, Belfast
- St Macartan's Ps, Drumaness
- St Aloysius Ps, Lisburn
- All Children's Integrated Ps, Newcastle

**Source:** Annual school census

**Note:** Figures do not include classes that are composite with any other year group.

I have provided funding to ensure that, for the first time, all pupils in Years 1 and 2 have access to classroom assistance.

### Language Support: SEELB

**Mr Weir** asked the Minister of Education what language support is available in the South Eastern Education and Library Board, to parents of children whose first language is not English. (AQW 3182/09)

**The Minister of Education:** The Inclusion and Diversity Service brought together services across the five Education and Library Boards in relation to the education of all newcomer pupils, whose first language is not English. The aim is to strengthen and improve support to all such pupils, their parents and teaching staff, primarily working through schools by using a number of new services and approaches available on a regional basis. Whilst the service works with schools, it also offers specific help to parents whose first language is not English. In particular, parents can have access to interpreters for initial parent/teacher interviews, parent consultation interviews, critical incidents and pastoral care issues. In addition, schools have access to 10 generic school policies and a number of key letters translated into 15 languages for issue to parents in their own language.



In response to a need to inform the parents of newcomer children about our education system, the Inclusion and Diversity Service created a multi-lingual website for parents in 15 languages, as well as Irish and English. This website can be accessed at [www.education-support.org.uk](http://www.education-support.org.uk). All of these services are available to all schools.

Tá curtha in iúl ag an Aire Fostaíochta agus Foghlama dom go soláthraíonn coláistí breisoideachais cúrsaí atá oiriúnaithe chun Béarla a theagasc d'oibrithe ó thíortha eile.

I am advised by the Minister for Employment and Learning that further education colleges provide courses specifically tailored to teaching English to migrant workers.

### **Our Lady and St Patrick's College**

**Dr McDonnell** asked the Minister of Education the reason for the delay of over six years, on work commencing on building a new school on the site of Our Lady and St Patrick's College Knock, and to give her assessment of (i) exactly when work will commence; and (ii) the expected completion date. (AQW 3202/09)

**The Minister of Education:** Ní raibh moill 6 blianta ar an tionscadal cé gur thóg sé níos mó ama ná mar a bhí réamh-mheasta.

The project has not been delayed for six years though it has taken longer than anticipated. Approval of funding was given in 2002 following which there are a number of necessary stages to be completed before the construction stage, as for all such projects. Since the approval a delay arose with a change in the scope of the project from extension and refurbishment to a replacement school. There have also been particular site issues for the project, involving a protracted planning process. Full planning approval was achieved in June 2008. Following this approval there was a judicial review period of three months. The Project Board expect to submit the latest information for the Full Business Case to the Department before the end of the year. Subject to the approval of the business case it is estimated that work could commence on site in Spring 2009 and be completed within two years.

### **Protestant Schools: Funding Cuts**

**Mr Ross** asked the Minister of Education what discussions she has had with her counterpart in the Republic of Ireland about the decision to cut funding to Protestant schools. (AQW 3242/09)

**The Minister of Education:** Is ceist í seo a bhaineann leis an Roinn Oideachais agus Eolaíochta i mBaile Átha Cliath. Ní raibh aon phlé agam leis an Aire i ndeisceart na hÉireann faoin cheist seo.

This is a matter for the Department of Education and Science in Dublin. I have had no discussions with my counterpart in the south of Ireland about this issue.

## **EMPLOYMENT AND LEARNING**

### **Capital Building Programmes**

**Mr Easton** asked the Minister for Employment and Learning to outline his Department's major capital building programmes, for the next three years. (AQW 2740/09)

**The Minister for Employment and Learning (Sir Reg Empey):** The Department for Employment and Learning will spend around £232m on capital projects in the higher and further education sectors in the next three years.

On specific projects in Northern Ireland's higher education institutions, the Department has an allocation of £75.4m across the current Comprehensive Spending Review (CSR) period. The projects are funded from the Department's Learning and Teaching Capital (£25.5m), Research Capital Investment Fund (£33.85m), the Universities Strategic Capital Investment Fund (£13.8m) and the University Colleges Strategic Capital Investment Fund (£2.25m) budget. However, the individual projects belong to the institutions and must fit within their overall strategic direction and business constraints. They cannot be described as being part of the Department's capital building programme.



Turning to the further education sector, there are currently six projects at construction stage at a total cost of £83m, which are all scheduled to be completed by August 2010. These projects are located at: the Lisburn, Downpatrick/ Ballynahinch/ Newcastle and Newtownards campuses of the South Eastern Regional College (total cost: £49m); the Enniskillen Campus of South West College (£9m); the Newtownabbey campus of Northern Regional College (£9m); and the Strand Road campus of North West Regional College (£16m).

In addition, other major projects totalling £74m are anticipated to come forward later this financial year, including projects at the Bangor Campus of South Eastern Regional College (£13m), and the Titanic Quarter campus and Springvale centre for Belfast Metropolitan College (£61m).

### Learning Opportunities

**Mr B Wilson** asked the Minister for Employment and Learning to detail the learning opportunities that exist for those who are currently economically inactive; and are unlikely to gain employment, for various reasons.

(AQW 2799/09)

**The Minister for Employment and Learning:** Further Education Colleges offer a wide ranging curriculum through their main campuses and community outreach centres. Colleges are committed to meeting the learning needs of all those of working age, to improve their prospects of employment. Colleges also offer learning opportunities for senior citizens. Provision includes courses in essential skills, professional and technical training, leisure and hobby activities and tailored courses for students with learning difficulties or disabilities.

In addition, the Department is also funding a £3 million per annum Learner Access and Engagement Pilot Programme. This programme will allow FE colleges to contract with third party organisations to provide learner support. This support is directed at those 'hard to reach' adults who are economically inactive, disengaged from the labour market, and with few or no qualifications.

### Teacher Training: Religious Breakdown

**Mr Easton** asked the Minister for Employment and Learning to detail the religious breakdown of students applying for teacher training, for each of the last three years.

(AQW 2806/09)

**The Minister for Employment and Learning:** Information on religious background is not collected for students applying for teaching training. This information is gathered solely for enrolments in the Higher Education Institutions.

### Government Grants: Postgrad Students/Apprentices

**Mr Lunn** asked the Minister for Employment and Learning to compare the government grants available to (i) post graduate students; and (ii) students in apprenticeships.

(AQW 2832/09)

**The Minister for Employment and Learning:** While both areas of learning attract government support, the funding criteria reflect the respective skills and disciplines required. Post graduate funding is aimed at higher level skills and research and provides support for research and taught studentships of up to £12,940 per annum for the current academic year. In relation to apprenticeships, it is a requirement that all apprentices are in permanent remunerative employment from the first day of the provision, and the Department requires that employers pay them the going rate for the job. Consequently, the Department does not provide any additional grants to apprentices due to their employed and remunerated status.

### Apprentices: Available Assistance

**Mr Lunn** asked the Minister for Employment and Learning to outline what additional assistance will be available from his Department to those in apprenticeships, during the 2009-10 financial year.

(AQW 2833/09)

**The Minister for Employment and Learning:** I refer you to the answer that I provided to you in my response to AQW 2834/09 which sets out in detail the assistance that is already available to apprentices.



I would already consider that the Department provides significant levels of additional assistance to apprentices, to enable them to complete their training. If, however, the need for additional specific assistance becomes apparent, the Department will of course consider its introduction.

### **Apprentices: Available Assistance**

**Mr Lunn** asked the Minister for Employment and Learning what consideration he is giving to bringing into line the assistance available to apprentices with that available to students in full time education. (AQW 2834/09)

**The Minister for Employment and Learning:** Under the Department's ApprenticeshipsNI provision, apprentices with a disability or learning difficulties can avail of support from specialist providers to assist in their training. This is in place to ensure that apprentices with additional support needs are given every opportunity to overcome their difficulties and develop using the most appropriate support mechanisms. Specialist Support Providers can, for example, help apprentices to increase and improve confidence, self-esteem and value.

The Department will also pay a supplement to Training Suppliers, if an apprentice has a disability. This supplement enables the Training Supplier to provide significant additional input of resources in terms of training time, equipment or support in order for the apprentice to benefit fully from training.

All apprentices also have access to the Department's Careers Service which can provide them with pre-entry guidance whilst they are still in school, and Careers information, advice and guidance that is appropriate to each participant's needs throughout their training period.

Every apprentice is also provided with a Personal Training Plan which provides a clear pathway towards achieving the apprentice's training objectives and the specific actions that will be undertaken to achieve these, as well as addressing any assessed learning needs.

Higher Education Students can avail of a range of assistance from the local Higher Education Institutions, which includes pastoral care and support, chaplains, student mentors, study advisers and the students' union. Similarly, the six Further Education Colleges offer a range of pastoral and other services to students, including careers advice, learning support and counselling.

I would therefore consider that the range of general assistance that is available to apprentices is already in line with that which is in place for students in full time education. If, however, the Department becomes aware of a need for further specific assistance to be introduced, then we will of course give consideration to this.

### **Sector Skills Councils: Funding**

**Mr Storey** asked the Minister for Employment and Learning to detail (i) the Sector Skills Councils that have received project funding to support employer engagement; (ii) the amount of funding provided in each case; and (iii) the criteria used by his Department to measure value for money. (AQW 2905/09)

**The Minister for Employment and Learning:** Sector Skills Councils receive their 'core funding' from the UK Commission for Employment and Skills. The bulk of this funding is provided by the Department for Innovation, Universities and Skills, with contributions from the devolved administrations. The funding is provided to enable the Sector Skills Councils to carry out their core remit, which includes employer engagement, across the United Kingdom. In addition to this my department works with the Sector Skills Councils and supports Northern Ireland specific projects which generally require the involvement of employers in that sector. Employer engagement can take a variety of forms including; labour market research, employer forums or project involvement. A table has been placed in the library setting out details on current funding provided by my department to the Sector Skills Councils:

My Department completes an Economic Appraisal for each project funding application received from a Sector Skills Council. The Economic Appraisal will consider at least 3 options, including the 'Status Quo' or do nothing option; an alternative such as reduced funding or an alternative project provider; and the application submitted by the SSC. It will also evaluate the aims and objectives of the project to ensure they are in compliance with those of the Department in relation to skills issues. During the course of a project the Department evaluates progress by receiving interim reports and prior to final payment will receive a complete evaluation of the project.



### SME Employers: Skills Pledge

**Mr Storey** asked the Minister for Employment and Learning when he will make a decision on the relevance of a skills pledge by SME employers. (AQW 2969/09)

**The Minister for Employment and Learning:** The Skills Pledge is a public and voluntary commitment made by employers in England to support all their employees to develop the essential skills of literacy and numeracy, and work towards relevant, valuable qualifications to at least Level 2 (equivalent to five good GCSEs). The objective is to ensure that all staff are skilled, competent and able to make a full contribution to the success of the organisation.

Not all companies in the UK have signed up to the Skills Pledge, as it is a voluntary agreement Northern Ireland companies are free to commit to the Pledge if they wish.

### Capital Projects: DEL

**Dr Farry** asked the Minister for Employment and Learning to report on what actions his Department is taking to bring forward the delivery of capital projects, to help address the economic downturn. (AQW 3011/09)

**The Minister for Employment and Learning:** Officials from my Department are working closely with Colleges, Universities and the Strategic Investment Board to progress major capital works.

In further education there are 6 major projects under construction, with a total capital value of £83m and it is anticipated that contracts for another three projects, totalling £74m, will be signed later this financial year.

In the higher education sector work is progressing to ensure that capital spend is advanced as quickly as possible. This includes £20m in the current year and £55m in the following two years.

You will appreciate the inherent difficulty in bringing forward major capital projects due to National and European procurement regulations. However, my officials are conscious of the concerns of the construction industry and will proceed with all business cases without any undue delay.

### Student Loans: Rate of Interest

**Mr McNarry** asked the Minister for Employment and Learning what rate of interest is being paid on student loans and how often this is changed or varied each year. (AQW 3042/09)

**The Minister for Employment and Learning:** Student loans are issued on the basis that borrowers should repay broadly the same amount, in real terms, as they borrowed. Therefore the interest rate is linked only to the rate of inflation which is calculated annually using the Retail Price Index (RPI). For the academic year 2008/09 the interest rate is set at the current RPI rate of 3.8%. This represents a decrease from 4.8% in 2007/08 and may continue to fluctuate year on year according to the rate of inflation.

### Further Education: Disadvantaged Students

**Mr Elliott** asked the Minister for Employment and Learning to detail the assistance his Department is giving to students entering further education from a disadvantaged socio-economic background. (AQW 3043/09)

**The Minister for Employment and Learning:** The Department provides Further Education Colleges directly and through the Education and Library Boards with funding to provide financial support to Further Education students, including those from disadvantaged socio-economic backgrounds, through a number of earmarked initiatives detailed below.

Support Funds (Discretionary) are specifically earmarked for the purpose of providing assistance for students in particular financial hardship and who are inhibited by financial considerations from accessing and participating in Further Education, or who, for whatever reason including physical or other disabilities, face financial difficulties. In the 2008/09 academic year £2.5m is available for this purpose.

Further Education Awards are administered by the Western Education and Library Board and provide financial assistance to full time students in respect of courses approved by the Department. Awards can include



assistance toward tuition fees, support for living costs, childcare and Disability Student's Allowance. In the 2008/09 academic year £3.25m is available for this purpose.

Care to Learn NI Scheme – in the 2008/09 academic year £400k is made available to Further Education Colleges to provide financial assistance for childcare support to 16 to 20 year-old parents who may be inhibited by financial considerations from accessing and participating in Further Education.

### Educational Guidance Service for Adults

**Mr Attwood** asked the Minister for Employment and Learning if he plans to suspend the proposed adult guidance tender process and continue to provide funding for the Educational Guidance Service for Adults beyond March 2009, so it can meet the needs of the increased number of people made redundant and seeking advice in the current economic difficulties. (AQW 3283/09)

**The Minister for Employment and Learning:** The Educational Guidance Service for Adults currently receives funding to support my Department in the provision of educational guidance services to adults and to introduce adults to learning.

The need to clarify the services required by the Department's customers and to ensure that these services are appropriately provided and demonstrate value for money is particularly crucial in the current economic climate.

My Department is currently scoping a tender to take account of the current economic situation and proposed changes to adult guidance services in Great Britain. I have no plans to suspend the tender process although the timing may be affected by the scoping exercise and the delay in the launch of the Careers Education, Information, Advice and Guidance Strategy and Implementation Plan.

### Education Maintenance Allowance: Delay

**Mr Lunn** asked the the Minister for Employment and Learning to outline the causes of delay in the provision of the education maintenance allowance. (AQW 3328/09)

**The Minister for Employment and Learning:** There is currently no delay in the provision of education maintenance allowance. All applications received have been processed. To date over 22,000 applications have been received and over 17,000 have been approved for payment, a further 1,000 have been deemed ineligible.

There are currently some 4,000 applications which are unable to be processed due to insufficient information. These students have been contacted and asked to supply the missing evidence.

## ENTERPRISE, TRADE AND INVESTMENT

### Electricity Generation

**Mr Kennedy** asked the Minister of Enterprise, Trade and Investment to detail (i) the electricity generated in each of the last 5 years; and (ii) the anticipated amount of electricity to be generated (a) this year; and (b) next year; and what is the current margin between anticipated demand for electricity and generating capacity, allowing for maintenance and intermittent generation. (AQW 2836/09)

**The Minister of Enterprise, Trade and Investment (Mrs A Foster):** The System Operator for Northern Ireland (SONI) has provided the following information in respect of electricity generation within Northern Ireland for use in Northern Ireland. The information represents the generation output required to meet Northern Ireland demand.

#### (I) ELECTRICITY GENERATED IN EACH OF THE LAST 5 YEARS

Year	Generated Energy (GWh)
2003	8608



Year	Generated Energy (GWh)
2004	8800
2005	8937
2006	9050
2007	9183

## (II) THE ANTICIPATED AMOUNT OF ELECTRICITY TO BE GENERATED (A) THIS YEAR; AND (B) NEXT YEAR

Year	Forecast Generated Energy (GWh)
2008	9343
2009	9466

## (III) THE CURRENT MARGIN BETWEEN ANTICIPATED DEMAND FOR ELECTRICITY AND GENERATING CAPACITY, ALLOWING FOR MAINTENANCE AND INTERMITTENT GENERATION:

## GENERATION SURPLUS:

Electricity Demand	Generator Availability	2009	2010
Medium	High	446MW	586MW

## Electricity Generation

**Mr Kennedy** asked the Minister of Enterprise, Trade and Investment what plans she has to change the sources and means of electricity generation over the next 10 years. (AQW 2837/09)

**The Minister of Enterprise, Trade and Investment:** My Department is currently reviewing Northern Ireland's generation mix as part of the development of a revised Strategic Energy Framework for Northern Ireland. Continued reliance on fossil fuels for 94% of power generation within Northern Ireland is not sustainable.

The All Island Grid Study jointly developed by my Department and its Irish counterpart, the Department of Communications, Energy and Natural Resources, concluded that it was technically feasible for up to 42% of power generation to come from renewable sources. Wind represented the most cost effective technology.

It is likely therefore that onshore wind will continue to be the main source of future renewable electricity generation but I do expect other renewable resources, such as offshore wind and marine energy to make a greater contribution over the medium to longer term.

## Start A Business Programme: Derry/Londonderry

**Ms Anderson** asked the Minister of Enterprise, Trade and Investment for her assessment of the adverse impact on the economy in the Derry/Londonderry area of the decision to remove the grant for the Start A Business Programme (SABP) and to detail what steps she intends to take to redress this impact. (AQW 3234/09)

**The Minister of Enterprise, Trade and Investment:** The decision to remove the £400 grant from the Start A Business Programme was as a result of the recommendations of an independent evaluation which highlighted serious concerns surrounding value for money and the fact that a majority of participants indicated that they would have completed the Programme without grant.

The removal of the one off payment of £400 came into effect in April 2008 and, given the short period of time that has elapsed, and the often long lead times for applicants to progress through the Programme, it is too early to assess the full impact of this decision both across Northern Ireland and within the Londonderry area. The impact of the grant withdrawal is also likely to be "masked" by the economic downturn which may deflate confidence levels for those contemplating starting a business.



I have asked for the participation levels on the current Programme to be kept under review and, in the absence of grant support from the Programme, there are still a number of financial support options available to those considering starting a new business.

The Enterprise NI Loan Fund, for example, is one obvious source of finance, which has been under utilised in recent years, and we will be encouraging Enterprise NI to raise the profile of this option. The Prince's Trust also operates a loan fund (supported by Invest NI) for young entrepreneurs from disadvantaged backgrounds and the Department for Employment and Learning provides an allowance to those pursuing the Steps to Work self-employment route, the majority of whom will have previously been unemployed or economically inactive.

### **Start A Business Programme: North West Marketing Ltd**

**Ms Anderson** asked the Minister of Enterprise, Trade and Investment if she will reinstate the grant for the Start A Business Programme (SABP), in light of the conclusions by North West Marketing Ltd. which estimate that the removal of the grant will lead to a reduction of 185 start ups this year at a cost of up to 333 jobs and the loss of an economic contribution of £5.9m to the Derry/Londonderry economy. (AQW 3235/09)

**The Minister of Enterprise, Trade and Investment:** The decision to remove the £400 grant from the Start A Business Programme was as a result of the recommendations of an independent evaluation which highlighted serious concerns surrounding value for money and the fact that a majority of participants indicated that they would have completed the Programme without grant.

The removal of the one off payment of £400 came into effect in April 2008 and, given the short period of time that has elapsed, and the often long lead times for applicants to progress through the Programme, it is too early to assess the full impact of this decision both across Northern Ireland and within the Londonderry area.

I cannot comment on the research undertaken by North West Marketing as I have not had sight of the report or the criteria used. On-line monitoring by Invest NI, although indicating some reduction in numbers, does not show a significant decline in enquiries and it is difficult to say whether any decline is due to grant removal or to the depressing effect of the harsh economic climate.

The decision to remove the grant remains in place, however in view of the current economic conditions, I have asked for the participation levels on the current Programme to be kept under review over the coming months.

In the absence of grant support from the Programme, there are still a number of financial support options available to those considering starting a new business. The Enterprise NI Loan Fund, for example, is one obvious source of finance, which has been under-utilised in recent years, and we will be encouraging Enterprise NI to raise the profile of this option. The Prince's Trust also operates a loan fund (supported by Invest NI) for young entrepreneurs from disadvantaged backgrounds and the Department for Employment and Learning provides an allowance to those pursuing the Steps to Work self-employment route, the majority of whom will have previously been unemployed or economically inactive.

## **ENVIRONMENT**

### **Planning Policy Statement: 12/14**

**Mr Lunn** asked the Minister of the Environment to detail the timescale for revisions to (i) Planning Policy Statement 12; and (ii) Planning Policy Statement 14. (AQW 2167/09)

**The Minister of the Environment (Mr S Wilson):** Draft PPS 21(which replaces draft PPS14) was published for consultation and with immediate effect on Tuesday 25 November. Now that it has issued, I look forward to beginning work on PPS12.



### Illegally Dumping: Fines

**Mr Hamilton** asked the Minister of the Environment how many (i) individuals; and (ii) companies; were fined for illegally dumping waste originating in the Republic of Ireland, and the amount of these fines, in each of the last three years. (AQW 2772/09)

**The Minister of the Environment:** The Northern Ireland Environment Agency (NIEA) prepares prosecution cases for illegal dumping under the Waste and Contaminated Land (NI) Order 1997. The charges brought under this Order do not relate to the origin of the waste, but to its illegal deposit.

The following fines were imposed against named offenders over the past three years, in relation to illegal deposit of waste from the Republic of Ireland:

- 2006, £52,250 in fines against 10 offenders;
- 2007, £113,900 against 11 offenders;
- between January and October 2008, £50,000 against 3 offenders;

making a total of 24 offenders over the last three years.

No limited companies have been prosecuted during the past three years; any other sole traders or partnerships operating under trading names would have been prosecuted as individuals.

### ASDA Superstore: Junction One

**Mr Burnside** asked the Minister of the Environment for an update on the status of the planning application for the ASDA superstore at Junction One, Antrim, which has been in the system for several years. (AQW 2778/09)

**The Minister of the Environment:** The application was submitted to the Department on 31 July 2006 and was designated as a major application under the Article 31 procedures.

Further information received on 13th October 2008 was subject to consultation and publicity and is currently under consideration. The application will be processed as quickly as it is possible to do so.

### Planning Service

**Mr McKay** asked the Minister of the Environment how many representations his predecessor as Minister of the Environment, made to the Planning Service during her tenure. (AQW 2792/09)

**The Minister of the Environment:** A search of Planning Service records shows that Arlene Foster MLA, as the former Minister of the Environment, did not make any representation to the Agency during her period in office.

### Energy from Waste Facility

**Mrs Long** asked the Minister of the Environment for his assessment of the environmental issues relating to the North Foreshore site as a possible location for arc21's proposed Energy from Waste (EfW) facility. (AQW 2824/09)

**The Minister of the Environment:** The Waste Management Groups, working on behalf of the councils and in line with their responsibilities to provide waste facilities, are operationally responsible for considering the suitability of specific sites. No planning application has been submitted for an Energy from Waste plant in the North Foreshore area of Belfast. I am aware of the proposed consultation by Belfast City Council for a proposed EfW plant at this site.

If an application is submitted to the Department, the Planning Service will be required to formally assess environmental issues in the planning process and take a balanced, measured decision. It would not be appropriate for me as Minister to usurp their role in this regard.



### Flood Relief: Claims from Craigavon Borough Council

**Mr Gardiner** asked the Minister of the Environment what is the monetary value of the 131 claims that have been forwarded by Craigavon Borough Council to his Department for flood relief; and when payment is likely to be made for these claims. (AQW 2865/09)

**The Minister of the Environment:** Craigavon Borough Council has submitted a claim to the Department, dated 14 November 2008, seeking reimbursement of expenditure totalling £133,297.63 incurred under the “Scheme of Emergency Financial Assistance to District Councils”.

129 payments of £1,000 were made to individual householders by the Council and £129,000, which is a part-payment, is currently being processed. The Council has been asked to provide clarification on some aspects of the balance of £4,297.63 and once this information is received, reimbursement of the remaining eligible costs will also be made.

### GAA Sports Complex: Burrenbridge Road, Castlewellan

**Mr Wells** asked the Minister of the Environment to detail the representations to the Planning Service by (i) Members of Parliament; and (ii) MLAs, in support of the application to build a GAA sports complex on the Burrenbridge Road, Castlewellan. (AQW 2873/09)

**The Minister of the Environment:** The Divisional Office currently holds records of one letter of support dated 2 April 2008 from Councillor Margaret Ritchie MLA.

### Climate Change

**Mr McKay** asked the Minister of the Environment what has he done to combat climate change since taking up office. (AQW 2875/09)

**The Minister of the Environment:** Since taking up office, my Department has:-

- provided input to many EU, UK and Northern Ireland policies that will ultimately lessen the impact of climate change; and
- raised awareness of the impacts and effects of climate change through partnership working.

### Northern Ireland Tourist Board

**Mr McGlone** asked the Minister of the Environment to detail Planning Service’s policy of consultation with the Northern Ireland Tourist Board on tourism planning applications; and to explain why the Northern Ireland Tourist Board has not been consulted in relation to planning application P/2008/0408/F. (AQW 2878/09)

**The Minister of the Environment:** My Department will consult Northern Ireland Tourist Board on tourism applications on a case by case basis based on the location and size of the proposal. In addition to consulting the NITB, my Department must be satisfied that a full assessment against the relevant policy has been carried out for all tourism proposals. Any proposal located in the countryside must be assessed against the development plan and the relevant policies contained in A Planning Strategy for Rural Northern Ireland and draft PPS 21 – Sustainable Development in the Countryside and any other material considerations.

Given the small scale of planning application P/2008/0408/F which is for the retention of 2No. 1 bedroom holiday cottages the Divisional Planning Office deemed it not necessary to consult with the Northern Ireland Tourist Board on this occasion.

### Planning Application: P/2008/0408/F

**Mr McGlone** asked the Minister of the Environment, in relation to planning application P/2008/0408/F, if he will provide copies of photographs referred to in the case officer’s reports that are currently being withheld. (AQW 2881/09)



**The Minister of the Environment:** The Ordnance Survey photographs referred to in the case officer's report on planning application P/2008/0408/F have now been released and a copy sent to the applicant's solicitor as required.

### **Planning Service: Presumption Against Planning Permission**

**Mr McGlone** asked the Minister of the Environment to explain the Planning Service's definition of 'presumption against planning permission'. (AQW 2882/09)

**The Minister of the Environment:** The planning system exists to regulate the development and use of land in the public interest. Paragraph 59 of PPS 1: General Principles clearly states that my Department's guiding principle in determining planning applications is that development should be permitted having regard to the development plan and all other material considerations therefore there is a presumption in favour of development unless the proposed development would cause demonstrable harm to interests of acknowledged importance. In such cases my Department has the power to refuse planning applications. Operational planning policy is drafted to seek to ensure that interests of acknowledged importance are protected in the determination of planning applications. The general presumption against development in Green Belts and Countryside Policy areas in the former Planning Strategy for Rural Northern Ireland has now been removed with the publication of draft PPS 21, with the exception of limited areas of very high scenic value.

### **Planning Service: Presumption in Favour of Planning Permission**

**Mr McGlone** asked the Minister of the Environment to explain the Planning Service's definition of 'presumption in favour of planning permission'. (AQW 2883/09)

**The Minister of the Environment:** Further to my answer to AQW 2882/09 the planning system exists to regulate the development and use of land in the public interest. Paragraph 59 of PPS1: General Principles states that the Department's guiding principle in determining planning applications is that development should be permitted, having regard to the development plan and all other material considerations therefore there is a presumption in favour of development unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In such cases my Department has the power to refuse planning applications. Operational planning policy is drafted to seek to ensure that interests of acknowledged importance are protected in the determination of planning applications.

### **Planning Service: Substantially Built Up Road Frontage**

**Mr McGlone** asked the Minister of the Environment to explain the Planning Service's definition of 'substantially built up road frontage', in the context of infill sites. (AQW 2884/09)

**The Minister of the Environment:** The term 'substantially built up road frontage' is contained within Policy CTY8 of draft PPS 21, 'Ribbon Development' which replaced draft PPS14 on Tuesday 24 November 2008.

In the context of infill development this term relates to a situation where it may be appropriate to develop a small gap site for up to two houses, within an otherwise substantial and continuously built up frontage, provided certain planning and environmental criteria are met.

This is normally where there are a significant number of dwellings side by side fronting onto a road. It may be appropriate to allow infilling of small gap in such a frontage in accordance with the above policy. However, individual planning applications will be assessed in accordance with the merits of the application site.

### **Audit Committee**

**Mr Shannon** asked the Minister of the Environment which Councils have yet to agree to the establishment of an Audit Committee; and to detail the reasons for the delay in this matter. (AQW 2894/09)

**The Minister of the Environment:** Whilst it is not a statutory requirement for district councils to establish Audit Committees, it is considered good practice.



21 district councils have Audit Committees in place and the first meeting of Strabane District Council's Audit Committee is planned for February 2009.

The Department has been advised that Carrickfergus Borough Council has subsumed the audit function within its Corporate Governance Committee and that Lisburn City Council has incorporated the audit function within its Corporate Services Committee. Moyle District Council has recently established an Audit and Governance Working Group, as the Council does not operate a formal committee system. Magherafelt District Council does not have an Audit Committee.

### **Rural Communities: Dispersed**

**Mr McElduff** asked the Minister of the Environment to detail (i) the settlements that have been designated as 'dispersed rural communities'; and (ii) the criteria for this designation. (AQW 2906/09)

**The Minister of the Environment:** In my recent speech to the Assembly, on the Launch of PPS 21 Sustainable Development in the Countryside, I outlined that I propose to re-instate Dispersed Rural Communities (DRC) as a policy designation in rural areas. I also indicated that there are currently twelve such settlements in adopted Area Plans these are:

#### **Fermanagh Area Plan 2007**

- Aghadrumsee, Aghakillymaud, Boho, Cashel, Coa, Cooneen, Corraney, Derrygannon, Knocks, Mullaghdund and Mulleek

#### **Cookstown Area Plan 2010**

- Broughderg and Davagh Upper.

There is a further DRC proposed in the draft Magherafelt Area Plan 2015 at Carntogher. This will not be confirmed until the plan is adopted following the Independent Examination which opens in February.

I have attached as Annex 1 the relevant section of PPS 21 which gives the criteria for the designation of a DRC.

#### **Annex 1**

#### **Extract From Public Consultation Draft PPS 21 Sustainable Development in the Countryside Dispersed Rural Communities**

4.5 In the interests of promoting rural regeneration, and in recognition of the strong sense of belonging and sense of place in certain rural areas the Department, through the development plan process, will identify and designate Dispersed Rural Communities (DRC) after consultation with District Councils, local communities and the public. The development plan may also bring forward local policies, to amplify and complement regional policy, on matters specific to the local circumstances which exist within particular DRCs.

4.6 The criteria for designation as a DRC includes:

- location in a remoter rural area and away from areas of development pressure close to existing towns;
- association with a traditional focal point, where there is convincing evidence of local community activity; with the existence of social and recreational facilities, such as a church, hall, school, community centre or sports club;
- other facilities or services, such as a shop, public house or sewage treatment works;
- a strong community identity. This could manifest itself through a local community association, church organisation or sports club; and
- a locally significant number of dwellings that have been built over time. Although these places are not nucleated settlements, they will have to be more than just open countryside. A build-up or cluster of recently built houses will normally not be considered as fulfilling this criterion.

4.7 A limit of development will not necessarily be drawn round the existing dispersed settlement pattern, as this may be an unnecessary obstacle to promoting the regeneration of the community and gives no indication of the availability of housing or other sites.



### Planning Service: Omagh District

**Mr McElduff** asked the Minister of the Environment how many planning applications in the Omagh district have been deferred; and if his Department (i) has allocated; or (ii) is planning to allocate, additional personnel resources to the western division of Planning Service to expedite the reassessment exercises in the Omagh district. (AQW 2907/09)

**The Minister of the Environment:** There are currently 330 deferred applications in Omagh District. 217 of these applications have been recommended for refusal under dPPS14 and await reconsideration under dPPS21 which was introduced on 25 November 2008.

The 113 non dPPS14 deferrals are subject to ongoing negotiation with applicants and agents on such matters as amended design.

The 217 dPPS 14 deferrals constitute an historic backlog which will be re assessed chronologically. This exercise, which has begun and should be completed by June 2009, is being undertaken by the Omagh District Planning Team and a Principal Planning Officer. No new staff resources have been allocated to this work.

### Road Safety Strategy

**Mr P Ramsey** asked the Minister of the Environment for an update on developments in the review of the Road Safety Strategy. (AQW 2915/09)

**The Minister of the Environment:** A replacement for the current road safety strategy is planned for introduction in 2010. A small team in DOE is coordinating the preparation of the new strategy and taking forward supporting preparatory reports and research projects.

A project board comprising senior officials from the statutory road safety partners has also been set up to oversee the development of the strategy. The Board held its inaugural meeting in October 2008.

Reports on the existing strategy, general progress and the current road safety position in Northern Ireland are being finalised for circulation in the New Year.

A number of research projects are also in progress and contracts are expected to be awarded early in 2009. These include:

- consideration of whether there is a link between child pedestrian casualties and deprivation;
- a road safety benchmarking exercise;
- an investigation into riders' and drivers' behaviours and attitudes to motorcycling safety; and
- a review of relevant road safety research and identification of any gaps.

Preparations for workshops with statutory stakeholders, planned for February 2009, are under way. These will be followed by engagement with external stakeholders, which I would anticipate beginning in April/May 2009.

### Road Fatalities: Financial Cost

**Mr P Ramsey** asked the Minister of the Environment to detail the financial cost of each road fatality. (AQW 2917/09)

**The Minister of the Environment:** The latest figures supplied by the Department for Transport indicate that each death on the roads costs £1,648,390.

### Road Traffic Accidents: Financial Cost

**Mr P Ramsey** asked the Minister of the Environment to detail the financial cost of injuries resulting from road traffic accidents. (AQW 2918/09)

**The Minister of the Environment:** The latest figures supplied by the Department for Transport indicate that each serious injury on the roads costs £185,220 and each slight injury £14,280.



## Cycling Proficiency Scheme

**Mr P Ramsey** asked the Minister of the Environment to breakdown the per capita costs to his Department of the Cycling Proficiency Scheme in schools; and the comparable figures in (i) England; (ii) Scotland; and (iii) Wales. (AQW 2919/09)

**The Minister of the Environment:** My Department has responsibility for road safety, and Road Safety Education Officers promote and deliver a range of road safety initiatives, including cycle training, in schools. The time spent by Road Safety Education Officers on individual road safety initiatives is not recorded because they often cover more than one road safety topic when visiting a school. Consequently, it is not possible to provide a precise per capita cost of the Cycling Proficiency Scheme.

I can confirm that the annual cost of delivering the scheme is around £84K plus staff costs, and this figure includes the payment to individual teachers who provide instruction to pupils, and the cost of producing the teaching resource pack, which includes a DVD. Since 2004, retail group Centra has sponsored the scheme, and the current level of sponsorship is just under £6K per annum. In 2007, 596 primary schools, out of around 885 primary schools in Northern Ireland, participated in the scheme, and just over 8,500 children were trained. The Cycling Proficiency Scheme involves up to 12 hours of training activity, including a two-hour test. The suggested maximum pupil/instructor ratio is 12:1. The scheme is playground based but schools are actively encouraged to provide an element of on-road training where appropriate. The number of schools involved in the Cycling Proficiency Scheme has increased over the last five years from just over 500 to the current figure.

I understand that the Department for Transport (DfT), which has responsibility for encouraging sustainable transport and cycling to school initiatives, is providing £140M over 3 years to local authorities to encourage the development of Bikeability in England. The Bikeability scheme operates at three levels. Level 1 consists of three hours off-road tuition delivered in one or more sessions with a ratio of one instructor to 15 trainees or less. Level 2 consists of five sessions with a maximum of 12 children and includes four 90-minute sessions on local roads with a pupil/instructor ratio of 6:1. Level 3 is usually taught 1:1 in a two hour session. The grant provided by DfT is based on £40 for each child trained up to Level 2 standard. DfT does not provide financial assistance for Level 3. Approximately fifty per cent of local authorities have introduced Bikeability. The remainder are continuing with the Cycling Proficiency Scheme.

Road Safety Scotland produces cycling material and encourages the take up of the Scottish Cycle Training Scheme. However, all instructors are volunteers, who receive no financial support directly or indirectly from Road Safety Scotland. The Scottish scheme is very similar to the Northern Ireland scheme with the vast majority of children receiving off road training only, although participation in on road training is increasing. Data on the number of children trained has not been recorded until recently and will not be available until 2009. Road Safety Scotland has taken a firm decision not to introduce Bikeability.

The Department is aware that the Welsh Assembly has provided a grant to encourage participation in Bikeability but it has not been possible to obtain details of the amount of grant awarded or the conditions attached.

You will note from the above that it is not possible to make direct comparisons between the different areas in the United Kingdom. Also, those providing cycle training are doing so for different reasons. From the Northern Ireland perspective, my Department must have regard to its statutory duty, which is to promote road safety in order to reduce the number of people killed and seriously injured on Northern Ireland's roads. Resources are therefore targeted primarily at addressing the main causes of road traffic casualties.

Cycling casualties have been falling for a number of years. Figures for the period up to 3 December 2008 show that two pedal cyclists have been killed so far this year compared with two for the same period in 2007 and none in 2006. There have been no child cyclist fatalities since 2005. Over the last three years, 10 children, on average, have been seriously injured on bikes. This represents a reduction of over 64% on the average of 28 for the baseline period of 1996-2000. The figures suggest that while there is no room for complacency the current approach to the delivery of cycle training for children is working.

## Planning Applications

**Mr P Ramsey** asked the Minister of the Environment if Planning Service is required to take the proximity of utilities into account, when assessing a planning application; and will he clarify when a planning application is submitted for a building that is not a safe distance from Extra High Tension cables, he has the authority to refuse the application. (AQW 2993/09)



**The Minister of the Environment:** While there is no specific policy for the assessment of planning applications in close proximity to high tension cables, my Department ensures that Northern Ireland Electricity plc (NIE) are consulted on all individual planning applications on land crossed by existing overhead power lines. NIE advise Divisional Planning Offices and developers on operational safe clearances for such proposals. The advice given by NIE with regard to the necessary clearance at a specific location is dependent on a number of factors. This includes the location of the line passing over and the lines' construction, design and operating voltage. Operators of overhead power lines are required to maintain safe conditions in compliance with legislation which are administered by my colleague Arlene Foster's Department of Enterprise Trade and Investment (DETI).

Paragraph 59 of PPS 1: General Principles clearly states that my Department's guiding principle in determining planning applications is that development should be permitted having regard to the development plan and all other material considerations unless the proposed development would cause demonstrable harm to interests of acknowledged importance. In such cases my Department has the power to refuse planning applications.

## PPS 21

**Mr McGlone** asked the Minister of the Environment to detail what consultation his Department has had with the Council of Mortgage Lenders on PPS 21. (AQW 3056/09)

**The Minister of the Environment:** My Department has had no consultation with the Council of Mortgage Lenders on Draft PPS21. The Council has however been advised of the publication of the new policy and will therefore have the opportunity like all others during this public consultation phase, to comment on all aspects of the document.

## Down High School

**Mr Wells** asked the Minister of the Environment to explain the reasons for the delay in approving the planning application for a new Down High School at a site on the Strangford Road, Downpatrick. (AQW 3063/09)

**The Minister of the Environment:** The South Eastern Education and Library Board is proposing, subject to the granting of planning permission, to construct a new 1,100 pupil High School at Strangford Road, Downpatrick.

The proposal is at pre-application discussion stage and a series of meetings have been held with planning officials from the Strategic Projects Division which have proven to be extremely productive in terms of identifying and exploring the key issues associated with the proposal. To date a planning application has not been submitted.

I understand that the Education Board is currently compiling the necessary information in order to submit a planning application. Indications are, at this stage, that it may be submitted early 2009.

Should a planning application be forthcoming my officials will process it as quickly as it is possible to do so.

## PPS 14

**Mr B Wilson** asked the Minister of the Environment the reasons why his Department did not carry out a strategic environmental assessment on PPS 21 given that the Department for Regional Development considered this assessment was required under the strategic environmental assessment directive for PPS 14. (AQW 3158/09)

**The Minister of the Environment:** Draft PPS 21 is neither a plan nor a programme under the terms of the relevant EC Directive. Consequently a Strategic Environmental Assessment is not required.

## Ministerial Visits: Transport Used

**Mr Gallagher** asked the Minister of the Environment, pursuant to the answer to AQW 2568/09, to detail the number of occasions when he has used (i) public transport; and (ii) any form of transport other than his ministerial car, when carrying out official visits. (AQW 3168/09)

**The Minister of the Environment:** Since taking up office I have carried out a few visits using my own car.



## FINANCE AND PERSONNEL

### Energy from Waste Facility

**Mrs Long** asked the Minister of Finance and Personnel for his assessment of the impact on domestic rates for householders across the arc21 group of councils, if a suitable location for a proposed Energy from Waste (EfW) plant is not agreed. (AQW 2825/09)

**The Minister of Finance and Personnel (Mr N Dodds):** Any speculation around the potential impact on ratepayers is purely hypothetical and clearly it is important to ensure that ratepayers are not caused any needless concern, particularly given the pressures on household budgets at this time.

Meanwhile, my Department will continue to work closely with DOE, arc21 and Local Councils on this important matter.

### Capital Programme 2008-09

**Mr O'Loan** asked the Minister of Finance and Personnel to detail the known and anticipated changes to the funds available for the capital programme of the Executive for 2008-09, since the Budget was agreed. (AQW 2827/09)

**The Minister of Finance and Personnel:** The funds available for the capital programme of the Executive consist of Capital Department Expenditure Limits (DEL), funded via the block grant from the Treasury, and borrowing under the Reinvestment and Reform Initiative. This may be further supplemented by capital receipts income.

Since the Budget 2008-11 was published, the main change to Capital DEL has been the addition of the £100 million draw down of End Year Flexibility, which was agreed with the Treasury as part of the CSR settlement. There have also been adjustments to reflect the Chancellor's Budget and Pre Budget Report additions of £1.8 million and transfers to GB departments of £2.6 million.

The Pre Budget report also allowed the Executive the option of accelerating £9.4 million of capital expenditure from 2010-11 into 2008-09. This will be considered as part of the December Monitoring process.

The majority of capital receipts identified in the Budget were expected to come from the disposal of surplus assets. The level of receipts from this source has obviously been affected by the downturn in the local property market and this will in turn impact on the capital funds available for the Executives investment programme. The largest single instance of this has been the delay of the Workplace 2010 project which has resulted in the potential £175 million capital receipt not being realised in this financial year.

The in-year capital position will be considered in detail during the December Monitoring round the outcome of which will be the subject of a statement to the Assembly on 15 December.

### Carbon Neutral Government Estate

**Mr McKay** asked the Minister of Finance and Personnel if his Department is still on course to deliver a carbon neutral government estate by 2015. (AQW 2879/09)

**The Minister of Finance and Personnel:** The strategy being implemented to create a carbon neutral government estate is based on reducing the amount of office space occupied by the NICS, improving the energy efficiency of the buildings occupied and sourcing energy from low and zero carbon technologies where this is commercially viable. Ultimately carbon offsetting will be required for the remaining emissions.

The move to a Workplace 2010 compliant office estate will provide a major contribution towards the implementation of the strategy to create a carbon neutral estate. The current suspension of the procurement has the potential to impact on the strategy and will be reviewed in early 2009.



### Public Sector Job Location

**Dr Farry** asked the Minister of Finance and Personnel if there will be a green book cost and benefit analysis for each proposal for the decentralisation of public sector jobs. (AQW 2913/09)

**The Minister of Finance and Personnel:** The recommendations of Professor Bain's independent review have to be carefully considered by government before any decisions on a way forward can be reached. On 21 October 2008, during the Assembly debate on the location of public sector jobs, I gave an assurance to the Assembly that I would in due course report to the Executive on how the issue of relocation should be addressed. That assurance included a commitment to consider value for money.

To date, I have written to Executive Ministers asking for their views on location and on receipt of their responses, I will put these together with the views of the Finance and Personnel Committee and the points raised during the debate, and will bring my proposals to the Executive in the New Year. An important part of my deliberations will be the issue of affordability, the deployment of resources and the level of priority that should be attached to the value-for money case.

### Public Sector Job Location

**Dr Farry** asked the Minister of Finance and Personnel to report on the conclusions that he has drawn in relation to the potential relocation of public sector jobs, from the de facto freezing of the similar process in the Republic of Ireland. (AQW 2914/09)

**The Minister of Finance and Personnel:** Professor Bain's report takes account of the experience of relocation of public sector jobs in the Irish Republic and the other jurisdictions in the United Kingdom. He has concluded from his research that relocation in Northern Ireland should be modest and that we should proceed with caution. He has also proposed that relocation should be considered in the context of pilot projects and that any initiatives should be phased. I will be considering his recommendations carefully, as well as the lessons learned from elsewhere, when putting my conclusions to the Executive in the New Year.

### Land at Ballee, Ballymena

**Mr Dallat** asked the Minister of Finance and Personnel for his assessment of the quality of valuation work carried out by the Valuation and Lands Agency, and Land and Property Services in 2007, on the Department for Social Development's landholding at Ballee, Ballymena. (AQW 3003/09)

**The Minister of Finance and Personnel:** Valuation and Lands Agency (VLA), now Land and Property Services, was instructed in February 2007 by the Department of Social Development to provide a valuation of the lands at Ballee to inform the Department's discussions with the former owners of the land.

VLA was then instructed in March 2007 to undertake negotiations with Agents representing the former owners but agreement was not reached on value. Subsequently, Land and Property Services was asked to provide further updates to reflect the rapid growth in property values that the market was experiencing at the time.

This work was carried out promptly and professionally by experienced senior staff in the Agency and I am confident of the quality of both the valuations and advice provided to DSD.

### eHR Project: Resourcing Costs

**Mr Dallat** asked the Minister of Finance and Personnel to state the resourcing costs of the eHR project from its launch, for (i) the management of the tendering process, including legal, consultancy and direct costs, incurred by his Department and (ii) direct input from the Northern Ireland Civil Service staff. (AQW 3033/09)

**The Minister of Finance and Personnel:** The costs of the eHR project from its launch in 2002/3 for the management for the tendering process are:

	2002/03	2003/04	2004/05	2005/06
External Consultancy	£96,000	£523,000	£1,374,000	£2,032,000
Staff Costs (inc GAE)	£266,000	£523,000	£1,110,000	£1,834,000
<b>Total</b>	<b>£362,000</b>	<b>£1,046,000</b>	<b>£2,484,000</b>	<b>£3,866,000</b>



Implementation work on the eHR project commenced in April 2006. The costs of direct input from Northern Ireland Civil Service staff are:

	2006/07	2007/08	2008/09
DFP Staff Costs (inc GAE)	£1,082,000	£1,598,000	£1,818,000
Other Departments' Costs (funded by DFP)	£598,000	£1,092,000	£789,000
<b>Total</b>	<b>£1,680,000</b>	<b>£2,690,000</b>	<b>£2,607,000</b>

These costs include the planned expenditure for the remainder of the 2008/9 financial year.

### Clostridium Difficile

**Lord Morrow** asked the Minister of Finance and Personnel to detail the number of death certificates that list Clostridium Difficile as the primary cause of death, from 1 January 2006 to date, broken down by year and Health and Social Care Trust. (AQW 3067/09)

**The Minister of Finance and Personnel:** The attached table gives the number of deaths registered in Northern Ireland between 1 January 2006 and 30 June 2008, where Clostridium difficile was recorded as the underlying cause of death by year and the Health and Social Care Trust in which the deceased died.

Table: Number of deaths registered with Clostridium difficile<sup>1</sup> as the underlying cause of death by Health and Social Care Trust, 1 January 2006 - 30 June 2008<sup>P</sup>

Place of Death	Registration Year		
	2006	2007 <sup>P</sup>	2008 (Jan-Jun) <sup>P</sup>
Belfast HSC Trust	8	8	9
Northern HSC Trust	9	15	13
Southern HSC Trust	4	3	2
Southern Eastern HSC Trust	12	3	5
Western HSC Trust	8	5	1
<b>Total</b>	<b>41</b>	<b>34</b>	<b>30</b>

<sup>1</sup> On deaths where Clostridium difficile was mentioned the International Classification of Diseases, Tenth Revision codes A.04.7, A.09, A.41.4 and A.49.8 are used to identify underlying cause of death.

<sup>P</sup> Provisional Data.

### Rates Relief Scheme

**Mr Poots** asked the Minister of Finance and Personnel what consideration his Department has given to the introduction of a small business rates relief scheme, based on the Welsh model. (AQW 3081/09)

**The Minister of Finance and Personnel:** I would refer the Member to the answer I provided to Mr Simon Hamilton on 1 December in response to his question on a small business rate relief scheme for Northern Ireland, (AQO 1368/09).

I hope to be able to make an announcement shortly.

### Human Resource Services

**Mr Dallat** asked the Minister of Finance and Personnel what financial savings are expected to arise from the outsourcing of human resource services over the period of the eHR contract. (AQW 3096/09)

**The Minister of Finance and Personnel:** The outsourcing of Human Resource services through the eHR Contract has resulted in financial savings being generated from the redeployment of in the region of 500 NICS staff to other duties in the NICS as well as savings achieved through the termination of existing HR services



contracts. These financial savings are being used to fund the eHR service charges over the life time of the contract to deliver a modern, faster, more, effective personnel service which supports the NICS and NIO in meeting their business objectives.

### **Senior Civil Service: Female Representation**

**Ms J McCann** asked the Minister of Finance and Personnel what steps he is taking to combat the under-representation of women in the Senior Civil Service and in professional and specialist grades. (AQW 3119/09)

**The Minister of Finance and Personnel:** My officials are currently undertaking an in-depth analysis of gender in all grades and disciplines across the Service. It is hoped that the results of this analysis will be available in the new year and we will then be in a position to consider what action is required to address areas of under representation.

In the meantime, in order to attract as wide an applicant pool as possible we will continue to make extensive use of open recruitment to fill posts in senior grades. Recruitment advertisements also include a statement welcoming applications from under-represented groups, including females. Appointments are, however, based on merit.

### **Government Contracts: Procurement**

**Mr Gallagher** asked the Minister of Finance and Personnel, pursuant to AQO 1387/09, to detail all of the procurement arrangements in place for the awarding of (i) major Government contracts; (ii) all other contracts dealt with on behalf of Government; and (iii) all other contracts dealt with on behalf of other public authorities. (AQW 3156/09)

**The Minister of Finance and Personnel:** Public procurement activity by all NI Government Departments, their Agencies, NDPBs and Public Corporations is governed by the EU Treaty, EU Directives, the Public Contracts Regulations 2006 (PCR 2006) and NI Public Procurement Policy. All procurement activity by these bodies is conducted through the Central Procurement Directorate or a relevant Centre of Procurement Expertise (CoPE). There are seven CoPEs in Northern Ireland.

Given the financial importance of procurement policy, both in terms of total spend and in relation to the Executive's budget, the Procurement Board has responsibility for the development, dissemination and co-ordination of public procurement policy and practice for the Northern Ireland public sector. The Board is responsible to the Executive and accountable to the Northern Ireland Assembly.

As Minister for Finance and Personnel I undertake the role of Chairperson to the Board. Membership of the Board comprises the Permanent Secretaries of the 11 Departments, in order to ensure that there is compliance with the agreed policies and procedures in all Departments, their Agencies, NDPBs and public corporations. Other members of the Board include the Treasury Officer of Accounts, 2 external experts without a specific sectoral interest, the Director Central Procurement Directorate (CPD) and a representative of the Comptroller and Auditor General and of the Strategic Investment Board Ltd as observers.

The Procurement Board has determined that all contracts shall be awarded on the basis of objective criteria which ensure compliance with the EU Treaty principles and which guarantee that tenders are assessed in conditions of effective competition.

Regulation 30(1) of PCR 2006 states that 'a contracting authority shall award a public contract on the basis of the offer which (a) is the most economically advantageous from the point of view of the contracting authority; or (b) offers the lowest price'.

The Programme for Government (PSA 21) and NI Public Procurement Policy have determined that contracts are to be awarded on the basis of Most Economically Advantageous Tender (MEAT) with any exceptions being subject to formal approval by the Head of Procurement for the relevant CoPE.

Regulation 30(2) requires a contracting authority to use award criteria linked to the subject matter of the contract to determine which offer is the MEAT. The Regulation lists the following award criteria – quality, price, technical merit, aesthetic and functional characteristics, environmental characteristics, running costs, cost effectiveness, after sales service, technical assistance, delivery date and delivery period and period of completion.



The award of grants is not included within the activity of public procurement as the legal requirements are different, particularly in the context of EU procurement law. However, public sector bodies which receive grants are expected to apply procurement policy to their expenditure, which only leaves grants to non-public bodies excluded.

As regards District Councils, the NI Executive accepts that their different and separate framework of accountability must be recognised and, under existing legislation, compliance with NI Public Procurement Policy can only be on a voluntary basis.

### **Civil Service: Pension Scheme**

**Mr Craig** asked the Minister of Finance and Personnel what progress is being made to implement the new Pensions Post Award, Administration and Payroll Project. (AQW 3227/09)

**The Minister of Finance and Personnel:** A partnership between my Department and Capita Hartshead has resulted in the successful implementation of a new Pensions Post Award Administration and Payroll solution for Civil Service Pensions (CSP). The implementation has been completed both on time on 14 May 2008 and within budget £2.7m.

Stage 2 of the project is to implement a Web-based service which will allow pensioners to have secure access to their pension details and payslips and enable them to amend some of their personal details. It is planned that this functionality will be available by February 2009.

## **HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY**

### **Management Consultants**

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how much has been paid for management consultants, in each of the last two financial years. (AQW 2639/09)

**The Minister of Health, Social Services and Public Safety (Mr M McGimpsey):** The total expenditure on Management Consultancy for 2007/08 was £1,114,680.

Specific information on Management Consultancy is only held by the Department for the 2007/08 financial year and is not available before that date.

### **Mental Health**

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety what assistance his Department is giving to voluntary groups to address mental health problems in the community (AQW 2713/09)

**The Minister of Health, Social Services and Public Safety:** My Department supports voluntary organisations which operate on a regional basis throughout Northern Ireland. This year, over £750,000 has been allocated to support organisations that provide services for people with mental health problems. Local voluntary or community organisations can seek funding from the Health and Social Services Boards and Health and Social Care Trusts in whose areas they operate.

### **National Institute for Health and Clinical Excellence**

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety what funding his Department is using to meet the guidelines of the National Institute for Clinical Excellence, similar to those in place in England and Wales. (AQW 2714/09)

**The Minister of Health, Social Services and Public Safety:** There is no specific budget for the introduction of NICE guidelines here. Instead funding is labelled for, and therefore linked to, service developments. For example my Department identified additional funding of £9.28m/£20.3m/£39.1m over the CSR period for investment in specialist drugs. The funding is to meet specific PSA targets and also to improve access to



specialist drugs including the introduction of effective new drug therapies recommended by NICE and endorsed by my Department.

### **Rural Communities: Elderly Population**

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety what action the Department is taking to help elderly people in rural communities. (AQW 2715/09)

**The Minister of Health, Social Services and Public Safety:** My Department is committed to ensuring equality of access to health and

social care services for all the people of Northern Ireland regardless of age or geographic location, and I am investing an additional £60million over the CSR period to support at least an additional 1,500 older people in the community. The HSC offers a complete range of health and social care services to elderly people in rural communities including access to community nursing, GP services, social services, allied health professional services, day care services and domiciliary care. In addition, Trusts provide a range of local initiatives specifically tailored to the needs of local elderly populations.

### **Residential Homes: Mid-Ulster**

**Mr I McCrea** asked the Minister of Health, Social Services and Public Safety how many residential homes there are in the Mid-Ulster constituency. (AQW 2729/09)

**The Minister of Health, Social Services and Public Safety:** At 30 June 2008, there were 14 residential homes in the Mid-Ulster constituency.

### **Nursing Home Care: Mid-Ulster**

**Mr I McCrea** asked the Minister of Health, Social Services and Public Safety how many elderly people in the Mid-Ulster constituency require nursing home care. (AQW 2732/09)

**The Minister of Health, Social Services and Public Safety:** The information is not available in the form requested

### **Residential Care: Mid-Ulster**

**Mr I McCrea** asked the Minister of Health, Social Services and Public Safety how many elderly people in the Mid-Ulster constituency require residential care. (AQW 2733/09)

**The Minister of Health, Social Services and Public Safety:** The information is not available in the form requested

### **Children with Autism: Northern Area**

**Mr I McCrea** asked the Minister of Health, Social Services and Public Safety to outline what steps his Department is taking to address the lack of service provision for children with autism in the Northern Health and Social Care Trust area. (AQW 2735/09)

**The Minister of Health, Social Services and Public Safety:** The Northern Health and Social Care Trust have advised me that currently children with autism receive services both from within core and specialised services for example Occupational Therapy, Speech and Language, pre-school, in special schools, Child and Adolescent Mental Health Services, Child Development Centres and general paediatric services. Children are also treated within the Multi-Agency Support teams to Schools Service.

As a result of the Comprehensive Spending Review I secured £2.02m to improve autism services over the next three years, and the ASD Strategic Action Plan which is currently available for public consultation outlines the proposed areas of autism services in which this funding should be spent.



### Children with Autism: Waiting Times

**Mr I McCrea** asked the Minister of Health, Social Services and Public Safety what the current waiting time is for children awaiting a diagnosis of autism, in the Northern Health and Social Care Trust area. (AQW 2736/09)

**The Minister of Health, Social Services and Public Safety:** The information requested is not collected centrally, and could only be provided at disproportionate cost.

### Learning Disabilities: Western Area

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety how many people in the Western Health and Social Care Trust area have (i) a learning disability; and (ii) a severe learning disability. (AQW 2745/09)

**The Minister of Health, Social Services and Public Safety:** Information provided by the Western Health & Social Care Trust indicated that:

- (i) At 25 November 2008, 2,237 people have been assessed as having a learning disability; and,
- (ii) Information on the number of people with a severe learning disability is not currently recorded.

### Learning Disabilities: Western Area Funding

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety to detail the amount of money from his Department that has gone into learning disability in the Western Health and Social Care Trust area, in each of the past five years. (AQW 2746/09)

**The Minister of Health, Social Services and Public Safety:** My Department makes funding allocations to Health and Social Services Boards rather than Health and Social Care Trusts, therefore the information is not available in the format requested. However, Trust expenditure costs for learning disability services are held centrally. The latest figures my Department holds are for the financial year 2007/08. The table below provides the latest information available on the total amount of money spent by the Western Health and Social Care Trust on learning disability between 2003/04 and 2007/08.

#### WESTERN HSC TRUST TOTAL LEARNING DISABILITY EXPENDITURE 2003/04 TO 2006/07

Programme of Care	2003/04	2004/05	2005/06	2006/07	2007/08
Learning Disability (PoC6)	20,100,697	22,070,501	24,970,428	26,762,441	29,216,677

#### Sources:

1. Trust Financial Returns (Hospital, Community and PSS) 2004/05 to 2006/07
2. Western Health and Social Care Trust (2003/04 and 2007/08)

### Learning Disabilities

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety to detail how many people with a learning disability are attending adult training centres, in the Western Health and Social Care Trust area. (AQW 2747/09)

**The Minister of Health, Social Services and Public Safety:** Information provided by the Western Health & Social Care Trust indicated that on 26 November 2008, 731 people with a learning disability were attending statutory day centres.



### Care Homes: North Down/Ards

**Mr Weir** asked the Minister of Health, Social Services and Public Safety to detail how many residents are in (i) Ravara House, Bangor; (ii) Loch Cuan House, Newtownards; and (iii) Northfield House, Donaghadee. (AQW 2752/09)

**The Minister of Health, Social Services and Public Safety:** Information provided by the South Eastern Health and Social Care Trust is detailed below:

- (i) Ravara House, Bangor has 29 current residents and provides 13 respite beds.
- (ii) Loch Cuan House, Newtownards has 8 current residents and provides 6 respite beds and 10 intermediate care beds. There are also 9 beds currently vacant that could be used for respite or intermediate care.
- (iii) Northfield House, Donaghadee has 24 current residents and provides 1 respite bed and 17 intermediate care beds.

### Respite Care Beds: North Down/Ards

**Mr Weir** asked the Minister of Health, Social Services and Public Safety how many respite care beds are provided by (i) Ravara House, Bangor; (ii) Loch Cuan House, Newtownards; and (iii) Northfield House, Donaghadee. (AQW 2753/09)

**The Minister of Health, Social Services and Public Safety:** Information provided by the South Eastern Health and Social Care Trust is detailed below:

- (i) Ravara House, Bangor has 29 current residents and provides 13 respite beds.
- (ii) Loch Cuan House, Newtownards has 8 current residents and provides 6 respite beds and 10 intermediate care beds. There are also 9 beds currently vacant that could be used for respite or intermediate care.
- (iii) Northfield House, Donaghadee has 24 current residents and provides 1 respite bed and 17 intermediate care beds.

### Broadway Workshop

**Mr Burnside** asked the Minister of Health, Social Services and Public Safety if he will give an assurance that the Broadway Workshop will not be closed by the Northern Health & Social Care Trust without the matter being fully investigated, especially in respect of the needs of people with learning disabilities being able to access a range of day opportunities, designed to suit the needs of everyone who attends Broadway. (AQW 2781/09)

**The Minister of Health, Social Services and Public Safety:** The responsibility for operational matters in the provision of services rests with the Health and Social Care Trusts within Northern Ireland.

However, the Northern Health and Social Services Trust (the Trust) have advised me that under its response to the Comprehensive Spending Review it is proposing to reduce the current level of statutory day care provision and seek to provide alternative day opportunities for clients. This is in keeping with their Day Care Strategy, "Widening Choice and Opportunities".

As the Trust are currently consulting on their proposals, engaging with all interested parties and will discuss with each client and their family/carer opportunities tailored to individual needs based within the local community, I am satisfied that the necessary steps are being taken to identify the needs of each individual who attends the Broadway Workshop.

### Autism: Waiting Lists

**Mr I McCrea** asked the Minister of Health, Social Services and Public Safety the number of children currently on a waiting list for autism diagnosis, in the Northern Health and Social Care Trust area. (AQW 2784/09)

**The Minister of Health, Social Services and Public Safety:** The information requested is not collected centrally, and could only be provided at disproportionate cost.



### Autism: Staffing Levels

**Mr I McCrea** asked the Minister of Health, Social Services and Public Safety the number of staff currently working with children with autism, in the Northern Health and Social Care Trust area. (AQW 2785/09)

**The Minister of Health, Social Services and Public Safety:** It is not possible to quantify the number of staff working with children with autism as a large number of staff have varying degrees of involvement dependant on the child's specific circumstances. This includes Speech and Language Therapists, Occupational therapists, Paediatricians, school nursing, community dental service, Children's Challenging Behaviour Service, Transition Service and Educational Psychologists.

### Patients Travelling Abroad for Treatment: Mid-Ulster

**Mr I McCrea** asked the Minister of Health, Social Services and Public Safety to detail the number of patients in the Mid-Ulster constituency, who have had to travel abroad for treatment. (AQW 2786/09)

**The Minister of Health, Social Services and Public Safety:** Information on the number of patients in the Mid-Ulster constituency that have had to travel abroad for treatment is not collected centrally by the Department. Provision of such data by Health and Social Service Boards and Health and Social Care Trusts would incur a disproportionate cost.

### Lagan Valley Hospital: Maternity Services

**Mr Craig** asked the Minister of Health, Social Services and Public Safety to detail the cost of the latest public consultation that the South Eastern Health and Social Care Trust has launched regarding the closure of maternity services in Lagan Valley Hospital. (AQW 2800/09)

**The Minister of Health, Social Services and Public Safety:** This information is not available as the Trust's consultation on a proposal to transfer consultant-led inpatient obstetric services from Lagan Valley Hospital is ongoing.

### Health Service Dentists: Lagan Valley

**Mr Craig** asked the Minister of Health, Social Services and Public Safety how many Health Service dentists are available; and how many vacant patient places there are, in the Lagan Valley constituency. (AQW 2801/09)

**The Minister of Health, Social Services and Public Safety:** At 26th November 2008, Central Services Agency figures show that there were 42 dentists<sup>1</sup> registered to provide Health Service dental treatment in the Lagan Valley parliamentary constituency<sup>2</sup>. As the general dental services is a demand led service there is no quota of patient places and therefore information on vacant places is not available.

**Notes:**

1. Figures include Principal dentists only - excludes assistants and Vocational Dental Practitioners.
2. Statistics are at 26th November 2008 and are based on the location of the dental surgery where the dentist is employed.

### Energy from Waste Facility

**Mrs Long** asked the Minister of Health, Social Services and Public Safety his assessment of public health issues relating to arc21's proposals for an Energy from Waste (EfW) facility. (AQW 2823/09)

**The Minister of Health, Social Services and Public Safety:** My Department is not aware of any detailed proposals from arc21 relating to an energy from waste facility at this time.



### Investment Delivery Plan

**Dr Farry** asked the Minister of Health, Social Services and Public Safety to report on the development of his Department's Investment Delivery Plan. (AQW 2844/09)

**The Minister of Health, Social Services and Public Safety:** I received a total of £3.3bn over the 10 years of the Investment Strategy 2008, just under £700m of which is in the CSR, against an identified need of £7.8bn. A major element of this investment has already been contractually committed.

In light of the funding constraints I commissioned a Review of Capital Priorities over the next 10 years. I am currently considering the report, which was completed on 30 September 2008. It has highlighted that some very difficult decisions will need to be taken in order that the limited funding available to me will be allocated to areas of highest need across all Programmes of Care, and optimise the benefits for the entire population of Northern Ireland.

Only once I have considered the report in full will my Department be in a position to publish its Investment Delivery Plan.

### Neighbourhood Renewal

**Mrs D Kelly** asked the Minister of Health, Social Services and Public Safety how much money his Department contributed to the delivery of Neighbourhood Renewal in (i) Lurgan; (ii) Brownlow; and (iii) Portadown, in each of the last three years. (AQW 2853/09)

**The Minister of Health, Social Services and Public Safety:** No funding has been provided by my Department to Neighbourhood Renewal in Lurgan, Brownlow or Portadown in the last three years.

### Lurgan Hospital

**Mr O'Dowd** asked the Minister of Health, Social Services and Public Safety (i) what services will be retained at Lurgan Hospital; and (ii) are there any plans to enhance the range of services, in the next five years. (AQW 2869/09)

**The Minister of Health, Social Services and Public Safety:** Lurgan Hospital will continue to have a lead role in Care of the Elderly services, including the assessment and rehabilitation of older people. The day hospital will continue to provide support and rehabilitation for patients on discharge, as well as facilitating medical and falls clinics.

The Southern Health and Social Care Trust is in the process of establishing a multidisciplinary, one stop assessment centre for older people at Lurgan Hospital and an early supported discharge and stroke community rehabilitation team in the Craigavon/Banbridge locality. The Trust is also exploring options to facilitate the expansion of its breast screening programme over the next 3-5 years; these will include options based on the Lurgan Hospital site.

### Bipolar Disorder

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how many people have been diagnosed with bipolar disorder. (AQW 2893/09)

**The Minister of Health, Social Services and Public Safety:** The information requested is not available.

### Capital Building Programmes: DHSSPS

**Dr McDonnell** asked the Minister of Health, Social Services and Public Safety to outline his Department's major capital building programmes, for the next three years. (AQW 2921/09)

**The Minister of Health, Social Services and Public Safety:** I would refer the Member to the reply I gave Alex Easton for AQW2192/09.



### Clostridium Difficile

**Mr Bresland** asked the Minister of Health, Social Services and Public Safety if he intends to include the recent outbreak of Clostridium Difficile in the Western Health and Social Care Trust area, within the remit of the public inquiry on the outbreak of Clostridium Difficile in the Northern Health and Social Care Trust area.

(AQW 2927/09)

**The Minister of Health, Social Services and Public Safety:** I advised the Assembly on 14 October 2008 that the purpose of the public inquiry is to establish how many deaths resulted from the Clostridium difficile outbreak in Northern Trust hospitals and to examine the experiences of patients and others who were affected by that outbreak. I have no plans to change the scope of this inquiry.

I fully expect that there will be lessons to be learned from this inquiry, and all Trusts will be expected to act on these.

All five Trusts are already acting on lessons learned from Northern Trust outbreak. The report of the independent review by RQIA contained 53 recommendations. These are being implemented by my Department and the Trusts.

Until ribotyping results are received it is not known whether the three cases of C. difficile reported by the Western Trust on 20 November were an outbreak.

### Princes Gardens Children's Home

**Mr Ross** asked the Minister of Health, Social Services and Public Safety how did his Department arrive at the decision to close Princes Gardens Childrens Care Home.

(AQW 2939/09)

**The Minister of Health, Social Services and Public Safety:** No decision has been made to close Prince's Gardens. The Trust has proposals out for consultation. The Trust has advised that the first phase of the consultation exercise started on 23 October 2008 and will end on 19 December 2008. A second phase with the results of the Equality Impact Assessment is expected to start on 7 January 2009 and end on 4 March 2009.

### Princes Gardens Children's Home

**Mr Ross** asked the Minister of Health, Social Services and Public Safety if a financial evaluation was carried out for children's homes other than the Princes Gardens Children's Home, in Larne.

(AQW 2940/09)

**The Minister of Health, Social Services and Public Safety:** The decision to propose efficiencies in one area of Trust activity rather than another requires the application of financial appraisal principles rather than necessarily full formal evaluation. Furthermore, since proposals in respect of Princes Gardens are also subject to public consultation, everyone will have their say.

While the unit is registered with RQIA, it is not seen as being "fit for purpose" as a 21st century Children's home. The building requires significant investment to meet and maintain current standards for children who require residential care provision. This needs to be taken into account in determining the way ahead.

### Princes Gardens Children's Home

**Mr Ross** asked the Minister of Health, Social Services and Public Safety how much investment has his Department put into the Princes Gardens Children's Home, over the last ten years.

(AQW 2941/09)

**The Minister of Health, Social Services and Public Safety:** A number of schemes have been carried out on Princes Gardens Home in the last ten years:

Initiative	Cost	Year
Structural Fire Precautions	£17,476.80	2002
Replacement Porch	£4,989.89	2003
Fire Code Works (Estimated to start January 2009)	£25,500.00	2008/09



Initiative	Cost	Year
Ongoing maintenance and upkeep from 1 January 1999 to date, including external painting and roof repairs	£ 33,904.00	
<b>Total</b>	<b>£81,870.69</b>	

### Princes Gardens Children's Home

**Mr Ross** asked the Minister of Health, Social Services and Public Safety what improvements are required to the Prince's Gardens Children's Home to bring it up to standard. (AQW 2942/09)

**The Minister of Health, Social Services and Public Safety:** The Trust has advised in relation to the existing premises considerable improvements are needed to the physical external and internal condition of the house which includes major work to the roof. Other areas which require attention relate to Fire and Health and Safety issues and functional suitability including the provision of a disabled bathroom.

### Health Service Users

**Mr G Robinson** asked the Minister of Health, Social Services and Public Safety what plans he has to enshrine the right of service users to be involved throughout any consultation process, including the drafting of the final report, so that Health Service consultation is on service users rather than on medical professional, and to ensure a move from a medical to a patient based model in any reforms of the Health Service. (AQW 2949/09)

**The Minister of Health, Social Services and Public Safety:** The Health and Social Care (Reform) Bill, currently in its legislative passage through the Assembly, has provisions which require the Department of Health, Social Services and Public Safety, the Regional Health and Social Care Board, the Regional Agency for Public Health and Social Well-being, Health and Social Care (HSC) Trusts and special agencies to prepare a consultation scheme within a specified period. Each body's consultation scheme must make it clear how the Patient and Client Council, persons to whom care is being or may be provided and the carers of persons are consulted on specific HSC matters.

### Rainbow Project

**Ms Ni Chuilín** asked the Minister of Health, Social Services and Public Safety what funding it has given to the Rainbow Project and to the Lesbian, Gay, Bisexual and Transgender Community; and what plans it has to allocate future funding to this Section 75 group. (AQW 2965/09)

**The Minister of Health, Social Services and Public Safety:** The Department of Health, Social Services and Public Safety has provided funding, in the form of grants, to The Rainbow Project since it was established in 1994. In 2008/09 my Department has made available funding of £31,652 towards the organisation's central administration costs.

In addition, my Department made available funding of £48,486 in the current financial year to voluntary organisations supporting issues relating to the lesbian, gay, bisexual and transgender community.

Regarding future funding, subject to the availability of resources, assessment and monitoring procedures, it is anticipated that the Department will make available funding to meet its existing funding commitments, including to those organisations in the lesbian, gay, bisexual and transgender community. Voluntary and community organisations may apply in the future should the Department invite project funding applications through public advertisement.

### Healthcare Acquired Infections

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if he is aware that there was a call for the Hazard Analysis and Critical Control Point Protocol to be applied to the field of Healthcare Acquired Infections by both the Chief Medical Officer, Sir Liam Donaldson, for England and Wales, and the Chair of the National Patient Safety Council, Sir Philip Hunt. (AQW 2967/09)



**The Minister of Health, Social Services and Public Safety:** I am aware that this methodology was mentioned in the 2003 report 'Winning Ways - Working Together to Reduce Healthcare Acquired Infections' by the Chief Medical Officer for England and Wales.

### Healthcare Acquired Infections

**Mr Simpson** asked the Minister of Health, Social Services and Public Safety to detail the process by which relatives are informed if patients have contracted MRSA or other hospital acquired infection, broken down for each hospital. (AQW 2978/09)

**The Minister of Health, Social Services and Public Safety:** The process for informing patients and relatives if they have acquired MRSA or other healthcare associated infection is similar in all Trusts and is as follows.

If the patient has the capacity to understand, staff will inform the patient directly and provide them with an appropriate information leaflet if available.

The relatives of a patient with capacity to understand are informed only with consent of the patient.

If the patient does not have the capacity to understand, staff will act in the best interest of the patient. The patient's relatives will be informed and will be provided with an appropriate information leaflet if available.

### Ambulances

**Mr Simpson** asked the Minister of Health, Social Services and Public Safety how many ambulances are operating, broken down by each division. (AQW 2979/09)

**The Minister of Health, Social Services and Public Safety:** The table below shows the average daily number of Northern Ireland Ambulance Service (NIAS) accident and emergency ambulances operating, split between night and day shifts.

NIAS Division	Day Shift	Night Shift
East City	10	8
East Country	14	12
North	14	12
South	13	10
West	11	10
Total	62	52

### Midwives

**Mr Moutray** asked the Minister of Health, Social Services and Public Safety to detail the number of midwives in each Health and Social Care Trust (i) in total; (ii) per 100 births per annum; and (iii) per head of population. (AQW 2983/09)

**The Minister of Health, Social Services and Public Safety:** The information requested is given in the table below.

TABLE 1: NUMBER OF MIDWIVES BY TRUST, PER 100 LIVE BIRTHS AND PER 1000 HEAD OF POPULATION AS AT 30TH SEPTEMBER 2008.

Trust	Number of Midwives		Midwives per 100 Live Births		Midwives per 1000 Population	
	H'count	WTE	H'count	WTE	H'count	WTE
Belfast	321	243.36	4.76	3.61	0.96	0.73
Northern	225	175.18	5.04	3.92	0.50	0.39



Trust	Number of Midwives		Midwives per 100 Live Births		Midwives per 1000 Population	
	H'count	WTE	H'count	WTE	H'count	WTE
South Eastern	228	172.89	5.42	4.11	0.68	0.51
Southern	273	204.38	4.57	3.42	0.80	0.60
Western	232	190.38	5.70	4.68	0.79	0.65
<b>Total</b>	<b>1279</b>	<b>986.19</b>	<b>5.02</b>	<b>3.87</b>	<b>0.73</b>	<b>0.56</b>

**Sources::**

Number of Midwives: Human Resource Management System.

Birth Information: KH03A.

Population Information: Northern Ireland Statistics and Research Agency.

**Notes:**

1. H'count = Headcount.
2. WTE = Whole-Time Equivalent.
3. The latest available birth information is the number of Live Births in 2007/08.
4. The latest available population information is the Civilian Population Mid-Year Estimate 2007.

## Efficiency Savings Plans

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to outline the bed closures under consideration in the efficiency savings plans of Health and Social Care Trusts. (AQW 2988/09)

**The Minister of Health, Social Services and Public Safety:** It is not possible to estimate reliably how many hospital beds might be affected at this time. Health and Social Care Trusts are currently consulting on a range of their efficiency proposals.

Across the CSR period I will be investing very specifically in services which keep people out of hospital when they do not need or want to be there - my Department has been tasked by the Executive with supporting more people at home as part of its Public Service Agreement. This, combined with improvements in productivity within our acute services, will lead to a reduced number of beds being needed.

## Efficiency Savings Plans

**Mr Easton** asked the Minister of Health, Social Services and Public Safety what consultations took place with unions on his Department's plans for efficiency savings. (AQW 2989/09)

**The Minister of Health, Social Services and Public Safety:** I have met the Trade Unions on several occasions to discuss the process being undertaken by Trusts in seeking to identify efficiency savings. Currently, Health and Social Services Trusts and the Northern Ireland Fire and Rescue Service are taking forward consultation processes on proposals. As further detail on proposals to meet efficiency demands becomes available, it is being shared with local Trade Unions on a local and regional basis.

## Nursing Positions

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail the cuts to nursing positions that are being planned by his Department, broken down by Health and Social Care Trust.

(AQW 2990/09)

**The Minister of Health, Social Services and Public Safety:** I would refer the member for North Down to my answer to AQW 1423/09.



### Care Homes

**Mr Weir** asked the Minister of Health, Social Services and Public Safety to detail his Department's guidelines for consultation criteria when there is a proposal to close a nursing or residential home. (AQW 3036/09)

**The Minister of Health, Social Services and Public Safety:** Departmental guidelines dictate that the consultation document must contain up-to-date information on the facility and the nature and consequences of the proposed closure, including:

- an explanation for the need for change;
- details of the services under consideration, including present activity levels;
- a description of the options considered, together with outline costs and advantages and disadvantages of each option for patients and clients;
- proposed timetable for implementation; and
- any proposals for alternative use or disposal of the facility concerned.

All interested parties should be invited to comment on proposals. It is, of course, of paramount importance that those residents potentially directly affected by such a proposal are kept fully informed, and that their views, health and well-being are given full and proper consideration during the process.

### Care Homes

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what consultation is planned with the residents of a residential or nursing home, when there is a proposal to close that home. (AQW 3037/09)

**The Minister of Health, Social Services and Public Safety:** Departmental guidelines dictate that the consultation document must contain up-to-date information on the facility and the nature and consequences of the proposed closure, including:

- an explanation for the need for change;
- details of the services under consideration, including present activity levels;
- a description of the options considered, together with outline costs and advantages and disadvantages of each option for patients and clients;
- proposed timetable for implementation; and
- any proposals for alternative use or disposal of the facility concerned.

All interested parties should be invited to comment on proposals. It is, of course, of paramount importance that those residents potentially directly affected by such a proposal are kept fully informed, and that their views, health and well-being are given full and proper consideration during the process.

### Care Homes: North Down/Ards

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what future consultation is planned on the proposed closure of (i) Ravara House, Bangor; (ii) Loch Cuan House, Newtownards; and (iii) Grove House, Ballynahinch. (AQW 3038/09)

**The Minister of Health, Social Services and Public Safety:** I refer the member to the answer I gave to AQW 2750/09. In addition officials from the South Eastern Health and Social Care Trust have held meetings with residents of Ravara House, Loch Cuan House, Grove House and their families to discuss proposals for the future delivery of services for older people in the area.

### Care Homes: North Down/Ards

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what consultation has taken place regarding the proposed closure of (i) Ravara House, Bangor; (ii) Loch Cuan House, Newtownards; and (iii) Grove House, Ballynahinch. (AQW 3039/09)



**The Minister of Health, Social Services and Public Safety:** I refer the member to the answer I gave to AQW 2750/09. In addition officials from the South Eastern Health and Social Care Trust have held meetings with residents of Ravara House, Loch Cuan House, Grove House and their families to discuss proposals for the future delivery of services for older people in the area.

### Health and Social Care Trusts: Budget Deficits

**Mr Weir** asked the Minister of Health, Social Services and Public Safety if any Health and Social Care Trusts have a budget deficit. (AQW 3040/09)

**The Minister of Health, Social Services and Public Safety:** While all trusts are currently facing financial pressures, every trust has a statutory duty to break even.

### Women's Groups

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what funding has been made available by his Department to each women's group for the 2008-09 financial year; and what programme each group is funded under. (AQW 3178/09)

**The Minister of Health, Social Services and Public Safety:** In the financial year 2008-2009 my Department will provide core and project funding to Women's Group as listed below.

Women's Group	Funding Stream	Amount
NI Women's Aid Federation	Departmental Core Funding	£229,222
Women's Information Group	Departmental Core Funding	£17,969
Women's Information Group	Departmental Project Funding	£10,000
Women's Resource Development Agency	Departmental Core Funding	£44,752

In addition, my Department is currently funding, until March 2009, all of those projects formerly supported by the Children's Fund that support the health and social services objectives and functions of DHSSPS, including the following projects run by women's groups.

Organisation	Project Title	2008-09 Grant Offer
Ballymena Women's Aid	Domestic Violence Interagency & Community Development Worker	£37,671
Ballymurphy Women's Centre	Yahoo Project	£44,969
Causeway Women's Aid	Domestic violence & Children. A prevention and intervention project	£71,087
Cookstown & Dungannon Women's Aid	The Children's project	£42,688
Fermanagh Women's Aid	Refuge & Community based aftercare children's services	£50,500
North Down and Ards Women's Aid	Children & Domestic Violence	£12,810

Those ex-Children's Fund projects, which are the responsibility of other Departments, are currently being supported by £2 million of centrally earmarked funds until March 2009 with DHSSPS acting as the distribution point for them. They include the following women's group projects.

Organisation	Project Title	2008-09 Grant Offer
Derry Women's Centre	Moving Up Mothers (MUM)	£48,590
Falls Women's Centre	Children's Project	£35,844



### Street Drinkers: Londonderry/Derry

**Ms Anderson** asked the Minister of Health, Social Services and Public Safety what services are in place to meet the health needs of street drinkers, in the Londonderry/Derry area. (AQW 3223/09)

**The Minister of Health, Social Services and Public Safety:** The Western Drug and Alcohol Co-ordination Team (WDACT), through the New Strategic Direction for Alcohol and Drugs (NSD), funds the Foyle Haven in Derry, a service which was specifically developed to support the needs of the street drinkers, including their health needs. The Foyle Haven provides an accessible drop-in centre where their assessed needs can be met and appropriate care and support undertaken. They provide a meals and snacks, along with laundry, showering, clothing, and personal hygiene facilities. In addition they deliver a range of activities designed to improve the self-esteem, knowledge and well-being of service users.

There is a specific Health Worker employed to facilitate clients gaining access to primary health services, and accompanies service users to GP, hospital or treatment appointments when necessary.

The “Get Your Head Down” project is also currently being implemented. This is night shelter accommodation to be provided to the homeless drinkers in a Methodist Church Hall. The WDACT has contributed £5,000 funding to facilitate the running of this service in the short term.

### Street Drinkers: Belfast

**Ms Anderson** asked the Minister of Health, Social Services and Public Safety what services are in place to meet the health needs of street drinkers, in the Belfast area. (AQW 3224/09)

**The Minister of Health, Social Services and Public Safety:** Within the Belfast area there are several organisations who offer services that help meet the needs of street drinkers, including:

- **Multi-Disciplinary Homelessness Assessment Team (Extern)** – which provides an assessment service at the point of contact for those with complex needs. The team is funded by the Eastern Health and Social Services Board (EHSSB), the Probation Board for Northern Ireland and the Northern Ireland Housing Executive;
- **Homelessness District Nursing Service (Belfast Health and Social Care Trust)** - Belfast HSC Trust has a district nursing service which focuses exclusively on those sleeping rough or in temporary accommodation. It offers a crucial primary care link and gateway for those with mental, physical health or addiction issues;
- **Day Centre/Outreach Teams in Belfast (Welcome Centre and Homeplus)** - There are two services operating in the Belfast aimed at addressing the physical health needs of rough sleepers including street drinkers. They provide access for people to the homeless district nursing service;
- **Stella Maris Hostel (De Paul Trust)** - the Stella Maris Hostel is an emergency homeless hostel providing 24/7 care to long term street drinkers in the North Belfast area. It provides a range of services from single room accommodation to full catering and laundry facilities, and during residents stay they are also engaged in a key working system which allows them to gain access to welfare rights advice, health care, education and training and any other specialist services that they may need; and
- **Centenary House Crash Facility (Salvation Army)** - This facility provides emergency overnight accommodation to those sleeping rough including street drinkers allowing them to gain access to shelter, food welfare rights advice and health care.

### Loch Cuan Home

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety what scoring the South Eastern Health and Social Care Trust used in its proposal to close Loch Cuan Home, in Newtownards. (AQW 3414/09)

**The Minister of Health, Social Services and Public Safety:** The scoring system used by the South Eastern Health and Social Care Trust in its proposal to close Loch Cuan Home is detailed in the consultation document available on the Trust’s website: <<http://www.setrust.hscni.net>> and clicking on ‘Involving You’.



### Loch Cuan Home

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety why is the Health and Social Care Trust considering the closure of Loch Cuan Home when the original decision was to build single independent units. (AQW 3416/09)

**The Minister of Health, Social Services and Public Safety:** The original proposal by the legacy Ulster Community and Hospitals Trust, like the current proposal from the South Eastern Trust, was to close Loch Cuan and pursue the development of a Supported Housing project on the site. The Supported Housing project will be dependent upon capital and revenue funding being available from the Department of Social Development's Supporting People Programme.

### Cleft Palate

**Mrs O'Neill** asked the Minister of Health, Social Services and Public Safety how many children (i) have been born with a cleft palate; and (ii) are on waiting lists for corrective surgery. (AQO 1601/09)

**The Minister of Health, Social Services and Public Safety:** Out of approximately 24,500 births in 2007/08, 29 children were born with a cleft palate or cleft palate & lip. Currently 10 children are on a waiting list for corrective surgery.

### Cherry Lodge Children's Home

**Mr Brolly** asked the Minister of Health, Social Services and Public Safety what examples there are of good practice in relation to the proposals by the Northern Health and Social Care Trust to replace Cherry Lodge Children's Home with 12 specialist salaried carers to extend the family based respite scheme. (AQO 1619/09)

**The Minister of Health, Social Services and Public Safety:** Studies show that families would like choice in the type of respite care available. In cases where children have complex health care needs, families want reassurance that their carers are competent and have access to a range of specialist advice, support and training which their children's health needs require. Evidence shows that this can be achieved in a range of settings including residential, day care, family based settings and domiciliary care within the child's own home. The Trust's proposal, is currently out to a public consultation which will end on 19th December 2008. Following the consultation the Trust will need to take account of responses in determining what respite services are most appropriate to meet the needs of disabled children. An Equality Impact Assessment and further consultation on the proposal will take place early in 2009. A final decision will not be made before March 2009 and will be made in conjunction with my Department.

### Omagh Hospital Provision

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety when work for the new enhanced hospital in Omagh is due to commence. (AQO 1499/09)

**The Minister of Health, Social Services and Public Safety:** The new enhanced hospital in Omagh is currently in the process of being procured. The enabling works commenced in 2007.

I would say that I have deep concerns about the lack of support shown by the Omagh District Council for this project and asked them to confirm their support for the new hospital as planned. I have a letter from the Chief Executive of the Council confirming their endorsement and I have responded.

### Drug Misuse Database

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety for his assessment of the Drug Misuse Database April 2007 to March 2008, finding that of the clients presenting with drug misuse over a third were as a result of cocaine misuse; and what plans he has to reduce this figure. (AQO 1566/09)



**The Minister of Health, Social Services and Public Safety:** The Northern Ireland Drug Misuse Database 07/08 did not report that over a third of clients presenting were as a result of cocaine misuse. What it in fact reported was that while cocaine (including crack cocaine) was the third most commonly reported main drug of misuse, it was only reported by 10% of individuals in that period, compared to 11% in 2006/07.

However, I am very concerned about the level of cocaine use in Northern Ireland, especially among the 25-35 age group. Under the New Strategic Direction for Alcohol and Drugs work is underway to address issues relating to prevention, treatment, and enforcement of all drug misuse.

### Healthcare Centres: Tyrone

**Mr McElduff** asked the Minister of Health, Social Services and Public Safety what plans his Department has to allocate priority funding for the development of new healthcare centres in (i) Carrickmore; and (ii) Fintona, Co Tyrone. (AQO 1613/09)

**The Minister of Health, Social Services and Public Safety:** I received a total of £3.3bn over the 10 years of the Investment Strategy 2008, just under £700m of which is in the CSR, against an identified need of £7.8bn. A major element of this investment has already been contractually committed.

In light of funding constraints, I commissioned a Review of Capital Priorities across the entire health and social care system over the next 10 years. I am currently considering the report which has highlighted that some very difficult decisions will need to be taken in order that the limited funding available will be allocated to the areas of highest need across all Programmes of Care, including Primary & Community Care, in order to optimise the benefits for the entire population of Northern Ireland.

I have made a number of announcements recently and hope to be in a position to decide on, subject to business case approval, the HSC Trust allocations in the coming weeks.

### Lagan Valley Hospital

**Mr Craig** asked the Minister of Health, Social Services and Public Safety for his assessment of the public consultation issued by the South Eastern Health and Social Care Trust on the complete closure of maternity services at Lagan Valley Hospital, given that the Belfast Health and Social Care Trust has stated that maternity services at the Mater Hospital cannot close due to lack of capacity at the Royal Victoria Hospital. (AQO 1516/09)

**The Minister of Health, Social Services and Public Safety:** The South Eastern Trust is currently consulting on a proposal to transfer consultant-led inpatient obstetric services from Lagan Valley Hospital, not the complete closure of maternity services at the hospital. Under the Trust's proposal, Lagan Valley will continue to provide antenatal and postnatal care.

As the consultation is under way it would not be appropriate for me to comment on the Trust's proposal at this time. I am however well aware of the pressures on maternity services. That is why I have asked the Eastern Board to review maternity services for the Greater Belfast area.

### Safefood Community Food Initiative

**Ms J McCann** asked the Minister of Health, Social Services and Public Safety how many applications were made to the safe food community food initiative program. (AQO 1568/09)

**The Minister of Health, Social Services and Public Safety:** There were 94 applications made to the safefood community food initiative program. The closing date for applications was 30 September 2008.

### Royal Victoria Hospital: Listeria Outbreak

**Mr G Robinson** asked the Minister of Health, Social Services and Public Safety for an update on the results of the investigation into the outbreak of listeria at the Royal Victoria Hospital. (AQO 1477/09)

**The Minister of Health, Social Services and Public Safety:** A report is being prepared and this will be published as soon as possible after it has been finalised.



## Childcare Services

**Mr A Maskey** asked the Minister of Health, Social Services and Public Safety what plans he has to increase the provision of adequate childcare services taking into account the impact of social security legislation on lone parents. (AQO 1572/09)

**The Minister of Health, Social Services and Public Safety:** Responsibility for Early Years policy, which includes policy responsibility for child minding, transferred from my Department to the Department of Education in November 2006, with DHSSPS remaining responsibility for the regulation and inspection.

My Department is working with the Department of Education to review childcare registration and provision. Childcare is an issue which cuts across the remit of a number of departments and at the last meeting of the Ministerial Sub-Committee it was agreed that an additional cross departmental sub group would be established to focus specifically on this issue.

This group will undertake a short exercise to consider the potential for increasing childcare provision and will link to the sub-group on child poverty. On completion of the exercise a report will be submitted to the Ministerial Sub-Committee identifying costed options.

The Department for Social Development has advised that when a lone parent claims Jobseeker's Allowance, they will be subject to the same rules that apply to other jobseekers. An adviser will draw up a jobseeker's agreement and amongst other things will discuss the availability of suitable and affordable childcare with the lone parent. Additional flexibilities will be available in Northern Ireland where suitable and affordable childcare is not available to the lone parent.

## Older People's Health and Well-being

**Mrs M Bradley** asked the Minister of Health, Social Services and Public Safety for an update on the service framework for Older People's Health and Wellbeing. (AQO 1560/09)

**The Minister of Health, Social Services and Public Safety:** My Department has commenced the development of a service framework on the Health and Wellbeing of Older People. Work is currently underway to finalise the terms of reference for the framework and to identify and confirm the most appropriate people from within the Health and Social Care service who will lead its development. I anticipate that the draft service framework for older people will be launched for consultation early in 2010.

## Mental-Health Facilities: St Lukes Hospital

**Mr Boylan** asked the Minister of Health, Social Services and Public Safety for his assessment of the infrastructure in place to maintain the programme to reduce the number of people with mental health illness who are in long stay hospital care, given the proposed closures of villas 1 and 2 in St. Luke's Hospital, over the next two years. (AQO 1559/09)

**The Minister of Health, Social Services and Public Safety:** The Southern Trust has developed proposals to re-settle 60 of the remaining 80 long-stay patients in St. Luke's Hospital over the next 3 years, together with plans to enhance community provision. These proposals are subject to the outcome of formal consultation commencing in December 2008.

A Project Board/Implementation Team made up of members from all the key stakeholders, has been established to oversee the resettlement programme. The Project board has been resourced to ensure all objectives are met. The individual needs of relevant patients in Villas 1 and 2 will be assessed by a multidisciplinary team and will be met in the most appropriate care environment with the full involvement of patients, their families and carers.

No patient will be discharged before the appropriate infrastructure for his/her individual needs is in place.

## Autism: Facilities in West Belfast

**Mr P Maskey** asked the Minister of Health, Social Services and Public Safety what facilities exist for children with autism in West Belfast. (AQO 1564/09)



**The Minister of Health, Social Services and Public Safety:** The Belfast Health & Social Care Trust have advised me that services for children with autism are situated within the Community Child Health Services and Children's Disability Services. The services operate across the Belfast Trust. North and West Belfast are covered together. Children with ASD in West Belfast are served by a number of Community Paediatricians based in the Cupar Street Clinic, and a multi-disciplinary ASD service based in the Carlisle Wellbeing centre. The multi disciplinary ASD service also provides support for the Special Schools in the area.

### Fuel Poverty

**Mr Cobain** asked the Minister of Health, Social Services and Public Safety what his Department is doing to tackle fuel poverty. (AQO 1517/09)

**The Minister of Health, Social Services and Public Safety:** A link between living in cold, damp conditions and a number of illnesses, including poor mental health, respiratory disease, and premature mortality has long been accepted. For this reason fuel poverty was recognised as an area for action in the public health strategy, Investing for Health.

The DSD - led Fuel Poverty Strategy encourages a partnership approach to tackling fuel poverty. Locally based Investing for Health Partnerships have been working with

a number of partners, including DSD, NIHE, Councils and energy agencies to identify the extent of fuel poverty in their respective areas and have put in place local strategies to help address the issue. This includes identifying those at risk, signposting and supporting clients to access appropriate initiatives such as energy efficiency advice, boiler replacements, whole house solutions, awareness raising sessions, referrals to grant schemes, and access to benefits. This work is ongoing.

### Respite Facilities at Cherrylodge

**Mr McKay** asked the Minister of Health, Social Services and Public Safety how many families are on the waiting list to avail of respite facilities at Cherrylodge. (AQO 1605/09)

**The Minister of Health, Social Services and Public Safety:** The Northern Health and Social Care Trust have indicated there are 13 families on a waiting list to avail of respite facilities at Cherrylodge.

## REGIONAL DEVELOPMENT

### Translink: Reckless Driving

**Mr Savage** asked the Minister for Regional Development to outline what initiatives have been implemented by Translink in Banbridge to encourage the use of public transport, (i) in rural areas; and (ii) on the Belfast-Banbridge-Newry corridor. (AQW 2454/09)

**The Minister for Regional Development (Mr C Murphy):** I have been advised by Translink that it has implemented the following initiatives:-

Following the Ulsterbus Strategic Review (Banbridge, Newry, Craigavon, Armagh), Translink recently introduced an hourly frequency on all Banbridge town services Monday to Saturday, combined with a half-hour frequency to The Outlet shopping mall. New Sunday town services were introduced to Bridgewater Park.

Additional Newry to Belfast express services were introduced on 30 January 2006 serving Banbridge and Sprucefield park and ride.

£1.70 day tickets allowing unlimited day travel on Ulsterbus town services were introduced on 26 March 2007.



### Translink: Fuel Purchasing

**Mr Burns** asked the Minister for Regional Development to detail (i) the number of bus drivers who have been disciplined by Translink for dangerous or reckless driving; and (ii) the nature of the disciplinary action taken, in each of the last five years. (AQW 2468/09)

**The Minister for Regional Development:** Translink has provided me with the following information:

Year	Number of drivers disciplined for dangerous or reckless driving	Nature of disciplinary action taken
2004	Nil	-
2005	2	Final Written Warning x 2
2006	Nil	
2007	7	Final Written Warning and referred to Driving School x 1 Final Written Warning x 3 Final Written Warning and 3 days' suspension x 1 Written Warning x 1 Dismissed x 1
2008 (to date)	6	Dismissed x 1 Resigned x 2 Written Warning x 1 Final Written Warning x 2

### Translink

**Mr Burns** asked the Minister for Regional Development to detail (i) the process Translink follows to purchase fuel; (ii) the suppliers Translink currently purchases fuel from; and (iii) the amount Translink currently pays for a litre of fuel. (AQW 2701/09)

**The Minister for Regional Development:** I have been advised by Translink that fuel procurement is carried out in accordance EU procurement legislation, under the Utilities Directive 2004/17EC, implemented in the UK by the Utilities Contracts Regulations 2006. The current supplier for ultra low sulphur diesel and gas to Translink is Nicholl Fuel Oils.

In relation to the amount paid for fuel, Translink considers that the release of this information is likely to prejudice its own commercial interests and also those of its supplier.

### Southern Newry Relief Road

**Mr D Bradley** asked the Minister for Regional Development when the feasibility study for southern Newry relief road will be completed, and the findings published. (AQW 2722/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that the feasibility study for a Newry Southern Relief Road is nearing completion and they expect to receive the draft report in the near future. The study will consider whether this scheme is feasible and provides Value for Money.

In addition, Louth County Council are undertaking a technical study into a possible bridge crossing at Narrow Water, and it has been agreed that they and Roads Service will share information from these two projects, when the relevant studies have been completed.

I expect to be in a position to make available the findings of the feasibility study into a Newry Southern Relief Road scheme in Spring 2009, following Roads Service's consideration of the report.



### Parking Penalties

**Mr McCartney** asked the Minister for Regional Development how much revenue has been generated from fixed and court imposed parking penalties in the last 12 months. (AQW 2738/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that £3.75 million was received through Penalty Charge Notices (PCNs) in the second year of the current parking enforcement contract, for the period 13 November 2007 – 12 November 2008.

### Parking Penalties

**Mr McCartney** asked the Minister for Regional Development what proportion of the revenue gained from fixed and court imposed parking penalties is given to his Department. (AQW 2739/09)

**The Minister for Regional Development:** All revenue generated by the payment of PCNs is used, along with income from car-parking and other charges, to supplement the overall financing of Roads Service by Central Government.

### Capital Building Programmes: DRD

**Mr Easton** asked the Minister for Regional Development to outline his Department's major capital building programmes, for the next three years. (AQW 2743/09)

**The Minister for Regional Development:** The two tables below list the major road capital building schemes currently under construction, along with additional schemes which are expected to commence during the current three year budget period from 2008/09 to 2010/11.

#### Major Road Schemes – Current Construction Programme Scheme

- M1 / Westlink upgrade - DBFO Package 1
- M2 Widening (Sandyknowes to Greencastle) - DBFO Package 1
- A1 Beech Hill to Cloghogue - DBFO Package 2
- A1 Junction Improvements - DBFO Package 2
- A4 Dungannon to Ballygawley - DBFO Package
- A4 / A5 Improvements (A4 Annaghilla and A5 Tullyvar) - DBFO Package 2
- A4 Henry Street / Sligo Road, Enniskillen
- A20 Newtownards Frederick Street link
- A20 Newtownards Southern Distributor

#### Major Road Schemes – Projects due to commence in next three years

- A2 Broadbridge Dualling, Derry
- A29 Carland Bridge Improvements, Dungannon
- A26 / M2 Ballee Road East, Ballymena
- A32 Cherrymount Link, Enniskillen

The major railway capital building schemes planned to continue or commence over the same period are listed below.

#### Railway Projects – Current Programme Scheme

- Ballymena to Coleraine Tracklife Extension
- Newry Railway Station
- Ballymena Storage Facility
- Knockmore to Lurgan Track Relay
- Extension to Platforms at Railway Stations and Halts across the network to accommodate new trains
- Coleraine to Derry Track Relay
- Ballymartin Park and Ride Facilities
- Construction of a new Train Care Facility



### Translink: Opening Hours

**Mrs McGill** asked the Minister for Regional Development to detail the opening hours of all Translink bus depot facilities in each district council area. (AQW 2764/09)

**The Minister for Regional Development:** I have been informed by Translink that the opening times for its bus depot facilities are as follows:

	Monday-Friday	Saturday	Sunday
<b>Armagh</b>			
Inspectors	08.00-19.00	07.00-19.00	14.00-20.30
Ticket Office	08.45 -17.15	Closed	1800-20.15
Waiting Area (Including Public Toilets)	06.00-19.00	07.00-19.00	16.30-20.30
<b>Antrim</b>			
Inspectors	06.00-18.30	Closed	Closed
Ticket office	09.00-17.00	Closed	Closed
Waiting Room	No Waiting Area	No Waiting Area	No Waiting Area
<b>Ballymena</b>			
Inspectors	06.30-19.00	07.30-15.30	Closed
Ticket Office	09.00-17.30	Closed	Closed
Waiting Room	09.00-17.30	Closed	Closed
<b>Ballyclare</b>			
Inspectors	06.00-15.45	06.00-15.45	06.00-15.45
Ticket Office	None	None	None
Waiting Area	06.00-18.30	06.00-18.30	06.00-18.30
Ballyclare closed from 12.15-1.30 for lunch			



	Monday-Friday	Saturday	Sunday
<b>Bangor</b>			
Inspectors	05.30-23.00	05.30-23.00	08.15-22.30
Ticket Office	07.00-17.00	07.45-17.00	Closed
Waiting Area (including Public Toilets)	05.30-23.00	05.30-23.00	08.15-22.30
<b>Banbridge</b>			
Inspectors	06.45-17.00	08.00-13.00	Closed
Ticket Office	09.00-16.45	Closed	Closed
Waiting Area (no Public Toilets)	06.45-17.00	08.00-13.00	Closed
<b>Coleraine</b>			
Inspectors	07.30-20.00	08.30-20.30	09.30-19.30
Ticket Office	08.00-17.50	08.00-17.50	17.00-20.30
Waiting Room	06.00-22.30	06.00-22.30	06.00-21.45
<b>Cookstown</b>			
Inspectors	Depot Controller	Depot controller	Depot Controller
Ticket Office			
Waiting Area	06.30-17.45	06.30-17.45	06.30-17.45
<b>Craigavon</b>			
Inspectors	05.45-19.30	06.30-17.30	Closed
Ticket Office	09.00-17.00	Closed	Closed
Waiting Area	N/A	N/A	N/A
<b>Downpatrick</b>			
Inspectors	07.00-18.00	08.00-17.00	Closed
Ticket Office	09.00-17.00	09.00-15.00	Closed
Waiting Area (including Public Toilets)	07.00-17.00	08.00-17.00	Closed
<b>Dungannon</b>			
Inspectors	06.00-23.30	07.00-23.00	07.00-23.00
Ticket Office	08.30-17.00	08.30-13.00	18.20-20.20
Waiting Area	06.00-23.30	07.00-23.00	07.00-23.00
<b>Enniskillen</b>			
Inspector	07.00-17.00	07.00-15.00	Closed
Ticket Office	09.00-17.00	Closed	Closed
Waiting Room	07.00-18.30	07.00-15.00	Closed



	Monday-Friday	Saturday	Sunday
<b>Europa</b>			
Waiting Area	05.00-11.00	05.00-11.00	05.50-10.15
Office Hours	06.30-20.05	06.30-20.05	
Toilets	05.00-21.30	05.00-21.30	05.00-10.15
Café Hours	08.00-18.00 Monday & Tuesday 08.00-18.30 Wednesday-Friday	08.00-18.30	09.00-17.00
<b>Laganside</b>			
Doors Open	06.40-18.30	Closed	Closed
Office Hours(ticket and information)	13.00-17.45 (Monday, Tuesday, Thursday and Friday) 09.45-17.45 (Wednesday)	Closed	Closed
Café Hours	09.00-16.30	Closed	Closed
<b>Larne</b>			
Inspectors	07.00-17.00	07.00-15.00	Closed
Ticket Office	09.00-17.00	Closed	Closed
Waiting Room	07.00-18.30	07.00-15.00	Closed
LIMAVADY			
Inspectors	06.30-18.30	Closed	Closed
Ticket Office	06.30-17.30	Closed	Closed
Waiting Room	06.30-18.15	Closed	Closed
LISBURN			
Inspector	07.00-20.00	07.00-20.00	08.00-15.00
Ticket office	09.00-17.00	09.00-16.30	Closed
Waiting Area (including Public Toilets)	07.00-20.00	07.00-20.00	08.00-15.00
<b>Londonderry</b>			
Inspectors	05.00-22.30	06.00-22.30	08.00-22.00
Ticket Office	06.00-18.00	06.45-18.00	07.45-18.00
Waiting Room	05.00-22.15	06.00-22.15	08.00-21.45
<b>Magherafelt</b>			
Inspectors	06.30-17.40	08.30-17.40	Closed
Ticket Office	09.00-17.00	Closed	Closed
Waiting Room	07.00-17.40	08.45-17.40	Closed
<b>Newcastle</b>			
Inspectors	07.00-18.00	07.00-17.45	Closed
Ticket Office	09.00-17.00	08.00-17.00	Closed
Waiting Room	07.00-17.00	07.00-17.00	Closed



	Monday-Friday	Saturday	Sunday
<b>Newry</b>			
Inspectors	06.10-20.30	06.10-20.30	11.30-20.00
Ticket Office	08.30-17.00	08.30-13.00	17.00-20.00
Waiting Room	06.10-20.30	06.10-20.30	11.30-20.00
<b> Newtownards</b>			
Inspectors	08.00-17.30	08.00-17.30	Closed
Ticket Office	08.00-17.00	08.00-17.00	Closed
Waiting Room	08.00-17.00	08.00-17.00	Closed
<b>Omagh</b>			
Inspectors	07.30-20.00	08.30-20.30	09.30-19.30
Ticket Office	07.30-17.00	07.30-12.30	15.30-19.30
Waiting room	07.30-18.00	08.30-18.30	15.00-19.30
<b>Strabane</b>			
Inspectors	07.00-17.00	Closed	Closed
Ticket Office	07.30-16.55	Closed	Closed
Waiting Room	07.15-16.55	Closed	Closed

### Northern Ireland Water/Roads Service: Rasharkin

**Mr McKay** asked the Minister for Regional Development to detail the work currently being carried out by Northern Ireland Water and the Roads Service, in Rasharkin; and when this work is scheduled to be completed. (AQW 2794/09)

**The Minister for Regional Development:** My Department's Roads Service is undertaking a Department of Social Development funded Environmental Improvement Scheme in the centre of Rasharkin. As part of the scheme, existing Northern Ireland Electricity and British Telecom overhead cables will be placed underground. This work will affect all footways on Main Street and Church Road between Moneyleck Road and Glebe Road, and also on Churchill Crescent. On completion of this work, the footways will be resurfaced and the Street Lighting will also be upgraded.

Central hatching and two pedestrian refuges will be installed along the stretch of Main Street between Bridge Street and Moneyleck Road. It is anticipated that these works will be completed by the end of February 2009.

I have been advised by Northern Ireland Water, that pipe-laying on the Rasharkin sewerage scheme is underway, with a section on the Moneyleck Road now complete and work continuing in adjacent fields. A short section along the Finvoy Road is scheduled for completion before Christmas, and the overall scheme will be completed by April 2009. Work on the watermain rehabilitation scheme in Rasharkin is presently in the final stages and should also be completed by Christmas.

### Paint Resistant Kerbstones: Lisburn

**Mr Burns** asked the Minister for Regional Development for an update on the trial of paint resistant kerbstones currently being undertaken in Lisburn. (AQW 2812/09)

**The Minister for Regional Development:** My Department's Roads Service has not undertaken a trial of paint resistant kerbstones in the Lisburn area.



However, I can advise that following concerns within the construction industry about the manual handling of very heavy concrete kerbstones, the Health and Safety Executive issued a recommendation to the construction industry, relating to the lifting and laying of concrete kerbstones.

As a result, the Section Office in Lisburn agreed to trial the use of a lightweight plastic kerb as an alternative to the traditional heavy concrete kerb. The kerbs were laid 18 months ago and to date this kerblane remains in good condition, and the plastic kerbs would appear to be performing well. The location will continue to be monitored over the coming months, before a decision will be made regarding their suitability for general use.

### Park and Ride Facilities

**Mr K Robinson** asked the Minister for Regional Development how many park and ride facilities have been provided by (i) his Department; and (ii) Translink/ Northern Ireland Railways, on the Belfast to (a) Larne line; and (b) Ballymena section of the Londonderry line; and how many cars can be located on each site.

(AQW 2821/09)

**The Minister for Regional Development:** My Department provides the necessary funding to Translink for the provision of Park and Ride facilities at railway stations.

Currently Translink are providing 457 Park and Ride spaces on the Belfast to Larne line and 254 between Belfast and Ballymena on the Belfast to Derry line.

### Neighbourhood Renewal

**Mrs D Kelly** asked the Minister for Regional Development how much money his Department contributed to the delivery of Neighbourhood Renewal in (i) Lurgan; (ii) Brownlow; and (iii) Portadown, in each of the last three years.

(AQW 2854/09)

**The Minister for Regional Development:** My Department has not contributed any money to the delivery of Neighbourhood Renewal schemes, in the subject areas, during any of the last three years.

### Potholes

**Mrs D Kelly** asked the Minister for Regional Development if he intends to review the current policy for the inspection and repair of potholes.

(AQW 2857/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that its defect maintenance standards were comprehensively reviewed and implemented in June 2000. These were subsequently reviewed and updated in 2005, with the revisions coming into operation in April 2006.

In the circumstances, I have no plans to instigate a further review of Roads Service's maintenance standards at this time.

### Translink: Rail Halt, Craigavon

**Mr O'Dowd** asked the Minister for Regional Development what plans Translink has to build a rail halt in central Craigavon.

(AQW 2867/09)

**The Minister for Regional Development:** Translink's Corporate Plan identifies planned projects to be taken forward in line with the Regional Strategic Transport Network Transport Plan and the provisions in the Budget and the Investment Strategy. At this time there are no plans to build a railway halt in Craigavon.

### Roads Service: GAA Complex, Castlewellan

**Mr Wells** asked the Minister for Regional Development to detail the representations to the Roads Service and his Department by (i) Members of Parliament; and (ii) MLAs, in support of the application to build a GAA sports complex on the Burrenbridge Road, Castlewellan.

(AQW 2874/09)



**The Minister for Regional Development:** The only representation received by my Department from a MP or MLA, in respect of this application, has been from Mr Eddie McGrady, MP, on 3 September 2008. Mr McGrady also met with Roads Service officials regarding the proposal, on 7 August 2008.

### Water Charges

**Dr Farry** asked the Minister for Regional Development to report on the scale of the budgetary pressures to be addressed in relation to the 2009/10 and 2010/11 financial years arising from the loss of anticipated revenue from water charges as a consequence of the Executive's decision to defer the payment of water charges in both of those years. (AQW 2929/09)

**The Minister for Regional Development:** The Executive has taken into account the current economic circumstances and agreed not to impose additional household payments for 2009/10.

As a result of deferral and the consequent loss of anticipated revenue to Northern Ireland Water the Executive will have to increase the subsidy paid to the Company for 2009/10. This could amount to an additional £180 million under existing arrangements. My Department is currently working with the Department of Finance and Personnel to assess the budgetary implications of this and other issues.

### A2 Road Maintenance

**Mr Weir** asked the Minister for Regional Development to detail the amount spent on maintenance on the A2 road, in each of the last five years. (AQW 2943/09)

**The Minister for Regional Development:** My Department's Roads Service does not record details of total annual expenditure on individual roads. I am, therefore, unable to provide the requested information.

### Zebra Crossings: North Down

**Mr Weir** asked the Minister for Regional Development how many zebra crossings are in North Down. (AQW 2944/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that there are three zebra crossing facilities in the North Down area. These are located at:-

1. High Street, Holywood – between Downshire Road and Sullivan Place;
2. Hamilton Road, Bangor – near its junction with Springfield Avenue; and
3. Quay Street, Bangor – near its junction with High Street.

### A6 Derry/Londonderry By Pass

**Mr Durkan** asked the Minister for Regional Development to detail the (i) current indicative budget; (ii) current timescale; and (iii) updated progress for the A6 Derry/Londonderry to Dungiven by pass dual carriageway scheme, and to make a statement. (AQW 2950/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that the current indicative budget for the A6 Londonderry to Dungiven dual carriageway scheme is in the region of £320 million. I hope to announce the 'preferred Route' for this scheme in spring 2009. Work on the scheme could possibly commence in 2012/13 subject to:

- satisfactory progress through the statutory processes;
- economic appraisal;
- the availability of funding through the normal budgetary process; and
- satisfactory progression through the procurement process.



### A6 Randalstown to Castledawson Dualling

**Mr Durkan** asked the Minister for Regional Development to detail the (i) current indicative budget; (ii) current timescale; and (iii) updated progress for the A6 Randalstown to Castledawson dualling upgrade scheme, and to make a statement. (AQW 2951/09)

**The Minister for Regional Development:** The current indicative budget for the A6 Randalstown to Castledawson dual carriageway scheme is in the region of £100 million. It is anticipated that work could commence on site in 2011, with completion in 2014, subject to:

- economic appraisal;
- the availability of funding through the normal budgetary process; and
- satisfactory progression through the procurement process.

### A6 Dual Carriageway Scheme

**Mr Durkan** asked the Minister for Regional Development what category standard of dual carriageway is planned for (i) the A6 Derry/Londonderry to Dungiven by pass scheme; and (ii) the A6 upgrade scheme between Randalstown and Castledawson. (AQW 2953/09)

**The Minister for Regional Development:** I can advise that the A6 Londonderry to Dungiven and the A6 Randalstown to Castledawson dual carriageway schemes will be high standard category six dual carriageways with grade separated junctions, left in-left out minor junctions and no central reserve cross-overs.

### Permeable Paving

**Mr Ross** asked the Minister for Regional Development for his assessment of permeable paving; and what plans he has to ensure this type of paving is used by Roads Service, especially in areas that are liable to flooding. (AQW 2973/09)

**The Minister for Regional Development:** Permeable paving is one technique used in the design of Sustainable Drainage Systems (SuDs). My colleague, Sammy Wilson MP, MLA, the Minister of the Environment, has advised me that Annex C of Planning Policy Statement 15 'Planning and Flood Risk' contains information on SuDs, and on some of the benefits and constraints which influence their use. It advises that SuDs techniques may in certain circumstances help reduce flooding, but cautions that they can, like traditional piped drainage systems, be overwhelmed during extreme rainfall events.

My Department's Roads Service has advised that porous asphalt surface materials are available for road surfacing. The primary purpose of using this material is to reduce spray and noise generated from the inter-action of the tyre and the road surface, and to facilitate the drainage of the surface water from the road. However, the Specification for Highway Works does not allow the use of these on the public road network in the North, without a formal Departure from Standard being approved.

Other systems, such as thin-surfacing, also allow some penetration of rainwater below the surface, mainly to reduce spray from traffic as opposed to dealing with all the surface water run-off.

As the water permeates through these paving materials it makes the systems more susceptible to frost damage due to the possibility of water freezing within the road surface structure; hence the restriction on their use.

It is considered that the choice of surfacing material does not have a significant effect on reducing flooding, as any rainfall ultimately finds its way into the drainage system either from the top of the surface course or through the permeable paving material.

### Water Rates: Caravans

**Mr G Robinson** asked the Minister for Regional Development to clarify if caravan owners will have to pay water rates on their static caravans. (AQW 2985/09)



**The Minister for Regional Development:** I have been advised by Northern Ireland Water that individual caravan owners on caravan sites are not directly responsible for water and sewerage charges. Liability for measured non-domestic water and sewerage charges for such sites rests with the site owners.

### Traffic-Calming Measures

**Mr Spratt** asked the Minister for Regional Development to detail the ranking of Olympia Drive, South Belfast, in terms of priority for traffic-calming measures. (AQW 3027/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that Olympia Drive, Belfast, is currently ranked 209 on the prioritised list of sites assessed for traffic-calming measures within Roads Service's Eastern Division. However, as further assessments are completed, priorities and plans may change.

### Selective Vehicle Detection: South Belfast

**Mr Spratt** asked the Minister for Regional Development if Selective Vehicle Detection has been provided at all the traffic signals in South Belfast. (AQW 3028/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that there are currently 52 locations where Selective Vehicle Detection (SVD) has been installed in the South Belfast Constituency. These are located at signal controlled junctions and pelican crossings on the:-

- Saintfield Rd, from its junction with Beechill Rd to Rosetta;
- Lisburn Rd, from its Junction with Black's Rd to Bradbury Place;
- Malone Rd, from its junction with Balmoral Avenue to University St (including Stranmillis Rd); and in
- Belfast City Centre.

As the SVD gives priority to buses, Roads Service and Translink are currently identifying other junctions where SVD will be of benefit to buses.

### Hilltown/Rathfriland Flooding

**Mr P J Bradley** asked the Minister for Regional Development to confirm that investigations into the flooding that occurred on the 16 and 17 August in the Hilltown/Rathfriland area are ongoing; and for his assessment of the outcomes of the meeting held at Spelga Dam on 25 November to discuss this matter. (AQW 3041/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water (NIW) that its investigation into the flooding at Hilltown/Rathfriland area on 16 and 17 August 2008 was completed shortly after the event. It found that the overflow system at Spelga Dam was operating normally and that the damage to property and crops was not caused as a result of any lowering of the water levels in the Dam by NIW.

At the meeting on 25 November 2008, Local Councillors, Newry and Mourne Council officials and representatives from the Department of Agriculture and Rural Development were advised by NIW that it remains satisfied the overflow system at Spelga Dam did not contribute to the flooding.

### A25 Upgrade

**Mr Wells** asked the Minister for Regional Development, pursuant to his answer to AQW 2263/09, to outline any plans his Department has to upgrade the junction of the A25 with the Burrenbridge Road. (AQW 3059/09)

**The Minister for Regional Development:** I can advise that my Department's Roads Service has considered an improvement scheme at the junction of the A25 with the Burrenbridge Road. However, it has proved difficult to achieve a value for money scheme, given the estimated high scheme costs, and taking into consideration the relatively lightly trafficked rural nature of the Burrenbridge Road. I can therefore advise that, Roads Service has no proposals to improve the junction at this time.



## Buncrana Road Upgrade Scheme

**Mr Durkan** asked the Minister for Regional Development to detail the (i) current indicative budget; (ii) current timescale; and (iii) progress on the Buncrana Road upgrade scheme in Derry/Londonderry; and to make a statement. (AQW 3064/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that the current indicative budget for the Buncrana Road widening scheme is in the region of £40-50 million. I hope to be in a position to announce the 'preferred route' for the scheme in spring 2009. The scheme is currently in the ten year Investment Strategy for Roads, 2008-18, and Roads Service are planning to deliver the scheme during the later half of the plan period, subject to:

- satisfactory progress through the statutory process;
- economic appraisal;
- the availability of funding through the normal budgetary process; and
- satisfactory progression through the procurement process.

## Gritting Schedule

**Mr McElduff** asked the Minister for Regional Development if he will include Derrybard Road, Fintona, on the gritting schedule. (AQW 3065/09)

**The Minister for Regional Development:** The Derrybard Road, Fintona, is a "C" class road connecting Fintona, via the Greenmount Road, to the A5. At present it does not carry a sufficient volume of traffic to warrant inclusion in the gritting schedule.

However, I can advise that the B46, one of five salted roads serving Fintona, connects to the A5 at a junction less than 2 miles further north. This is a higher standard of road, carries more traffic, and runs almost parallel to the Derrybard Road.

## Road Linkages

**Mr Durkan** asked the Minister for Regional Development when the preliminary reports commissioned on road linkages around Derry/Londonderry (i) will be completed; (ii) whether the findings will be made public; and to make a statement. (AQW 3068/09)

**The Minister for Regional Development:** I can advise the Member that the preliminary investigations and discussions with key stakeholders, on whether sufficient need exists for connection between the A6, A5 and around the city to the A2 Buncrana Road, are ongoing. Once completed, the report will make recommendations on the future need for these connections, possible alignment corridors and any further actions required. It is unlikely that the report will be finalised by Roads Service before mid 2009. Information on the outcome of the preliminary investigation will be published on the Roads Service web site.

## Railway Study

**Mr Durkan** asked the Minister for Regional Development when the study to consider the long-term redevelopment of the railway throughout the North West will be completed. (AQW 3069/09)

**The Minister for Regional Development:** The tender process for the selection of the consultants to conduct the development study is underway. The award of contract is due to take place prior to the Christmas break in order to enable work to commence in early 2009. The anticipated timeframe for the study is approximately three months. Once completed, officials in my Department and other interested parties will consider the report and provide details and recommendations to me. It is envisaged that the study will be complete by early summer next year.



## Capital Projects

**Dr Farry** asked the Minister for Regional Development what actions his Department is taking to bring forward the delivery of capital projects to help redress the economic downturn. (AQW 3101/09)

**The Minister for Regional Development:** I have presented proposals to bring forward the delivery of some DRD capital projects to the Executive for consideration in its response to the economic downturn.

I and Executive colleagues will be reviewing all departments' proposals in tackling this important issue.

## Road Works

**Mr P Ramsey** asked the Minister for Regional Development to outline the role of his Department in the enforcement of effective signage at road works. (AQW 3102/09)

**The Minister for Regional Development:** It is a legal requirement that the signing and guarding of all road works comply with the Safety at Street Works and Road Works – A Code of Practice which is issued under Article 25 of the Street Works (NI) Order 1995, and Chapter 8 of The Traffic Signs Manual.

All contractors appointed by my Department's Roads Service are required to design, install and maintain Temporary Traffic Management (including signage) in accordance with the above legal requirements. In addition, contractors are required to have quality management accreditation to National Highways Sector Scheme 12.

If a contractor fails to comply with any of the above requirements, the contract will permit Roads Service to take appropriate enforcement action.

However, the enforcement of the above legal requirements, in respect of other utilities, to ensure that road works are adequately signed, is a matter for the Police Service of Northern Ireland.

## Northern Ireland Water: Use of Renewable Energy

**Mr W Clarke** asked the Minister for Regional Development, pursuant to his answer to AQW 2415/09, to detail the measures that will be introduced to increase the amount of renewable energy used by Northern Ireland Water in its installations. (AQW 3107/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water (NIW) that it aims to increase the amount of renewable energy used at its installations, where possible, through the development of additional water turbines and wind turbines to generate electricity at sites within its estate. The new incinerator at Duncrue Street, Belfast, which is scheduled to commence operations in April 2009, incorporates a steam powered turbine for generating electricity. In addition, NIW will purchase additional renewable energy through the All Ireland Single Electricity Market as it becomes available. NIW will only purchase renewables from this source where it does not entail excessive additional cost.

## Northern Ireland Water: Use of Renewable Sources

**Mr W Clarke** asked the Minister for Regional Development, pursuant to his answer to AQW 2415/09 to detail the renewable sources used by Northern Ireland Water, and what volumes of energy are created by each source. (AQW 3108/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water that since April 2007 to the end of September 2008 the renewable sources used for electricity generation and the volumes of energy in kilowatt hours created by each source, is as follows:-

SITE	OUTPUT (kilo watt hours)
Fofanny Water Turbine	399,994
Oaklands Water Turbine	396,760
Silent Valley Water Turbine	2,832,783



SITE	OUTPUT (kilo watt hours)
Purdysburn Water Turbine	297,447
Breda Water Turbine	28,043
Incinerator Steam Turbine	2,894,276
Contract from Airtricity	13,962,000
Contract from ESBIE	13,538,169

### Passing Loop: Derry/Londonderry and Coleraine

**Mr Durkan** asked the Minister for Regional Development when a final decision will be made on the location of a passing loop between Derry/Londonderry and Coleraine. (AQW 3128/09)

**The Minister for Regional Development:** In my earlier response (AQW 2500/09 refers), I advised that the work undertaken to date by Translink suggests that the passing loop should be located in the Carrowreagh area. However detailed design work must be completed and geographical and land acquisition must be addressed before the precise location can be determined. Translink expect that a final decision will be made in February 2009.

### Traffic-Calming Measures

**Mr P J Bradley** asked the Minister for Regional Development what action is planned to introduce traffic-control measures that will improve the safety of children attending St. Mary's Primary School, Downpatrick Street, Rathfriland. (AQW 3146/09)

**The Minister for Regional Development:** I can confirm that my Department's Roads Service recently completed an assessment for road safety features at St Mary's Primary School, Rathfriland, which will allow the school to compete for inclusion on the 2009/10 Safer Routes to Schools programme. Typical road safety measures included in this initiative would be the implementation of enhanced road markings and flashing school warnings signs.

### M2/A8 Traffic Congestion

**Mr Burns** asked the Minister for Regional Development to explain the severe traffic congestion currently affecting the M2 and A8(M) city bound during the morning rush hour, particularly given long traffic queues on Monday 1 December and Tuesday 2 December. (AQW 3150/09)

**The Minister for Regional Development:** My Department's Roads Service is presently undertaking improvement works on the M2 Motorway between Sandyknowes and the Greencastle junctions. These works involve widening the Belfast-bound carriageway to three lanes between the junctions, widening the country-bound carriageway of the M2 over the Greencastle Interchange, replacing the Longlands, Hightown and Collin Bridges, and upgrading Bellevue Bridge. The scheme is specifically designed to improve journey times on this section of the M2 and the approaches to it.

The introduction of narrow traffic lanes and a temporary speed limit to facilitate these improvement works has affected traffic progression on this busy section of the M2 motorway, particularly at peak times. In addition, the cold weather conditions and high traffic volumes contributed to the traffic congestion experienced on the M2 and A8(M) on 1 and 2 December during the morning peak.

Roads Service officials will continue to actively manage traffic conditions on the M2, A8(M) and Sandyknowes junction and, if necessary, amend traffic signal timings in order to minimise delay to roads users.

I can advise that the M2 Improvement Scheme is progressing well and is currently on target for completion by March 2009, some five months ahead of the original programme.



## M2/M3 Flyover Traffic Congestion

**Mr Burns** asked the Minister for Regional Development to make a statement on the severe traffic congestion that affected the M2 and the M3 flyover during the evening rush hour, on 1 December 2008. (AQW 3151/09)

**The Minister for Regional Development:** Roads Service has advised that, at approximately 4:40pm on Monday 1 December, a vehicle broke down on the country-bound carriageway of the M2 motorway near the Bellevue Bridge. This obstruction resulted in severe traffic congestion and long delays on the M2 and the M3 motorways during the evening peak, with traffic queued back on the M2 motorway to York Street junction and on the M3 motorway to the Sydenham Bypass.

In response, Roads Service displayed warning signs on overhead gantries on the Westlink and both the M2 and M3 motorways. Details of the incident were also passed to radio stations and posted on the Roads Service website.

I understand that the vehicle causing the obstruction was moved to a lay-by further along the M2 at approximately 5:15pm and the traffic lane was reopened.

## Traffic Assessment

**Mr Irwin** asked the Minister for Regional Development, pursuant to the answer to AQW 96/09 to detail the results of the traffic assessment. (AQW 3161/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that the results of the traffic assessment for Moss Road, Annaghmore are not yet available. The assessment requires data on the number of vehicles, including buses, using the road during the winter service season. This information is currently being gathered, along with the number of buses using the road, by all bus service providers.

The results of the assessment are expected in early January 2009 and I have asked Roads Service officials to inform you of the outcome of this assessment.

## Gritting Schedule

**Mr W Clarke** asked the Minister for Regional Development what consideration he has given to gritting the road to Slieve Croob Inn, 119 Convaraghan, Castlewellan Road, County Down, given the large number of customers being prevented from accessing this tourist location during bad weather conditions. (AQW 3177/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that the Clonvaraghan Road is a C-class, road which runs between the B175 Ballylough Road, Castlewellan and the Kilnhill Road, Finnis.

Whilst the Clonvaraghan Road has not previously met the criteria for inclusion on the winter gritting schedule, Roads Service is arranging for an assessment to be carried out, to ascertain whether this route now meets the criteria.

This assessment will be undertaken at the earliest opportunity and I have asked Roads Service to write to you to advise you of the results.

## Traffic-Calming Measures

**Ms Anderson** asked the Minister for Regional Development if his Department can pursue the implementation of traffic-calming measures despite receiving an objection from a resident. (AQW 3222/09)

**The Minister for Regional Development:** My Department's Roads Service is required to consider any objections it receives to a proposed traffic-calming scheme within the statutory period. In addition, Roads Service may consider it necessary to hold a public inquiry.

However, I can advise the Member that the final decision to implement any scheme rests with the Department.



## SOCIAL DEVELOPMENT

### Mental-Health Problems: Young People

**Mr McCartney** asked the Minister for Social Development to detail what facilities are funded by her Department that address mental health problems affecting young people. (AQW 2325/09)

**The Minister for Social Development (Ms M Ritchie):** Mainstream funding of programmes addressing young people with mental health problems is primarily the responsibility of the Department of Health, Social Services and Public Safety. However, my Department funds organisations and projects through the Neighbourhood Renewal Strategy, the Community Investment Fund, the Community Volunteering Scheme and the Northern Ireland Housing Executive.

The Northern Ireland Housing Executive works in partnership with Health Trusts by providing “Supporting People” funding. There are currently 125 schemes aimed at people with mental health problems and 45 schemes targeting young vulnerable people.

### Neighbourhood Renewal Funding: Derry/Londonderry

**Ms Anderson** asked the Minister for Social Development for her assessment of the impact of the decision to cease funding for Neighbourhood Renewal posts in Derry/Londonderry on (i) vital childcare; (ii) women’s community education; and (iii) family services. (AQW 2379/09)

**The Minister for Social Development:** Mainstream funding of childcare services is the responsibility of the Department of Education. Responsibility for women’s and family services is spread across a number of departments. My Department cannot be expected to fund programmes in every instance where other departments who have equal, if not greater, responsibility do not provide funding.

Neighbourhood Renewal contracts which expire and are not renewed are not considered to impact heavily on the delivery of overall Neighbourhood Renewal objectives.

### Housing Executive Staff

**Mr Bresland** asked the Minister for Social Development, pursuant to her answer to AQW 1712/09, to detail the number of full-time and part-time staff employed in each (i) district office; (ii) area office; (iii) grants office; (iv) housing benefit office; and (v) rent collection office, broken down by religious background, in the (a) Omagh District Council; (b) Strabane District Council; and (c) Derry City Council areas. (AQW 2717/09)

**The Minister for Social Development:** The table below gives details of staff employed by the Northern Ireland Housing Executive in their offices within the Omagh District Council, Strabane District Council and Derry City Council areas. Some offices have small numbers of part-time staff from one community and therefore, to prevent possible identification of individual persons, the information is not provided for each individual office, nor disaggregated into full-time or part-time staff.

Housing Executive staff by Community:-

Location	Protestant	Roman Catholic
Omagh District Council area	18	55
Strabane District Council area	7	16
Derry City Council area	41	154

### Social Housing: Newtownards

**Mr Shannon** asked the Minister for Social Development what help her Department is giving to Housing Associations to build new social homes; and to quantify the number of social homes in the Newtownards area. (AQW 2782/09)



**The Minister for Social Development:** At present there are approximately 4,450 Social Homes across the Newtownards area. Just under 4000 of these are managed and maintained by the Northern Ireland Housing Executive, the remainder by registered Housing Associations.

As part of the New Housing Agenda I have committed to delivering more social housing than ever before. Over the next 3 years Housing Associations will be supported to deliver 5,250 new homes. Four hundred and ten of these will be in the Newtownards area, spread across 23 different locations.

### Community and Recreational Facilities: Crumlin

**Mr McLaughlin** asked the Minister for Social Development if she is aware of the lack of community and recreational facilities available in Crumlin; and, if so, what measures does she intend to take to address this deficit. (AQW 2803/09)

**The Minister for Social Development:** My Department have been engaged with community representatives from Crumlin for a number of years and is aware of the needs of the village. The fact that it is currently defined as a village means that it is only able to benefit from those DSD programmes which are not confined to urban areas.

In its role as an agent of the International Fund for Ireland, my Department is at present working with Crumlin Together Limited to bring forward a Community Property Development Scheme in the village. An application for DSD funding under the Modernisation Fund is currently being assessed.

### Social Housing: Sirocco Site, Belfast

**Mr A Maskey** asked the Minister for Social Development what action she has taken since November 2007 to encourage the provision of social housing on the Sirocco site, in Belfast (AQW 2826/09)

**The Minister for Social Development:** The Northern Ireland Housing Executive is committed to securing 20% of the residential development for social and affordable housing and is engaging with the developers to ensure this is delivered, and will include three schemes totalling 150 units in the new Social Housing Development Programme due to be published in 2009. The Housing Executive is also engaging with the Planning Service regarding planning permission.

### SPED Scheme

**Mr O'Loan** asked the Minister for Social Development to explain the increased spending on the SPED scheme, that was funded in the September monitoring round. (AQW 2830/09)

**The Minister for Social Development:** Spending on the Special Purchase of Evacuated Dwellings scheme has increased due to a higher number of applications. During the first 8 months of this year 32 properties were purchased under this scheme at a total cost of £7.2m, compared with 22 properties during all of 2007/2008 at a cost of £4.96m.

In the majority of cases applicants do not specify the reasons behind their Special Purchase of Evacuated Dwellings application. The detail of the intimidation is a matter for the Chief Constable of the Police Service for Northern Ireland.

### Public Sector Job Location

**Mr McElduff** asked the Minister for Social Development to detail the current distribution and location of public sector jobs within her Department. (AQW 2846/09)

**The Minister for Social Development:** Details of the current distribution and location of public sector jobs within this Department are as follows:

City / Town	DSD	NIHE	City / Town	DSD	NIHE
Antrim	51	35	Enniskillen	49	53



City / Town	DSD	NIHE	City / Town	DSD	NIHE
Armagh	80	28	Kilkeel	19	0
Ballycastle	0	9	Larne	37	18
Ballyclare	0	13	Limavady	26	15
Ballymena	61	220	Lisburn	46	77
Ballymoney	31	11	Londonderry	830	285
Ballynahinch	16	0	Lurgan	49	21
Banbridge	45	16	Magherafelt	33	14
Bangor	44	36	Newcastle	21	0
Belfast	5795	1496	Newry	61	54
Carrickfergus	25	20	Newtownabbey	41	83
Coleraine	106	109	Newtownards	40	215
Cookstown	30	16	Omagh	96	73
Craigavon	0	189	Portadown	58	22
Downpatrick	38	32	Strabane	44	23
Dungannon	58	20	Total	7830	3203

### Social Housing: Maintenance Budget

**Ms Ní Chuilín** asked the Minister for Social Development to provide a breakdown by parliamentary constituency (i) how much has been invested into the maintenance budget for social housing; and (ii) the period the maintenance budget will cover. (AQW 2852/09)

**The Minister for Social Development:** The Northern Ireland Housing Executive does not record this information by Parliamentary Constituency. As the question does not specify a particular period, the information has been provided for the last two financial years, by Housing Executive District Office.

Northern Ireland Housing Executive District Office	2006/07 £	2007/08 £
Belfast West (D1)	1,813,055	3,618,751
Belfast East (D2)	4,744,039	3,155,611
Belfast West (D3)	4,540,193	3,353,897
Belfast North (D4)	4,871,638	6,253,652
Belfast Shankill	4,914,173	5,004,593
Belfast North (D6)	4,625,683	3,513,776
Belfast South (D7)	5,295,208	4,830,416
Belfast Grounds Maintenance	1,979,724	2,005,105
<b>Belfast Total</b>	<b>32,783,713</b>	<b>31,735,801</b>
Bangor District Office	2,932,772	1,924,700
Newtownards District	4,162,288	3,617,109
Castlereagh District Office	2,375,904	3,385,946
Lisburn District 1	2,572,284	3,156,908
Lisburn District 3	2,278,894	2,374,283
Downpatrick District	2,902,565	2,302,681



<b>Northern Ireland Housing Executive District Office</b>	<b>2006/07 £</b>	<b>2007/08 £</b>
South East Grounds Maintenance	1,606,066	1,530,366
<b>South East Total</b>	<b>18,830,773</b>	<b>18,291,993</b>
Banbridge District	2,053,099	2,010,887
Newry District	2,842,138	3,270,543
Armagh District	1,440,851	1,956,683
Lurgan District	3,252,894	2,824,924
Portadown District	1,225,385	1,592,073
Dungannon District	2,179,440	1,232,545
Fermanagh District	2,472,578	2,894,577
South Grounds Maintenance	1,548,182	1,506,121
<b>South Total</b>	<b>17,014,567</b>	<b>17,288,353</b>

<b>Northern Ireland Housing Executive District Office</b>	<b>2006/07 £</b>	<b>2007/08 £</b>
Ballymena District Office	3,078,072	3,661,528
Antrim District Office	2,273,630	2,791,808
Newtownabbey District 1 Office	2,372,472	3,601,170
Newtownabbey District 2 Office	1,708,755	1,944,622
Carrickfergus District Office	2,702,318	1,344,470
Larne District Office	1,534,406	1,772,910
Ballycastle District Office	635,588	763,784
Ballymoney District Office	1,469,560	1,499,883
Coleraine District Office	3,627,265	2,332,052
North East Grounds Maintenance	2,403,101	2,416,847
<b>North East Total</b>	<b>21,805,167</b>	<b>22,129,074</b>
Waterloo Place District	2,409,995	2,680,335
Waterside District	2,227,601	2,281,899
Collon Terrace District	3,428,474	2,496,519
Limavady District	1,450,324	1,616,356
Magherafelt District	949,707	1,482,942
Strabane District	2,369,870	2,056,205
Omagh District	2,258,445	1,780,157
Cookstown District	883,595	1,459,275
West Grounds Maintenance	1,610,356	1,447,849
<b>West Total</b>	<b>17,588,367</b>	<b>17,301,537</b>
<b>Overall Total</b>	<b>108,022,587</b>	<b>106,746,758</b>



## Housing Associations

**Mr Shannon** asked the Minister for Social Development what funding she is giving to Housing Associations to purchase homes on a single home purchase basis. (AQW 2860/09)

**The Minister for Social Development:** The most common single home purchase is the “Existing Satisfactory Purchase” where existing dwellings are purchased by the Housing Associations from the property market at current market value. If the Northern Ireland Housing Executive supports the purchase of a property to meet social housing need and no suitable social house is available, approval is given and the Housing Executive awards grant funding to the Housing Association up to the current level of Total Cost Indicator costs for the area. The Housing Association will lever in Private Finance for the remainder. The average funding in the current financial year for an Existing Satisfactory Property is £164,721.

## Game Licences

**Mr Shannon** asked the Minister for Social Development what is the Department’s current position on the issue of game licences, as they have been removed in other parts of the UK. (AQW 2861/09)

**The Minister for Social Development:** Whilst my Department has a legal duty to manage the Northern Ireland game licensing system, the legislation governing the conservation and hunting of game species is primarily the responsibility of DOE. As the member may be aware, a proposal to abolish the existing game licensing system was consulted upon earlier this year under the DOE Review of Wildlife law. Responses to the consultation are currently being analysed by DSD and DOE officials. An announcement on the way forward will be made in due course.

## Liquor Licences

**Mr Gardiner** asked the Minister for Social Development how many alcohol and intoxicating liquor licences have been refused, in each council area, in the last five years. (AQW 2863/09)

**The Minister for Social Development:** While my Department is responsible for promotion of the law on liquor licensing, the administration of the licensing system is a matter for the Courts. My Department does not hold records of applications refused by the Courts.

## Moyravyty Redevelopment

**Mr O’Dowd** asked the Minister for Social Development when the planned redevelopment of Moyravyty shops/flats complex in Craigavon will take place. (AQW 2868/09)

**The Minister for Social Development:** The Northern Ireland Housing Executive is currently reviewing the long term future of the Moyravyty shops/flats complex and has appointed consultants to assist with the preparation of an economic appraisal and strategy for the complex and the wider Moyravyty neighbourhood. The Housing Executive is continuing to consult with Land and Property Services with a view to bringing proposals forward by the end of March 2009. The Housing Executive will also consult and engage fully with local residents, their representatives and other stakeholders before finalising any strategy for the future of Moyravyty.

## Armagh Confederation of Voluntary Groups

**Mr Irwin** asked the Minister for Social Development what plans she has to support financially the Armagh Confederation of Voluntary Groups after March 2009, given its funding deficit. (AQW 2909/09)

**The Minister for Social Development:** Armagh Confederation of Voluntary Groups received financial support from 2001-2007 through the EU Building Sustainable Prosperity Programme. My Department has provided a further £160,000 over the last two financial years through the Community Support Programme. The award of £80,000 for the current year was made on the clear understanding that it was a final year’s funding. It was designed to give the Confederation time to find alternative sources of funding and to strengthen efforts to achieve long term sustainability. Regrettably, having already provided two extensions, the Department is not in



a position to provide another extension of funding to cover the 2009-10 period. This is consistent with the view expressed to the Confederation at that time.

### **Housing Executive: External Work Schemes**

**Mr Easton** asked the Minister for Social Development what criteria are used when prioritising external work schemes for Housing Executive properties. (AQW 2931/09)

**The Minister for Social Development:** The Northern Ireland Housing Executive's main criteria in formulating the external work schemes programme are the date of previous works and physical need. External maintenance and repair works are normally carried out through the Housing Executive's external cyclical maintenance programme.

### **Housing Executive: Development Criteria**

**Mr Easton** asked the Minister for Social Development if the (i) age; (ii) condition; and (iii) profile, of a Housing Executive property is taken into consideration when deciding when a work scheme will commence. (AQW 2934/09)

**The Minister for Social Development:** The physical condition and age of stock are key factors which prompt dwellings to be surveyed for planned improvement and repair works.

### **Pensioners' Bungalows: Ballyree Drive**

**Mr Easton** asked the Minister for Social Development if funding is in place to start the scheme to improve pensioners' bungalows on Ballyree Drive, Bloomfield Estate. (AQW 2936/09)

**The Minister for Social Development:** The Northern Ireland Housing Executive currently has an improvement scheme for the Ballyree bungalows programmed for May 2009.

### **Community Worker: Bloomfield Estate, Bangor**

**Mr Easton** asked the Minister for Social Development if her Department will continue to fund the community worker for the Bloomfield Estate, Bangor, for the 2009-10 period. (AQW 2938/09)

**The Minister for Social Development:** The Northern Ireland Housing Executive funds the community worker post in the Bloomfield Estate in Bangor. The one year contract commenced in April 2008 and will be reviewed on an annual basis. The Northern Ireland Housing Executive understands that the Bloomfield Community Association will make an application to fund the worker for the financial year 2009/2010. The Housing Executive will make a decision in March 2009 regarding the continuation of funding.

### **Social Security Agency Staff**

**Mr Doherty** asked the Minister for Social Development to detail the projected number of Social Security Agency staff, broken down by grade, that will be employed at each Jobs and Benefits Office and Social Security Office if proposed organisational changes, arising from the Strategic Business Review, are implemented in full. (AQW 3025/09)

**The Minister for Social Development:** Implementation of the Strategic Business Review is proposed to commence in October 2009 and conclude around October 2012. Therefore it is not possible at this time to detail the projected number of Social Security Agency staff, broken down by grade that will be employed at each Jobs & Benefits Office and Social Security Office at full implementation. However, based on current volumes of work the overall projected number of Social Security Agency posts would be as follows – it should be noted that these figures are purely indicative.



**SOCIAL SECURITY AGENCY POSTS**

<b>Location</b>	<b>Indicative SSA Front Office Posts</b>	<b>Indicative SSA Back Office Posts</b>	<b>Indicative SSA Posts - Total</b>
Andersonstown	19	94	113
Antrim	6	40	46
Armagh	6	46	52
Banbridge	5	0	5
Bangor	9	0	9
Ballymena	9	0	9
Ballymoney	5	0	5
Ballynahinch	4	0	4
Carrickfergus	5	0	5
Coleraine	7	87	94
Cookstown	5	0	5
Corporation Street	17	174	191
Downpatrick	7	43	50
Dungannon	7	36	43
Enniskillen	6	44	50
Falls Rd	10	0	10
Foyle	14	111	125
Holywood Rd	8	55	63
Kilkeel	4	0	4
Knockbreda	7	0	7
Larne	5	0	5
Limavady	4	0	4
Lisburn	5	37	42
Lisnagelvin	6	18	24
Lurgan	8	0	8
Magherafelt	4	40	44
Newcastle	5	0	5
Newtownabbey	6	0	6
Newtownards	9	94	103
Newry	8	94	102
Omagh	6	55	61
Portadown	6	26	32
Shaftesbury Square	10	76	86
Shankill	10	0	10
Strabane	10	0	10

Figures do not include staff belonging to the Dept for Employment and Learning based in the existing 25 Jobs & Benefits Offices.



### Social Security Agency

**Mr Doherty** asked the Minister for Social Development if the Equality Impact Assessment element of the Social Security Agency Strategic Business Review Consultation will take into account the current disparities in public sector jobs in each District Council Area. (AQW 3026/09)

**The Minister for Social Development:** Consultation on the Social Security Agency's Strategic Business Review proposals was launched on 27 November 2008 and runs over two phases until late April 2009. I will await the findings of the consultation process before making a full assessment of the impacts. The Equality Impact Assessment element of the consultation will reflect the fact that the key objective of the Strategic Business Review is to secure the future delivery of modern, efficient and more accessible service delivery for customers of the local office network..

### Social Security Agency

**Mr Doherty** asked the Minister for Social Development for her assessment of the equality implications of the proposal in the Social Security Agency Strategic Review to (i) further downgrade its Strabane District office to provide 'front office only services'; and (ii) re-deploy the majority of staff elsewhere, given that Strabane already has the lowest base of public sector jobs. (AQW 3031/09)

**The Minister for Social Development:** Public consultation on the Strategic Business Review proposals was launched recently on the 27 November 2008 and is planned to run in two stages until late April 2009. I will await the findings the consultation process before completing my assessment of the equality implications for Strabane District office and the staff currently employed there. I would highlight the fact that, irrespective of the proposed changes to back-office processing functions, there has been no previous downgrade to the service to customers provided by Strabane District office.

### Construction Industry Jobs

**Miss McIlveen** asked the Minister for Social Development what plans she has to introduce a scheme similar to that announced by the UK Chancellor in his pre-budget Report where additional construction industry jobs are being provided through the insulation of homes in the private and public sectors. (AQW 3066/09)

**The Minister for Social Development:** The Schemes announced by the UK Chancellor are funded through the Carbon Emissions Reduction Target programme (CERT). CERT is not available in Northern Ireland and cannot be mirrored here as the funding is ultimately paid by consumers through higher energy bills. Northern Ireland already has the highest levels of fuel poverty in the UK. My department funds the Warm Homes Scheme which provides heating and insulation measures. I intend to use all available resources to reduce the Warm Homes Scheme waiting list so that I can assist those people in greatest need. I have submitted a bid as part of December monitoring for additional resources to help clear the Warm Homes Scheme waiting list.

### Benefit Offices

**Ms Ní Chuilín** asked the Minister for Social Development for her assessment of how many staff working in benefits offices are at risk of losing their jobs as a result of modernisation plans by her Department. (AQW 3082/09)

**The Minister for Social Development:** There is no risk of staff working in benefit offices losing their employment.

### Energy Relief Scheme

**Ms Ní Chuilín** asked the Minister for Social Development what (i) legal powers she has at her disposal to introduce her proposed energy relief scheme, as outlined in the Irish News on 26 November 2008; (ii) costings have been estimated for her proposals and how finance will be acquired; and (iii) potential exists for her to introduce legislation to enable her to financially assist those in fuel and energy poverty. (AQW 3125/09)



**The Minister for Social Development:** I submitted an Executive Paper on Tackling Fuel Poverty in September and followed this up with a further paper in October, which took account of comments from Ministerial colleagues. As yet the Executive has not had these papers on its agenda. Protocol prevents me from commenting in detail until the Executive has considered my proposals. I can state however, that any proposal for an energy credit payment is merely one element in a package which is designed to encourage the Executive to adopt a collective position on the crucially important issue of fuel poverty.

### Community Investment Fund

**Mr Weir** asked the Minister for Social Development how the 14 women's centres were selected for funding from the Community Investment Fund; and to detail the reasons why no women's centres based in county Down and Fermanagh were selected as part of this process. (AQW 3129/09)

**The Minister for Social Development:** The Community Investment Fund (CIF) opened for applications in April 2006. The application process was competitive, and some 137 applications were received. After a rigorous process of assessment and Economic Appraisal some 34 organisations working with disadvantaged communities were awarded funding. This includes 13 Women's Centres and Women's organisations. There were no applications to the CIF received from Women's organisations in County Fermanagh, and only one from an organisation in County Down. This organisation was screened out at an early stage in the assessment process.

### Community Investment Fund

**Mr Weir** asked the Minister for Social Development when the review of the Community Investment Fund within the women's sector was completed and who was consulted as part of this review. (AQW 3133/09)

**The Minister for Social Development:** There has been no review of the Community Investment Fund within the women's sector.

### Women's Centre Regional Partnership

**Mr Weir** asked the Minister for Social Development, in light of the review of the women's centre regional partnership, how her Department will ensure transparency and inclusiveness in the funding process for the women's sector. (AQW 3134/09)

**The Minister for Social Development:** DSD has policy responsibility for women living in disadvantaged areas. It does not have responsibility for funding the 'women's sector'. The Women's Centres Regional Partnership (WCRP) is funded under the Department's Regional Infrastructure Programme to provide support to women's centres working in disadvantaged areas across Northern Ireland. The WCRP project which runs to 31st March 2009 is currently being evaluated in accordance with established departmental procedures.

### Women's Centre Regional Partnership

**Mr Weir** asked the Minister for Social Development when the review of the women's centre regional partnership will be completed and what groups will be consulted as part of the process. (AQW 3135/09)

**The Minister for Social Development:** The review of funding to the Women's Centres Regional Partnership (WCRP) under the Regional Infrastructure Programme will be completed by the end of December 2008. Officials from my Department, WCRP staff and management and a representative sample of women's centre stakeholders will be consulted during the review.

### Social Housing: Armagh

**Mr Boylan** asked the Minister for Social Development, pursuant to AQW 716/08, to give an update on plans to build (i) 32 social housing units at Mullacreevie, Armagh; and (ii) 12 social housing units for the elderly



at Ballynahonemore, Armagh; and if a suitable site has been found for 16 single person units in Armagh.  
(AQW 3163/09)

**The Minister for Social Development:** Following a recent review of the Social Housing Development Programme, it is now proposed to build 44 units at Mullacreevie, Armagh and 24 units at Ballynahonemore, Armagh. A suitable site has not yet been identified for the 16 unit single non-elderly person scheme.

### Social Housing : Armagh

**Mr Boylan** asked the Minister for Social Development when work will commence on the 32 social housing units at Mullacreevie, Armagh.  
(AQW 3164/09)

**The Minister for Social Development:** The revised Social Development Programme due to be published by the Northern Ireland Housing Executive in January 2009 indicates that the Mullacreevie Phase 1 scheme for 22 units will start in 2012/13, and the Mullacreevie Phase 2 scheme for 22 units will start in 2013/14.

### Social Housing : Armagh

**Mr Boylan** asked the Minister for Social Development which Housing Association will be partnering the Northern Ireland Housing Executive in building the 32 social housing units at Mullacreevie, Armagh.  
(AQW 3165/09)

**The Minister for Social Development:** Following a recent review of the Social Housing Development Programme, it is now proposed to build 44 units at Mullacreevie, Armagh. Fold Housing Association has been nominated to develop the Mullacreevie Phase 1 scheme for 22 units. The Mullacreevie Phase 2 scheme for 22 units has not yet been allocated to a Housing Association.

### Social Housing : Armagh

**Mr Boylan** asked the Minister for Social Development if planned social housing to be built at Mullacreevie, Armagh, can be brought forward in her Department's works schedule to assist the difficulties currently being faced by the construction industry.  
(AQW 3166/09)

**The Minister for Social Development:** The revised Social Development Programme due to be published by the Northern Ireland Housing Executive in January 2009 indicates that the Mullacreevie Phase one scheme for 22 units will start in 2012/13 and the Mullacreevie Phase two scheme for 22 units will start in 2013/14. It is not possible to bring these schemes forward in the Social Housing Development Programme at this stage, as a number of issues regarding the development of the site, including zoning and open space provision, have to be addressed, and planning permission will have to be obtained.

### Social Housing : Armagh

**Mr Boylan** asked the Minister for Social Development whether she can confirm that local labour is used in the construction of 32 social housing units at Mullacreevie, Armagh.  
(AQW 3167/09)

**The Minister for Social Development:** The source of labour for the proposed schemes at Mullacreevie will be a matter for the successful contractor.

### Benefit Fraud

**Mr Armstrong** asked the Minister for Social Development what problems have been experienced with recruiting and retaining staff for units engaged with tackling benefit fraud; and what action she is taking to remedy the situation.  
(AQW 3196/09)

**The Minister for Social Development:** The primary responsibility within my Department for investigating benefit fraud lies with the Social Security Agency's Benefit Investigation Service. In the past there had been



some difficulties recruiting and retaining staff because of the nature of the work which involved unsocial hours, covert surveillance and court attendance. There was also a high turnover of staff as a result of promotions and leavers from the Agency. Following a number of initiatives to attract and retain staff, however, there are no longer any significant problems in this area - a point acknowledged by the Northern Ireland Audit Office in its report on Social Security Benefit Fraud and Error published in January 2008.

### Social Security Agency Staff

**Mr Durkan** asked the Minister for Social Development to detail the number of Social Security Agency staff currently employed in the Foyle constituency, broken down by (i) grade; and (ii) location. (AQW 3236/09)

**The Minister for Social Development:** The table below details the number of Social Security Agency staff currently employed in the Foyle constituency, by (i) grade and (ii) location as at 03/12/08.

Foyle Constituency	Foyle	Lisnagelvin	State Pension Credit (Carlisle House)	Lisahally	Richmond Chambers	Total
GRADE 7	0	0	1	0	0	1
DP	1	0	3	0	0	4
SO	1	1	7	3	0	12
EO1	8	2	19	6	1	36
EO2/SSO1	36	20	116	35	3	210
AO/SSO2	65	31	160	135	0	391
AA	7	1	18	35	1	62
TAA	14	6	6	4	0	30
SGB2	8	2	5	2	0	17
CSGB2	2	1	0	0	0	3
SEC GUARD	2	0	0	1	0	3
TYPIST	1	0	0	0	0	1
<b>Total</b>	<b>145</b>	<b>64</b>	<b>335</b>	<b>221</b>	<b>5</b>	<b>770</b>

### Social Security Agency Staff

**Mr Durkan** asked the Minister for Social Development how many Social Security Agency staff will be located in the proposed (i) Income Support Benefit Processing Centres; and (ii) Centralised National Insurance Number Processing Centres, broken down by (a) grade; and (b) location. (AQW 3237/09)

**The Minister for Social Development:** Implementation of the Strategic Business Review is proposed to commence in October 2009 and conclude around October 2012. Therefore it is not possible at this time to detail the projected number of Social Security Agency staff, broken down by grade that will be employed at each of the proposed Income Support Benefit Processing Centres and Centralised National Insurance Number Centres. However, based on current volumes of work the overall projected number of posts at each would be as follows - it should be noted that these figures are purely indicative at this stage.

#### SOCIAL SECURITY AGENCY POSTS

Location	Benefit	*Indicative SSA Back Office Posts	*Indicative SSA Front Office Posts
Andersonstown	IS	94	19
Coleraine	IS	87	7



Location	Benefit	*Indicative SSA Back Office Posts	*Indicative SSA Front Office Posts
Corporation Street	IS	84	17
Foyle	IS	99	14
Newtownards	IS	94	9
Newry	IS	94	8
Lisnagelvin	NINO	18	6
Portadown	NINO	26	6
Shaftesbury Square	NINO	27	10

\* These figures exclude any DEL staff employed in the locations in question.

### Areas at Risk Pilot Programme

**Mr Durkan** asked the Minister for Social Development if she plans to extend the number of areas included under the Areas at Risk Pilot Programme, and if she will make a statement. (AQW 3284/09)

**The Minister for Social Development:** Consideration is currently being given to extending the Areas at Risk Pilot Programme to include a number of new areas under a possible 3rd phase. A decision will be made over the coming weeks and a statement announcing the outcome will be made early in the New Year.

### DSD Budget and Expenditure

**Ms Ní Chuilín** asked the Minister for Social Development to detail (i) all budget under spends; and (ii) the bids that have yet to be met for which money is available. (AQW 3356/09)

**The Minister for Social Development:** (i) I refer the Member to my written answer 2292/09 on 24 November, which detailed the Department's budget and expenditure figures for each of the last 3 years and highlighted the areas of underspend accordingly. The final position for 2008-09 will not be known until after the year end.

(ii) This Department bid for additional funding in the December monitoring round to reflect known pressures. However, money to meet Departmental bids is held centrally by the Department of Finance & Personnel, so I have no knowledge of what is available.

### ILEX Corporate Plan

**Mr P Ramsey** asked the Minister for Social Development how soon there will be tangible evidence of regeneration at the two ILEX sites in Derry/Londonderry. (AQO 1522/09)

**The Minister for Social Development:** The current ILEX Corporate Plan for 2008 - 2012 envisages 40% of the Ebrington site and 30% of the fort George site being built out or under construction by March 2011. In addition, ILEX estimates construction of the new Foot & Cycle Bridge, which will link Ebrington to the city centre, commencing in late 2009.

Masterplans have been produced for both sites and some preliminary site clearance and demolition works is underway.

Under Direct Rule, regeneration in Derry did not move forward with sufficient pace and enthusiasm. I am confident that this has changed under devolution and that together with OFMDFM, Ilex and Derry City Council and other important stakeholders we can start to make real progress.

### Social Housing

**Mr Neeson** asked the Minister for Social Development what plans she has to use Departmental underspends to build social houses. (AQO 1592/09)



**The Minister for Social Development:** Departmental underspends occurring at the year end cannot be reallocated within the Department but are instead held centrally by the Department of Finance & Personnel. The Department of Finance & Personnel controls any easements in Departmental expenditure during the year, including approval to reallocate to other areas of work. For example, in the September monitoring round, we secured approval to utilise £15.5m from other Departmental sources to address pressures in the Housing budget, which have arisen due to the shortfall in house and land sale receipts.

I can assure the member that DSD runs a tight ship against its budgets. We will spend our capital right up to its limits and could do with more. On the revenue side, we will have underspends – not because of failure to deliver programmes – but because of tight management of costs, particularly staff and administration costs. We are in constant engagement with DFP to get approval to use out hard-earned efficiency savings to deliver more programmes outcomes.

### **Ulster GAA Community Development Unit**

**Mr Storey** asked the Minister for Social Development if the invitation she received to attend the second annual meeting of the Ulster GAA Community Development Unit was issued to her in her official capacity as Minister. (AQO 1487/09)

**The Minister for Social Development:** I was invited to the second Ulster GAA Club and Community Development Conference as Minister for Social Development. The theme of this year's Conference was "Strengthening community cohesion through the development of GAA clubs and volunteers". This theme clearly addresses my Ministerial priority of building communities, tackling disadvantage and encouraging social responsibility. I was asked to jointly launch the new Ulster GAA Community Development Unit, a dedicated unit for volunteer development, for strategic development and for community outreach initiatives. I am committed to encouraging and supporting this type of work.

### **Foot and Cycle Bridge: Derry/Londonderry**

**Mr Durkan** asked the Minister for Social Development for an update on the proposed foot and cycle bridge in Derry/Londonderry City Centre. (AQO 1569/09)

**The Minister for Social Development:** As part of its current regeneration plan for Derry, ILEX has proposed the construction of a foot and cycle bridge linking the Ebrington site with the city centre. The project is expected to cost £13 million and funding had been requested from the Special European Union Programmes Body (SEUPB) under the Peace 3 programme.

On 17 October, the SEUPB issued a letter of offer for £13.3 million to ILEX for the foot and cycle bridge. This offer was accepted by the ILEX board at its meeting on 14 November.

ILEX has now proceeded to the design and construct tender stage and hopes to select a preferred contractor early in 2009. Subject to the necessary planning approvals, ILEX anticipates construction commencing in late 2009.

### **Fuel Poverty**

**Mr McGlone** asked the Minister for Social Development for a progress report on the fuel poverty proposals she circulated to the Executive for consideration. (AQO 1520/09)

**The Minister for Social Development:** I had submitted my paper on Tackling Fuel Poverty for consideration by the Executive in September. As no Executive meeting took place I sought clearance to bring forward my proposals under urgent procedure. No decision was made on this. The Executive is now meeting. I hope that my paper will be considered in its entirety at the earliest opportunity as we are running out of time if our ambition is to make a difference this Winter.



### Child Maintenance

**Mrs D Kelly** asked the Minister for Social Development for her assessment of how absent parents could increase their financial contribution towards the maintenance and welfare of their children. (AQO 1523/09)

**The Minister for Social Development:** Since I took office in May 2007, the number of children benefiting from child maintenance has steadily increased to well over 20,000 at the end of October 2008. However, one of the biggest obstacles to progress in securing money for all children has been the unwillingness, indeed refusal, of some Non-Resident Parents to take financial responsibility for their children. We need to change the mindset that it's ok not to support your child. That's why on 10 September 2008 I launched an Enforcement Campaign to target those parents who are failing to meet in full, their financial responsibility towards their children. This campaign is about changing societal attitudes. It is about sending out the simple message that failure to support your children is wrong.

### Andersonstown RUC Barracks

**Mr P Maskey** asked the Minister for Social Development the reasons why a second commercial developer was chosen to work on the former site of Andersonstown RUC barracks. (AQO 1586/09)

**The Minister for Social Development:** A second commercial developer was not chosen.

### Orange Community Network

**Mr Craig** asked the Minister for Social Development for her assessment of the Orange Community Network's performance in achieving community development and cohesion, following her meeting with the group earlier this year. (AQO 1518/09)

**The Minister for Social Development:** My meeting of 6 June with the Orange Community Network and Brookmount Cultural and Education Society was an opportunity for the Orange Community Network to outline the work they have been engaged over the last two years and for me to hear, first hand, the positive impact their work has had on one particular group, Brookmount Cultural and Education Society. While it is difficult to fully assess any organisation's work in one visit, I was impressed with the commitment, vision and enthusiasm shown by the staff of Orange Community Network. It is clear that they are working hard with a growing number of local people.

### Fuel Poverty

**Mr D Bradley** asked the Minister for Social Development to outline her priorities to counter fuel poverty this winter. (AQO 1527/09)

**The Minister for Social Development:** In response to the rising cost of fuel I established the Fuel Poverty Task Force in May 2008. The Task Force produced recommendations which I compiled into an Executive paper and circulated to the Executive in September. As of 7 December 2008 the Executive has not adopted a collective position on fuel poverty. I hope that Executive colleagues will endorse the proposals contained in my Fuel Poverty paper.

Another primary tool in tackling fuel poverty is the Warm Homes Scheme. The Scheme offers insulation and heating measures to eligible applicants living in privately rented or privately owned accommodation. I have bid for additional resources as part of the December monitoring round in an attempt to try and clear the current waiting list.

### Fuel Poverty

**Mrs Long** asked the Minister for Social Development for her assessment of the impact on fuel poverty of the failure of the Executive to meet for 5 months. (AQO 1595/09)

**The Minister for Social Development:** In response to the rise in energy prices I established the Fuel Poverty Task Force to look at how we could assist those people most affected this Winter. I brought a paper on Tackling



Fuel Poverty to the Executive in September 2008 seeking their endorsement of a number of recommendations emanating from the Task Force. The Executive has yet to form a collective view on fuel poverty. Had the Executive done so, these recommendations could have been progressed more quickly.

### Winter Fuel Allowance

**Mr K Robinson** asked the Minister for Social Development, in light of fluctuating fuel prices, what action she is taking to ensure the Winter Fuel Allowance is appropriate. (AQO 1508/09)

**The Minister for Social Development:** The Westminster Government introduced the Winter Fuel Payments Scheme in January 1998 as part of its commitment to alleviate fuel poverty.

The Winter Fuel Payment is not intended to cover the total cost of a household's fuel bills, but to provide a significant contribution. The payment was £20 when it was first made in 1998. This increased to £100 in 1999/2000. An additional £100 for households with someone aged 80 or over was introduced in 2003/2004.

For 2008/2009 there is to be a one-off increased payment of £200 - £250 for those aged 60 or over and one of £300 - £400 for those aged 80 and over.

I met recently with the Secretary of State for Work and Pensions, James Purnell MP, and impressed on him my view that the Winter Fuel Payment should be increased and refocused to help those in greatest need.

### Social Housing

**Mr Burns** asked the Minister for Social Development what plans she has to build an increased number of social houses on land already in public ownership. (AQO 1538/09)

**The Minister for Social Development:** When land in public ownership is declared surplus, it must first be offered across the other Public Bodies who may have an interest in acquiring it. My Department has already purchased a number of sites through this process to deliver social housing in areas where it is needed most.

### Winter Fuel Allowance

**Mr Cree** asked the Minister for Social Development what plans she has to extend the Winter Fuel Allowance to people suffering from cancer. (AQO 1509/09)

**The Minister for Social Development:** The Winter Fuel Payments Scheme was introduced in January 1998 to alleviate fuel poverty by providing help specifically to older people towards their winter fuel bills. Older people are targeted as they are more vulnerable to the effects of cold weather during the winter months than other groups. There are no plans to extend the Winter Fuel Allowance to people suffering from cancer.

However, depending on an individual's circumstances, a range of social security benefits is available to people suffering from illness or disability including disability living allowance, attendance allowance, employment and support allowance, incapacity benefit and income-related benefits, such as income support and pension credit.

Disability Living Allowance (DLA) and Attendance Allowance (AA) are paid as a contribution towards the extra costs faced by people with cancer, or any other progressive disease.

In cases of terminal illness the qualifying period is waived and the highest rate of AA or DLA care component is awarded automatically.

I met recently with the Secretary of State for Work and Pensions, James Purnell MP, and impressed on him my view that the Winter Fuel Payment should be increased and refocused to help those in greatest need.



## ASSEMBLY COMMISSION

### Energy Efficient Light Bulbs

**Mr McKay** asked the Assembly Commission if energy efficient light bulbs are used throughout all of the buildings used by the Assembly. (AQW 2922/09)

**The Representative of the Assembly Commission (Rev Dr R Coulter):** The Assembly Commission works closely with the Department of Finance and Personnel's Energy Conservation Branch and the Carbon Trust to improve energy efficiency.

Energy-saving bulbs are used wherever feasible throughout Parliament Buildings and in all cases where new light fittings are being installed.

One exception to this is the Great Hall where it has been accepted by the Carbon Trust that it would not be appropriate to replace the existing light bulbs used in the chandeliers with energy saving bulbs. These lights are turned off at all times when not required.

In addition to energy saving bulbs, many offices in Parliament Buildings have motion sensor lighting that turns off when the office is unoccupied.

Motion sensor lighting was also installed in the Gent's Toilets in the Basement during the recent summer recess and, where installation costs are not prohibitive; there are plans to install motion sensor lighting in other areas of the building.

With regard to the temporary accommodation at Annexe C, fluorescent tubing strips are used throughout the offices and the toilets are lit with 2D fluorescent lights, all of which are deemed to be energy efficient. All lights are turned off when the building is not in use.

### Assembly Waste

**Mr McKay** asked the Assembly Commission what percentage of the total waste from the Assembly is recycled. (AQW 2923/09)

**The Representative of the Assembly Commission (Rev Dr R Coulter):** Waste and recycling for Parliament Buildings and the Stormont Estate is currently managed by the Department of Finance and Personnel's Estate Maintenance Division.

I attach a previous response to a similar question AQW 3487/08 which details the percentage of waste recycled monthly from Parliament Buildings from October 2006 to December 2007.

The table below details the percentage of waste recycled monthly from Parliament Buildings and Annexe C from January 2008 to September 2008.

The figures include paper, plastic, cardboard and tins but do not include glass, which is recycled by a different contractor. Approximately 250kg of glass is recycled weekly.

Month	% Recycled
January 2008	26
February 2008	23
March 2008	21
April 2008	34
May 2008	30
June 2008	31
July 2008	35
August 2008	33
September 2008	32



In addition, printer and fax cartridges and other computer consumables are recycled as is the waste cooking oil from the kitchen.

It may also be helpful to note that monthly recycling figures are published on the Assembly website, AssISt. <http://assist.assemblyni.gov.uk/services/ok/works/recycling.htm>

### **PowerPoint Presentations**

**Mr Ross** asked the Assembly Commission what consideration it has given to ensuring that all committee rooms are fully fitted with audiovisual equipment and projectors to allow for PowerPoint presentations.

(AQW 2970/09)

**The Representative of the Assembly Commission (Rev Dr R Coulter):** Powerpoint presentations can be made in committee rooms at present. However, the presentation is normally projected onto the meeting room wall meaning that it can be difficult to see. The Chairpersons' Liaison Group has accepted a recommendation to install plasma screens in committee rooms and the Assembly Commission is content for expenditure to be incurred on this project. It is proposed to integrate computing facilities into the screens to allow them to support presentations without the need for projectors, display screens, etc. It is planned for the installation to take place before the end of the current financial year i.e. before 31 March 2009.



## NORTHERN IRELAND ASSEMBLY

Friday 2 January 2009

### Written Answers to Questions

#### OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

##### Child Poverty

**Mr Shannon** asked the Office of the First Minister and deputy First Minister what action it is taking to assist LifeStart and other similar bodies as part of its strategy to address child poverty. (AQW 2716/09)

**The First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness):** The Department of Health, Social Services and Public Safety (DHSSPS), by way of the Children's Fund, supported the costs associated with the Lifestart Westville Family Resource Centre, Enniskillen, from April 2003 to March 2008. In that time, it received grant assistance in the region of £82,900.

Since March 2008, DHSSPS has continued to fund the project and will be making available funding of around £20,500 up until 31 March 2009. Decisions about funding after this date will be based on a review of the project's performance, and the extent to which its activities continue to contribute to key children's service planning priorities in the Western Board area.

Key actions within the draft DHSSPS parenting strategy 'Families Matter' include increasing the provision of parenting education programmes to assist with child health and development, household management and stress management; reducing the negative impact of parental separation on children by developing and expanding family mediation services; and providing a fully responsive regional help-line to enable parents to obtain timely advice and support.

We welcome and endorse all the work that Departments carry out which contributes to meeting the Executive's targets for eliminating child poverty and is consistent with its anti-poverty strategy 'Lifetime Opportunities'.

##### Children's Health

**Mr Beggs** asked the Office of the First Minister and deputy First Minister what part walking and cycling initiatives play in the Department's policies for improving children's health. (AQW 3088/09)

**The First Minister and deputy First Minister:** The Minister of Health, Social Services and Public Safety has lead responsibility for developing policies to improve children's health and we understand that you have also submitted your question to him.

##### Civic Forum

**Mr Craig** asked the Office of the First Minister and deputy First Minister how many responses were received to the consultation on the future of the Civic Forum. (AQW 3226/09)

**The First Minister and deputy First Minister:** A total of 60 written responses were received to the consultation on the Review of the Civic Forum. These responses are available to view on the Review website at [www.ofmdfmi.gov.uk/civic-forum-review](http://www.ofmdfmi.gov.uk/civic-forum-review).



## Strategy for Cohesion, Sharing and Integration

**Mrs D Kelly** asked the Office of the First Minister and deputy First Minister, given the continuing delays in bringing the strategy for cohesion, sharing and integration before the Assembly Committee, what assurance can it give that this strategy remains a priority. (AQW 3314/09)

**The First Minister and deputy First Minister:** As we have stated previously, the Executive is fully committed to a vision for the future of all of the people who live here, to moving society forward and making a real difference to the lives of all our people. We are, and continue to be, fully committed to challenging sectarianism and racism and have indicated that our vision is for a future based on tolerance, equality, mutual respect and respect for the law.

The Programme for Government, including the key goals and associated PSA framework, was developed with a focus on addressing the key challenges and seizing the opportunities to deliver a shared and better future.

We met with the Committee for OFMDFM in October and stated that we would bring the Programme for Cohesion, Sharing and Integration before it by the Halloween recess. That has not been possible as work is still ongoing. However, it is our intention to bring forward these proposals to the Committee and to the Assembly as soon as practicably possible.

We would wish, however, to draw attention to the emphasis in the Executive's Programme for Government and Budget which quite clearly confirms our commitment to tackling racism and sectarianism. We are giving a clear lead and endorsing ongoing work on the ground which is proving so successful in building new relationships within and between communities. We have committed an additional £7.5m direct expenditure over the next three years – 2008/2011, with a total investment of approximately £29m on good relations and good race relations.

## Policing and Justice Powers

**Mr Burnside** asked the Office of the First Minister and deputy First Minister if it has had discussions with the UK Government about the transfer of Policing and Justice powers to the Assembly and Executive; and if this included a commitment to be made by all MLAs and the Executive to cooperate fully in all particulars, if requested, with the Historic Enquiries Team. (AQW 3330/09)

**The First Minister and deputy First Minister:** There have been discussions at Ministerial level with the UK Government on the devolution of policing and justice powers. There has also been engagement at official level in the context of administrative preparations for the transfer of these responsibilities.

## Maze Prison Site

**Mr Craig** asked the Office of the First Minister and deputy First Minister what progress has been made in relation to the development of the Maze site. (AQW 3432/09)

**The First Minister and deputy First Minister:** At present, an extensive programme to demolish buildings and structures is under way and this will be completed in this calendar year. The first phase of substantial remediation work to remove contamination at part of the site is also near completion.

Recently, we approved a £3.5 million second-stage remediation programme that is essential to prepare the site for future use. As the funding suggests, second-stage remediation is extensive and will entail, for example, the removal of diesel oil spillages and contaminates from other parts of the site.

We are acutely aware that a redevelopment of this size will impact directly on the Lisburn and the wider community and can confirm that it is our desire to see a decision about the redevelopment of Maze/Long Kesh reached as speedily as possible.

## Interface Violence

**Mr A Maskey** asked the Office of the First Minister and deputy First Minister to detail the programmes it is carrying out in relation to the prevention of interface violence in (i) primary schools; (ii) post primary schools, in Belfast and what plans does it have to introduce such programmes if none exist. (AQW 3486/09)



**The First Minister and deputy First Minister:** Our department does not currently directly operate any programmes designed specifically to address the issues of interface violence within primary or post primary schools. However, funding of £400,000 per annum is provided by OFMDFM to the Department of Education for the provision of a range of Summer Intervention Programmes, which are delivered by the Education and Library Boards through the youth service. The Belfast Education and Library Board has received £160k of this funding. A further £100k has been provided to the North Belfast Community Action Unit for youth diversionary programmes to help reduce tensions over the summer months.

### European Policies and Legislation

**Mr Shannon** asked the Office of the First Minister and deputy First Minister which Department (i) has direct responsibility; and (ii) is accountable, for the implementation of policies and legislation originating from Europe. (AQW 3586/09)

**The First Minister and deputy First Minister:** Each Department is responsible and accountable for the implementation of European policies and legislation that fall within its devolved responsibilities.

### Ebrington Regeneration

**Mr Durkan** asked the Office of the First Minister and deputy First Minister, pursuant to the answer to AQW 2966/09, to detail (i) the reasons for its proposed surrender in the December 2008 Monitoring Round of £0.998 million in relation to capital requirements at the Ebrington regeneration site; (ii) the nature of, and reasons for the delays; and (iii) the measures being taken to ensure progress is expedited in the future. (AQW 3665/09)

**The First Minister and deputy First Minister:** Amounts surrendered from Ebrington and other projects free up funds for other necessary investment. The earlier this is done before the end of the financial year, the greater the chance that the funds can be used elsewhere. Ilex has a range of key regeneration projects underway at the former Ebrington Barracks which are at various stages in the process of delivery. The surrender of funds represents a re-adjustment in the timing of a number of these projects to all of which Ilex remain committed. Some indeed are ahead of schedule and none should be significantly delayed.

Measures being taken to ensure progress is expedited include the recent appointment of programme management consultants to accelerate activity and work to improve turnaround times for departmental approval of business cases.

## AGRICULTURE AND RURAL DEVELOPMENT

### Capital Projects

**Dr Farry** asked the Minister of Agriculture and Rural Development what actions her Department is taking to bring forward the delivery of capital projects, to help address the economic downturn. (AQW 3010/09)

**The Minister of Agriculture and Rural Development (Ms M Gildernew):** The Department's capital budgets for 2008-09, 2009-10 & 2010-11 were set as part of Budget 2007 and the capital programme was outlined in Investment Strategy Northern Ireland (ISNI), with further details contained in the Department's Investment Delivery Plans published on 3 July 2008.

The Department is concentrating on delivering its agreed capital investment programme in full within the resources available.

### Cereal Growers

**Mr Elliott** asked the Minister of Agriculture and Rural Development to detail the action she has taken to assist cereal growers, following increased costs of production, a drop in prices for cereal crops and the poor weather of 2008, that prevented harvesting of crops. (AQW 3047/09)



**The Minister of Agriculture and Rural Development:** My Department is continuing to assist cereal producers in a range of ways aimed at improving efficiency and reducing input costs.

The College of Agriculture, Food and Rural Enterprise (CAFRE) provides a range of education and training programmes and encourages cereal farms here to adopt cost-efficient technologies through its technology transfer projects. CAFRE also offers benchmarking to the cereal sector to help them identify areas for potential improvement.

The Agri-Food and Biosciences Institute (AFBI) provides information on reduced nutrient and pesticide inputs to help meet the industry's environmental and economic objectives.

In addition, as a targeted measure to aid those who have suffered loss as a consequence of the flooding of 16th of August 2008, I have submitted proposals to make hardship payments to cereal and potato growers, to my Executive colleagues for consideration.

### Dairy Farmers

**Mr Elliott** asked the Minister of Agriculture and Rural Development what action she has taken to assist dairy farmers as a result of falling prices being paid for their produce.[R] (AQW 3048/09)

**The Minister of Agriculture and Rural Development:** In recognition of the deteriorating market situation I have been working hard to try and achieve a re-introduction of export refunds for dairy products. Following the sharp drop in prices at the October United Dairy Farmers' milk auction I immediately spoke to the DEFRA Secretary of State to seek his support on the matter. Subsequently the Minister for Enterprise Trade and Investment and I issued a joint letter to Hilary Benn pressing the case for the local dairy industry and making clear our view that Britain should be taking the initiative within the EU by requesting early re-introduction of export refunds. We are also seeking a meeting with the European Commissioner, Marianne Fischer Boel, to ensure that she is aware of the seriousness of the situation. In addition the First Minister and Deputy First Minister, at my request, have written to the Prime Minister to lobby his support on the matter. The Finance Minister, Nigel Dodds, and I subsequently had a meeting with Hilary Benn to impress upon him further the challenges being faced by the sector. This followed a meeting I had with industry representatives when they outlined the case for export refunds to be re-introduced. The dairy industry makes an important contribution to the agri-food industry and I will continue to do what I can to support it in these difficult times.

### UN Convention on the Rights of Persons with Disabilities

**Mr P Ramsey** asked the Minister of Agriculture and Rural Development what contribution her Department has made or will be making to the consultation by the UK Department of Work and Pensions on reservations to the UN Convention on the Rights of Persons with Disabilities. (AQW 3050/09)

**The Minister of Agriculture and Rural Development:** Since January 2007, officials within OFMdfM have taken the lead in preparing for implementation here of the UN Convention on the Rights of Persons with Disabilities. As part of this process DARD has had the opportunity at several stages to consider its legislation, policies, practices and procedures to check its compatibility with the provisions of the Convention and we do not have any difficulty with the areas of competency covered by the Convention.

### UN Convention on the Rights of Persons with Disabilities

**Mr P Ramsey** asked the Minister of Agriculture and Rural Development what preparations her Department has made for the implementation of the UN Convention on the Rights of Persons with Disabilities.(AQW 3052/09)

**The Minister of Agriculture and Rural Development:** Since January 2007, officials within OFMdfM have taken the lead in preparing for implementation here of the UN Convention on the Rights of Persons with Disabilities. As part of this process DARD has had the opportunity at several stages to consider its legislation, policies, practices and procedures to check its compatibility with the provisions of the Convention and we do not have any difficulty with the areas of competency covered by the Convention.

On a general note the Department is doing good work in promoting and raising awareness of disability issues. We have appointed a Disability Champion whose role is to support and promote disability equality across all aspects of our business.



DARD's Disability Forum was launched in 2002 and aims to provide an opportunity for staff with disabilities to have a voice, to develop confidence and to express their views directly to decision makers. The Forum has been kept informed of developments in relation to the Convention.

The Department has developed close links with Disability Action and in January 2008, they formally agreed to work with DARD to help raise awareness of disability equality including the new duties.

Five members of DARD staff attended a recent panel debate on the Convention, organised by Disability Action. Panel members included representatives from the Equality Commission for NI and the NI Human Rights Commission.

One member of Equality Branch staff is completing a Human Rights Course with a specific focus on disability.

### **Benchmarking: Farmers in Mid-Ulster**

**Mr I McCrea** asked the Minister of Agriculture and Rural Development how many farmers have taken up benchmarking in Mid Ulster, in each of the last three years. (AQW 3053/09)

**The Minister of Agriculture and Rural Development:** My Department does not record details of the number of farmers benchmarking on a Constituency basis. The figures given relate to the Cookstown, Dungannon and Magherafelt District Council areas. In each of the last three years the number of farmers undertaking either physical or financial benchmarking, or both, from within these Council areas is: -

2005/06 – 107

2006/07 – 93

2007/08 – 99

### **Fishing Industry: Foreign Workers**

**Mr P J Bradley** asked the Minister of Agriculture and Rural Development if her Department has access to all records of terms and conditions of employment for foreign workers being offered work in the fishing industry. (AQW 3142/09)

**The Minister of Agriculture and Rural Development:** My Department has no access to these records. They are a commercial matter between the fishing businesses, workers and the employment agencies involved.

### **Fishing Industry: Foreign Workers**

**Mr P J Bradley** asked the Minister of Agriculture and Rural Development if she is aware of any alleged mistreatment of foreign workers employed in the fishing industry. (AQW 3143/09)

**The Minister of Agriculture and Rural Development:** My officials have briefed me on meetings they have had with the Irish Congress of Trade Unions, International Transport Federation and the Council for Ethnic Communities which took place to hear their concerns about the treatment of Philippino fishermen in the local industry.

I condemn totally any exploitation of workers in whatever way and I have asked my Department to work with those organisations, representations of the local industry and other agencies which have statutory responsibilities in this area to address the concerns raised.

### **Fishing Industry: Foreign Workers**

**Mr P J Bradley** asked the Minister of Agriculture and Rural Development for her assessment of the of the contracts issued to workers from the Philippine Islands who are employed in the fishing industry. (AQW 3144/09)

**The Minister of Agriculture and Rural Development:** I have no access to those contracts but I understand that a variety of arrangements exist depending on the employment agency used by the fishing business and agreements made between the fishing business and the Filipino fishermen themselves.



### Fishing Industry: Foreign Workers

**Mr P J Bradley** asked the Minister of Agriculture and Rural Development if she will undertake a study to ensure that all foreign workers employed in the fishing industry are treated with the equality afforded to indigenous workers. (AQW 3145/09)

**The Minister of Agriculture and Rural Development:** I don't believe a study is necessary. A fundamental change that is needed is to ensure that foreign workers involved in our fishing industry are here under the authority of a work permit which will guarantee their employment rights. The Borders Agency which is responsible for the immigration arrangements for migrant workers is aware of the important contribution these workers make to our fishing industry has agreed to consider the visa status of migrant fishermen from outside the EU.

### Hunting with Dogs

**Mr B Wilson** asked the Minister of Agriculture and Rural Development what consideration she has given to introducing a ban on hunting with dogs, similar to the Hunting Act 2004 that applies in England and Wales. (AQW 3162/09)

**The Minister of Agriculture and Rural Development:** There has been very little public and political debate on hunting in the North. Any decision to introduce a ban on hunting here would have to be taken in conjunction with other Ministerial colleagues at the Executive and is not solely a matter for my Department. However, my party position is that we are opposed to bloodsports.

My Department has no powers to prohibit or regulate hunting or coursing with dogs as its' responsibilities towards animals in the wild are very limited. The Department does have responsibility for the Welfare of Animals Act (NI) 1972, Section 15 of which specifically exempts from its' provisions the coursing or hunting of any animal, other than a domestic animal.

This provision does not legitimise hunting or coursing, it simply precludes enforcers from making use of the offences of cruelty contained within the Act in respect of these activities.

However, it should be noted that the hunting exemption in the Welfare of Animals Act (NI) 1972 does not apply if unnecessary suffering is caused to an animal or if the animal is released in an injured, mutilated or exhausted condition. Similarly, the exemption does not apply if an animal is hunted in an enclosed space from which it has no reasonable chance of escape.

Therefore, unlike in Britain, if sufficient evidence is forthcoming that unnecessary suffering has been caused to an animal during a hunt, a prosecution can be taken under existing legislation.

### Flood Prevention: A26

**Mr Butler** asked the Minister of Agriculture and Rural Development (i) to provide details of her Department's investigation into the problems of flooding; and (ii) what measures her Department is taking to prevent future flooding, on the A26 between Glenavy and Moira. (AQW 3204/09)

**The Minister of Agriculture and Rural Development:** Following investigation DARD Rivers Agency has established that the heavy flooding that was experienced on the A26 road was as a result of the exceptional levels of rainfall in August 2008. In order to reduce the risk of future flooding DARD Rivers Agency has carried out maintenance works during late October – early November 2008 to the designated section of the County Drain, which the A26 road drainage system discharges into.

### Animal Disease Testing/Compensation

**Dr Farry** asked the Minister of Agriculture and Rural Development to report on the nature of the additional cost pressures of £16.8m and £18m anticipated in 2009/10 and 2010/11, respectively, in relation to animal diseases' testing and compensation. (AQW 3221/09)

**The Minister of Agriculture and Rural Development:** Approximately half of the bid reflects the historic underprovision in the animal disease compensation baselines. The balance is to improve the testing regimes



for TB and Brucellosis in order to detect and remove potentially infected animals earlier, and to promote better biosecurity on farms. These measures will reduce the risks of spreading disease

### Telephone Communication Masts

**Mr Hilditch** asked the Minister of Agriculture and Rural Development to detail the total revenue generated through her Department leasing its land or property to facilitate the erection of telephone communication masts. (AQW 3264/09)

**The Minister of Agriculture and Rural Development:** The Department and its Forest Service Agency generated revenue of £130,000 for the period 8 May 2007 to 8 December 2008.

### Fisheries Meeting December 2008

**Mr Shannon** asked the Minister of Agriculture and Rural Development who will be accompanying her to the fisheries meeting in Brussels in December 2008, broken down by (i) officials; and (ii) representatives of fishing organisations. (AQW 3275/09)

**The Minister of Agriculture and Rural Development:** I will be accompanied by my Special Advisor, Personal Secretary and 4 officials to the Fisheries Council in December. During Council I will be meeting with representatives from the local industry to keep them apprised of developments. The NI Fish Producers Organisation and the Anglo North Irish Fish Producers Organisation usually send 2 representatives each to Brussels.

### Fishing Fleet

**Mr Shannon** asked the Minister of Agriculture and Rural Development if she has had discussions with her counterpart in the Republic of Ireland on assistance that can be given to the Northern Ireland Fishing Fleet at the EU fisheries meeting in Brussels in December 2008. (AQW 3276/09)

**The Minister of Agriculture and Rural Development:** I met with Brendan Smith TD in September when we discussed a range of issues that had the potential to impact on fishing opportunities for both our fleets in the Irish Sea and we agreed that there was a good deal of common ground. By way of follow up to that meeting my colleague Conor Murphy, who attended the November Council on my behalf also met with Fisheries Minister Tony Killeen TD.

The purpose of that meeting was to confirm our priorities in the Brussels negotiations for Irish Sea stocks and ensure there was a consistent message given to the Commission about the unacceptability of its proposals to cut Irish Sea stocks, such as Nephrops when the science confirmed that they were being fished sustainably.

### Fisheries Meeting: Discussions with DEFRA

**Mr Shannon** asked the Minister of Agriculture and Rural Development what discussions she has had with DEFRA before the fisheries meeting in Brussels in December 2008. (AQW 3277/09)

**The Minister of Agriculture and Rural Development:** While I was on leave my colleague, Conor Murphy, Minister for Regional Development participated in 2 meetings with Huw Irranca Davies the DEFRA Fisheries Minister. I also have had several discussions with Huw Irranca Davies to impress on him my priorities for the December Fisheries Council and further discussion with Hilary Benn on Wednesday 10th Dec in London.

### Efficiency Savings

**Dr Farry** asked the Minister of Agriculture and Rural Development which policies and practices within her Department have been changed to deliver the 3% efficiency savings required under the Budget 2008-11. (AQW 3292/09)



**The Minister of Agriculture and Rural Development:** My Department has in place 12 Efficiency Delivery Plans (EDPs) in place to deliver the 3% efficiency savings required under the Budget 2008-11. Policies and practices have changed in respect of in respect of 5 of our EDPs as follows:

- **Forest Service Receipts:**

This EDP relates to the achievement of additional receipts from timber sales through adjusting the balance between higher value roadside sales, as opposed to standing sales.

- **Agri-Food and Biosciences Institute (AFBI) Grant in Aid reductions:**

AFBI will seek to attract additional non-DARD funding and further savings will be delivered through centralising procurement activities throughout the organisation.

- **TB (Tb) and Brucellosis (Br) Control Programmes:**

The Department has modified its Tb and Br disease management process mainly by extending the use of key performance indicators. This is aimed at improving the management and delivery of critical elements of the programmes.

- **Identification, Registration and Movement of Animals Procedures:**

The Department has assisted market operators and meat plants to fulfil their responsibilities for movement notification of cattle and sheep, thereby allowing the release of the Department's own staff for other duties.

- **The NI Rural Development Programme (NIRDP)**

The majority of measures under Axis 1 and all of the measures under Axis 3 of the NIRDP 2007 - 2013 will be delivered by third party agents on behalf of the Department. One delivery agent will deliver a range of measures under Axis 1 of the Programme, while Axis 3 measures will be delivered by groups of councils and local action groups (LAGs) working together. This represents a change from previous Rural Development Programmes where DARD was more directly involved in delivering schemes and in managing LAGs.

Those DARD staff previously involved in delivery will now manage contracts with delivery agents, once all the new procedures are set up.

## Forestry Planting

**Mr Elliott** asked the Minister of Agriculture and Rural Development for the number of new hectares of forestry planted in the private sector in each year since 1970.[R] (AQW 3297/09)

**The Minister of Agriculture and Rural Development:** Records of private planting, supported by grant administered by Forest Service, are held dating back to 1979/80. Details are provided below.

Year	New planting on private land supported by grant administered by Forest Service (hectares)
1979/80	12
1980/81	100
1981/82	165
1982/83	8
1983/84	42
1984/85	54
1985/86	36
1986/87	240
1987/88	306
1988/89	140
1989/90	1065
1990/91	620
1991/92	466



Year	New planting on private land supported by grant administered by Forest Service (hectares)
1992/93	883
1993/94	908
1994/95	599
1995/96	812
1996/97	615
1997/98	519
1998/99	628
1999/2000	646
2000/01	588
2001/02	625
2002/03	513
2003/04	414
2004/05	342
2005/06	592
2007/07	549
2007/08	537

### Short Rotation Coppice

**Mr Elliott** asked the Minister of Agriculture and Rural Development for the number of new hectares of short rotation coppice planted in the private sector by each year since 1995. (AQW 3298/09)

**The Minister of Agriculture and Rural Development:**

Year Planted	Hectares Planted
1995-2005	48.09
2005	176.30
2006	212.90
2007	305.7
2008 to date	38.1
<b>Total</b>	<b>781.09</b>

The Department only holds information relating to planting of Short Rotation Coppice carried out in the private sector which it has grant-aided. Figures refer to planting completed and for which grant aid has been paid between January and December of the given year. Prior to 2005, standard grant payments were available for SRC under the Woodland Grant Scheme. The Short Rotation Coppice Challenge Fund commenced in 2005.

### Forestry Planting

**Mr Elliott** asked the Minister of Agriculture and Rural Development what targets have been set for forestry planting in each year since 1970 by the (i) Forest Service; and (ii) private sector.[R] (AQW 3299/09)

**The Minister of Agriculture and Rural Development:** Formal targets were not set before the Forest Service Agency was established in April 1998. Since then, afforestation targets have been set and published each year in the Agency's annual Business Plan. Details are shown in the table below.



Year	New Planting Targets (hectares) for Forest Service managed land	New Planting Targets (hectares) for private land supported by grant administered by Forest Service	Combined new planting target (hectares)
1998/99	200	600	800
1999/2000	200	600	800
2000/01	100	600	700
2001/02	50	650	700
2002/03			650*
2003/04			500*
2004/05			500*
2005/06			500*
2006/07			500, including 100 ha of Short Rotation Coppice (Willow)
2007/08			550, including 100 ha of Short Rotation Coppice (Willow)
2008/09			550*

\* An overall target only was set

### Lost Livestock

**Mr McGlone** asked the Minister of Agriculture and Rural Development what measures she has sought, or provided, to compensate farmers for livestock lost directly as a consequence of severe flooding in August 2008. (AQW 3337/09)

**The Minister of Agriculture and Rural Development:** There is no compensation available for the loss of livestock due to the severe flooding in August 2008.

The flooding damage assessment carried out by my Department showed that the greatest losses were suffered by the potato and cereals farmers, with losses estimated at around £1 million. Given significant budgetary constraints, I have had to focus my proposals for government intervention on those worst affected.

### Countryside Management Scheme

**Mr P J Bradley** asked the Minister of Agriculture and Rural Development (i) how many farm visits took place during the assessment of applications for the Countryside Management Scheme this year; and (ii) if every farm business that applied from within a prioritised area, received a farm visit. (AQW 3364/09)

**The Minister of Agriculture and Rural Development:**

- (i) Countryside Management Scheme farm visits to applicants with land in designated sites (prioritised areas) are currently being made and almost 1000 farms have been visited to date (12/12/08).
- (ii) Approximately 300 farm businesses remain to be visited.

### Dioxin Contamination

**Mr Weir** asked the Minister of Agriculture and Rural Development what measures are being taken to ensure that pig farms do not have their products banned as a result of the dioxin scare. (AQW 3376/09)

**The Minister of Agriculture and Rural Development:** The information we received on Friday 5th December from the authorities in Dublin was promptly acted upon. We became aware that the farms notified to us by DAFF as recipients of the affected material did not have pigs on them; however we did have to establish that there were



no forward movements of that material from those farms to any pig herds here. Our traceability system was absolutely key to the prompt action taken.

It is our detailed investigations that have provided the necessary confidence to inform the FSA statement that our pork and pigmeat products are safe. I welcome the fact that in such a short space of time those products were back on supermarket shelves and the industry was again moving.

We moved very rapidly, in a period of just 3 days, from a position where the safety of our pork was in question to one where the clear message from the FSA is that pork from pigs born and reared in the North of Ireland is safe.

Processing quickly resumed at our pork factories and our pigmeat is again on supermarket shelves.

The action to withdraw local pork and pigmeat products from sale on Monday 8th December was absolutely essential to protect the industry from the very real risk of Brussels closing our pig production and processing industry.

### Contaminated Pigs

**Mr Weir** asked the Minister of Agriculture and Rural Development what action has been taken to isolate the farms that are contaminated with dioxin in pigs. (AQW 3377/09)

**The Minister of Agriculture and Rural Development:** You are aware that on 5th December 2008 the authorities in the South notified my staff about concerns in relation to nine premises that had received feed potentially contaminated with dioxins.

My staff immediately identified farm premises from the Animal and Public Health Information System (APHIS) and restricted those premises until further investigations could be carried out. Herd owners were contacted and informed why this action was necessary. Animals on restricted sites were flagged on APHIS to ensure they could not enter the food chain until investigations were completed.

Tracing was also carried out to identify any pigs that had come here from the South either for direct slaughter or for breeding and production since 1st September which was the earliest date potentially contaminated feed was in use.

Any potentially infected herds were restricted and animals were not allowed to move off. In light of the nature of this case there was no need to isolate farms.

### Contaminated Pigs

**Mr Weir** asked the Minister of Agriculture and Rural Development what action has been taken to identify the farms that have been effected by the dioxin contamination in pigs (AQW 3378/09)

**The Minister of Agriculture and Rural Development:** You are aware that on 5th December 2008 the authorities in the South notified my staff about concerns in relation to nine premises that had received feed potentially contaminated with dioxins.

My staff immediately identified farm premises from the Animal and Public Health Information System (APHIS) and restricted those premises until further investigations could be carried out. Herd owners were contacted and informed why this action was necessary. Animals on restricted sites were flagged on APHIS to ensure they could not enter the food chain until investigations were completed.

Tracing was also carried out to identify any pigs that had come here from the South either for direct slaughter or for breeding and production since 1st September which was the earliest date potentially contaminated feed was in use.

Any potentially infected herds were restricted and animals were not allowed to move off. In light of the nature of this case there was no need to isolate farms.

### Pork Industry

**Mr Savage** asked the Minister of Agriculture and Rural Development what steps (i) have been taken; and (ii) will be taken to ensure the protection of the pork industry at this time. (AQW 3424/09)



**The Minister of Agriculture and Rural Development:** My officials have taken swift action to ascertain if pigs were present on any of the premises which received potentially contaminated feed from the South and I am pleased to be able to confirm that none of the premises contained pigs. Officials have, however, identified 5 consignments of live pigs which were imported to the North from the South since 1 September 2008. It has now been confirmed that none of these consignments came from an affected herd.

The following outlines the steps my Department has taken to protect the pork industry here.

On Friday 5 December, affected herds on the Department's traceability system (APHIS) were restricted, herd owners contacted and the measures explained to them. Meat inspection staff were put on alert in case animals from the affected herds were presented for slaughter. The Department's Quality Assurance Branch (QAB), which is responsible for animal feed, was also alerted. Information was shared with the FSA concerning advice on potential risk to consumers and actions taken by DARD.

Over the weekend of 6/7 December, I held meetings with senior Departmental officials. Veterinary officers also met representatives of the FSA and informed the Northern Ireland Meat Exporters Association of implications for them. Tracings continued to identify potentially affected animals and notify herd owners.

On Monday 8 December meat plants were updated as further information became available. Tracing of potential infected feed continued with appropriate restrictions being placed on premises to ensure potentially contaminated meat could not enter the food chain. Further meetings were held with the FSA following which I made a statement to the Assembly. A Press Release was subsequently issued advising that the FSA had confirmed that there was no risk from pigs born and bred here.

On Tuesday 9 December meat plants recommenced the slaughter of pigs and I made a further statement to update the Assembly. I also issued a press announcement to give a clear message that there is no risk from pork or pork products sourced from the North.

I believe that the foregoing amply demonstrates that the Department can act swiftly and comprehensively in an emergency situation. My officials maintain regular contacts with their colleagues in the South and with the industry here to ensure that all available relevant information is shared at the earliest opportunity. The Department is also supporting the pig industry through the provision of export trade certificates.

Monitoring of the current situation will continue and I will continue to take such steps as are necessary in the future to protect the pork industry here.

### Pork Industry

**Mr Shannon** asked the Minister of Agriculture and Rural Development if compensation will be available for those who lost pigs and pork produce due to feedstuff coming from the Irish Republic. (AQW 3472/09)

**The Minister of Agriculture and Rural Development:** The issue of compensation is an evolving one and I have raised with the DAF Minister, Brendan Smith, the question of access to the compensation package recently announced in the South. Officials are currently liaising with DAFF on the details of the scheme.

Following the announcement on Thursday of the EU approval for Private Storage Aid for the South I lobbied the Defra Minister for a similar scheme for the North. I felt strongly that our industry should not be put at any economic disadvantage to their southern counterparts. A formal written request has been made to Commissioner Fischer-Boel and we await her response.

### Pork Industry

**Mr Shannon** asked the Minister of Agriculture and Rural Development why officials from her Department and FSA were not available over the weekend of 6 and 7 December 2008, when her Department was aware that the problems with pork were unfolding. (AQW 3473/09)

**The Minister of Agriculture and Rural Development:** I assure you that I and my officials were available over the weekend of the 6th and 7th of December.

Over the weekend of 6/7 December, I held discussions with senior Departmental officials. Veterinary officers also met representatives of the FSA and contacted the NI Meat Exporters Association to inform them of implications for them.



The extent of the incident unfolded throughout the weekend and I believe that our actions amply demonstrate that the Department can act swiftly and comprehensively in an emergency situation.

### Milk Prices

**Mr Shannon** asked the Minister of Agriculture and Rural Development what steps she is taking to support dairy farmers following the downfall in milk prices. (AQW 3540/09)

**The Minister of Agriculture and Rural Development:** In recognition of the deteriorating market situation I have been working hard to try and achieve a re-introduction of export refunds for dairy products. Following the sharp drop in prices at the October United Dairy Farmers' milk auction I immediately spoke to the DEFRA Secretary of State to seek his support on the matter. Subsequently the Minister for Enterprise Trade and Investment and I issued a joint letter to Hilary Benn pressing the case for the local dairy industry and making clear our view that Britain should be taking the initiative within the EU by requesting early re-introduction of export refunds. We are also seeking a meeting with the European Commissioner, Marianne Fischer Boel, to ensure that she is aware of the seriousness of the situation. In addition the First Minister and deputy First Minister, at my request, have written to the Prime Minister to lobby his support on the matter. The Finance Minister, Nigel Dodds and I (supported by Dr David Dobbin, Dairy UK (NI)) subsequently had a meeting with Hilary Benn to impress upon him further the challenges being faced by the sector. This followed a meeting I had with industry representatives when they outlined the case for export refunds to be re-introduced. The dairy industry makes an important contribution to the agri-food industry and I will continue to do what I can to support it in these difficult times.

### Contaminated Pigs

**Mr Shannon** asked the Minister of Agriculture and Rural Development if her Department was able to trace the pigs that were allegedly contaminated with dioxins. (AQW 3542/09)

**The Minister of Agriculture and Rural Development:** We have traced all pigs imported from the South through the EU Traces system both for further keep and for direct slaughter. There are considerable numbers of direct slaughter pigs identified and a smaller number of pigs for further keep. The plants involved in the slaughter of the direct slaughter pigs have been provided with this information to help them identify any product containing pork from these animals. The industry has withdrawn that product from sale.

The authorities in the South provided my Department with a comprehensive list of all business premises that received potentially contaminated feed. Following investigations we were able to confirm to the FSA that no pigs in the North had been fed contaminated feed.

### Contaminated Pigs

**Mr McClarty** asked the Minister of Agriculture and Rural Development what measures she is taking to ensure stakeholders will not be affected, financially or commercially, by the recent pork, and other livestock, contamination. (AQW 3556/09)

**The Minister of Agriculture and Rural Development:** My priority is to get the industry moving again and to rebuild consumer confidence in relation to the safety of food produced on farms in the north. To that end I was successful in securing Private Storage Aid in line with the south.

Immediately on hearing that the EU had approved the PSA scheme in the south, I lobbied the Defra Minister, Hilary Benn, for a similar scheme here, making a strong case that our pig industry should not be placed at any economic disadvantage to that in the south. A formal written request was made to Commissioner Fischer-Boel and, at the Commission's meeting on 18 December, it was agreed to extend Private Storage Aid to pigmeat from the north. It is estimated that this could be worth £6m to the industry here.

You will appreciate that the issue of compensation is an evolving one and I have raised with Brendan Smith, the DAFF Minister, the question of access to the compensation package recently announced in the south. I have also written to him jointly with Arlene Foster, the Minister for Enterprise, Trade and Investment. Discussions between us are ongoing.



In conjunction with Invest NI, I am also exploring options to provide additional assistance to processors to raise awareness of pork quality and to increase consumer confidence in pork produce. The breakfast reception which I hosted jointly with the Health and Economy Ministers, on Monday 15th will, I hope, also send out a clear message to the public that pork in the north of Ireland is a healthy and nutritious product which is safe to eat. My Department is also supporting the industry through the provision of Export Trade Certificates.

Regarding other livestock, there are no concerns over milk and milk products in the north of Ireland. Sheep and poultry remain unaffected and 8 beef herds have been restricted to ensure that no animals from these herds can enter the food chain.

### **Rural Poverty Strategy**

**Mr Burns** asked the Minister of Agriculture and Rural Development which projects she intends to fund as part of the rural poverty strategy, in the South Antrim constituency. (AQW 3598/09)

**The Minister of Agriculture and Rural Development:** My Department is currently developing a policy framework for addressing poverty and social exclusion in rural areas. Several priority areas for action have been identified, including rural fuel poverty, rural childcare, rural transport, rural community development and a challenge fund for projects that address poverty and social exclusion in rural areas.

As some further consultation with stakeholders will take place over the coming months it is too early at this time to say which projects will be funded.

However, it is my intention to provide an opportunity for rural dwellers right across the North to benefit from projects under the different strands of this framework.

### **Countryside Management Scheme**

**Mr Bresland** asked the Minister of Agriculture and Rural Development how many farm businesses were admitted into the Northern Ireland Countryside Management Scheme up to 1 December 2008. (AQW 3601/09)

**The Minister of Agriculture and Rural Development:** At the 1 December 2008, there were 8700 farm businesses in the existing Countryside Management Scheme.

On 15 September 2008, farm visits for the new Countryside Management Scheme (NICMS) commenced. At 1 December 2008, 904 farm visits had been completed. It is anticipated that in early 2009 up to 1300 farm businesses will be accepted into NICMS upon signing Scheme agreements. Therefore to date no farm businesses have yet been accepted into the new Countryside Management Scheme.

### **Local Action Groups' Action Plans**

**Mr Bresland** asked the Minister of Agriculture and Rural Development to outline the progress made in implementing each Local Action Groups' action plans under the Northern Ireland Rural Development Programme. (AQW 3602/09)

**The Minister of Agriculture and Rural Development:** I can advise that since initial receipt of the strategies all clusters were advised of general weaknesses and afforded the opportunity to review their respective strategies in the light of same. The revised strategies have now all been assessed as complete with written notification of this along with confirmation of 1st tranche funding having issued to all Joint Committees on 12th December.

### **Farm Modernisation Programme**

**Mr Bresland** asked the Minister of Agriculture and Rural Development what progress has been made in implementing the Farm Modernisation Programme. (AQW 3603/09)

**The Minister of Agriculture and Rural Development:** At its meeting on 7 October 2008 I advised the Agriculture and Rural Development Committee that the Farm Modernisation Programme will open for applications in January 2009, which is still the case.



When the Programme is opened an information pack comprising the following guidance will be available from a range of DARD offices across the north of Ireland:

- An Explanatory Booklet detailing the Programme requirements
- A List of Eligible Items with maximum amount of financial support allowable per item
- An Application Form
- An Information Leaflet detailing the location of the DARD offices and the date and arrangements for receipt of application forms.

These information packs will be available for 1-2 weeks before the Programme opens for receipt of application forms.

## CULTURE, ARTS AND LEISURE

### Maritime Industry Museum

**Mr Newton** asked the Minister of Culture, Arts and Leisure what plans his Department has to establish a maritime industry museum in the Titanic Quarter. (AQW 2796/09)

**The Minister of Culture, Arts and Leisure (Mr G Campbell):** The Executive has recently announced their support for the Titanic Signature Project (TSP). The TSP will tell the story of the maritime and industrial heritage of Belfast and the wider region, focussed to a large extent around the Titanic story.

My Department, through National Museums Northern Ireland, is committed to reviewing the future interpretation of our maritime and industrial heritage collections. This includes the option of a national maritime and industrial heritage museum but will have to acknowledge other developments including the TSP offering and exhibitions.

In light of these developments I intend meeting with the Chair and Chief Executive of National Museums in the New Year to discuss how best this matter can be progressed.

### UN Convention on the Rights of Persons with Disabilities

**Mr P Ramsey** asked the Minister of Culture, Arts and Leisure what contribution his Department has made or will be making to the consultation by the UK Department of Work and Pensions on reservations to the UN Convention on the Rights of Persons with disabilities. (AQW 3060/09)

**The Minister of Culture, Arts and Leisure:** In January 2007, my Department was asked by OFMDFM to scrutinise its legislation, policies, practices and procedures to check their compatibility with the provisions of the Convention. In September 2008 we were also asked to confirm whether we had any difficulty with the areas of competency covered by the Convention. After consultation with our business areas and Arms Length Bodies (ALBs) we concluded that we had no concerns on being able to fulfil the requirements of the Convention.

### UN Convention on the Rights of Persons with Disabilities

**Mr P Ramsey** asked the Minister of Culture, Arts and Leisure what preparations his Department has made for the implementation of the UN Convention on the Rights of Persons with Disabilities. (AQW 3061/09)

**The Minister of Culture, Arts and Leisure:** In preparation for the implementation of the UN Convention on the Rights of Persons with Disabilities the Department of Culture, Arts and Leisure has scrutinised its legislation, policies, practices and procedures to check their compatibility with the provisions of the Convention.



### Re-Imaging Communities Programme

**Mr McKay** asked the Minister of Culture, Arts and Leisure how much has been spent (i) in total; and (ii) for each scheme, on the Re-Imaging Communities Programme in the North Antrim area, in each of the last three years. (AQW 3170/09)

**The Minister of Culture, Arts and Leisure:** Listed below is the total spent on the Re-Imaging Communities Programme in the North Antrim Area and amount spent on each scheme.

- (i) The total spent on the Re-Imaging Communities Programme in the North Antrim Area over the last three years is £131,295. There has been no spend to date in 2007/08 or 08/09.
- (ii) Amount spent on each scheme:

Group	Year	Money Spent
Dunclug Partnership	2006/07	£5,500
Broughshane and District Community Association	2006/07	£8,623
Moyle District Council	2006/07	£9,180
Harryville Partnership Initiative	2006/07	£15,000
Broughshane and District Community Association Ltd	2006/07	£22,690
Mosside Development Group	2006/07	£56,052
Kells and Connor Improvement Association	2006/07	£14,250
		<b>£131,295</b>

### Irish-Language Events

**Mr Butler** asked the Minister of Culture, Arts and Leisure, pursuant to his answer to AQW 771/09, how many Irish language events he has (i) been invited to; and (ii) attended, since becoming Minister; and (iii) declined invitations and the reasons why. (AQW 3203/09)

**The Minister of Culture, Arts and Leisure:** Since becoming Minister I have received two invitations to Irish language events but have been unable to attend due to diary commitments.

### Telephone Communication Masts

**Mr Hilditch** asked the Minister of Culture, Arts and Leisure to detail the total revenue generated through his Department leasing its land or property to facilitate the erection of telephone communication masts. (AQW 3262/09)

**The Minister of Culture, Arts and Leisure:** The Department has received no revenue from leasing its land or property to facilitate the erection of telephone communication masts during the past 5 years.

### Executive Meetings

**Mr P Ramsey** asked the Minister of Culture, Arts and Leisure what proposals he put forward, at the Executive Meeting on 27 November 2008 to help stimulate the economy. (AQW 3326/09)

**The Minister of Culture, Arts and Leisure:** I am unable to discuss details of any proposals put to the Executive Committee as Executive business is confidential.

### Soccer Advisory Panel

**Mr Durkan** asked the Minister of Culture, Arts and Leisure to provide an update on the implementation of (i) the recommendations from the Soccer Advisory Panel; and (ii) the Soccer Strategy. (AQW 3384/09)



**The Minister of Culture, Arts and Leisure:** Primary responsibility for implementing the recommendations from the Soccer Advisory Panel and the Soccer Strategy rests with the Irish Football Association (IFA). The IFA has made considerable progress over the past 4 years in this regard. Progress has included:

- The setting up of a new, more streamlined and competence based Executive Board;
- The merger of the IFA and Irish Football League;
- The appointment, by open recruitment, of external members to the Board to provide independent expertise;
- The appointment, by open recruitment, of a Chief Executive, accountable to the Board, with suitable business management acumen and skills. This post is currently vacant but will be filled again by open recruitment; and
- The development of youth and facilities strategies .

However, a number of issues relating to governance and accountability remain to be addressed. Work on these issues is ongoing.

### Soccer Strategy

**Mr Durkan** asked the Minister of Culture, Arts and Leisure (i) how much funding has been designated under the Soccer Strategy for the development of Junior Soccer; (ii) how much of that funding has been spent to date; and (iii) what proposals he has for future investment in Junior Soccer. (AQW 3385/09)

**The Minister of Culture, Arts and Leisure:** No funding has been designated under the Soccer Strategy specifically for the development Junior Soccer. Football clubs can, however, seek financial assistance from Sport Northern Ireland through other funding programmes.

### Efficiency Savings

**Dr Farry** asked the Minister of Culture, Arts and Leisure what policies and practices in his Department have changed in delivering the 3% efficiency savings required by the 2008-11 Budget. (AQW 3410/09)

**The Minister of Culture, Arts and Leisure:** The Department has a target to deliver cash releasing efficiencies of £3.6m, £7.0m and £10.4m over the Comprehensive Spending Review (CSR) period 2008-09 to 2010-11.

It will do this by:

- Reducing administration costs both in the Department and in its sponsored bodies. This will be achieved through a variety of means including: reducing staff numbers through natural wastage; transferring staff to front line operations from back office support; market testing more services to drive down costs; and reducing the number of consultancy assignments. For instance, Museums Branch has made no spend on consultancy this year to date. The establishment of the Northern Ireland Library Authority will also deliver efficiency gains in administration costs by concentrating the public library functions of the five existing Education and Library Boards in one body.
- Reviewing funding requirements across a number of areas. Several of the Department's programmes are time-bounded - for example, the Smithsonian Festival - and do not require funding through the CSR period. In other cases, Ministerial commitments to funding have been delivered in full or in part by the start of the CSR period and so budgets can be reduced accordingly.

A further saving was planned to be generated through increasing trading receipts at Ordnance Survey NI (OSNI). In recent years OSNI has moved towards self sufficiency and so has required less budget support from this Department. At the point at which the efficiency savings for the CSR period were calculated and published, OSNI was still an agency of DCAL and so its anticipated savings were amalgamated with the Department's.

Since OSNI has now moved to the new Land and Properties Agency (LPA), subsequent to the CSR exercise, the savings will now be delivered through that Agency and its parent Department, DFP.



## Ulster-Scots Language Society

**Mr McCausland** asked the Minister of Culture, Arts and Leisure if (i) Foras na Gaeilge; (ii) the Ulster-Scots Agency; (iii) Pobal; and (iv) the Ulster-Scots Language Society are included on the list of Departmental consultees. (AQW 3417/09)

**The Minister of Culture, Arts and Leisure:** All of the above organisations are included on the Departmental consultation list.

## Foras na Gaeilge

**Mr McCausland** asked the Minister of Culture, Arts and Leisure if he will ensure that the minutes of the Board of Foras na Gaeilge are placed on its website in English, within two weeks from when they were approved. (AQW 3418/09)

**The Minister of Culture, Arts and Leisure:** In 2007 Minister Poots asked the Foras na Gaeilge Board to consider placing an English version of their Board minutes in the public domain. The proposal was rejected at a Foras na Gaeilge Board meeting in November 2007 on the basis that Irish is the working language of the agency.

Given the need for transparency and accountability in arms length bodies, which are in receipt of significant amounts of public funds, I intend to pursue this as a matter of urgency with the Department of Community, Rural and Gaeltacht Affairs in the Republic of Ireland.

## Arm's-Length Bodies

**Mr McCausland** asked the Minister of Culture, Arts and Leisure for a breakdown of the (i) reason for travel; (ii) class of air travel for each journey; and (iii) grade of the person travelling, for all foreign travel undertaken by his Department's arm's length bodies, in each of the last two years. (AQW 3420/09)

**The Minister of Culture, Arts and Leisure:** I would refer the Member to the information provided in the tables attached. I also attach a glossary, explaining job titles, for the Member's convenience.

1 APRIL 2006 – 31 MARCH 2007

### NATIONAL MUSEUMS NORTHERN IRELAND (NMNI)

Arms Length Body	Reason for Travel	Class of Air Travel for each Journey	Grade of Person Travelling
NMNI	Attend European Association of Fisheries Economists (EAFE) Conference	Economy	Cur D
NMNI	Attend International Marine Biology conference	Economy	Cur D
NMNI	Attend International Marine Biology conference	Economy	Cur F
NMNI	Lecture at Ulster American Heritage Symposium	Economy	Cur D
NMNI	Attend European World of Bluegrass (EWOB) Conference in preparation for Bluegrass Festival at Ulster American Folk Park	Economy	Cur E
NMNI	Attend European World of Bluegrass (EWOB) Conference in preparation for Bluegrass Festival at Ulster American Folk Park	Economy	MSG1
NMNI	Lecture at Ulster American Heritage Symposium	Economy	Cur E
NMNI	Lecture at Ulster American Heritage Symposium	Economy	UG7



Arms Length Body	Reason for Travel	Class of Air Travel for each Journey	Grade of Person Travelling
NMNI	Attend International Bluegrass Music Association (IBMA) in preparation for Bluegrass Festival at Ulster American Folk Park	Economy	MSG2
NMNI	Preparation & attendance at Rediscover NI at Smithsonian Festival	Business	Cur D
NMNI	Preparation & attendance at Rediscover NI at Smithsonian Festival	Business	UG6
NMNI	Preparation & attendance at Rediscover NI at Smithsonian Festival	Economy	UG3

**W5**

Arms Length Body	Reason for Travel	Class Of Air Travel For Each Journey	Grade Of Person Travelling
W5	Speaker at Science conference	Economy	Chief Executive

**ARMAGH PLANETARIUM**

Arms Length Body	Reason for Travel	Class of Air Travel for each Journey	Grade of Person Travelling
Armagh Planetarium	Attend International Planetarium Society annual conference	Economy	Grade 6
Armagh Planetarium	European Space Agency meeting	Economy	Grade 6
Armagh Planetarium	European Space Agency meeting	Economy	Curatorial Grade D
Armagh Planetarium	Digistar Users Group meeting	Economy	Grade 6
Armagh Planetarium	Digistar Users Group meeting	Economy	Curatorial Grade D
Armagh Planetarium	European Space Agency Education Department conference	Economy	Grade 6

**ARMAGH OBSERVATORY**

Arms Length Body	Reason for Travel	Class of Air Travel for each Journey	Grade of Person Travelling
Armagh Observatory	Attend Meeting	Economy	Grade 6
Armagh Observatory	Attend Meeting/Present Results	Economy	Grade 7
Armagh Observatory	Attend Meeting/Present Results	Economy	Grade 7
Armagh Observatory	Attend Meeting	Economy	Grade 7
Armagh Observatory	Present Proposal	Economy	Grade 7
Armagh Observatory	Attend Meeting	Economy	Grade 7
Armagh Observatory	Attend Workshop	Economy	Student
Armagh Observatory	Workshop	Economy	PDRA
Armagh Observatory	Workshop	Economy	Student
Armagh Observatory	Attend Meeting	Economy	Grade 7
Armagh Observatory	Attend Meeting	Economy	PDRA
Armagh Observatory	Attend Workshop	Economy	Student



**NORTHERN IRELAND MUSEUMS COUNCIL (NIMC)**

Arms Length Body	Reason for Travel	Class of Air Travel for each Journey	Grade of Person Travelling
NIMC	NIMC Training - Museum Study Tour	Economy	SO

**NORTHERN IRELAND EVENTS COMPANY (NIEC)**

Arms Length Body	Reason for Travel	Class of Air Travel for each Journey	Grade of Person Travelling
NIEC	Sport Accord	Economy and Business	Chairman of NIEC Board
NIEC	Sport Accord	Economy and Business	Senior Events Manager
NIEC	Sport Accord	Economy and Business	Marketing Manager
NIEC	World Police and Fire-fighter Games	Business	Acting Chief Executive
NIEC	World Transplant Games Bid	Economy and Business	Acting Chief Executive
NIEC	World Transplant Games Bid	Economy and Business	Chairman of NIEC Board
NIEC	World Transplant Games Bid	Economy and Business	Chief Executive of Sport NI
NIEC	Motocross of Nations 2007	Economy	Marketing Manager
NIEC	Motocross of Nations 2007	Economy	Events Manager
NIEC	Motocross of Nations 2007	Economy	Acting Chief Executive

**WATERWAYS IRELAND**

Arms Length Body	Reason for Travel	Class of Air Travel for each Journey	Grade of Person Travelling
Waterways Ireland	Meet Consultants re Automatic Lift Bridges	Economy	Dir 2
Waterways Ireland	Meet Consultants re Automatic Lift Bridges	Economy	P2
Waterways Ireland	Meet Consultants re Automatic Lift Bridges	Economy	P2
Waterways Ireland	World Canal Conference - Representative	Economy	A3

**FORAS NA GAEILGE**

Arms Length Body	Reason for Travel	Class of Air Travel for each Journey	Grade of Person Travelling
Foras Na Gaeilge	Meeting	Economy	Assistant Editor
Foras Na Gaeilge	Conference	Economy	Assistant Editor
Foras Na Gaeilge	Meeting	Economy	Assistant Editor
Foras Na Gaeilge	Meeting	Economy	Assistant Editor
Foras Na Gaeilge	Conference	Economy	Programme Manager
Foras Na Gaeilge	Conference	Economy	Senior Editor
Foras Na Gaeilge	Conference	Economy	Programme Manager
Foras Na Gaeilge	Irish Fair	Economy	HEO
Foras Na Gaeilge	Irish Fair	Economy	HEO
Foras Na Gaeilge	Conference	Economy	Director
Foras Na Gaeilge	Conference	Economy	Director



**NI SCREEN**

Arms Length Body	Reason for Travel	Class of Air Travel for each Journey	Grade of Person Travelling
NI Screen	Film Festival	Economy	Head of Production
NI Screen	Film Festival	Economy	Head of Production
NI Screen	Course	Economy	Production Coordinator
NI Screen	Marketing & Distribution Training	Economy	Production Coordinator
NI Screen	Media meeting	Economy	Media Manager
NI Screen	Media meeting	Economy	Media Manager
NI Screen	Film Festival	Economy	Media Manager
NI Screen	Animation Market	Economy	Media Manager
NI Screen	Animation Market	Economy	Media Manager
NI Screen	Course	Economy	Funding Programmes Manager
NI Screen	B Canal event	Economy	Director of Policy Development
NI Screen	Creative Entrepreneur	Economy	Director of Policy Development
NI Screen	Film Festival	Economy	Head of Finance
NI Screen	Course	Economy	Head of Marketing
NI Screen	Film Festival	Economy	Head of Marketing
NI Screen	Film Festival	Economy	Chief Executive

**ARTS COUNCIL NORTHERN IRELAND (ACNI)**

Arms Length Body	Reason for Travel	Class of Air Travel for each Journey	Grade of Person Travelling
ACNI	Folk Life Festival	Economy	CE
ACNI	Irish Festival	Economy	CE
ACNI	Architecture Biennale	Economy	DP
ACNI	Smithsonian Launch	Premium Economy Flexible	Chair of Council
ACNI	Smithsonian Festival	Premium Economy Flexible	SCS

**SPORT NI**

Arms Length Body	Reason for Travel	Class of Air Travel for each Journey	Grade of Person Travelling
Sport NI	Cricket World Cup	Economy	Grade 5
Sport NI	Cricket World Cup	Business	Council Member

**1 APRIL 2007 – 31 MARCH 2008****NATIONAL MUSEUMS NORTHERN IRELAND (NMNI)**

Arms Length Body	Reason for Travel	Class of Air Travel for each Journey	Grade of Person Travelling
NMNI	Attend International Natural Science Symposium	Economy	Cur E
NMNI	Attend & give lecture at 5th European Association of Fisheries Economists (EAFE)	Economy	Cur D



Arms Length Body	Reason for Travel	Class of Air Travel for each Journey	Grade of Person Travelling
NMNI	Preparation & attendance at Rediscover NI at Smithsonian Festival	Economy	Cur D
NMNI	Preparation & attendance at Rediscover NI at Smithsonian Festival	Economy	UG6
NMNI	Preparation & attendance at Rediscover NI at Smithsonian Festival	Economy	UG7
NMNI	Preparation & attendance at Rediscover NI at Smithsonian Festival	Economy	UG7
NMNI	Preparation & attendance at European World of Bluegrass (EWOB) Conference for Bluegrass Festival at Ulster American Folk Park	Economy	Cur E
NMNI	Research for a prospective collections acquisition	Economy	Cur D
NMNI	Preparation & attendance at Rediscover NI at Smithsonian Festival	Economy	Cur D
NMNI	Preparation & attendance at Rediscover NI at Smithsonian Festival	Economy	Cur D
NMNI	Preparation & attendance at Rediscover NI at Smithsonian Festival	Business	UG6
NMNI	Preparation & attendance at Rediscover NI at Smithsonian Festival	Economy	MSG4
NMNI	Preparation & attendance at Rediscover NI at Smithsonian Festival	Economy	MSG4
NMNI	Preparation & attendance at Rediscover NI at Smithsonian Festival	Economy	MSG4
NMNI	Preparation & attendance at Rediscover NI at Smithsonian Festival	Economy	UG7
NMNI	Preparation & attendance at Rediscover NI at Smithsonian Festival	Business	UG3
NMNI	Preparation & attendance at Rediscover NI at Smithsonian Festival	Economy	MSG4
NMNI	Preparation & attendance at Rediscover NI at Smithsonian Festival	Economy	MSG4
NMNI	Preparation & attendance at Rediscover NI at Smithsonian Festival	Economy	MSG4
NMNI	Preparation & attendance at Rediscover NI at Smithsonian Festival	Business	PTO
NMNI	Research relating to a prospective collections acquisition	Economy	Cur D
NMNI	Course	Business	UG3
NMNI	Attendance at Fundraising Event	Business	UG7
NMNI	Attendance at Fundraising Event	Business	UG3

## W5

Arms Length Body	Reason for Travel	Class of Air Travel for each Journey	Grade of Person Travelling
W5	Speaker at Science conference	Economy	Senior Manager



**ARMAGH PLANETARIUM**

Arms Length Body	Reason for Travel	Class of Air Travel for each Journey	Grade of Person Travelling
Armagh Planetarium	European Space Agency meeting	Economy	Grade 6
Armagh Planetarium	International Planetarium Society meeting	Economy	Grade 6
Armagh Planetarium	Official opening of Cork Observatory	Economy	Grade 6
Armagh Planetarium	Official opening of Cork Observatory	Economy	Curatorial Grade D x 2

**ARMAGH OBSERVATORY**

Arms Length Body	Reason for Travel	Class of Air Travel for each Journey	Grade of Person Travelling
Armagh Observatory	Attend Meetings	Economy	Research Fellow
Armagh Observatory	Attend Conference/Present Paper	Economy	Student
Armagh Observatory	Attend Conference	Economy	Grade 7
Armagh Observatory	Attend Conference	Economy	Student
Armagh Observatory	Attend Conference/Present Results	Economy	Student
Armagh Observatory	Attend Conference/Present Results	Economy	Grade 7
Armagh Observatory	Observing	Economy	Grade 7
Armagh Observatory	Observing	Economy	Student
Armagh Observatory	Observing	Economy	Student
Armagh Observatory	Attend Meeting	Economy	Student
Armagh Observatory	Collaborative Research	Economy	Student
Armagh Observatory	Attend Meeting	Economy	Student
Armagh Observatory	Attend Conference	Economy	PDRA
Armagh Observatory	Attend Conference / Seminars	Economy	Grade 7
Armagh Observatory	Attend Meeting	Economy	Grade 7
Armagh Observatory	Observing	Economy	Staff Officer
Armagh Observatory	Attend Workshop	Economy	Grade 7
Armagh Observatory	Attend Conference	Economy	Grade 7
Armagh Observatory	Attend Workshop	Economy	Grade 7
Armagh Observatory	Observing	Economy	Student
Armagh Observatory	Attend Workshop	Economy	Student
Armagh Observatory	Observing	Economy	Staff Officer

**ULSTER SCOTS AGENCY**

Arms Length Body	Reason for Travel	Class of Air Travel for each Journey	Grade of Person Travelling
Ulster Scots Agency	Board Meeting	Economy	Board Member
Ulster Scots Agency	Board Meeting	Economy	Board Member
Ulster Scots Agency	Board Meeting	Economy	Board Member
Ulster Scots Agency	Board Meeting	Economy	Board Member
Ulster Scots Agency	Language Conference	Economy	Director



**WATERWAYS IRELAND**

Arms Length Body	Reason for Travel	Class of Air Travel for each Journey	Grade of Person Travelling
Waterways Ireland	VNE (Voies Navigables d'Europe) Project Meeting	Economy	A2

**FORAS NA GAEILGE**

Arms Length Body	Reason for Travel	Class of Air Travel for each Journey	Grade of Person Travelling
Foras Na Gaeilge	Conference	Economy	CEO
Foras Na Gaeilge	Meeting	Economy	CEO
Foras Na Gaeilge	Meeting	Economy	CEO
Foras Na Gaeilge	Conference	Economy	Programme Manager
Foras Na Gaeilge	Conference	Economy	Director/Deputy CEO
Foras Na Gaeilge	Meeting	Economy	Director/Deputy CEO
Foras Na Gaeilge	Meeting	Economy	Director/Deputy CEO
Foras Na Gaeilge	Conference	Economy	Director/Deputy CEO
Foras Na Gaeilge	Book Fair	Economy	Senior Editor
Foras Na Gaeilge	Book Fair	Economy	Senior Editor
Foras Na Gaeilge	Conference	Economy	Assistant Principal
Foras Na Gaeilge	Conference	Economy	Assistant Principal
Foras Na Gaeilge	Training course	Economy	Assistant Principal
Foras Na Gaeilge	Training course	Economy	Assistant Editor
Foras Na Gaeilge	Training course	Economy	Editor
Foras Na Gaeilge	Irish Fair	Economy	HEO
Foras Na Gaeilge	Irish Fair	Economy	CO

**NI SCREEN**

Arms Length Body	Reason for Travel	Class of Air Travel for each Journey	Grade of Person Travelling
NI Screen	Creative Entrepreneur Programme	Economy	Director of Policy Development
NI Screen	Training	Economy	Production Coordinator
NI Screen	Film Festival	Economy	Head of Marketing
NI Screen	Film Festival	Economy	Chief Executive
NI Screen	Paint Hall Production	Economy	Head of Production
NI Screen	Paint Hall Production	Economy	Head of Production
NI Screen	Creative Entrepreneur Programme	Economy	Director of Policy Development
NI Screen	Training	Economy	Production Coordinator
NI Screen	Film Festival	Economy	Head of Marketing
NI Screen	Film Festival	Economy	Head of Marketing
NI Screen	Paint Hall Production	Economy	Chief Executive
NI Screen	Paint Hall Production	Economy	Head of Production
NI Screen	Media Conference	Economy	Media Manager
NI Screen	Training	Economy	Production Coordinator



Arms Length Body	Reason for Travel	Class of Air Travel for each Journey	Grade of Person Travelling
NI Screen	Film Festival	Economy	Head of Marketing
NI Screen	Film Festival	Economy	Head of Marketing
NI Screen	Paint Hall Production	Economy	Chief Executive
NI Screen	Paint Hall Production	Economy	Head of Production

**ARTS COUNCIL NORTHERN IRELAND (ACNI)**

Arms Length Body	Reason for Travel	Class of Air Travel for each Journey	Grade of Person Travelling
ACNI	Art Exhibition	Economy	SCS
ACNI	Art Exhibition	Economy	Chair of Council
ACNI	Art Exhibition	Economy	Grade 7
ACNI	Desire Conference	Regular Fare	DP
ACNI	Art Exhibition	Economy	CE
ACNI	Art Exhibition	Economy	SO
ACNI	Smithsonian Festival	Economy / Coach Class	Grade 7
ACNI	South by South West Festival	Economy	CE
ACNI	Exhibition	Economy	CE
ACNI	International Theatre Festival	Economy	CE

**SPORT NI**

Arms Length Body	Reason for Travel	Class of Air Travel for each Journey	Grade of Person Travelling
Sport NI	Sport Accord Conference – attempting to attract sporting events to NI	Economy	Grade 7
Sport NI	Sport Accord Conference – attempting to attract sporting events to NI	Economy	SO
Sport NI	International Mountain Leader Award	Economy	Instructor
Sport NI	World Rowing Championships	Economy	SO
Sport NI	European Association for Sport Management Conference – Speaker at conference	Economy	DP
Sport NI	Tour of Ireland – Cycling	Economy	SO
Sport NI	Tour of Ireland – Cycling	Economy	Grade 7
Sport NI	World Rugby Championships	Economy	Council member
Sport NI	World Rugby Championships	Economy	Council member
Sport NI	World Rugby Championships	Economy	Grade 7
Sport NI	World Rally Championships	Economy	Grade 7
Sport NI	World Rally Championships	Economy	SO
Sport NI	Meeting with Coaching Ireland and Irish Sports Council re preparation of Coaching Strategy for Ireland	Economy	DP
Sport NI	International Sports Symposium	Economy	SO



**Glossary:**

- **Con** - Conservation Grade
- **PTO** - Professional Technical Officer
- **Cur** - Curatorial Grade
- **MSG** - Messenger Grade
- **UG** - Unified Grade
- **SO** - Staff Officer
- **DP** - Deputy Principal
- **CE** - Chief Executive
- **CEO** - Chief Executive Officer
- **HEO** - Higher Executive Officer
- **UG** - Unified Grade
- **A3** - Analogous to Staff Officer
- **A2** - Analogous to Staff Officer / Deputy Principal
- **Dir 2** - Analogous to Grade 7
- **P2** - Senior Engineer
- **SCS** - Senior Civil Service
- **PDRA** - Post – Doctoral Research Assistant

**European Charter on Minority Languages**

**Mr Butler** asked the Minister of Culture, Arts and Leisure to demonstrate how his Department and its arms length bodies, have applied, in practice, the European Charter on Minority Languages in relation to the Irish language. (AQW 3459/09)

**The Minister of Culture, Arts and Leisure:** Northern Ireland is currently in full compliance with the European Charter for Regional or Minority Languages. The details of the steps taken by my Department to implement the Charter are contained in a paper, entitled 'Northern Ireland's input to the UK's Third Periodical Report to the Council of Europe', which is awaiting Executive consideration. Once the paper has Executive approval a copy will be laid in the Assembly's library.

**Sport NI**

**Lord Browne** asked the Minister of Culture, Arts and Leisure if mixed Martial Arts (Cage Fighting) is recognised by Sport NI as a legitimate sport. (AQW 3464/09)

**The Minister of Culture, Arts and Leisure:** Sport Northern Ireland is responsible for the development of sport in Northern Ireland and has advised that it does not currently recognise mixed Martial Arts (Cage Fighting) as a sporting activity.

**Minority Languages**

**Mr K Robinson** asked the Minister of Culture, Arts and Leisure if he asked the Northern Ireland Statistics and Research Agency to include questions about minority languages in the 2011 Census. (AQW 3465/09)

**The Minister of Culture, Arts and Leisure:** My Department has engaged with the Northern Ireland Statistics and Research Agency to include questions on minority languages in the 2011 Census.



## Minority Languages

**Mr K Robinson** asked the Minister of Culture, Arts and Leisure if he has figures for the number of (i) native speakers of all minority languages; and (ii) people using sign language; and to reference the sources for these figures. (AQW 3466/09)

**The Minister of Culture, Arts and Leisure:** There are over 70 minority languages spoken in Northern Ireland (Holder, 2003). The Department does not have accurate contemporary statistic for the number of native speakers of each. The statistics available to the Department and the relevant sources are detailed in table format below:

### 1. ESTIMATED NUMBER OF SPEAKERS OF IRISH AND ULSTER-SCOTS:

Language	Speakers	Source and comments
Irish	106,844	Persons aged three and over (NI census, 2001). In total 167,490 persons have 'some knowledge' of Irish
Ulster-Scots	35,000	Estimate based on 2 per cent of population. (NI Life and Times Survey, 1999)

### 2. ESTIMATED NUMBERS OF PEOPLE USING SIGN LANGUAGE:

British Sign Language	5,000	Estimate: Sign Language Partnership (Deaf Organisations Represented)
Irish Sign Language	1,500	Estimate: Sign Language Partnership (Deaf Organisations Represented)

### 3. ESTIMATED NUMBERS OF SPEAKERS OF OTHER MINORITY LANGUAGE:

Language	Speakers	Source and comment
Chinese	4,200	Various dialects are spoken. NI census (2001) recorded 4,200 people of Chinese ethnic origin. Holder (2003) estimates 8,000
Cant/Shelta/Gammon	1,700	Oral languages of the Irish Traveller Community Holder (2003), Kirk and O Baoill (2002)
Arabic	1,000–1,500	Holder (2003), Modern Standard Arabic, also including speakers of Western and Eastern Arabic
Portuguese	1,000+	Holder (2003)
Tagalog	600	Holder (2003) (National Language of the Philippines)
Bengali	450–500	Holder (2003)
Hindi or Punjabi	1,700	Holder (2003)
Southern Indian Languages	500	Holder (2003) includes Tamil, Kannada, Kanta, Malay ala, Marati, Oriya and Telugu
Farsi	350	Holder (2003)

There are also speakers of other European, African and Asian languages in Northern Ireland not detailed above as figures are not available for these.

## Ulster-Scots/Irish-Language Official Publications

**Mr F McCann** asked the Minister of Culture, Arts and Leisure to detail the nine official publications drafted about Ulster-Scots and the Irish Language in the past five years, including (i) dates; (ii) subject matter; and (iii) where they can be accessed. (AQW 3561/09)

**The Minister of Culture, Arts and Leisure:** The nine official publications drafted in relation to Ulster-Scots and the Irish Language in the past five years with relevant details are as shown in the table below:-

Date	Title/Subject	Accessed
June 2004	Policy on Provision of financial Support for Irish language Film & Television Production in Northern Ireland (including EQIA)	By emailing cldpb@dcalni.gov.uk
Oct 2004	Establishing the demand for Services and activities in the Ulster-Scots Language	By emailing lob@dcalni.gov.uk



Date	Title/Subject	Accessed
Dec 2004	Irish Language Broadcast Fund summary of responses to the public consultation on proposed policy provision	By emailing cldpb@dcalni.gov.uk
15 Dec 2005	Gaeltacht Quarter – The establishment of a Development board and related Issues	By emailing cldpb@dcalni.gov.uk
13 Dec 2006	Consultation paper on proposed Irish language Legislation in Northern Ireland	www.dcalni.gov.uk
19 Jan 2007	Proposed Irish Language Legislation - Consultation on Equality Impact Assessment	www.dcalni.gov.uk
13 Mar 2007	Irish Language Legislation for NI – A Consultation by DCAL, NI – 13 March 2007	www.dcalni.gov.uk
July 2007	Public Consultation on proposals for an Ulster-Scots Academy	www.dcalni.gov.uk
Sept 2008	The Synopses from the Public Consultation on proposals for an Ulster-Scots Academy	www.dcalni.gov.uk

## Sports Grounds

**Mr Shannon** asked the Minister of Culture, Arts and Leisure what interaction his Department has had with local councils about health and safety training and specifications at local sports grounds. (AQW 3584/09)

**The Minister of Culture, Arts and Leisure:** Sport Northern Ireland (SNI) is responsible for providing of advice and guidance on health and safety matters at sports grounds. Three years ago a working group was established involving representatives of the District Councils and SNI to consider how the Safety of Sports Grounds (Northern Ireland) Order 2006 should be implemented. It also discussed technical and administrative issues relating to safety at sporting venues.

District Councils were also represented on the working party (chaired by SNI) which drafted the first edition of the Northern Ireland Guide to Safety at Sports Grounds (the Red Guide), published by DCAL in July 2007. The representation included both Building Control and Environmental Health Officers and copies of the Red Guide were issued to all 26 District Councils.

More recently, the newly established overseeing body has met with the District Councils to discuss plans for the implementation of the certification scheme and the associated training needs of council staff.

## Sports Stewards

**Mr Shannon** asked the Minister of Culture, Arts and Leisure (i) how many sports stewards have completed safety training at each of the three levels in each sport; and (ii) how much money his Department has made available for steward training in each of those sports. (AQW 3585/09)

**The Minister of Culture, Arts and Leisure:** The planned sports ground safety certification scheme, as detailed in the Safety of Sports Grounds (Northern Ireland) Order 2006 and related guidance, will require stewards to be trained to NVQ Level 2, 3 and 4. Sport Northern Ireland, which has responsibility for the safety of sports grounds overseeing function, is currently consulting with Skills Active, accrediting organisations and colleges of Higher and Further Education over the provision of this training which is expected to commence in the 2009/10 academic year.

Since the launch of its Safety Management Programme in 2000, SNI has awarded approximately £749,000 for safety management, which includes steward training, as follows:

Sport	Soccer	GAA	Rugby
Funding	£490,000	£212,000	£47,000

## Public Record Office at Titanic Quarter

**Mr McCausland** asked the Minister of Culture, Arts and Leisure, pursuant to the answer to AQW 2687/09 and AQW 2688/09, why his Department did not carry out a site specific flood risk assessment before deciding, in August 2007, to locate the new Public Record Office at Titanic Quarter. (AQW 3623/09)



**The Minister of Culture, Arts and Leisure:** As part of the tender submission in June 2007, Titanic Quarter Ltd (TQL) provided details of a flood risk assessment carried out by RPS Consulting Engineers for Phase 2 of the Titanic Quarter development, covering an area of 39 acres in close proximity to the PRONI site. The information contained in this assessment provided sufficient assurance to allow TQL to be appointed as the preferred bidder in August 2007, which enabled TQL to develop their design proposals in greater detail. This appointment required TQL to obtain full Planning Permission, which included approval of a site specific flood risk assessment in accordance with Planning Policy Statement 15. The granting of Planning Permission for the Titanic Quarter site was a condition precedent to PRONI entering into the development and land purchase agreement in November 2008.

## EDUCATION

### School Maintenance Programme

**Mr Durkan** asked the Minister of Education to detail the works that have been delayed in the Schools Maintenance Programme in (i) the Derry City Council area; and (ii) the Foyle constituency, broken down by school.

(AQW 2622/09)

**The Minister of Education (Ms C Ruane):** Tá sé socraithe agam go gcuirfear an t-eolas a iarradh i Leabharlann an Tionóil.

I have arranged for the information requested to be placed in the Assembly Library

### School Maintenance Programme

**Mr Weir** asked the Minister of Education to detail the works that have been delayed in the schools maintenance programme, broken down by schools, in the North Down constituency, (AQW 2671/09)

**The Minister of Education:** Tá sé socraithe agam go gcuirfear an t-eolas a iarradh i Leabharlann an Tionóil.

I have arranged for the information requested to be placed in the Assembly Library.

### Capital Newbuild Schemes

**Mr O'Dowd** asked the Minister of Education if construction work for the capital newbuild schemes at St Mary's Primary School and St Patrick's College, Banbridge, are on schedule to proceed in the 2008-09 financial year; and when work will start. (AQW 2771/09)

**The Minister of Education:** Tá an Roinn fós ag fanacht ar iarrtais Chéim D (sracphleananna agus costais deiridh) don dá thionscadal ó na comhairleoirí deartha scoile faoi seach.

Stage D submissions (final sketch plans and costs) for both projects are still awaited by the department from the schools' respective design consultants. In light of this it is estimated that construction work on both projects will now start in 2009/10 rather than this year and complete in 2011/12. This is subject to all the necessary planning and building processes being completed satisfactorily, and the availability of resources in any particular year.

### Overhead Power Cables: SELB Area

**Mr Gardiner** asked the Minister of Education how many schools within the Southern Education and Library Board area are sited within 200 metres of overhead power cables. (AQW 2838/09)

**The Minister of Education:** Tá 3 scoil i limistéar Bhord Oideachais agus Leabharlainne an Deiscirt suite taobh istigh de 200 méadar ó cháblaí leictreachais lastuas.

3 schools within the Southern Education and Library Board are sited within 200 metres of overhead power cables.



### Temporary Teaching Positions

**Mr Easton** asked the Minister of Education how many teachers have taken early retirement and subsequently taken temporary teaching positions, in each of the last 3 years. (AQW 2889/09)

**The Minister of Education:** Seo a leanas líon na múinteoirí a chuaigh ar luathscor agus a chuaigh isteach i bpost sealadach teagaisc ina dhiaidh sin, i ngach bliain le 3 bliana anuas:

The number of teachers who have taken early retirement and subsequently taken temporary teaching positions, in each of the last 3 years is as follows:

Financial Year	Number of teachers retiring on grounds of redundancy or efficient discharge	Number of teachers who subsequently became re-employed
2005/06	581	384
2006/07	550	311
2007/08	557	277

The Department has advised employers that retired teachers should only be re-employed to provide short-term cover where newly qualified teachers or experienced non-retired teachers are unavailable.

### Classroom Assistants

**Mr Hilditch** asked the Minister of Education what action she is taking to provide funding for the job evaluation of classroom assistants in the grant maintained integrated sector. (AQW 2920/09)

**The Minister of Education:** The recent agreement on the outcome of the Job Evaluation was for Classroom Assistants for whom the Education and Library Boards are the employing authorities, and in this context this agreement does not have a direct read across to employees of other employing authorities. Any decision within grant-maintained integrated or voluntary grammar schools to implement rates of pay in line with the outcome of the Job Evaluation process in the Education and Library Boards in respect of particular categories of staff is a matter for individual schools' Board of Governors as employing authorities to consider within the constraints of the total resources available to the school.

Cé gur saincheist í seo a bhaineann le Boird Gobharnóirí mar údaráis fostóra, d'éist mé leis na hábhair inní a d'ardaigh scoileanna faoi na himpleachtaí féideartha airgeadais do scoileanna imeasctha faoi chothabháil stáit agus do scoileanna deonacha gramadaí agus bhreathnaigh mé iad.

Although this is an issue for Boards of Governors as employing authorities, I have listened and taken on board the concerns raised by schools about the potential financial implications for grant-maintained integrated and voluntary grammar schools. I had sought additional resources in the September monitoring round to help alleviate the impact on school budgets, but in light of the overall constrained financial position at that time the bid was not successful. However, I have asked for this bid to be reconsidered as a part of the December monitoring round and I will continue to use my best endeavours to secure additional resources.

### School Maintenance Programme

**Mr D Bradley** asked the Minister of Education what funding was allocated to each Education and Library Board for school maintenance in each of the last 3 financial years. (AQW 2974/09)

**The Minister of Education:** Tugtar blocdheontas do na Boird Oideachais agus Leabharlainne (ELBs) ag tús na bliana airgeadais lena thacú le soláthar réimse seirbhísí, cothabháil tiarna talaimh san áireamh.

The Education and Library Boards' (ELBs) are provided with a block grant at the beginning of the financial year to support the delivery of a range of services, including landlord maintenance. The ELBs have the discretion to determine the amount of the block grant they wish to attribute to their landlord maintenance budget, taking into consideration the level of backlog maintenance and health and safety risks in their Board area, along with other budgetary pressures.



The following additional allocations for maintenance were made to ELBs over and above their block grant allocation in each of the last three financial years:

£000S

	2005-06	2006-07	2007-08
Belfast Education and Library Board	334	100	1,222
North Eastern Education and Library Board	428	100	100
South Eastern Education and Library Board	382	100	545
Southern Education and Library Board	449	100	200
Western Education and Library Board	358	100	100
<b>Total</b>	<b>1,959</b>	<b>500</b>	<b>2,167</b>

### School Maintenance Programme

**Mr D Bradley** asked the Minister of Education to detail the maintenance work carried out in schools, including the cost of the work, in each of the last 3 financial years, broken down by (i) school; and (ii) Education and Library Board area. (AQW 2975/09)

**The Minister of Education:** Tá socraithe agam go gcuirfear an t-eolas a iarradh i Leabharlann an Tionóil.

I have arranged for the information requested to be placed in the Assembly Library.

### Capital Projects

**Dr Farry** asked the Minister of Education what actions her Department is taking to bring forward the delivery of capital projects, to help address the economic downturn. (AQW 3012/09)

**The Minister of Education:** Tá mé sásta gur tháinig an Coiste Feidhmiúcháin ar chomhaontú chun £4 mhilliún sa bhreis a chur ar fáil fá choinne cothabhála scoile mar chuid de phacáiste chun deileáil leis an mheathlú geilleagraich.

I am pleased that the Executive has agreed to provide an additional £4 million for school maintenance as part of a package to deal with the economic downturn.

I am fully aware of the importance of the construction industry to the local economy. Earlier this month, work commenced on a project to provide two new girls' colleges in Derry. This will provide much needed support for the local construction industry. In addition there are currently 23 major works projects currently on site.

In regard to future major school building projects the implications of the High Court judgement on the Major Works Framework is currently being assessed, and in the meantime my Department is drawing up an alternative procurement approach, outside the framework, to avoid prolonged delays in delivering projects which are ready to enter the procurement stage.

### Special Needs Requirements

**Mr G Robinson** asked the Minister of Education if it is standard procedure that only two pupils per school be assessed for numeracy special needs requirements per year. (AQW 3029/09)

**The Minister of Education:** Tá curtha in iúl ag Príomhfheidhmeannaigh na mBord Oideachais agus Leabharlainne dom nach gnáthchleachtas é nach ndéantar measúnú ach ar bheirt daltaí in aghaidh na scoile le mhagaidh ceanglas a bhaineann le riachtanais speisialta uimhearthachta agus/nó litearthachta in aghaidh na bliana.

I have been advised by the Chief Executives of the Education and Library Boards that it is not standard procedure that only two pupils per school be assessed for numeracy and/or literacy special needs requirements per year. All Boards, with the exception of the South Eastern Education and Library Board (SEELB), use a Time Allocation model of service delivery which gives schools access to a fair allocation of educational psychology service time.



Using this system each school has its own waiting list of referrals to the Boards' educational psychology services. It is, therefore, the schools which prioritise the pupils whom they deem to be most in need of assessment, usually through discussion with the Boards' educational psychology services. This model allows schools to appraise the needs of pupils on their waiting lists on an ongoing basis including those pupils with literacy and/or numeracy needs.

In all Boards if information is presented to the educational psychologist (EP) during consultation that indicates that the pupil has exceptional circumstances such referrals will receive priority.

There is therefore no set limit throughout the north of Ireland to the number of referrals a school can make although the number of pupils who can be assessed by an educational psychologist may be limited within a given area due to the overall capacity of the service.

### Special Needs Requirements

**Mr G Robinson** asked the Minister of Education if it is standard procedure that only two pupils per school be assessed for literacy special needs requirements per year. (AQW 3030/09)

**The Minister of Education:** Tá curtha in iúl ag Príomhfheidhmeannaigh na mBord Oideachais agus Leabharlainne dom nach gnáthchleachtas é nach ndéantar measúnú ach ar bheirt daltaí in aghaidh na scoile le haghaidh ceanglas a bhaineann le riachtanais speisialta uimhearthachta agus/nó litearthachta in aghaidh na bliana.

I have been advised by the Chief Executives of the Education and Library Boards that it is not standard procedure that only two pupils per school be assessed for numeracy and/or literacy special needs requirements per year. All Boards, with the exception of the South Eastern Education and Library Board (SEELB), use a Time Allocation model of service delivery which gives schools access to a fair allocation of educational psychology service time. Using this system each school has its own waiting list of referrals to the Boards' educational psychology services. It is, therefore, the schools which prioritise the pupils whom they deem to be most in need of assessment, usually through discussion with the Boards' educational psychology services. This model allows schools to appraise the needs of pupils on their waiting lists on an ongoing basis including those pupils with literacy and/or numeracy needs.

In all Boards if information is presented to the educational psychologist (EP) during consultation that indicates that the pupil has exceptional circumstances such referrals will receive priority.

There is therefore no set limit throughout the north of Ireland to the number of referrals a school can make although the number of pupils who can be assessed by an educational psychologist may be limited within a given area due to the overall capacity of the service.

### UN Convention on the Rights of Persons with Disabilities

**Mr P Ramsey** asked the Minister of Education what contribution her Department has made or will be making to the consultation by the UK Department of Work and Pensions on reservations to the UN Convention on the Rights of Persons with disabilities. (AQW 3062/09)

**The Minister of Education:** Faoin dlínse seo, bíonn príomh fhreagracht ag Oifig an Chéad - Aire agus an Leas Chéad Aire (OFMDFM) i leith breithnithe Choinbhinsiún na Náisiún Aontaithe ar Chearta Daoine faoi Mhíchumas (an Coinbhinsiún) a chur chun cinn.

Within this jurisdiction the Office of the First Minister and Deputy First Minister (OFMDFM) has lead responsibility for progressing considerations on the UN Convention on the Rights of Persons with Disabilities (the Convention).

On 2 January 2007 OFMDFM wrote to departments (on behalf of the Department of Work and Pensions) to ask them to scrutinise their legislation, policies, practices and procedures to check their compatibility with the provisions of the Convention.

The Department of Education is currently considering a proposed reservation for England, Scotland, Wales and ourselves in respect of Article 24 of the convention and will, after taking advice and having reached a considered view; contribute to the consultation process in relation to this reservation.



## Article 55 Orders

**Mr Storey** asked the Minister of Education how many Article 55 orders were obtained under the Children Order 1995 (i) in total; and (ii) by each Education and Library Board, in relation to non attendance in schools, in each of the last three years. (AQW 3087/09)

**The Minister of Education:** Liostaithe sa tábla thíos, tá líon na nOrduithe Maoirsithe Oideachais a fuair gach Bord Oideachais agus Leabharlainne le trí bliana anuas.

The number of Education Supervision Orders obtained by each of the Education and Library Boards in the last three years is listed in the table below:

	2005/06	2006/07	2007/08
BELB	*	0	#
NEELB	7	12	11
SEELB	7	0	*
SELB	0	0	0
WELB	*	13	10
<b>Total</b>	<b>20</b>	<b>25</b>	<b>27</b>

### Notes

1. \* denotes figures fewer than five.
2. # denotes a figure  $\geq 5$  which has been treated to prevent disclosure of small numbers elsewhere.

## Non-Attendance in Schools

**Mr Storey** asked the Minister of Education to detail the number of cases in which prosecutions for non attendance in schools included (i) both parents; and (ii) one parent, (a) in total; and (b) broken down by Education and Library Board, in each of the last three years. (AQW 3090/09)

**The Minister of Education:** Leagtar amach sa tábla thíos líon na n-ionchúiseamh a bhaineann le tuismitheoirí i ngach Bord Oideachais agus Leabharlainne le trí bliana anuas.

The number of parent prosecutions in each Education and Library Board over the last three years is set out in the tables below:

### 2005/06

Year	One Parent	Both Parents	Total Parent Prosecutions
BELB	16	0	16
NEELB	5	0	5
SEELB	9	0	9
SELB	#	*	23
WELB	29	11	51

### 2006/07

Year	One Parent	Both Parents	Total Parent Prosecutions
BELB	#	*	22
NEELB	0	*	*
SEELB	*	0	*
SELB	#	*	30



Year	One Parent	Both Parents	Total Parent Prosecutions
WELB	36	13	62

2007/08

Year	One Parent	Both Parents	Total Parent Prosecutions
BELB	#	*	29
NEELB	5	*	#
SEELB	*	*	*
SELB	#	*	48
WELB	#	*	20

**Notes**

1. \* denotes figures fewer than five.
2. # denotes a figure  $\geq 5$  which has been treated to prevent disclosure of small numbers elsewhere.
3. An incidence of 'both parents' prosecuted, is counted as 2 in the total prosecutions.

Please note that these figures do not include the number of parents who appeared in the Family Proceedings Court for Education Supervision Order hearings.

**Article 55 Orders**

**Mr Storey** asked the Minister of Education which courts granted Article 55 orders obtained under the Children Order 1995 for non attendance in schools, since June 2005. (AQW 3092/09)

**The Minister of Education:** Tá tugtha le fios ag na Boird Oideachais agus Leabharlainne dom go bhfuil Orduithe Maoirsithe Oideachais deonaithe ag na cúirteanna seo a leanas, ó mhí an Mheithimh 2005:

I understand from the Education and Library Boards that, since June 2005, the following courts have granted Education Supervision Orders:

- Antrim Family Proceedings Court
- Ballymena Family Proceedings Court
- Belfast Family Proceedings Court
- Coleraine Family Proceedings Court
- Derry Family Proceedings Court
- Newtownards Family Proceedings Court
- Omagh Family Proceedings Court

**Non-Attendance in Schools**

**Mr Storey** asked the Minister of Education for the number of prosecutions for non attendance in schools broken down by (i) total; and (ii) Education and Library Board, in each of the last three years. (AQW 3093/09)

**The Minister of Education:** Tá líon na n-ionchúiseamh a bhaineann le tuismitheoirí amháin leagtha amach sa tábla thíos:

The number of parent only prosecutions is set out in the table below:

	Number of Parent Prosecutions		
	2005/06	2006/07	2007/08
BELB	16	22	29
NEELB	5	*	#



	Number of Parent Prosecutions		
	2005/06	2006/07	2007/08
SEELB	9	*	*
SELB	23	30	48
WELB	51	62	20
<b>Total</b>	<b>104</b>	<b>117</b>	<b>107</b>

**Notes**

1. \* denotes figures fewer than five.
2. # denotes a figure  $\geq 5$  which has been treated to prevent disclosure of small numbers elsewhere.
3. An incidence of 'both parents' prosecuted, is counted as 2 in the total prosecutions.

These figures do not include the numbers of parents who have appeared in the Family Proceedings Court for Education Supervision Order hearings.

### School Crossing Patrol Staff

**Mr P Ramsey** asked the Minister of Education to detail the reduction in the provision of school crossing patrol staff, in each parliamentary constituency. (AQW 3094/09)

**The Minister of Education:** Tá an t-eolas seo a leanas tugtha ag na Boird Oideachais agus Leabharlainne agus léiríonn sé an t-íslíú ó thaobh líon na bpatról trasnaithe scoile de ón bhliain 2003/04:

The Education and Library Boards have provided the following information which shows the reduction in the number of school crossing patrols since 2003/04:

	2003/04	2004/05	2005/06	2006/07	2007/08
Belfast East	6	-	1	5	4
Belfast North	6	-	-	3	4
Belfast South	6	-	-	2	1
Belfast West	3	-	1	4	6
East Antrim	3	-	1	-	-
North Antrim	-	-	1	-	2
South Antrim	-	-	-	1	-
North Down	-	-	1	-	2

	2003/04	2004/05	2005/06	2006/07	2007/08
South Down	-	-	1	1	-
Fermanagh & South Tyrone	2	1	5	2	1
Foyle	-	-	19	2	-
Lagan Valley	1	5	2	-	3
East Derry	1	-	3	1	-
Mid Ulster	-	2	6	-	-
Newry and Armagh	3	2	10	1	-
Strangford	-	1	1	-	4
West Tyrone	7	1	14	2	1
Upper Bann	4	4	25	5	1



	2003/04	2004/05	2005/06	2006/07	2007/08
<b>Total</b>	<b>42</b>	<b>16</b>	<b>91</b>	<b>29</b>	<b>29</b>

School crossing patrols are not arbitrarily removed but are only removed by Boards where an easement indicates that the level of hazards has diminished sufficiently to warrant such action.

### School Crossing Patrol Staff

**Mr P Ramsey** asked the Minister of Education to outline the total cost savings as a result of the reduction in school crossing patrol staff, broken down by parliamentary constituency. (AQW 3097/09)

**The Minister of Education:** Tá an t-eolas seo a leanas curtha ar fáil ag na Boird Oideachais agus Leabharlainne agus léiríonn sé an coigilteas ar chostais a rinneadh trí hísliú ar líon na bpatról trasnaithe scoile ón bhliain 2003/04:

The Education and Library Boards have provided the following information which shows the cost savings through the reduction in the number of school crossing patrols since 2003/04:

	2003/04	2004/05	2005/06	2006/07	2007/08
Belfast East	£25,709	-	£4,636	£24,340	£21,100
Belfast North	£23,772	-	-	£14,604	£18,872
Belfast South	£23,772	-	-	£9,736	£4,718
Belfast West	£11,886	-	£4,636	£19,472	£28,308
East Antrim	£13,140	-	£4,520	-	-
North Antrim	-	-	£4,520	-	£10,361

	2003/04	2004/05	2005/06	2006/07	2007/08
South Antrim	-	-	-	£4,801	-
North Down	-	-	£6,208	-	£11,664
South Down	-	-	£6,208	£6,411	-
Fermanagh & South Tyrone	£8,938	£4,541	£23,160	£9,445	£4,978
Foyle	-	-	£88,007	£9,445	-
Lagan Valley	£5,899	£30,415	£12,416	-	£17,496
East Derry	£4,380	-	£13,896	£4,722	-
Mid Ulster	-	£9,083	£27,792	-	-
Newry and Armagh	£13,406	£9,083	£46,319	£4,722	-
Strangford	-	£6,083	£6,208	-	£23,328
West Tyrone	£31,281	£4,541	£64,847	£9,445	£4,978
Upper Bann	£17,875	£18,165	£115,799	£23,612	£4,978
<b>Total</b>	<b>£180,058</b>	<b>£81,911</b>	<b>£429,172</b>	<b>£140,755</b>	<b>£150,781</b>

School crossing patrols are not arbitrarily removed but are only removed by Boards where an easement indicates that the level of hazards has diminished sufficiently to warrant such action.

### Delegated Schools Budget

**Mr Gallagher** asked the Minister of Education to detail the delegated schools budget for each post-primary school in the Western Education and Library Board for each financial year since 2004-05. (AQW 3153/09)



**The Minister of Education:** Leagtar amach sa tábla thíos an leithdháileadh cistithe do gach iarbhunscóil i limistéar Bhord Oideachais agus Leabharlainne an Iarthair i ngach bliain airgeadais ó 2004-05:

The funding allocation for each post primary school in Western Education and Library Board for each financial year since 2004-05 is set out in the table below:

Post Primary School Name	Delegated Resources 2004/05 Excluding Carry-Over £	Delegated Resources 2005/06 Excluding Carry-Over £	Delegated Resources 2006/07 Excluding Carry-Over £	Delegated Resources 2007/08 Excluding Carry-Over £
Castlederg High School	£1,304,191	£1,470,079	£1,639,820	£1,727,703
Clondermot High School	£2,029,197	£0	£0	£0
Duke of Westminster High School	£769,746	£0	£0	£0
Enniskillen High School	£1,872,873	£0	£0	£0
Faughan Valley High School	£1,454,202	£0	£0	£0
Limavady High School	£2,699,329	£2,888,973	£3,099,324	£3,038,752
Lisnaskea High School	£668,451	£750,120	£772,472	£713,194
Omagh High School	£1,332,205	£1,535,949	£1,761,815	£1,710,085
Strabane High School	£1,042,275	£1,106,581	£1,113,513	£1,178,670
Lisneal College	£0	£3,772,889	£3,737,341	£3,714,415
Devenish College	£0	£2,619,393	£2,681,095	£2,613,008
Dean Brian Maguire College	£1,513,587	£1,657,690	£1,693,687	£1,752,106
Our Lady Of Mercy High School	£1,323,553	£554,378	£0	£0
St Aidans High School	£775,772	£879,880	£840,686	£838,628
Immaculate Conception College	£1,000,312	£1,074,000	£1,216,333	£1,173,537
St Brigid's College, Carnhill	£3,078,684	£3,562,225	£3,820,091	£3,617,309
St Cecilia's College	£3,194,470	£3,412,848	£3,670,290	£3,729,079
St Colman's High School	£2,827,862	£1,179,468	£0	£0
St Comhghall's High School	£1,243,872	£1,276,422	£1,231,652	£1,210,403
St Eugene's High Roslea	£970,948	£1,045,892	£1,039,940	£1,046,203
St Eugene's High School	£683,515	£710,875	£754,699	£717,653
St Fanchea's College	£1,216,776	£1,324,355	£1,325,980	£1,336,842
St John's High School	£879,799	£885,559	£862,990	£768,761
St Joseph's College Enniskillen	£988,032	£1,033,492	£965,245	£1,009,463
St Joseph's High Plumbridge	£743,650	£747,369	£741,209	£514,855
St Joseph's Sec Creggan	£2,934,628	£3,384,618	£3,682,199	£3,712,418
St Mary's College Derry	£3,026,456	£3,434,272	£3,635,909	£3,689,947
St Mary's Sec Brollagh	£686,023	£720,907	£723,988	£766,354
St Mary's Sec Irvinestown	£676,926	£800,440	£805,369	£793,002



Post Primary School Name	Delegated Resources 2004/05 Excluding Carry-Over £	Delegated Resources 2005/06 Excluding Carry-Over £	Delegated Resources 2006/07 Excluding Carry-Over £	Delegated Resources 2007/08 Excluding Carry-Over £
St Mary's High Limavady	£2,846,907	£3,043,353	£3,212,917	£3,229,483
St Patrick's & St Brigid's High	£1,670,790	£1,821,983	£1,925,189	£1,988,570
St Patrick's High Dungiven	£1,249,224	£1,299,597	£1,325,939	£1,335,357
St Peter's High School	£1,534,039	£1,517,653	£1,577,820	£1,623,618
Sacred Heart College	£3,005,596	£3,347,454	£3,620,339	£3,786,456
Holy Cross College	£0	£3,426,769	£5,712,425	£5,641,766
Enniskillen Collegiate	£1,649,401	£1,783,220	£1,847,501	£1,924,311
Limavady Grammar	£2,836,179	£3,133,428	£3,278,431	£3,346,824
Omagh Academy	£2,096,972	£2,329,829	£2,379,684	£2,485,635
Strabane Grammar	£1,307,130	£1,438,577	£1,599,761	£1,608,927

### South Eastern Education and Library Board

**Mr Weir** asked the Minister of Education how many children, whose first language is not English, are enrolled in (i) nursery; (ii) primary; (iii) special needs; and (iv) post primary schools, in the South Eastern Education and Library Board, broken down by first language. (AQW 3181/09)

**The Minister of Education:** Tá an t-eolas cuimsithe sna táblaí thíos.

The information is contained in the tables below.

#### PUPILS WITH ENGLISH AS AN ADDITIONAL LANGUAGE ATTENDING NURSERY SCHOOLS IN THE SEELB AREA – 2007/08

First language	No. of EAL pupils
Cantonese	5
Other	12
<b>Total</b>	<b>17</b>

#### PUPILS WITH ENGLISH AS AN ADDITIONAL LANGUAGE ATTENDING PRIMARY SCHOOLS IN THE SEELB AREA – 2007/08

First language	No. of EAL pupils
Arabic	19
Bengali	24
Cantonese	47
Filipino	64
German	9
Hindi	12
Indian	8
Italian	11
Latvian	5
Lithuanian	21



First language	No. of EAL pupils
Malaysian	9
Mandarin	7
Malayam	12
Other	141
Polish	101
Russian	5
Spanish	13
Tagalog	8
Urdu	6
<b>Total</b>	<b>522</b>

**PUPILS WITH ENGLISH AS AN ADDITIONAL LANGUAGE ATTENDING POST PRIMARY SCHOOLS IN THE SEELB AREA – 2007/08**

First language	No. of EAL pupils
Bengali	10
Cantonese	56
German	7
Hindi	6
Lithuanian	30
Mandarin	5
Other	61
Polish	51
<b>Total</b>	<b>226</b>

**PUPILS ATTENDING SPECIAL SCHOOLS IN THE SEELB WHOSE FIRST LANGUAGE IS NOT ENGLISH BROKEN DOWN BY FIRST LANGUAGE – 2007/08**

First language	No. of EAL pupils
Other	5
<b>Total</b>	<b>5</b>

**Source:** Annual school census

**Note:**

1. Primary includes nursery, reception and year 1 – 7 classes
2. A child with English as an additional language is defined as one for whom English is not their first language and who has significant difficulty with the English language and requires assistance.
3. Occurrences of languages in less than 5 cases have been grouped into the 'Other' category.

## **UN Convention on the Rights of Persons with Disabilities**

**Mr P Ramsey** asked the Minister of Education what preparations her Department has made for the implementation of the UN Convention on the Rights of Persons with Disabilities. (AQW 3191/09)



**The Minister of Education:** Since January 2007, officials within the Department of Education have scrutinised their legislation, policies, practices and procedures to check their compatibility with the provisions of the UN Convention on the Rights of Persons with Disabilities (the Convention) and to assess whether they had any difficulty with the areas of competency covered by the Convention and to confirm how they arrived at their policy position.

The Department's Disability Action Plan will be updated to reflect any new actions to be carried out under the terms of the Convention.

Thaispeáin an Tuarascáil Bhliantúil ar Dhul chun cinn na Roinne 2007/02, don Chomisiún Cothroime, gur thug an Roinn faoi bhearta gníomhaíochta de bhun a dualgais bainte leis an mhí chumas.

The Department's 2007/08 Annual Progress Report to the Equality Commission reflected action measures carried out in pursuance of its disability duties.

### Rationalisation of Schools

**Dr Farry** asked the Minister of Education to report on the nature of the additional cost pressures of £22.7m and £19.5m anticipated in 2009/10 and 2010/11 respectively in relation to the rationalisation of schools.

(AQW 3220/09)

**The Minister of Education:** Éilíonn fostóirí na múinteoirí meicníocht chun luathscaoileadh na múinteoirí a éascú.

Teachers' employers require a mechanism to facilitate the early release of teachers. For example, they need to be able to:

- make necessary organisational changes in schools arising from curricular changes, rationalisation or falling enrolments;
- retire teachers whose performance and effectiveness have been significantly affected through not being able to cope with the demands of curricular, technological, or other changes; and
- facilitate the entry of young teachers into permanent full-time employment in local schools.

Having moved in 2008 to "hard charge" teachers' employers for the cost of discretionary "added years" enhancements, my Department plans to amend existing legislation in 2009 to make employers liable in addition for the cost of early payment of pension in cases where they have agreed to grant premature retirement, or to make an enhanced severance payment as an alternative.

The Teachers' Pension Scheme can no longer meet the costs associated with premature retirement as the Scheme's liabilities would otherwise continue to increase at a much faster rate than the current level of contributions can sustain. The resources are therefore required to enable teachers' employers to meet these costs in future.

### Teaching Staff: Attacks in Lagan Valley

**Mr Craig** asked the Minister of Education how many attacks there have been on teaching staff in the Lagan Valley constituency in the last five years.

(AQW 3229/09)

**The Minister of Education:** Ní bhailíonn an Roinn Oideachais an t-eolas a iarradh.

The Department of Education does not collect the information requested.

However, statistics on the reasons for suspension and expulsion are gathered each school year from Education and Library Boards. The table below provides the number of occasions where pupils were suspended for physical attacks on staff, in Lagan Valley constituency schools, in the last five years.

School Year	No of occasions where pupils were suspended for physical attacks on staff
2002/03	15
2003/04	14
2004/05	8
2005/06	21



School Year	No of occasions where pupils were suspended for physical attacks on staff
2006/07	10

**Notes:**

Includes pupils at Key Stage 1 – 4 in primary, post-primary and special schools.

### Teaching Posts: East Belfast

**Mr Newton** asked the Minister of Education, pursuant to answer AQW 2798/08, to detail the number of teaching posts being filled by substitute/temporary teachers in (i) primary and (ii) secondary schools, in the East Belfast constituency. (AQW 3241/09)

**The Minister of Education:** Tá an t-eolas a iarradh sa tábla thíos:

The information requested is detailed in the table below:

School Type	Daily Paid Temporary teachers	Hourly Paid Temporary Teachers	Total
Primary	146	19	165
Secondary	62	3	65
<b>Total</b>	<b>208</b>	<b>22</b>	<b>230</b>

### Telephone Communication Masts

**Mr Hilditch** asked the Minister of Education to detail the total revenue generated through her Department leasing its land or property to facilitate the erection of telephone communication masts. (AQW 3246/09)

**The Minister of Education:** Níl aon réadmhaoin ag an Roinn Oideachais agus mar sin de, ní shaothraíonn sí ioncam ó thalamh nó ó réadmhaoin a léasú d'fhonn tógáil crann cumarsáide teileafóin a éascú.

The Department of Education does not own any property and therefore does not generate any revenue from leasing land or property to facilitate the erection of telephone communication masts.

### Extended Schools Programmes

**Mr Weir** asked the Minister of Education how many schools in the South Eastern Education and Library Board area operate extended schools programmes; and how many have had their funding cut in the last year. (AQW 3251/09)

**The Minister of Education:** Bíonn seirbhísí sínte ar fáil, thar an lá scoile tradisiúnta, ag formhór na scoileanna laistigh den limistéar SEELB agus bíonn an cumas orthu seo a dhéanamh mar gheall ar chónascadh idir iarrachtaí dheonacha, cistí scoile agus acmhainní a fritheadh ó eagraíochtaí a thugann deontais.

Most schools within the SEELB area offer extended services beyond the traditional school day and are able to do so through a combination of voluntary effort, school funds and resources raised from grant making organisations.

My Department supports extended activities in the most disadvantaged areas through the Extended Schools programme. As you know I have been highly supportive of this programme and have recently secured an additional £5m from the September monitoring round to restore previous funding levels.

In the current financial year 53 schools in the South Eastern Education and Library Board were allocated funding from the Extended Schools programme.

Of these schools

- 23 have had funding reduced when compared to 2007/08 allocations. This has been due to either a drop in pupil enrolment figures or because the school concerned decided to withdraw from a clustering arrangement (schools which cluster are entitled to an additional 15% allocation).



- A further 4 schools that were previously fully funded were allocated reduced funding because the percentage of pupils enrolled who are classified as disadvantaged or lived in disadvantaged areas fell just below the qualifying threshold.

There were 23 schools which were no longer eligible for the programme because the percentage of qualifying pupils enrolled fell short of the qualifying threshold. In those cases I was able to provide funding for the period April-June 2008 to see the schools through to the end of the last school year.

### Educational Psychologists: SEELB Area

**Mr Weir** asked the Minister of Education how many children are waiting to see an educational psychologist in each school, in the South Eastern Education and Library Board area. (AQW 3252/09)

**The Minister of Education:** I have been advised by the Chief Executive of the South-Eastern Education and Library Board that the number of children waiting to see an educational psychologist (EP) in the South Eastern Education and Library Board (SEELB) area is as detailed in the tables below. In line with the Statistics and Research Agency (NISRA) policy in cases where the number of pupils is 4 or less these have been suppressed and are listed separately.

It should also be noted that these figures do not include children waiting for reviews of their special educational needs (SEN) at Stage 3 of the Code of Practice on the Identification and Assessment of Special Educational Needs (COP), waiting for annual reviews of their statements of SEN at Stage 5 of the COP or assessments in relation to the Transfer Procedure.

I gcás na scoileanna ar fad i limistéar an SEELB nach bhfuil liostaithe, níl aon pháistí ag fanacht ar shíceolaí oideachais a fheiceáil faoi láthair.

For all schools in the SEELB not listed there are currently no children waiting to see an EP.

#### 1. STAGE 3 ASSESSMENT REFERRALS – 5 OR MORE CHILDREN

- Castle Gardens P.S. — 5
- Cedar I.P.S. — 5
- Christ The Redeemer P.S. — 6
- Redburn P.S. — 5
- St. Macartan's P.S. — 5
- St. Mary's P.S. (Newcastle) — 5

#### 2. STAGE 3 ASSESSMENT REFERRALS – 4 OR LESS CHILDREN

- Abbey P.S.
- Academy P.S.
- All Children's I.P.S.
- Anahilt P.S.
- Andrews P.S.
- Ballycloughan P.S.
- Ballyholme P.S.
- Ballykinlar P.S.
- Ballymacash P.S.
- Ballymacrickett P.S.
- Ballymacward P.S.
- Ballynahinch P.S.
- Ballynahinch H.S.
- Ballywalter P.S.
- Bangor Central I.P.S.
- Barbour N.S.
- Belvoir Park P.S.



- Bloomfield Road P.S.
- Braniel P.S.
- Cairnshill P.S.
- Carr P.S.
- Carrowdore P.S.
- Carryduff Play Group
- Carryduff P.S.
- Castlereagh N.S.
- Chirpy Chicks Play Group
- Connor House P.S.
- Convent Of Mercy N.S.
- Crawfordburn P.S.
- Cumran P.S.
- De La Salle H.S.
- Derriaghy P.S.
- Derryboy P.S.
- Donaghadee P.S.
- Down H.S. Prep
- Downpatrick P.S.
- Downshire P.S.
- Drumlins I.P.S.
- Dundonald P.S.
- Forthill I.C.
- Friends' School Prep.
- Glasswater Playgroup
- Glasswater P.S.
- Glastry College
- Glencraig I.P.S.
- Glenlola Collegiate
- Good Shepherd P.S.
- Grange Park P.S.
- Grove Playgroup
- Harmony Hill P.S.
- Harmony Hill Nursery Unit
- Holy Family P.S.
- Hollywood P.S.
- Kids Kabin Playgroup
- Kilcooley P.S.
- Killinchy P.S.
- Killowen P.S.
- Kilmaine P.S.
- Kircubbin N.S.
- Kircubbin I.P.S.
- Knockbreda H.S.
- Knockbreda P.S.
- Lagan College



- Largymore P.S.
- Lisburn Central P.S. Nursery Unit
- Londonderry P.S.
- Maghaberry P.S.
- Meadow Bridge P.S.
- Millennium I.P.S.
- Millisle P.S.
- Naiscoil Uachter Tire
- Newcastle P.S.
- Newtownards Model P.S.
- Oakwood I.P.S.
- Pond Park N.S.
- Portaferry I.P.S.
- Priory College
- Rathkeltair Playgroup
- Rathmore P.S.
- Regent House
- Regent House Prep.
- Riverdale P.S.
- Sacred Heart P.S.
- Segal House N.S.
- Seymour Hill P.S.
- St. Anne's P.S.
- St. Brigid's P.S.
- St. Colman's P.S.
- St. Colmcille's N.S.
- St. Colmcille's P.S.
- St. Comgall's P.S.
- St. Finian's P.S.
- St. Ita's P.S. Nursery Unit
- St. Ita's P.S.
- St. Joseph's P.S. (Ballycruttle)
- St. Joseph's P.S. (Carnacaville)
- St. Joseph's P.S. (Carryduff)
- St. Joseph's P.S. (Crossgar)
- St. Joseph's P.S. (Killough)
- St. Joseph's P.S. (Lisburn)
- St. Joseph's P.S. (Tyrella)
- St. Kieran's P.S.
- St. Malachy's P.S. (Bangor)
- St. Malachy's P.S. (Castlewellan)
- St. Malachy's P.S. (Kilclief)
- St. Malahy's P.S. (Kilcoo)
- St. Malachy's P.S. Nursery Unit
- St. Mark's P.S. Nursery Unit
- St. Mary's P.S. (AughlisnaFin)



- St.Mary's P.S. (Dunsford)
- St.Mary's P.S. (Killyleagh)
- St. Mary's P.S. Nursery Unit
- St. Nicholas' P.S.
- St. Patrick's P.S. (Ballygalget)
- St. Patrick's P.S. (Downpatrick)
- St.Patrick's P.S. (Holywood)
- St.Patrick's P.S. (Legamaddy)
- Tiggers Palace Nursery
- Tiny Toons Playgroup
- Towerview P.S.
- Tullycarnet P.S.
- Victoria P.S. (Ballyhalbert)
- Victoria P.S. (Newtownards)
- Wallace H.S. Prep.
- Wallace H.S.
- West Winds P.S.

**3. STAGE 4 ASSESSMENT REFERRALS – 4 OR LESS CHILDREN**

- Ballymacash P.S. Nursery Unit
- Ballymacrickett P.S.
- Cairnshill P.S.
- Convent Of Mercy P.S.
- Cumran P.S.
- Holy Trinity N.S.
- Laurelhill Community College
- Lough View I.P.S.
- Malone I.C.
- Meadow Bridge P.S.
- Rathmore P.S.
- Redburn P.S.
- St.Kieran's P.S.
- St.Mary's P.S. (Kircubbin)
- St. Nicholas' P.S.
- Victoria P.S. (Ballyhalbert)
- Wallace H.S.

**4. SCREENING REFERRALS FOR SPECIFIC LEARNING DIFFICULTIES – 5 OR MORE CHILDREN**

- Ballynahinch P.S. — 6

**5. SCREENING REFERRALS FOR SPECIFIC LEARNING DIFFICULTIES – 4 OR LESS CHILDREN**

- ABBEY P.S.
- Academy P.S.
- All Children's I.P.S.
- Anahilt P.S.
- Andrews Memorial P.S.
- Ballycarrickmaddy P.S.
- Ballvester P.S.
- Bloomfield Road P.S.



- Braniel P.S.
- Cairnshill P.S.
- Carryduff P.S.
- Castle Gardens P.S.
- Christ The Redeemer P.S.
- Downpatrick P.S.
- Dromara P.S.
- Friends' School Prep.
- Holy Family P.S.
- Killinchy P.S.
- Killowen P.S.
- Kilmaine P.S.
- Kirkistown P.S.
- Knockbreda P.S.
- Leadhill P.S.
- Lisnasharragh P.S.
- Londonderry P.S.
- Magheraberry P.S.
- Meadow Bridge P.S.
- Pond Park P.S.
- St. Aloysius P.S.
- St. Bernard's P.S.
- St. Brigid's P.S.
- St. Malachy's P.S. (Bangor)
- St. Malachy's P.S. (Kilcoo)
- St. Mary's P.S. (Dunsford)
- St. Mary's P.S. (Saintfield)
- Towerview P.S.
- 1 School Not Recorded

### Post-Primary School Enrolment: SEELB Area

**Mr Weir** asked the Minister of Education to detail the number of pupils enrolled at each post primary school in the South Eastern Education and Library Board area, for each year since 2004. (AQW 3253/09)

**The Minister of Education:** Tá an t-eolas a iarradh cuimsithe sa tábla thíos.

The information requested is contained in the table below.

#### POST PRIMARY SCHOOLS ENROLMENT – SEELB – 2004/05 – 2007/08

School Name	2004/ 05	2005/ 06	2006/ 07	2007/ 08
Assumption Gs	929	921	907	909
Bangor Academy and 6th Form College	1,461	1,396	1,329	1,289
Bangor Gs	886	888	912	894
Comber High School	356	356	371	387
De La Salle Secondary School	392	390	376	341
Donaghadee High School	259	280	248	213
Down Academy	298	294	274	240



School Name	2004/ 05	2005/ 06	2006/ 07	2007/ 08
Down High School	916	941	918	941
Dundonald High School	492	434	375	332
Dunmurry High School	305	300	326	310
Fort Hill College	858	865	868	869
Friends' School	970	971	976	976
Glastry College	598	609	620	624
Glenlola Collegiate	1,079	1,082	1,078	1,073
Knockbreda High School	655	646	609	574
Lagan College	1,068	1,105	1,156	1,200
Laurelhill Community College	964	957	952	934
Lisnagarvey High School	368	350	322	280
Lisnasharragh High School	242	239	193	69
Movilla High School	779	698	652	593
Newtownbreda High School	825	790	742	707
Our Lady and St Patrick's College	1,251	1,248	1,256	1,250
Priory College	478	474	421	423
Regent House School	1,393	1,394	1,385	1,413
Saintfield High School	328	336	343	348
Shimna Integrated College	493	514	506	510
St Colman's High School, Ballynahinch	422	368	333	294
St Colmcille's High School, Crossgar	445	449	460	451
St Colm's High School, Twinbrook	693	704	701	692
St Columbanus' College, Bangor	492	519	524	545
St Columba's High School, Portaferry	306	293	288	271
St Malachy's High School, Castlewellan	994	998	1,005	1,022
St Mary's High School, Downpatrick	583	578	546	533
St Patrick's Gs, Downpatrick	727	716	716	710
St Patrick's High School , Lisburn	302	318	302	320
Strangford Integrated College	475	469	488	503
Sullivan Upper School	1,067	1,065	1,066	1,061
The High School Ballynahinch	367	377	384	375
Wallace High School	1,157	1,152	1,165	1,158

**Source:** Annual school census

### Primary School Enrolment: SEELB Area

**Mr Weir** asked the Minister of Education to detail the number of pupils enrolled at each primary school in the South Eastern Education and Library Board area, for each year since 2004. (AQW 3254/09)

**The Minister of Education:** Tá an t-eolas a iarradh cuimsithe sa tábla thíos.

The information requested is contained in the table below.



**PRIMARY SCHOOLS – ENROLMENT BY SCHOOL – SEELB – 2004/05 – 2007/08**

School Name	2004/ 05	2005/ 06	2006/ 07	2007/ 08
Abbey Ps, Loughries	634	621	623	618
Academy Ps	418	425	423	422
Alexander Dickson Ps	182	171	153	125
All Childrens Integrated Ps	209	201	201	199
Anahilt Ps, Dromara	238	235	215	188
Andrews Memorial Ps, Comber	390	376	366	346
Annsborough Ps, Dundrum	46	47	51	50
Ballycarrickmaddy Ps	162	175	167	158
Ballycloughan Ps	54	56	47	37
Ballyholme Ps	593	578	591	600
Ballykeigle Ps	59	58	59	59
Ballymacash Ps	379	371	354	366
Ballymacrickett Ps	283	285	303	282
Ballymacward Ps	105	105	96	93
Ballymagee Ps	400	403	403	404
Ballynahinch Pse	382	374	357	332
Ballyvester Ps	86	85	73	67
Ballywalter Ps	187	196	175	175
Bangor Central Ps	532	534	561	562
Bangor Grammar School Prep Dept	138	136	132	137
Belvoir Park Ps, Minnowburn	318	311	289	290
Bloomfield Road Ps, Bangor	331	319	314	307
Braniel Ps, Lower Braniel	375	378	369	362
Brooklands Ps, Grahams Bridge	602	613	598	575
Brownlee Ps, Hilden	142	153	154	160
Bunscoil Bheanna Boirche	51	50	54	48
Cairnshill Ps, Knockbracken	572	545	515	507
Carr Ps, Ballymacbrennan	86	79	61	68
Carrickmannon Ps, Ballygowan	84	88	87	90
Carrowdore Ps, Carrowdore	148	145	141	133
Carryduff Ps, Carryduff East	189	174	157	165
Castle Gardens Ps, Gregstown	345	341	344	326
Castlewellan Ps, Castlewellan	78	74	75	73
Cedar Integrated Ps, Kilmore	215	218	216	222
Charley Memorial Ps, Drumbo	20	15	10	0
Christ The King Ps, Seaforde	144	148	130	105
Christ The Redeemer Ps, Derryaghy	451	524	553	574
Clandeboy Ps, Rathgael	272	253	227	188



School Name	2004/ 05	2005/ 06	2006/ 07	2007/ 08
Clough Ps	134	0	0	0
Comber Ps	399	362	369	356
Conlig Ps	45	51	46	43
Convent Of Mercy Ps, Audleys Acre	253	234	220	201
Crawfordsburn Ps,	177	211	207	188
Cregagh Ps, Cregagh	159	163	175	177
Crossgar Ps, Crossgar	71	64	52	0
Cumran Primary School, Seaforde	0	157	157	171
Derriaghy Ps	53	56	53	43
Derryboy Ps	79	74	80	80
Donaghadee Ps	418	405	417	418
Down High School Prep Dept	137	138	127	128
Downpatrick Ps	176	194	201	213
Downshire Ps, Dundrum	24	0	0	0
Downshire Ps, Hillsborough	0	488	501	538
Dromara Ps	128	135	150	162
Drumaghlis Ps, Kilmore	50	47	36	0
Drumaroad Ps, Dunmore	33	35	33	36
Drumbo Ps	19	18	12	0
Drumlins Integrated Ps, Kilmore	12	23	36	61
Dundonald Ps	575	577	560	572
Dunmurry Ps	166	166	164	158
Fort Hill Ps, Hilden	257	258	260	239
Friend's School Prep Dept	155	158	153	145
Gilnahirk Ps	419	406	393	396
Glasswater Controlled Ps	0	0	0	76
Glencraig Ps, Craigavad	187	211	226	228
Glenlola Collegiate Prep Dept	86	88	71	76
Grange Park Ps, Bryansburn	351	361	364	364
Grey Abbey Ps	72	76	76	72
Groomsport Ps	21	20	25	0
Guinness Ps, Dunmore	26	25	22	18
Harmony Hill Ps	685	671	631	614
Hilden Integrated Ps, Lambeg	67	57	51	36
Hillhall Ps	52	48	39	0
Hillsborough Ps	386	0	0	0
Hollywood Ps	382	367	355	332
Kilcooley Ps	146	134	138	127
Killinchy Ps	301	319	309	320



School Name	2004/ 05	2005/ 06	2006/ 07	2007/ 08
Killowen Ps, Lisnagarvy	410	389	376	371
Killyleagh Ps	100	95	99	93
Kilmaine Ps, Ballymacconnell	648	649	654	654
Kircubbin Ps	117	110	104	105
Kirkistown Ps	84	92	101	108
Knockbreda Ps, Wynchurch	164	156	129	131
Knockmore Ps	171	171	163	163
Lambeg Ps	20	31	23	0
Largymore Ps, Hillhall	168	165	146	139
Lead Hill Ps	180	157	141	143
Legamaddy Ps, Killough	178	183	183	176
Lisburn Central Ps	282	251	234	204
Lisnasharragh Ps	269	236	227	202
Londonderry Ps	299	304	313	315
Loughries Ps, Carrowdore	80	79	72	72
Loughview Integrated Ps	383	412	434	433
Lower Ballinderry Ps	170	183	186	175
Maghaberry Ps	267	263	262	264
Mckinney Ps, Glenavy	151	154	153	150
Meadow Bridge Ps, Maghaberry	247	244	247	243
Millennium Integrated Ps	107	131	173	183
Millisle Ps	138	142	143	146
Moirs Ps	383	383	357	363
Moneyrea Ps	143	138	138	142
Newcastle Ps	217	213	193	191
Newport Ps	41	0	0	0
Newtownards Model Ps	367	365	375	387
Newtownbreda Ps	193	159	144	121
Oakwood Integrated Ps	190	201	207	209
Old Warren Ps	137	135	127	117
Our Lady Queen Of Peace, Poleglass	287	324	355	383
Pond Park Ps, Ballymacash	585	580	572	551
Portaferry Integrated Ps	84	87	83	81
Portavogie Ps	209	195	197	207
Rathmore Ps, Spring Hill	447	461	477	482
Redburn Ps	145	135	117	83
Regent House School Prep Dept	140	143	137	132
Riverdale Ps, Ballymacbrennan	190	181	188	188
Rowandale Integrated Ps	0	0	0	18



School Name	2004/ 05	2005/ 06	2006/ 07	2007/ 08
Sacred Heart Ps, Dundrum	90	90	82	79
Scoil Na Fuisseoige, Twinbrook	137	139	134	133
Seymour Hill Ps, Seymour Hill	203	196	194	174
Spa Ps, Dunmore	193	194	183	175
St Aloysius Ps, Old Warren	285	281	277	284
St Anne's Ps, Donaghadee South	40	38	34	34
St Bernard's Ps, Wynchurch	394	394	388	394
St Brigid's Ps, Quoile	144	144	154	167
St Caolan's, Derryboy	78	74	71	64
St Colman's Ps, Harmony Hill	332	319	316	301
St Colman's Ps, Maghaberry	29	31	20	18
St Colmcille's Ps, Cathedral	214	211	211	216
St Comgall's Ps, Bryansburn	295	289	287	286
St Finian's Ps, Central (Ards)	113	107	126	123
St Ita's Primary School, Carryduff	0	307	382	427
St Joseph's Ps, Ardglass	54	54	53	48
St Joseph's Ps, Carryduff	808	527	480	452
St Joseph's Ps, Hilden	223	252	274	288
St Joseph's Ps, Downpatrick	76	70	75	74
St Joseph's Ps, Killough	80	85	82	82
St Joseph's Ps, Kilmore	121	117	120	108
St Joseph's Ps, Murlough	145	149	151	150
St Joseph's Ps, Strangford	50	51	56	57
St Kierans Ps, Collin Glen	501	457	437	387
St Luke's Ps, Kilwee	255	227	226	222
St Macartan's Ps, Drumaness	151	147	166	175
St Malachy's Ps, Castlewellan	293	301	291	293
St Malachy's Ps, Clandeboye	379	372	362	321
St Malachy's Ps, Strangford	62	62	60	64
St Malachy's Ps, Tollymore	117	117	118	122
St Mark's Ps, Twinbrook	587	553	522	480
St Mary's Ps, Abbey	426	389	401	384
St Mary's Ps, Ardglass	81	86	85	89
St Mary's Ps, Ballygowan	20	16	3	0
St Mary's Ps, Comber East	34	35	37	42
St Mary's Ps, Killyleagh	130	117	126	123
St Mary's Ps, Kilmore	64	66	70	60
St Mary's Ps, Kircubbin	127	138	122	125
St Mary's Ps, Portaferry	252	248	236	228



School Name	2004/ 05	2005/ 06	2006/ 07	2007/ 08
St Mary's, Aughlisnafin	137	130	133	133
St Nicholas' Ps, Ardglass	131	131	128	122
St Patrick's Boys' Ps, Ballymote	321	322	305	306
St Patrick's Ps, Ballymaglave	270	254	250	257
St Patrick's Ps, Holywood	254	250	252	237
St Patrick's Ps, Kircubbin	89	85	89	96
St Patrick's Ps, Strangford	136	132	128	142
St Patrick's Ps, Tollymore	44	46	47	46
Sullivan Upper School Prep Dept	178	180	178	184
The Good Shepherd Ps , Poleglass	413	394	366	348
The Holy Family Ps, Drumaness	205	198	201	191
Tonagh Ps	158	153	155	152
Towerview Ps, Ballymacconnell	379	377	370	385
Tullycarnet Ps	158	126	107	88
Tyrella Ps	91	58	53	32
Victoria Ps (Ballyhalbert)	115	137	136	138
Victoria Ps, Central (Ards)	543	555	556	573
Wallace High School Prep Dept	165	160	152	146
West Winds Ps	165	149	156	143

**Source:** Annual school census

**Note:** 1. Primary includes nursery, reception and year 1 – 7 classes.

### Grammar School Admissions: Ballymena Area

**Mr McKay** asked the Minister of Education what percentage of children who sat their transfer test in 2007 from (i) Dunclug; (ii) Fairgreen; (iii) Park; (iv) Ballyloughan; (v) Academy; (vi) Ardeevin; and (vii) Galgorm areas in Ballymena, were admitted to grammar schools. (AQW 3255/09)

**The Minister of Education:** Tá curtha in iúl ag Bord Oideachais agus Leabharlainne an Oirthuaiscirt (NEELB) don Roinn nach mbailítear eolas ar chéatadán na bpáistí a dhéanann an Teist Aistrithe miondealaithe de réir na gceantar geografach a iarradh.

The North Eastern Education and Library Board (NEELB) have advised the Department that they do not collect information on the percentage of children who sit the transfer test broken down by the geographical areas requested. The information is, however, available broken down by Primary Schools in the Board area, and the 2007 figures for the primary schools that serve the geographical areas listed are provided in the table below.

Primary School	% Pupils that Sat Transfer Test Admitted to Grammar School
Carniny	73%
St. Colmcille's	70%
Ballymena	74%
Camphill	42%
Ballykeel	40%
St Brigid's Ballymena	38%



Primary School	% Pupils that Sat Transfer Test Admitted to Grammar School
Braidside Integrated	25%
Dunclug	27%
Harryville	8%
Ballee	0%
Seaview	89%
Braid	71%
Glenravel	72%
Gracehill	75%
St Mary's Cushendall	69%
St Joseph's Dunloy	72%
Fourtowns	66%
Broughshane	67%
Moorfields	63%
Buick	69%
Longstone	57%
Carnaghts	52%
Glenann	71%
St John's Carnlough	75%
Kells and Connor	56%
Kirkinriola	50%
St Mary's Portglenone	58%
St Patrick's Glenariff	50%
St Mary's Cargan	46%
St Patrick's Rasharkin	58%
Millquarter	45%
Clough	47%
The Diamond	67%
Hazelbank	53%
Cloughmills	100%
St Brigid's Cloughmills	55%
Portglenone	50%
St Ciaran's	50%
Carnalbanagh	0%
Carnlough Int	0%
Rasharkin	0%
St Paul's Ahoghill	0%
Armoy	100%
Ballycastle	75%
Ballymoney Model	75%



Primary School	% Pupils that Sat Transfer Test Admitted to Grammar School
Ballytober	60%
Balnamore	75%
Barnish	100%
Bunscoil an Chaistil	0%
Bushmills	67%
Bushvalley	56%
Carnalridge	73%
Carrowreagh	29%
Dunseverick	44%
Eden	50%
Garryduff	31%
Kilmoyle	64%
Knockahollet	38%
Landhead	67%
Leaney	94%
Lislagan	22%
Millstrand Int	62%
Portrush	95%
St. Anne's	64%
St. Brigid's	57%
St. Mary's	0%
St. Olcan's	0%
St Patrick's	29%
St Patrick's & St Brigid's	60%
St Patrick's	44%
Straidbilly	38%
William Pinkerton Memorial	0%

**Note:** Figures do not include pupils admitted to the grammar stream at Slemish College.

### Grammar School Admissions: Ballymena Area

**Mr McKay** asked the Minister of Education what percentage of children who sat their transfer test in 2007 from (i) Summerfield; (ii) Castle Demesne; (iii) Ballykeel; (iv) Moat; (v) Ballee; (vi) Harryville; and (vii) Kells areas in Ballymena, were admitted to grammar schools. (AQW 3256/09)

**The Minister of Education:** Tá curtha in iúl ag Bord Oideachais agus Leabharlainne an Oirthuaiscirt (NEELB) don Roinn nach mbailítear eolas ar chéatadán na bpáistí a dhéanann an Teist Aistrithe miondealaithe de réir na gceantar geografach a iarradh.

The North Eastern Education and Library Board (NEELB) have advised the Department that they do not collect information on the percentage of children who sit the transfer test broken down by the geographical areas requested. The information is, however, available broken down by Primary Schools in the Board area, and the 2007 figures for the primary schools that serve the geographical areas listed are provided in the table below.



Primary School	% Pupils that Sat Transfer Test Admitted to Grammar School
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Camphill	42%
Ballykeel	40%
St Brigid's Ballymena	38%
Braidside Integrated	25%
Dunclug	27%
Harryville	8%
Ballee	0%
Seaview	89%
Braid	71%
Glenravel	72%
Gracehill	75%
St Mary's Cushendall	69%
St Joseph's Dunloy	72%
Fourtowns	66%
Broughshane	67%
Moorfields	63%
Buick	69%
Longstone	57%
Carnaghts	52%
Glenann	71%
St John's Carnlough	75%
Kells and Connor	56%
Kirkinriola	50%
St Mary's Portglenone	58%
St Patrick's Glenariff	50%
St Mary's Cargan	46%
St Patrick's Rasharkin	58%
Millquarter	45%
Clough	47%
The Diamond	67%
Hazelbank	53%
Cloughmills	100%
St Brigid's Cloughmills	55%
Portglenone	50%
St Ciaran's	50%
Carnalbanagh	0%



Primary School	% Pupils that Sat Transfer Test Admitted to Grammar School
Carnlough Int	0%
Rasharkin	0%
St Paul's Ahoghill	0%
Armoy	100%
Ballycastle	75%
Ballymoney Model	75%
Ballytober	60%
Balnamore	75%
Barnish	100%
Bunscoil an Chaistil	0%
Bushmills	67%
Bushvalley	56%
Carnalridge	73%
Carrowreagh	29%
Dunseverick	44%
Eden	50%
Garryduff	31%
Kilmoyle	64%
Knockahollet	38%
Landhead	67%
Leaney	94%
Lislagan	22%
Millstrand Int	62%
Portrush	95%
St. Anne's	64%
St. Brigid's	57%
St. Mary's	0%
St. Olcan's	0%
St Patrick's	29%
St Patrick's & St Brigid's	60%
St Patrick's	44%
Straidbilly	38%
William Pinkerton Memorial	0%

**Note:** Figures do not include pupils admitted to the grammar stream at Slemish College.

### Grammar School Admissions: Ballymoney Area

**Mr McKay** asked the Minister of Education what percentage of children who sat their transfer test in 2007 from (i) Glebe; (ii) Route; (iii) Fairhill; (iv) Carniny; and (v) Newhill areas in Ballymoney, were admitted to grammar schools. (AQW 3257/09)



**The Minister of Education:** Tá curtha in iúl ag Bord Oideachais agus Leabharlainne an Oirthuaiscirt (NEELB) don Roinn nach mbailítear eolas ar chéatadán na bpáistí a dhéanann an Teist Aistrithe miondealaithe de réir na gceantar geografach a iarradh.

The North Eastern Education and Library Board (NEELB) have advised the Department that they do not collect information on the percentage of children who sit the transfer test broken down by the geographical areas requested. The information is, however, available broken down by Primary Schools in the Board area, and the 2007 figures for the primary schools that serve the geographical areas listed are provided in the table below.

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Glenravel	72%
Gracehill	75%
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St Joseph's Dunloy	72%
Fourtowns	66%
Broughshane	67%
Moorfields	63%
Buick	69%
Longstone	57%
Carnaghts	52%
Glenann	71%
St John's Carnlough	75%
Kells and Connor	56%
Kirkinriola	50%
St Mary's Portglenone	58%
St Patrick's Glenariff	50%
St Mary's Cargan	46%
St Patrick's Rasharkin	58%
Millquarter	45%
Clough	47%
The Diamond	67%
Hazelbank	53%



Primary School	% Pupils that Sat Transfer Test Admitted to Grammar School
Cloughmills	100%
St Brigid's Cloughmills	55%
Portglenone	50%
St Ciaran's	50%
Carnalbanagh	0%
Carnlough Int	0%
Rasharkin	0%
St Paul's Ahoghill	0%
Armoy	100%
Ballycastle	75%
Ballymoney Model	75%
Ballytober	60%
Balnamore	75%
Barnish	100%
Bunscoil an Chaistil	0%
Bushmills	67%
Bushvalley	56%
Carnalridge	73%
Carrowreagh	29%
Dunseverick	44%
Eden	50%
Garryduff	31%
Kilmoye	64%
Knockahollet	38%
Landhead	67%
Leaney	94%
Lislagan	22%
Millstrand Int	62%
Portrush	95%
St. Anne's	64%
St. Brigid's	57%
St. Mary's	0%
St. Olcan's	0%
St Patrick's	29%
St Patrick's & St Brigid's	60%
St Patrick's	44%
Straidbilly	38%
William Pinkerton Memorial	0%

**Note:** Figures do not include pupils admitted to the grammar stream at Slemish College.



### Grammar School Admissions: Ballymena Area

**Mr McKay** asked the Minister of Education what percentage of children who sat their transfer test in 2007 from (i) Dunminning; (ii) Portglenone; (iii) Cullybackey; (iv) Ahoghill; (v) Grange areas in Ballymena, were admitted to grammar schools. (AQW 3259/09)

**The Minister of Education:** Tá curtha in iúl ag Bord Oideachais agus Leabharlaine an Oirthuaiscirt (NEELB) don Roinn nach mbailítear eolas ar chéatadán na bpáistí a dhéanann an Teist Aistrithe miondealaithe de réir na gceantar geografach a iarradh.

The North Eastern Education and Library Board (NEELB) have advised the Department that they do not collect information on the percentage of children who sit the transfer test broken down by the geographical areas requested. The information is, however, available broken down by Primary Schools in the Board area, and the 2007 figures for the primary schools that serve the geographical areas listed are provided in the table below.

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Ballee	0%
Seaview	89%
Braid	71%
Glenravel	72%
Gracehill	75%
St Mary's Cushendall	69%
St Joseph's Dunloy	72%
Fourtowns	66%
Broughshane	67%
Moorfields	63%
Buick	69%
Longstone	57%
Carnaghts	52%
Glenann	71%
St John's Carnlough	75%
Kells and Connor	56%
Kirkinriola	50%
St Mary's Portglenone	58%
St Patrick's Glenariff	50%
St Mary's Cargan	46%
St Patrick's Rasharkin	58%



Primary School	% Pupils that Sat Transfer Test Admitted to Grammar School
Millquarter	45%
Clough	47%
The Diamond	67%
Hazelbank	53%
Cloughmills	100%
St Brigid's Cloughmills	55%
Portglenone	50%
St Ciaran's	50%
Carnalbanagh	0%
Carnlough Int	0%
Rasharkin	0%
St Paul's Ahoghill	0%
Armoy	100%
Ballycastle	75%
Ballymoney Model	75%
Ballytober	60%
Balnamore	75%
Barnish	100%
Bunscoil an Chaistil	0%
Bushmills	67%
Bushvalley	56%
Carnalridge	73%
Carrowreagh	29%
Dunseverick	44%
Eden	50%
Garryduff	31%
Kilmoyle	64%
Knockahollet	38%
Landhead	67%
Leaney	94%
Lislagan	22%
Millstrand Int	62%
Portrush	95%
St. Anne's	64%
St. Brigid's	57%
St. Mary's	0%
St. Olcan's	0%
St Patrick's	29%
St Patrick's & St Brigid's	60%



Primary School	% Pupils that Sat Transfer Test Admitted to Grammar School
St Patrick's	44%
Straidbilly	38%
William Pinkerton Memorial	0%

**Note:** Figures do not include pupils admitted to the grammar stream at Slemish College.

## Energy for Schools

**Dr Farry** asked the Minister of Education to report on the nature of the additional cost of £8.8m for energy for schools in 2009/10, considering the changing global energy market. (AQW 3266/09)

**The Minister of Education:** Baineann an tairiscint fá choinne acmhainní breise de £8.8 milliún i leith costas fuinnimh agus fónais sa bhliain 2009 -10 do Bhoird, do scoileanna agus don earnáil ógra, baineann sí le brúnna boilscithe a bhaineann le táillí leictreachais, táillí gáis agus táillí tráchtála uisce.

The bid for additional resources of £8.8 million for energy and utility costs in 2009-10 for Boards, schools and the youth sector is in respect of inflationary pressures relating to electricity, gas and commercial water charges. The bid is based on the significant inflationary increases in the third quarter of the 2008-09 financial year.

## St Malachy's Youth Centre

**Mr A Maskey** asked the Minister of Education, pursuant to the answer to AQW 2769/09, if her Department received an economic appraisal for the proposed St Malachy's Youth Centre in November 2008. (AQW 3282/09)

**The Minister of Education:** Fuair an Roinn breithmheas leasaithe eacnamaíochta ar an 25 Meitheamh 2008.

The Department received a revised economic appraisal on the 25 June 2008. Comments and questions regarding the economic appraisal were sent back to St Malachy's for action and the Department is awaiting a response.

## PEAG Places

**Mr G Robinson** asked the Minister of Education how she is going to ensure that every pre-school child has a PEAG place in the playgroup of their parents' choice. (AQW 3285/09)

**The Minister of Education:** Faoin Chlár um Leathnú ar Oideachas Réamh Scoile (PSEEP), bíonn áiteanna chistithe curtha ar fáil i meascán d'aonaid rialaithe, d'aonaid faoi chothabháil, d'aonaid imeasctha agus d'aonaid Ghaelscolaíochta san earnáil reachtúil, agus i naíolanna san earnáil dheonach agus san earnáil phríobháideach.

Under the Pre-School Education Expansion Programme (PSEEP) funded places have been provided in a mixture of controlled, maintained, integrated and Irish medium units in the statutory sector, and playgroups and day nurseries in the voluntary and private sector.

Since the start of the Programme (1998/99) the Department's view has been that all places are open to all children, though, in any given area, we try to provide choice through a mixture of providers.

For the 2008/09 school year my Department initially provided funding for 6,930 pre-school places in the voluntary/private playgroup sector.

At 30th September 2008, Education and Library Boards indicated an uptake of 6,880 funded pre-school places in the voluntary/private sector i.e. a reduced requirement of 50 places. This indicates that there are sufficient places available for every child in their final pre-school year. However, it should be noted that demand is not always geographically matched to supply.



### PEAG Places

**Mr G Robinson** asked the Minister of Education (i) what stage has been reached in the allocation of PEAG places for 2009; and (ii) what criteria is used in assessing the number of PEAG places a playgroup is allocated per year. (AQW 3286/09)

**The Minister of Education:**

- (i) Thug mo Roinn an teolas do na Boird Oideachais agus Leabharlainne ar an 28ú Samhain 2008 maidir le líon na n-áiteanna mhaoinithe i naiscoileanna a leithdháileadh sna earnalacha dheonacha / phríobháideacha don bhliain acadúil 2009/10.
- (ii) My Department notified Education and Library Boards on 28th November 2008 of the number of funded places pre-school education places allocated in the voluntary/private sector for the 2009/10 academic year.

The Education and Library Boards are now in the process of advising individual voluntary playgroups of their allocation of places.

This process, over the five Education and Library Boards, will be completed by early to mid January 2009.

- (ii) The Education and Library Boards use a number of indicators in assessing the number of places individual playgroups are allocated each year. These include:-
- Current provision – uptake of places i.e. the number of places the playgroup received in the previous year.
  - Enrolment patterns i.e. the average number of places filled over the last few years.
  - Degree of shortfall/surplus in an area including specific requests for additional places due to local pressures.
  - Provision and uptake of places at neighbouring settings.

### PEAG Places

**Mr G Robinson** asked the Minister of Education what consideration is given to fluctuating intakes at playgroups in the allocation of PEAG places. (AQW 3287/09)

**The Minister of Education:** Socraíonn PEAGanna leithdháileadh tosaigh na n-áiteanna cistithe chuig suíomhanna naíonraí deonacha bunaithe ar mheasúnú riachtanais a thugann aird ar leithdháiltí ó bhlianta roimhe agus ón bhliain reatha.

PEAG's determine the initial allocation of funded places to voluntary pre-school settings based on an assessment of need which takes account of previous and current year's allocations. They closely monitor admissions to identify surplus places for reallocation to areas of shortfall.

### PEAG Places

**Mr G Robinson** asked the Minister of Education if she can confirm to playgroups the number of PEAG places they have been allocated, in January 2009. (AQW 3288/09)

**The Minister of Education:** My Department issued letters to the Education and Library Boards on 28th November 2008 informing them of the number of funded pre-school education places allocated in the voluntary/private sector for the 2009/10 academic year.

The Education and Library Boards are now in the process of advising individual voluntary playgroups of their allocation of places for the 2009/10 academic year.

Beidh an próiseas seo, a bhaineann leis an cúig Bhord Oideachais agus Leabharlainne, críochnaithe uair éigin go luath i mí Eanáir nó i lár na míosa sin.

This process, over the five Education and Library Boards, will be completed by early to mid January 2009.



### Schools in Rural Areas

**Mr Doherty** asked the Minister of Education if she will liaise with the Department for Regional Development to develop and implement a strategy to ensure that schools located in rural areas remain accessible in inclement weather conditions. (AQW 3290/09)

**The Minister of Education:** Déanfaidh na Boird Oideachais agus Leabharlainne iarracht i gcónaí lena chinntiú go soláthraítear seirbhísí i rith tréimhsí drochaimsire.

The Education and Library Boards will always attempt to ensure that school transport services are provided during periods of inclement weather. However, children's safety is of the utmost concern, so it is possible vehicles may not be able to travel to schools under certain road conditions. In that instance, I would be happy to support any initiative to improve road conditions that my Ministerial colleague in the Department for Regional Development might bring forward.

### School Maintenance Programme

**Dr McDonnell** asked the Minister of Education for her assessment of how many pupils are being taught in sub-standard accommodation due to the £217m backlog in school maintenance. (AQW 3291/09)

**The Minister of Education:** Ní thugann sé le tuiscint go mbíonn an chóiríocht scoile go hiomlán ina droch chóiríocht nuair a aithnítear go bhfuil oibreacha chothábhála de dhíth ar scoil.

The identification of maintenance works for a school does not imply that the overall accommodation is sub-standard. The required maintenance varies significantly from school to school. There has been significant under-investment in the education estate over many years and action is being taken to address the problem with around 100 major capital projects either currently on site or in planning.

### Efficiency Savings

**Dr Farry** asked the Minister of Education which policies and practices within her Department have been changed to deliver the 3% efficiency savings required under the Budget 2008-11. (AQW 3294/09)

**The Minister of Education:** Caithfidh an Roinn coigiltí éifeachtachta den iomlán £372 milliún a sholáthar thar tréimhse trí bliana ó 2008/09 go dtí 2010/11.

The Department is required to deliver efficiency savings totalling almost £372million over the three year period 2008-09 to 2010-11. These savings will be delivered through a range of policies and practices many of which will be determined where the services are delivered at the front line. Key elements of the efficiency programme include the streamlining of administration and establishment of the Education and Skills Authority; the implementation of Special Education and Inclusion Review.

The Department has published a Summary Efficiency Delivery Plan on its website. This document sets out further details on each of the policy areas and practices which will be directly impacted by the requirement to deliver the Budget 2008-11 efficiencies. The plan can be accessed at the following website page:

[http://www.deni.gov.uk/de\\_edp\\_introduction\\_rv.pdf](http://www.deni.gov.uk/de_edp_introduction_rv.pdf)

### Primary School Budget: SEELB 2004-05

**Mr Weir** asked the Minister of Education to provide the delegated schools budget for each primary school in the South Eastern Education and Library Board, for each financial year since 2004-5. (AQW 3307/09)

**The Minister of Education:** Leagtar amach sna táblaí thíos leithdháileadh cistithe fá choinne gach bunscoil agus gach iar-bhunscoil Bhord Oideachais agus Leabharlainne an Oirdheiscirt i ngach bliain airgeadais ó 2004-05.

The funding allocation for each primary and post primary school in the South Eastern Education and Library Board for each financial year since 2004-05 is set out in the tables below:



Primary School Name	Delegated Resources 2004/05 Excluding Carry-Over £	Delegated Resources 2005/06 Excluding Carry-Over £	Delegated Resources 2006/07 Excluding Carry-Over £	Delegated Resources 2007/08 Excluding Carry-Over £
Abbey	1,221,079	1,308,701	1,338,603	1,412,970
Academy	775,376	839,316	895,508	934,652
Alexander Dickson	391,543	408,872	419,631	392,999
Anahilt	506,058	506,736	524,622	519,129
Andrews Memorial	805,004	810,156	823,947	859,618
Ballycarrickmaddy	345,208	360,606	403,314	415,065
Ballycloughan	156,050	162,578	174,302	168,160
Ballyholme	1,175,360	1,216,818	1,265,732	1,351,578
BallykEigle	136,653	165,389	186,605	196,731
Ballymacash	750,449	823,904	834,003	815,032
Ballymagee	802,935	851,148	893,003	944,152
Ballynahinch	833,849	811,169	938,273	923,777
Ballyvester	200,312	218,233	234,462	222,103
Ballywalter	407,042	451,886	474,674	482,877
Belvoir Park	726,807	739,714	785,241	766,501
Bloomfield Road	675,915	724,167	752,406	773,149
Braniel	760,169	797,175	849,595	874,146
Brooklands	1,254,583	1,302,079	1,443,866	1,472,998
Brownlee	286,104	353,059	409,978	435,288
Cairnshill	1,125,249	1,142,559	1,159,243	1,150,293
Carr	207,003	219,583	227,779	212,128
Carrickmannon	207,669	224,413	250,312	265,569
Carrowdore	337,925	340,830	355,677	365,320
Carryduff	433,224	425,342	447,598	401,427
Castle Gardens	751,611	758,151	794,536	837,037
Castlewellan	192,081	208,021	226,139	231,832
Charley Memorial	99,482	90,685	92,050	35,810
Clandeboyne	609,066	609,479	618,876	600,423
Clough	287,292	30,905	Closed	Closed
Cumran	0	331,540	388,961	459,486
Comber	779,280	846,026	819,629	868,648
Conlig	159,351	156,848	181,113	168,577
Crawfordsburn	400,046	409,905	494,080	514,440
Cregagh	358,498	402,782	460,510	511,311
Crossgar	174,833	194,742	193,071	73,026
Derriaghy	175,082	173,767	203,983	208,250
Derryboy	181,710	213,662	224,223	244,010
Donaghadee	837,923	890,784	913,769	954,682



Primary School Name	Delegated Resources 2004/05 Excluding Carry-Over £	Delegated Resources 2005/06 Excluding Carry-Over £	Delegated Resources 2006/07 Excluding Carry-Over £	Delegated Resources 2007/08 Excluding Carry-Over £
Downpatrick	398,324	420,463	513,431	545,761
Downshire Dundrum	87,711	13,719	Closed	Closed
Downshire Hillsborough	0	845,503	1,042,407	1,153,431
Dromara	272,954	306,778	344,175	404,212
Drumbo	95,679	95,917	106,667	37,445
Dundonald	1,123,557	1,202,029	1,313,516	1,362,551
Dunmurry	374,347	388,354	413,586	441,877
Fort Hill	527,948	566,709	623,780	668,532
Gilnahirk	823,547	865,982	883,118	915,838
Glencraig IPS	409,454	462,522	525,078	568,036
Grange Park	678,414	737,251	786,544	830,890
Greyabbey	194,692	197,862	215,709	228,342
Groomsport	103,680	97,279	104,904	49,903
Harmony Hill	1,344,728	1,462,161	1,490,378	1,462,779
Hillhall	133,696	153,116	166,444	60,301
Hillsborough	764,336	145,863	Closed	Closed
Hollywood	801,322	807,086	812,308	812,810
Kilcooley	395,019	426,411	442,908	486,291
Killinchy	554,478	612,685	679,234	698,520
Killowen	799,683	844,145	856,275	863,814
Killyleagh	264,222	260,380	288,514	321,510
Kilmaine	1,217,636	1,313,672	1,381,933	1,482,420
Kirkistown	183,437	213,609	275,431	302,851
Knockbreda	365,839	382,510	399,327	357,870
Knockmore	393,533	420,465	472,621	465,917
Lambeg	107,832	95,992	144,535	48,756
Largymore	462,363	415,256	478,288	439,852
Leadhill	390,493	402,452	385,916	364,581
Lisburn Central	639,392	641,994	625,928	638,185
Lisnasharragh	646,955	634,963	617,804	622,369
Londonderry	647,451	675,640	736,477	783,783
Loughries	202,867	206,579	224,314	227,313
Ballinderry	350,607	377,786	427,820	446,382
Maghaberry	475,741	535,953	568,527	595,532
McKinney	330,563	363,237	384,578	409,543
Millisle	323,039	338,388	380,033	404,178
Moira	723,296	795,436	837,747	817,335
Moneyrea	300,622	330,694	340,555	360,667



Primary School Name	Delegated Resources 2004/05 Excluding Carry-Over £	Delegated Resources 2005/06 Excluding Carry-Over £	Delegated Resources 2006/07 Excluding Carry-Over £	Delegated Resources 2007/08 Excluding Carry-Over £
Newcastle	451,999	472,729	483,013	471,928
Newport	149,977	28,203	Closed	Closed
Newtownards Model	770,679	791,343	828,529	896,267
Newtownbreda	406,880	438,821	405,289	397,297
Old Warren	372,709	387,945	430,318	441,718
Pond Park	1,106,174	1,210,209	1,266,193	1,313,304
Portavogie	387,198	441,817	462,481	487,951
Rathmore	896,595	945,871	994,200	1,077,797
Redburn	355,461	387,834	417,211	377,312
Seymour Hill	472,280	489,492	502,237	537,436
Spa	391,870	427,153	438,672	447,295
Tonagh	407,833	389,057	413,467	440,124
Towerview	713,197	761,931	806,597	843,969
Tullycarnet	443,164	447,073	435,071	381,744
Kindle IPS (formerly Tyrella PS)	250,124	269,157	209,965	247,503
Victoria Ballyhalbert	262,453	290,265	355,546	370,804
Victoria Newtownards	1,020,696	1,136,876	1,247,879	1,331,369
Westwinds	412,353	435,099	457,228	506,495
Riverdale	381,891	412,160	417,183	452,781
Meadow Bridge	504,745	530,192	541,220	575,720
Glasswater	0	0	0	194,116
Aughlisnafin	309,424	328,474	337,132	367,137
Ballymacrickett	574,298	601,677	643,242	701,811
Ballymacward	242,801	265,548	286,722	287,502
Christ the Redeemer	844,896	1,047,103	1,371,587	1,488,356
Convent of Mercy	560,992	573,617	640,676	595,912
St Caolans	186,358	205,406	215,554	223,694
Drumaghlin	141,385	149,755	151,234	55,199
Christ the King	323,743	344,798	366,426	356,743
St Francis PS Drumaroad	108,858	114,733	128,666	136,890
Good Shepherd Primary	1,000,448	1,030,652	1,083,619	1,069,079
Guinness	113,718	112,769	117,738	123,890
Holy Family	421,535	440,254	453,038	486,245
St Patricks Legamaddy	398,195	405,805	434,867	461,423
Sacred Heart	232,123	240,445	260,553	260,365
Scoil Na Fuisseoige	399,783	383,161	409,755	438,379
St Aloysius	595,973	650,790	668,464	702,399
St Annes	123,881	132,163	147,247	152,497



Primary School Name	Delegated Resources 2004/05 Excluding Carry-Over £	Delegated Resources 2005/06 Excluding Carry-Over £	Delegated Resources 2006/07 Excluding Carry-Over £	Delegated Resources 2007/08 Excluding Carry-Over £
St Bernards	774,746	814,215	861,079	889,080
St Brigids	320,719	363,636	387,633	470,836
St Colmans Lisburn	691,867	687,547	706,858	745,445
St Colmans Moira	113,811	118,623	129,958	117,292
St Colmcilles	500,198	563,751	627,550	633,998
St Comgalls	606,505	642,131	662,770	673,557
St Finians	267,661	280,731	313,234	371,417
St Josephs Ballycruttle	143,438	158,329	169,302	180,394
St Josephs Carnacaville	351,959	335,210	361,579	397,612
St Josephs Carryduff	1,470,179	1,289,513	1,196,537	1,079,784
St Josephs Crossgar	290,849	290,579	297,856	329,581
St Josephs Killough	219,572	237,267	281,537	256,156
St Josephs Lisburn	410,831	542,705	630,625	701,574
St Josephs Strangford	134,103	179,556	202,666	198,236
St Josephs Tyrella	200,951	211,400	216,297	236,179
St Kierans Primary	1,338,815	1,294,969	1,274,310	1,319,669
St Lukes	691,851	682,704	685,867	739,122
St Macartans	333,850	352,332	386,021	431,735
St Malachys Bangor	815,808	813,088	891,427	877,002
St Malachys Castlewellan	618,974	646,612	716,623	718,382
St Malachys Kilclief	150,228	173,556	196,361	204,612
St Malachys Kilcoo	273,025	283,453	314,234	334,665
St Marks	1,415,013	1,431,595	1,460,581	1,446,418
St Marys Ardglass	197,459	229,513	254,161	269,298
St Marys Ballygowan	88,393	92,343	92,227	25,783
St Marys Comber	104,460	114,956	126,117	142,684
St Marys Killyleagh	285,542	305,725	320,970	363,349
St Marys Kircubbin	320,880	321,119	363,448	365,307
St Marys Portaferry	535,066	560,510	588,254	615,875
St Marys Saintfield	194,049	199,046	226,374	233,576
St Nicholas	342,415	337,448	354,408	368,842
St Patricks Boys Downpatrick	661,260	768,748	812,485	801,517
St Patricks Ballynahinch	592,392	588,638	591,726	619,758
St Patricks Castlewellan	134,054	149,385	172,134	182,657
St Patricks Holywood	492,997	537,094	557,894	594,655
St Patricks Portaferry	223,036	239,584	248,369	276,836
St Patricks Saul	292,859	318,381	342,413	350,172
Our Lady Queen of Peace PS	487,155	595,637	746,654	868,233



Primary School Name	Delegated Resources 2004/05 Excluding Carry-Over £	Delegated Resources 2005/06 Excluding Carry-Over £	Delegated Resources 2006/07 Excluding Carry-Over £	Delegated Resources 2007/08 Excluding Carry-Over £
St Marys PS Newcastle	873,372	954,133	894,603	950,717
St Ita's PS		363,411	732,826	896,008
Bunscoil Bheanna Boirche	150,315	157,908	165,409	181,190
All Childrens	439,450	459,361	470,994	510,084
Annsborough	136,958	155,875	164,365	176,509
Hilden	189,624	209,305	207,448	186,079
Portaferry	238,525	235,325	268,540	279,263
Bangor Central	995,888	1,137,857	1,246,822	1,337,229
Kircubbin Integrated Primary	302,604	306,066	305,225	299,755

Post Primary School Name	Delegated Resources 2004/05 Excluding Carry-Over £	Delegated Resources 2005/06 Excluding Carry-Over £	Delegated Resources 2006/07 Excluding Carry-Over £	Delegated Resources 2007/08 Excluding Carry-Over £
Comber HS	1,238,896	Closed	Closed	Closed
Nendrum College	0	1,288,930	1,365,106	1,474,404
Donaghadee HS	891,742	1,042,278	1,168,166	1,055,936
Dundonald HS	1,760,248	1,802,165	1,752,750	1,603,894
Dunmurry HS	1,110,618	1,223,819	1,294,153	1,399,459
Glastry College	1,954,765	2,067,310	2,216,355	2,306,995
Knockbreda HS	2,120,149	2,242,923	2,338,893	2,297,978
Laurelhill Community College	3,015,733	3,254,355	3,402,712	3,499,939
Lisnagarvey HS	1,325,657	1,433,689	1,469,158	1,431,623
Lisnasharragh HS	1,012,099	1,029,787	1,070,201	942,886
Movilla HS	2,640,279	2,652,219	2,491,002	2,420,797
Newtownbreda HS	2,637,780	2,835,498	2,875,252	2,810,166
Saintfield HS	1,087,549	1,158,276	1,246,090	1,358,206
The High School Ballynahinch	1,238,137	1,304,452	1,392,499	1,466,211
Bangor Academy and 6th Form	4,919,629	5,170,324	5,217,425	5,127,571
De La Salle HS	1,426,430	1,469,950	1,552,228	1,539,101
St Colmans HS	1,539,168	1,578,260	1,461,809	1,351,574
St Colmcilles HS	1,467,593	1,555,774	1,630,866	1,713,329
St Colms HS	2,458,363	2,651,203	2,910,252	2,911,384
St Columbanus HS	1,566,472	1,697,921	1,883,041	2,006,504
St Columbas HS	1,108,805	1,197,319	1,195,939	1,192,223
St Malachys HS	3,111,869	3,486,898	3,709,456	3,804,712
St Marys HS	1,961,344	2,088,050	2,143,277	2,124,489
St Patricks HS	1,146,749	1,202,317	1,343,216	1,332,079
Down Academy	993,946	1,107,089	1,184,764	1,140,449
Fort Hill College	2,818,944	2,949,461	3,134,128	3,280,234



Post Primary School Name	Delegated Resources 2004/05 Excluding Carry-Over £	Delegated Resources 2005/06 Excluding Carry-Over £	Delegated Resources 2006/07 Excluding Carry-Over £	Delegated Resources 2007/08 Excluding Carry-Over £
Priory College	1,466,890	1,691,250	1,802,952	1,719,963
Down HS	3,066,868	3,322,928	3,532,201	3,549,992
Glenlola Collegiate	3,557,495	3,832,656	3,991,825	4,098,890
Regent House	4,661,933	4,924,176	5,137,578	5,270,959

### Post-Primary School Budget: SEELB 2004-05

**Mr Weir** asked the Minister of Education to provide the delegated schools budget for each post primary school in the South Eastern Education and Library Board, for each financial year since 2004-5. (AQW 3308/09)

**The Minister of Education:** Leagtar amach sna táblaí thíos leithdháileadh cistithe fá choinne gach bunscoil agus gach iar-bhunscoil Bhord Oideachais agus Leabharlainne an Oirdheiscirt i ngach bliain airgeadais ó 2004-05.

The funding allocation for each primary and post primary school in the South Eastern Education and Library Board for each financial year since 2004-05 is set out in the tables below:

Primary School Name	Delegated Resources 2004/05 Excluding Carry-Over £	Delegated Resources 2005/06 Excluding Carry-Over £	Delegated Resources 2006/07 Excluding Carry-Over £	Delegated Resources 2007/08 Excluding Carry-Over £
Abbey	1,221,079	1,308,701	1,338,603	1,412,970
Academy	775,376	839,316	895,508	934,652
Alexander Dickson	391,543	408,872	419,631	392,999
Anahilt	506,058	506,736	524,622	519,129
Andrews Memorial	805,004	810,156	823,947	859,618
Ballycarrickmaddy	345,208	360,606	403,314	415,065
Ballycloughan	156,050	162,578	174,302	168,160
Ballyholme	1,175,360	1,216,818	1,265,732	1,351,578
BallykEigle	136,653	165,389	186,605	196,731
Ballymacash	750,449	823,904	834,003	815,032
Ballymagee	802,935	851,148	893,003	944,152
Ballynahinch	833,849	811,169	938,273	923,777
Ballyvester	200,312	218,233	234,462	222,103
Ballywalter	407,042	451,886	474,674	482,877
Belvoir Park	726,807	739,714	785,241	766,501
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Castlewellan	192,081	208,021	226,139	231,832
Charley Memorial	99,482	90,685	92,050	35,810
Clandeboyne	609,066	609,479	618,876	600,423
Clough	287,292	30,905	Closed	Closed
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Comber	779,280	846,026	819,629	868,648
Conlig	159,351	156,848	181,113	168,577
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Cregagh	358,498	402,782	460,510	511,311
Crossgar	174,833	194,742	193,071	73,026
Derriaghy	175,082	173,767	203,983	208,250
Derryboy	181,710	213,662	224,223	244,010
Donaghadee	837,923	890,784	913,769	954,682
Downpatrick	398,324	420,463	513,431	545,761
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Millisle	323,039	338,388	380,033	404,178
Moirra	723,296	795,436	837,747	817,335
Moneyrea	300,622	330,694	340,555	360,667
Newcastle	451,999	472,729	483,013	471,928
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Newtownards Model	770,679	791,343	828,529	896,267
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Scoil Na Fuisseoige	399,783	383,161	409,755	438,379
St Aloysius	595,973	650,790	668,464	702,399
St Annes	123,881	132,163	147,247	152,497
St Bernards	774,746	814,215	861,079	889,080
St Brigids	320,719	363,636	387,633	470,836
St Colmans Lisburn	691,867	687,547	706,858	745,445
St Colmans Moira	113,811	118,623	129,958	117,292
St Colmcilles	500,198	563,751	627,550	633,998
St Comgalls	606,505	642,131	662,770	673,557
St Finians	267,661	280,731	313,234	371,417
St Josephs Ballycruttle	143,438	158,329	169,302	180,394
St Josephs Carnacaville	351,959	335,210	361,579	397,612
St Josephs Carryduff	1,470,179	1,289,513	1,196,537	1,079,784
St Josephs Crossgar	290,849	290,579	297,856	329,581
St Josephs Killough	219,572	237,267	281,537	256,156
St Josephs Lisburn	410,831	542,705	630,625	701,574
St Josephs Strangford	134,103	179,556	202,666	198,236
St Josephs Tyrella	200,951	211,400	216,297	236,179
St Kierans Primary	1,338,815	1,294,969	1,274,310	1,319,669
St Lukes	691,851	682,704	685,867	739,122
St Macartans	333,850	352,332	386,021	431,735
St Malachys Bangor	815,808	813,088	891,427	877,002
St Malachys Castlewella	618,974	646,612	716,623	718,382
St Malachys Kilclief	150,228	173,556	196,361	204,612
St Malachys Kilcoo	273,025	283,453	314,234	334,665
St Marks	1,415,013	1,431,595	1,460,581	1,446,418
St Marys Ardglass	197,459	229,513	254,161	269,298



<b>Primary School Name</b>	<b>Delegated Resources 2004/05 Excluding Carry-Over £</b>	<b>Delegated Resources 2005/06 Excluding Carry-Over £</b>	<b>Delegated Resources 2006/07 Excluding Carry-Over £</b>	<b>Delegated Resources 2007/08 Excluding Carry-Over £</b>
St Marys Ballygowan	88,393	92,343	92,227	25,783
St Marys Comber	104,460	114,956	126,117	142,684
St Marys Killyleagh	285,542	305,725	320,970	363,349
St Marys Kircubbin	320,880	321,119	363,448	365,307
St Marys Portaferry	535,066	560,510	588,254	615,875
St Marys Saintfield	194,049	199,046	226,374	233,576
St Nicholas	342,415	337,448	354,408	368,842
St Patricks Boys Downpatrick	661,260	768,748	812,485	801,517
St Patricks Ballynahinch	592,392	588,638	591,726	619,758
St Patricks Castlewellan	134,054	149,385	172,134	182,657
St Patricks Holywood	492,997	537,094	557,894	594,655
St Patricks Portaferry	223,036	239,584	248,369	276,836
St Patricks Saul	292,859	318,381	342,413	350,172
Our Lady Queen of Peace PS	487,155	595,637	746,654	868,233
St Marys PS Newcastle	873,372	954,133	894,603	950,717
St Ita's PS		363,411	732,826	896,008
Bunscoil Bheanna Boirche	150,315	157,908	165,409	181,190
All Childrens	439,450	459,361	470,994	510,084
Annsborough	136,958	155,875	164,365	176,509
Hilden	189,624	209,305	207,448	186,079
Portaferry	238,525	235,325	268,540	279,263
Bangor Central	995,888	1,137,857	1,246,822	1,337,229
Kircubbin Integrated Primary	302,604	306,066	305,225	299,755

<b>Post Primary School Name</b>	<b>Delegated Resources 2004/05 Excluding Carry-Over £</b>	<b>Delegated Resources 2005/06 Excluding Carry-Over £</b>	<b>Delegated Resources 2006/07 Excluding Carry-Over £</b>	<b>Delegated Resources 2007/08 Excluding Carry-Over £</b>
Comber HS	1,238,896	Closed	Closed	Closed
Nendrum College	0	1,288,930	1,365,106	1,474,404
Donaghadee HS	891,742	1,042,278	1,168,166	1,055,936
Dundonald HS	1,760,248	1,802,165	1,752,750	1,603,894
Dunmurry HS	1,110,618	1,223,819	1,294,153	1,399,459
Glastry College	1,954,765	2,067,310	2,216,355	2,306,995
Knockbreda HS	2,120,149	2,242,923	2,338,893	2,297,978
Laurelhill Community College	3,015,733	3,254,355	3,402,712	3,499,939
Lisnagarvey HS	1,325,657	1,433,689	1,469,158	1,431,623
Lisnasharragh HS	1,012,099	1,029,787	1,070,201	942,886
Movilla HS	2,640,279	2,652,219	2,491,002	2,420,797
Newtownbreda HS	2,637,780	2,835,498	2,875,252	2,810,166



Post Primary School Name	Delegated Resources 2004/05 Excluding Carry-Over £	Delegated Resources 2005/06 Excluding Carry-Over £	Delegated Resources 2006/07 Excluding Carry-Over £	Delegated Resources 2007/08 Excluding Carry-Over £
Saintfield HS	1,087,549	1,158,276	1,246,090	1,358,206
The High School Ballynahinch	1,238,137	1,304,452	1,392,499	1,466,211
Bangor Academy and 6th Form	4,919,629	5,170,324	5,217,425	5,127,571
De La Salle HS	1,426,430	1,469,950	1,552,228	1,539,101
St Colmans HS	1,539,168	1,578,260	1,461,809	1,351,574
St Colmcilles HS	1,467,593	1,555,774	1,630,866	1,713,329
St Colms HS	2,458,363	2,651,203	2,910,252	2,911,384
St Columbanus HS	1,566,472	1,697,921	1,883,041	2,006,504
St Columbas HS	1,108,805	1,197,319	1,195,939	1,192,223
St Malachys HS	3,111,869	3,486,898	3,709,456	3,804,712
St Marys HS	1,961,344	2,088,050	2,143,277	2,124,489
St Patricks HS	1,146,749	1,202,317	1,343,216	1,332,079
Down Academy	993,946	1,107,089	1,184,764	1,140,449
Fort Hill College	2,818,944	2,949,461	3,134,128	3,280,234
Priory College	1,466,890	1,691,250	1,802,952	1,719,963
Down HS	3,066,868	3,322,928	3,532,201	3,549,992
Glenlola Collegiate	3,557,495	3,832,656	3,991,825	4,098,890
Regent House	4,661,933	4,924,176	5,137,578	5,270,959

### Education and Skills Authority: Role and Remit

**Mr Weir** asked the Minister of Education what discussions her Department intends to have with local councils about the role and remit of the Education and Skills Authority. (AQW 3311/09)

**The Minister of Education:** Tá mo Roinn réidh le bheith ag plé le comhairlí áitiúla agus le NILGA ar pholasaí an Athbreithnithe ar Riarachán Poiblí san Oideachas, chomh maith le plé a dhéanamh ar ról agus sainchúram an Údaráis um Oideachas agus Scileanna.

My Department is ready to engage with local councils and NILGA on policy on the Review of Public Administration in education, and the role and remit of the Education and Skills Authority.

The Chief Executive Designate of ESA has had several meetings with Councils and is to meet with NILGA in the near future about the operation of the ESA.

### Education and Skills Authority: School Governor Selection

**Mr Weir** asked the Minister of Education to detail the procedures to select school governors under the proposed new Education and Skills Authority. (AQW 3315/09)

**The Minister of Education:** Ní shocrófar na nósanna imeachta um ghobharnóirí scoile a roghnú faoin Údarás nua um Oideachas agus Scileanna go dtí go bhfaomhann an Tionól an chéad Bhille Oideachais RPA.

The procedures for the selection of school governors under the new Education and Skills Authority will not be finalised until the first RPA Education Bill is approved by the Assembly.

The current proposals are that the transferors and trustees of grant-aided schools will continue to nominate representatives to Boards of Governors and these appointments will be confirmed by ESA after completion of the necessary vetting under child protection legislation. The exact arrangements for making these nominations



including the role that could be played by sectoral including church interests in bringing forward nominations is still under consideration.

The procedures for the recruitment and appointment of community governors to grant-aided schools will include public advertising to open up opportunities for service for all those in the community with an interest in making a positive contribution to education as a school governor. I am also open to consider the development of new procedures to enable local business and commerce to be involved in bringing forward candidates to act as school governors.

The procedures for the election of parent and teacher governors are handled at school level and detailed in the Department's circular 2005/20 on the DE website. This circular will be updated in due course to take account of the amendment proposed in the RPA Bill to enable part time teachers to participate in the procedures for the election of teacher governors.

### Post-Primary Transfer Test

**Mrs D Kelly** asked the Minister of Education what advice her Department is giving to primary school head teachers who have been asked by parents to prepare their children for the new post primary transfer test.

(AQW 3316/09)

**The Minister of Education:** Bíonn dualgas reachtúil ar bhunscoileanna an curaclam athbhreithnithe a sholáthar agus bíonn bunfhreagracht dhlíthiúil agus mhorálta orthu i leith a ndaltaí féin, gan aird ar aon bhrú a d'fhéadfaí a bheith orthu chun soláthairtí eile a dhéanamh.

Primary schools have a statutory duty to deliver the revised curriculum and have a legal and moral responsibility first and foremost towards their pupils, regardless of any pressure they may come under to make other provisions. No post-primary school can oblige a primary school to assist in the preparation of pupils for any particular feature of its admissions process.

My Department has issued 350,000 leaflets to schools across the North, providing details of the revised curriculum and associated assessment and reporting arrangements. These are going to every family which has a child in a primary or post-primary school.

### Teaching Vacancies: Lagan Valley

**Mr Craig** asked the Minister of Education how many teaching vacancies there are in each school in Lagan Valley.

(AQW 3322/09)

**The Minister of Education:** Bíonn eolas ar fholúntais múinteoirí á lorg ag an Roinn ó gach scoil dheontaschúnta ar bhonn bliantúil.

The Department seeks information on teacher vacancies from all grant-aided schools on an annual basis. The information provides a "snapshot" of vacancies at a specific date each year. The latest information available identifies vacancies at 2 November 2007, and details for the Lagan Valley constituency are set out below:

No. of vacancies still to be filled during the 2007/08 academic year at 2nd November 2007 in schools in the Lagan Valley Parliamentary Constituency					
	School Ref	Full-time, Permanent	Part-time, Permanent	Full-time, Temporary	Part-time, Temporary
St Joseph's Ps	4030897	0	2	0	0
Christ The Redeemer Ps	4036618	1	0	0	0
Rowandale Integrated Primary	4066682	1	0	0	1
Beechlawn Special School	4310008	0	0	1	0
Laurelhill Community College	4210201	0	1	0	0
Dromore High School	5210064	0	0	1	0

The Department is currently seeking data on teacher vacancies which exist at 3 November 2008.



### Primary Schools: Parental Choice

**Mr P J Bradley** asked the Minister of Education, pursuant to the answer to AQO 1269/09, what recognition does she give to the right of parents to choose the primary school for their children. (AQW 3325/09)

**The Minister of Education:** B'fhéidir gur mhian le tuismitheoirí a bpáiste a chur chuig scoil a rogha féin seachas an pháiste a chur chuig an scoil is oiriúnaí agus is congaraí dóibh.

Parents may wish to send their child to a school of their choice, rather than the nearest suitable school. However, the fact that parents may regard a school as unsuitable because of their views on some specific aspect does not render it an unsuitable school for the purposes of the school transport arrangements. As such, parents should understand that if they do not seek a place in all suitable schools within statutory walking distance of their home, then they will not be entitled to transport assistance to a more distant school.

### Grammar School Admissions: Moyle

**Mr McKay** asked the Minister of Education what percentage of children who sat their transfer test in 2007 from (i) Armoy; (ii) Glenshesk; (iii) Glendun; (iv) Glenarm; and (v) Glenariff areas of Moyle, were admitted to grammar schools. (AQW 3338/09)

**The Minister of Education:** Tá curtha in iúl ag Bord Oideachais agus Leabharlainne an Oirthuaiscirt (NEELB) don Roinn nach mbailítear eolas ar chéatadán na bpáistí a dhéanann an Teist Aistrithe miondealaithe de réir na gceantar geografach a iarradh.

The North Eastern Education and Library Board (NEELB) have advised the Department that they do not collect information on the percentage of children who sit the transfer test broken down by the geographical areas requested. The information is, however, available broken down by Primary Schools in the Board area, and the 2007 figures for the primary schools that serve the geographical areas listed are provided in the table below.

Primary School	% Pupils that Sat Transfer Test Admitted to Grammar School
Carniny	73%
St. Colmcille's	70%
Ballymena	74%
Camphill	42%
Ballykeel	40%
St Brigid's Ballymena	38%
Braidside Integrated	25%
Dunclug	27%
Harryville	8%
Ballee	0%
Seaview	89%
Braid	71%
Glenravel	72%
Gracehill	75%
St Mary's Cushendall	69%
St Joseph's Dunloy	72%
Fourtowns	66%
Broughshane	67%
Moorfields	63%
Buick	69%



Primary School	% Pupils that Sat Transfer Test Admitted to Grammar School
Longstone	57%
Carnaghts	52%
Glenann	71%
St John's Carnlough	75%
Kells and Connor	56%
Kirkinriola	50%
St Mary's Portglenone	58%
St Patrick's Glenariff	50%
St Mary's Cargan	46%
St Patrick's Rasharkin	58%
Millquarter	45%
Clough	47%
The Diamond	67%
Hazelbank	53%
Cloughmills	100%
St Brigid's Cloughmills	55%
Portglenone	50%
St Ciaran's	50%
Carnalbanagh	0%
Carnlough Int	0%
Rasharkin	0%
St Paul's Ahoghill	0%
Armoy	100%
Ballycastle	75%
Ballymoney Model	75%
Ballytober	60%
Balnamore	75%
Barnish	100%
Bunscoil an Chaistil	0%
Bushmills	67%
Bushvalley	56%
Carnalridge	73%
Carrowreagh	29%
Dunseverick	44%
Eden	50%
Garryduff	31%
Kilmoye	64%
Knockahollet	38%
Landhead	67%



Primary School	% Pupils that Sat Transfer Test Admitted to Grammar School
Leaney	94%
Lislagan	22%
Millstrand Int	62%
Portrush	95%
St. Anne's	64%
St. Brigid's	57%
St. Mary's	0%
St. Olcan's	0%
St Patrick's	29%
St Patrick's & St Brigid's	60%
St Patrick's	44%
Straidbilly	38%
William Pinkerton Memorial	0%

**Note:** Figures do not include pupils admitted to the grammar stream at Slemish College.

### Grammar School Admissions: Moyle

**Mr McKay** asked the Minister of Education what percentage of children who sat their transfer test in 2007 from (i) Bushmills; (ii) Dunseverick; (iii) Ballylough; (iv) Carnmoon; and (v) Mosside and Moyarget areas of Moyle, were admitted to grammar schools. (AQW 3339/09)

**The Minister of Education:** Tá curtha in iúl ag Bord Oideachais agus Leabharlaine an Oirthuaiscirt (NEELB) don Roinn nach mbailítear eolas ar chéatadán na bpáistí a dhéanann an Teist Aistrithe miondealaithe de réir na gceantar geografach a iarradh.

The North Eastern Education and Library Board (NEELB) have advised the Department that they do not collect information on the percentage of children who sit the transfer test broken down by the geographical areas requested. The information is, however, available broken down by Primary Schools in the Board area, and the 2007 figures for the primary schools that serve the geographical areas listed are provided in the table below.

Primary School	% Pupils that Sat Transfer Test Admitted to Grammar School
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Ballymena	74%
Camphill	42%
Ballykeel	40%
St Brigid's Ballymena	38%
Braidside Integrated	25%
Dunclug	27%
Harryville	8%
Ballee	0%
Seaview	89%
Braid	71%
Glenravel	72%



Primary School	% Pupils that Sat Transfer Test Admitted to Grammar School
Gracehill	75%
St Mary's Cushendall	69%
St Joseph's Dunloy	72%
Fourtowns	66%
Broughshane	67%
Moorfields	63%
Buick	69%
Longstone	57%
Carnaghts	52%
Glenann	71%
St John's Carnlough	75%
Kells and Connor	56%
Kirkinriola	50%
St Mary's Portglenone	58%
St Patrick's Glenariff	50%
St Mary's Cargan	46%
St Patrick's Rasharkin	58%
Millquarter	45%
Clough	47%
The Diamond	67%
Hazelbank	53%
Cloughmills	100%
St Brigid's Cloughmills	55%
Portglenone	50%
St Ciaran's	50%
Carnalbanagh	0%
Carnlough Int	0%
Rasharkin	0%
St Paul's Ahoghill	0%
Armoy	100%
Ballycastle	75%
Ballymoney Model	75%
Ballytober	60%
Balnamore	75%
Barnish	100%
Bunscoil an Chaistil	0%
Bushmills	67%
Bushvalley	56%
Carnalridge	73%



Primary School	% Pupils that Sat Transfer Test Admitted to Grammar School
Carrowreagh	29%
Dunseverick	44%
Eden	50%
Garryduff	31%
Kilmoye	64%
Knockahollet	38%
Landhead	67%
Leaney	94%
Lislagan	22%
Millstrand Int	62%
Portrush	95%
St. Anne's	64%
St. Brigid's	57%
St. Mary's	0%
St. Olcan's	0%
St Patrick's	29%
St Patrick's & St Brigid's	60%
St Patrick's	44%
Straidbilly	38%
William Pinkerton Memorial	0%

**Note:** Figures do not include pupils admitted to the grammar stream at Slemish College.

### Grammar School Admissions: Ballymena Area

**Mr McKay** asked the Minister of Education what percentage of children who sat their transfer test in 2007 from (i) Craigwarren; (ii) Glenravel; (iii) Broughshane; (iv) Slemish; and (v) Glenwherry areas in Ballymena, were admitted to grammar schools. (AQW 3341/09)

**The Minister of Education:** Tá curtha in iúl ag Bord Oideachais agus Leabharlainne an Oirthuaiscirt (NEELB) don Roinn nach mbailítear eolas ar chéatadán na bpáistí a dhéanann an Teist Aistrithe miondealaithe de réir na gceantar geografach a iarradh.

The North Eastern Education and Library Board (NEELB) have advised the Department that they do not collect information on the percentage of children who sit the transfer test broken down by the geographical areas requested. The information is, however, available broken down by Primary Schools in the Board area, and the 2007 figures for the primary schools that serve the geographical areas listed are provided in the table below.

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Camphill	42%
Ballykeel	40%
St Brigid's Ballymena	38%



Primary School	% Pupils that Sat Transfer Test Admitted to Grammar School
Braidside Integrated	25%
Dunclug	27%
Harryville	8%
Ballee	0%
Seaview	89%
Braid	71%
Glenravel	72%
Gracehill	75%
St Mary's Cushendall	69%
St Joseph's Dunloy	72%
Fourtowns	66%
Broughshane	67%
Moorfields	63%
Buick	69%
Longstone	57%
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Clough	47%
The Diamond	67%
Hazelbank	53%
Cloughmills	100%
St Brigid's Cloughmills	55%
Portglenone	50%
St Ciaran's	50%
Carnalbanagh	0%
Carnlough Int	0%
Rasharkin	0%
St Paul's Ahoghill	0%
Armoy	100%
Ballycastle	75%
Ballymoney Model	75%



Primary School	% Pupils that Sat Transfer Test Admitted to Grammar School
Ballytober	60%
Balnamore	75%
Barnish	100%
Bunscoil an Chaistil	0%
Bushmills	67%
Bushvalley	56%
Carnalridge	73%
Carrowreagh	29%
Dunseverick	44%
Eden	50%
Garryduff	31%
Kilmoyle	64%
Knockahollet	38%
Landhead	67%
Leaney	94%
Lislagan	22%
Millstrand Int	62%
Portrush	95%
St. Anne's	64%
St. Brigid's	57%
St. Mary's	0%
St. Olcan's	0%
St Patrick's	29%
St Patrick's & St Brigid's	60%
St Patrick's	44%
Straidbilly	38%
William Pinkerton Memorial	0%

**Note:** Figures do not include pupils admitted to the grammar stream at Slemish College.

### Grammar School Admissions: Moyle

**Mr McKay** asked the Minister of Education what percentage of children who sat their transfer test in 2007 from (i) Dalriada; (ii) Glentaisie; (iii) Knocklayd; (iv) Kinbane; and (v) Bonamany and Rathlin areas of Moyle, were admitted to grammar schools. (AQW 3342/09)

**The Minister of Education:** Tá curtha in iúl ag Bord Oideachais agus Leabharlainne an Oirthuaiscirt (NEELB) don Roinn nach mbailítear eolas ar chéatadán na bpáistí a dhéanann an Teist Aistrithe miondealaithe de réir na gceantar geografach a iarradh.

The North Eastern Education and Library Board (NEELB) have advised the Department that they do not collect information on the percentage of children who sit the transfer test broken down by the geographical areas requested. The information is, however, available broken down by Primary Schools in the Board area, and the 2007 figures for the primary schools that serve the geographical areas listed are provided in the table below.



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Cloughmills	100%
St Brigid's Cloughmills	55%
Portglenone	50%
St Ciaran's	50%
Carnalbanagh	0%



Primary School	% Pupils that Sat Transfer Test Admitted to Grammar School
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Rasharkin	0%
St Paul's Ahoghill	0%
Armoy	100%
Ballycastle	75%
Ballymoney Model	75%
Ballytober	60%
Balnamore	75%
Barnish	100%
Bunscoil an Chaistil	0%
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St Patrick's & St Brigid's	60%
St Patrick's	44%
Straidbilly	38%
William Pinkerton Memorial	0%

**Note:** Figures do not include pupils admitted to the grammar stream at Slemish College.

### Grammar School Admissions: Ballymoney Area

**Mr McKay** asked the Minister of Education what percentage of children who sat their transfer test in 2007 from (i) Benvardin; (ii) Dervock; (iii) Stranocum; (iv) Knockahollet; and (v) Ballyhoe and Corkey areas in Ballymoney, were admitted to grammar schools. (AQW 3344/09)



**The Minister of Education:** Tá curtha in iúl ag Bord Oideachais agus Leabharlainne an Oirthuaiscirt (NEELB) don Roinn nach mbailítear eolas ar chéatadán na bpáistí a dhéanann an Teist Aistrithe miondealaithe de réir na gceantar geografach a iarradh.

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Seaview	89%
Braid	71%
Glenravel	72%
Gracehill	75%
St Mary's Cushendall	69%
St Joseph's Dunloy	72%
Fourtowns	66%
Broughshane	67%
Moorfields	63%
Buick	69%
Longstone	57%
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Glenann	71%
St John's Carnlough	75%
Kells and Connor	56%
Kirkinriola	50%
St Mary's Portglenone	58%
St Patrick's Glenariff	50%
St Mary's Cargan	46%
St Patrick's Rasharkin	58%
Millquarter	45%
Clough	47%
The Diamond	67%
Hazelbank	53%



Primary School	% Pupils that Sat Transfer Test Admitted to Grammar School
Cloughmills	100%
St Brigid's Cloughmills	55%
Portglenone	50%
St Ciaran's	50%
Carnalbanagh	0%
Carnlough Int	0%
Rasharkin	0%
St Paul's Ahoghill	0%
Armoy	100%
Ballycastle	75%
Ballymoney Model	75%
Ballytober	60%
Balnamore	75%
Barnish	100%
Bunscoil an Chaistil	0%
Bushmills	67%
Bushvalley	56%
Carnalridge	73%
Carrowreagh	29%
Dunseverick	44%
Eden	50%
Garryduff	31%
Kilmoyle	64%
Knockahollet	38%
Landhead	67%
Leaney	94%
Lislagan	22%
Millstrand Int	62%
Portrush	95%
St. Anne's	64%
St. Brigid's	57%
St. Mary's	0%
St. Olcan's	0%
St Patrick's	29%
St Patrick's & St Brigid's	60%
St Patrick's	44%
Straidbilly	38%
William Pinkerton Memorial	0%

**Note:** Figures do not include pupils admitted to the grammar stream at Slemish College.



### Education Sector: Job Losses

**Lord Browne** asked the Minister of Education how many jobs will be lost in the education sector due to the proposed merger of the existing five Education and Library Boards. (AQW 3389/09)

**The Minister of Education:** Nuair a chruthófar an tÚdarás um Oideachas agus Scileanna ar 1 Eanáir 2010 tabharfar le chéile feidhmeanna tábhachtacha 12 comhlachas oideachais, mar atá na 5 Bord Oideachais agus Leabharlainne, Comhairle na Scoileanna Caitliceacha faoi Chothabháil, an Chomhairle Churaclaim Scrúdúcháin agus Mheasúnaithe, an Chomhairle Ógra, Staff Commission, an Roinn Oideachais, NICIE agus Comhairle na Gaelscolaíochta.

The creation of the Education and Skills Authority on 1 January 2010 will bring together the front-line functions of 12 education bodies, including the 5 Education and Library Boards, CCMS, CCEA, Youth Council, Staff Commission, DE, NICIE and CNaG. The key aim of the RPA in education is to improve education outcomes by creating a single organisation with the responsibility for raising standards in every school in every sector and with clear accountability to me and to the Assembly for doing so. This will be facilitated by streamlining administration and releasing resources for re-allocation to the classroom and frontline support services.

The Outline Business Case for ESA indicates that by the end of year 3 of ESA an additional £20m per annum will be released to directly support improved education outcomes and in subsequent phases I believe we can radically improve service delivery in a way which will release even further savings to enhance the quality of services available to schools and youth services. This will be achieved through a reduction of around 463 administrative and headquarter posts, with the main impact at senior and middle management levels. Data from the Education and Library Boards indicates that they currently employ 312 temporary/agency staff. I therefore expect that streamlining can be achieved through a combination of vacant posts, natural wastage and voluntary severance and that compulsory redundancies can be avoided.

### Breakfast Clubs

**Lord Browne** asked the Minister of Education what percentage of secondary schools have breakfast clubs. (AQW 3392/09)

**The Minister of Education:** Ní chruinnítear an t-eolas seo go rialta ó scoileanna.

This information is not routinely collected from schools.

However you will be aware my Department's Extended Schools programme provides a recognised funding stream for those schools operating in the most deprived and disadvantaged areas to provide for a wide range of services and activities outside of the traditional school day including breakfast clubs. In the 2007/08 Extended Schools programme, funding issued to 66 post-primary schools (5 selective and 61 non-selective). Of these, 28 (42%) indicated in their last annual report that they had operated a breakfast club during the 2007/8 school year.

### Grammar School Admissions: Ballymoney Area

**Mr McKay** asked the Minister of Education what percentage of children who sat the transfer test in 2007 from (i) Seacon; (ii) The Vow; (iii) Kiloquin Lower; (iv) Kiloquin Upper; (v) Dunloy; and (vi) Cloughmills areas in Ballymoney, were admitted to grammar schools. (AQW 3393/09)

**The Minister of Education:** Tá curtha in iúl ag Bord Oideachais agus Leabharlainne an Oirthuaiscirt (NEELB) don Roinn nach mbailíonn siad eolas ar chéatadán na bpáistí a dhéanann an teist aistrithe miondealaithe de réir na gceantar geografach a iarradh.

The North Eastern Education and Library Board (NEELB) have advised the Department that they do not collect information on the percentage of children who sit the transfer test broken down by the geographical areas requested. The information is, however, available broken down by Primary Schools in the Board area, and the 2007 figures for the primary schools that serve the geographical areas listed are provided in the table below.

Primary School	% Pupils that Sat Transfer Test Admitted to Grammar School
St Joseph's Dunloy	72%



Primary School	% Pupils that Sat Transfer Test Admitted to Grammar School
Clough	47%
Cloughmills	100%
St Brigid's Cloughmills	55%
Ballymoney Model	75%
Balnamore	75%
Carrowreagh	29%
Eden	50%
Garryduff	31%
Kilmoyle	64%
Knockahollet	38%
Landhead	67%
Leaney	94%
Lislagan	22%
St. Brigid's	57%
Straidbilly	38%

**Note:** Figures do not include pupils admitted to the grammar stream at Slemish College.

### Departmental Consultee List

**Mr McCausland** asked the Minister of Education if (i) Foras na Gaeilge; (ii) the Ulster-Scots Agency; (iii) Pobal; and (iv) the Ulster-Scots Language Society are included on the list of Departmental consultees.

(AQW 3421/09)

**The Minister of Education:** Tá roinnt liostaí comhairliúcháin ag mo Roinn, ag brath ar an réimse beartais agus ar na daioine aonair agus na grúpaí a d'fhéadfaí a mbeadh leas acu sna comhairliúcháin.

My Department has a number of consultation lists, depending on the policy area and the individuals or groups who may have an interest in the consultations.

The list used for consultation on equality matters includes the Ulster-Scots Agency, Pobal and the Ulster-Scots Language Society.

Foras na Gaeilge had been omitted from this list in error, but has now been added to it.

### School Maintenance Programme

**Mr Craig** asked the Minister of Education what action her Department is taking to address the backlog in the school maintenance programme for schools in the Lisburn and Dromore area.

(AQW 3427/09)

**The Minister of Education:** Is iad Boird Oideachais agus Leabharlainne an Oirdheiscirt agus an Deiscirt a bhíonn freagrach as cothabháil scoileanna rialaithe agus scoileanna faoi chothabháil i gceantar Lios na gCearrbhach agus Dhroim Mór.

The South Eastern and Southern Education and Library Boards have responsibility for the maintenance of controlled and maintained schools in the Lisburn and Dromore area. Whilst my Department determines the overall budget allocations for the Boards, it is for the Boards to determine, along with other services to be provided, how much funding they attribute to their maintenance budgets. My Department is also supportive of both Boards' bids for additional resources from the December monitoring round, to help address maintenance pressures in the current financial year.



### Teaching Posts: North Down

**Mr Weir** asked the Minister of Education, pursuant to the answer to AQW 2798/08, how many teaching posts are being filled by substitute or temporary teachers in (i) primary; and (ii) secondary schools, in the North Down constituency. (AQW 3444/09)

**The Minister of Education:** Tá an t-eolas a iarradh sa tábla seo thíos:

The information requested is detailed in the table below:

School Type	Daily Paid Temporary teachers	Hourly Paid Temporary Teachers	Total
Primary	140	27	167
Secondary	42	4	46
<b>Total</b>	<b>182</b>	<b>31</b>	<b>213</b>

### Primary School in Broughshane

**Mr McKay** asked the Minister of Education if there are any plans to provide a new primary school in Broughshane, Ballymena. (AQW 3447/09)

**The Minister of Education:** Tá tugtha le fios ag Bord Oideachais agus Leabharlainne an Oirthuaiscirt nach bhfuil pleananna ar bith acu le bunscoil nua athsholáthair a chur ar fáil i mBruach Sheáin.

The North Eastern Education and Library Board has advised that there are currently no plans to provide a new replacement primary school in Broughshane.

### Irish-Language Tutors

**Mr D Bradley** asked the Minister of Education how many Irish-Language tutors are available for primary schools in County Fermanagh, under the Primary Languages Project. (AQW 3463/09)

**The Minister of Education:** Dar leis an Ghrúpa Teangacha Bunscoile, a bhíonn ag comhordú soláthair an Chláir um Theangacha Bunscoile, bhí deacrachtaí móra acu teacht ar oidí Gaeilge i gceantar Fhear Manach agus mar sin de, go dtí seo, ní raibh siad ábalta oidi a chur ar fáil don chúig bhunscoil sa cheantar a bhí ag iarraidh Gaeilge a sholáthar tríd an Chlár.

The primary languages group, which is co-ordinating the delivery of the Primary Languages Programme, tells me that it has experienced real difficulties in recruiting Irish language tutors in the Fermanagh area and that, as a result, it has so far been unable to match tutors to the five primary schools in the area seeking to offer Irish via the Programme. I have impressed upon the group the need to take further action to close this gap in provision. Additionally, Foras na Gaeilge has also offered to do what it can to help encourage fluent Irish speakers to come forward to be considered as tutors. The Primary Languages Programme is an important and flourishing Programme and I am determined that we will do all that we can to match the demand from primary schools with suitable tutors able to deliver the Programme and foster in young people an interest in, and love for, learning another language.

### Classroom Assistants

**Mr K Robinson** asked the Minister of Education if she will bring forward proposals to standardise the terms and conditions of classroom assistants in all schools, regardless of sector. (AQW 3467/09)

**The Minister of Education:** The recent agreement on the outcome of the Job Evaluation was for Classroom Assistants for whom the Education and Library Boards are the employing authorities, and in this context this agreement does not have a direct read across to employees of other employing authorities. Any decision within grant-maintained integrated or voluntary grammar schools to implement rates of pay in line with the outcome of the Job Evaluation process in the Education and Library Boards in respect of particular categories of staff is a matter for individual schools' Board of Governors as employing authorities to consider within the constraints



of the total resources available to the school. I have however listened and taken on board concerns raised about this issue and to date have made bids for extra funding through the September and December monitoring rounds. Both bids have unfortunately been unsuccessful and I will resubmit my bid in February.

I should point out that the regrading of the 5 boards' Classroom Assistants was negotiated through the Joint Negotiating Council (JNC), which was established some years ago by the Staff Commission for Education and Library Boards as the negotiating machinery dealing with the pay and terms and conditions of non-teaching staff employed by the Education and Library Boards. The machinery includes management side representation from the 5 Education and Library Boards and from the 4 main unions representing the non-teaching staff. The machinery consists of: a. Joint Negotiating Council and Committees; and b. Executive Committee. The membership of the Joint Negotiating Council may not be extended to any other employing authorities.

Caithfear tabhairt faoi na nithe seo sa chomhthéacs gurb é an tÚdarás nua um Oideachas agus Scileanna atá freagrach as fostaíocht foirne neamh-mhúinteoireachta i gcás gach scoile deontaschúnta.

These matters will have to be addressed in the context of the new Education and Skills Authority having responsibility for the employment of non-teaching staff for all grant-aided schools.

### Translation Services

**Mr Storey** asked the Minister of Education if she is aware of the difficulties faced by playgroups that are required to pay for translation services from limited funds. (AQW 3502/09)

**The Minister of Education:** Tháinig méadú de 45% ar líon na ndaltaí ó thiortha eile inár scoileanna idir 2006 agus 2007 agus faoi mhí Dheireadh Fómhair 2007, bhí 5665 dalta ó thiortha eile inár mbunscoileanna, inár n-iarbhunscoileanna agus inár scoileanna speisialta.

The number of newcomer pupils in our schools increased by 45% between 2006 and 2007 and by October 2007 there were 5665 newcomer pupils in our primary, post primary and special schools. My Department does not collect data on newcomer children in pre-school provision. However, there are currently 112 newcomer children in government funded nursery schools and nursery classes within primary schools.

Playgroups need to communicate with newcomer parents and to do this they will wish to have key documents translated into various languages.

The priority for my Department has been to provide services to schools with newcomer pupils. It is for this reason that the Inclusion and Diversity Service (IDS) was set up as a regional service within the Education and Library Boards in April 2007, to strengthen and improve support to newcomer pupils and their parents, primarily working through schools. Part of its responsibilities include such services as interpreting and translating, an information website for newcomer parents and the provision of advice and guidance to schools via locally based Diversity Coordinators.

Due to the very rapid increase in the number of newcomer pupils, IDS has had to concentrate on the primary and the post primary sectors, as it is recognised that the needs of newcomer pupils are greater the older they are when entering the education system.

IDS provide an interpreting service to Department funded nursery schools and units for the following purposes: initial parent/teacher interviews; parent consultation interviews; critical incidents; and pastoral care issues. This service involves the provision of interpreters and is paid for by IDS.

Unfortunately, it has not been possible to provide direct support to community and voluntary playgroups, but a number of services which are accessible via the web, may be of some help to such groups.

Within the past year IDS has offered a translation of documents service, and access to many of these documents is now provided via a website. Schools have access to 10 generic school policies and a number of key letters translated into 15 languages for issue to parents in their own language. Whilst IDS is unable to fund interpreting and translation services for private and voluntary pre-school playgroups, I would encourage playgroups to utilise these generic documents, available on the following website [www.education-support.org.uk](http://www.education-support.org.uk), for example letters which concern parent/teacher meetings.

The Education Support website includes information about our education system in the north and community and volunteer playgroups could direct newcomer parents to the website as it will be of interest to them.



As part of the funding provided via the Common Funding Formula, schools receive an additional monetary payment for each full-time newcomer pupil in a nursery school/class. In 2008/09 this equates to £983 per pupil. Schools receive £491, again for 2008/09, for each part-time newcomer pupil in a nursery school/class. This funding is available only to government funded nursery schools and nursery classes within primary schools.

### Breakfast Clubs

**Mr Weir** asked the Minister of Education how many primary schools have breakfast clubs (i) in North Down; and (ii) in Northern Ireland. (AQW 3506/09)

**The Minister of Education:** Ní chruinnítear an t-eolas seo go rialta ó scoileanna.

This information is not routinely collected from schools.

However you will be aware my Department's Extended Schools programme provides a recognised funding stream for those schools operating in the most deprived and disadvantaged areas to provide for a wide range of services and activities outside of the traditional school day including breakfast clubs.

In the 2007/08 Extended Schools programme funding issued to 4 primary schools in the North Down parliamentary constituency area, all of which operated breakfast clubs as indicated in their annual reports for 2007/08.

A total of 321 primary schools across the north were funded in the 2007/08 Extended School programme. Of these, 125 schools (39%) indicated in their last annual report that they had operated a breakfast club during the 2007/08 school year.

### Lurgan College/Portadown College: Newbuild Accomodation

**Mr Gardiner** asked the Minister of Education, pursuant to the answer to AQW 2841/09, when the Southern Education and Library Board decided to make proposed changes, to the original recommended options for the new builds in both Lurgan College and Portadown College, were officially communicated to her Department. (AQW 3513/09)

**The Minister of Education:** Thug Bord Oideachais agus Leabharlainne an Deiscirt (SELB) breac-chuntas ar na hathruithe molta a bhain leis na bunscéimeanna caipitil formheasta fá choinne Lurgan College agus Portadown College do mo Roinn i mí Mheithimh agus i mí Aibreáin faoi seach.

Proposed changes to the original approved capital schemes for Lurgan and Portadown Colleges were outlined to my Department by the Southern Education and Library Board (SELB) in June and April 2007 respectively. The SELB advised that the Board and Lurgan College had decided it was important to retain a link with the existing listed building. In regard to Portadown College a new internal road layout meant that the capital scheme needed to be revisited. The changes as proposed necessitated revisions to the appraisals which were undertaken by the SELB. The Board and the department have been in contact on the work on both projects on a number of occasions. The latest revisions were received on 24 November 2008 for Portadown College and 10 November 2008 for Lurgan College. The appraisals need to be approved by the Department and the Department of Finance and Personnel. Subject to the appraisals satisfying the requirements it is anticipated that both schemes would be approved shortly.

### Lurgan College

**Mr Gardiner** asked the Minister of Education, pursuant to the answer to AQW 2841/09, when her Department received the revised appraisal for Lurgan College. (AQW 3514/09)

**The Minister of Education:** Thug Bord Oideachais agus Leabharlainne an Deiscirt (SELB) breac-chuntas ar na hathruithe molta a bhain leis na bunscéimeanna caipitil formheasta fá choinne Lurgan College agus Portadown College do mo Roinn i mí Mheithimh agus i mí Aibreáin faoi seach.

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### Neighbourhood Renewal

**Mr Durkan** asked the Minister of Education, pursuant to the answer to AQW 2000/09, for an update on the review of services for which her Department has responsibility under Neighbourhood Renewal, and when the findings will be made public. (AQW 3543/09)

**The Minister of Education:** Tá tuairisc críochnaithe anois ag m'oifigh de bhun athbhreithniú ar leithead na seirbhísí a d'aithin DSD go raibh mo Roinn freagrach astu.

My officials have now completed a report following a review of the breadth of services that DSD has identified as being the responsibility of my Department.

I have committed to meeting with Minister Ritchie to discuss the outcome of the assessment and gain agreement on the way forward. Following this meeting, the findings of the review will be made public.

### Education and Skills Authority

**Mr Durkan** asked the Minister of Education to detail, by constituency, where the reduction of 460 posts are anticipated to occur with the creation of the Education and Skills Authority. (AQW 3550/09)

**The Minister of Education:** Is é mar phríomhaidhm an RPA ná cúrsaí riaracháin a chuíchóiriú agus acmhainní a scaoileadh ionas gur féidir iad a leithdháileadh arís chuig seirbhísí duine le duine.

A key purpose of the RPA is to streamline administration and release resources for re-allocation to frontline services. The Outline Business Case for ESA indicates that by the end of year 3, an additional £20m per annum will be released to directly support improved education outcomes. This will be achieved through a reduction of around 463 administrative and headquarter posts, with the main impact at senior and middle management levels.

It is not possible at this time to say where, by constituency, those reductions will occur, as decisions on the location of services have not yet been taken. These decisions will be taken in line with Executive policy on the location of public sector jobs and will be informed by future Service Delivery Models which are presently being developed through an extensive programme of engagement with staff in the education sector.

### Early Years Strategy

**Mr P Ramsey** asked the Minister of Education if the development of communication skills will be addressed as a priority in the early years strategy under consideration. (AQW 3577/09)

**The Minister of Education:** Cé go mbeidh an straitéis ag amharc ar na tosca a chuireann chun cinn athléimneacht na bpáistí óga agus tugtar sainmhiniú ar 'athléimneacht' mar pháistí sláintiúla láidre, le scileanna cumarsáide acu agus iad ina bhfoghlaimoírí cruthaitheacha inniúla, ní mheastar go gcuirfidh an straitéis aon mholtaí ar leith san áireamh maidir le scileanna cumarsáide.

Whilst the strategy will be examining the factors that promote resilience in young children with resilience defined as healthy strong children, who are skilled communicators and creative competent learners, it is not anticipated the Strategy will specifically include any recommendations in relation to communication skills. This will be a matter for any action and implementation plan emanating from the Strategy to consider. At this stage recommendations from the Speech, Language and Communication Needs Report will be taken into consideration.



### Part-time Special Needs Teachers

**Mr Attwood** asked the Minister of Education if her Department plans to continue funding the full time SENCO and part time special needs teachers at St. Kieran's Primary School, Poleglass; and will she consider increasing provisions of these services in the school. (AQW 3590/09)

**The Minister of Education:** Go ginearálta, maoinítear costais na mball foirne múinteoireachta laistigh de scoil dheontaschúnta ón leithdháileadh a tugadh don scoil tríd an Fhoirmle Cónaoinithe (CFF).

The costs of teaching staff within a grant-aided school are generally funded from the allocation made available to the school through the Common Funding Formula (CFF). It is then a matter for the Trustees of the school to determine how resources are spent within the school. In addition to the CFF allocation, the Department allocates a small amount of earmarked monies to each grant-aided school to help the school administer the special educational needs (SEN) framework as set out in the SEN Code of Practice on the Identification and Assessment of Special Educational Needs. Further to this an Education and Library Board may provide funding to a school for SEN classroom assistance or additional teaching hours, as set out in an individual child's statement of SEN, but this is determined by the individual SEN provision required. The staffing levels required within St Kieran's Primary School, Poleglass, is therefore a matter for the Trustees of the school in conjunction with the Council for Catholic Maintained Schools (CCMS) and the South Eastern Education and Library Board in accordance with the needs of pupils enrolled in the school.

### Primary Schools in North Antrim

**Mr McKay** asked the Minister of Education to list the number of pupils that attended each primary school in North Antrim, ranked in order of size with the school with the most pupils coming first, in each of the last five years. (AQW 3625/09)

**The Minister of Education:** Tá an t-eolas a iarradh cuimsithe sna táblaí thíos.

The information requested is contained in the tables below.

#### PRIMARY SCHOOLS IN THE NORTH ANTRIM CONSTITUENCY – TOTAL ENROLMENT – 2004/05

School Name	Total enrolment
St Patrick's & St Brigid's Ps (Ballycastle)	441
Gracehill Ps	434
Buick Memorial Ps	387
Ballymena Ps	359
Braidside Integrated Ps	345
Camphill Ps	328
Ballymoney Ps	318
Broughshane Ps	312
Ballykeel Ps	309
Leaney Ps	306
St Joseph's Ps (Dunloy)	284
St Louis' Convent Ps	266
Carniny Ps	263
Fourtowns Ps	242
St Patrick's Ps (Rasharkin)	224
All Saints Ps	220
St Mary's Ps (Portglenone)	219



School Name	Total enrolment
St Mary's Ps (Cushendall)	211
Moorfields Ps	198
Kells & Connor Ps	192
St Patrick's Ps (Loughguile)	187
St Brigid's Ps (Ballymoney)	183
Portglenone Ps	174
Dalriada School	151
Bushvalley Ps	142
Dunclug Ps	141
Harryville Ps	133
Clough Ps	131
Bushmills Ps	131
St Patrick's Ps (Glenariff)	121
Glenravel Ps	117
The Diamond Ps	115
Kilmoye Ps	115
Dunseverick Ps	114
Carnaghts Ps	110
Millquarter Ps	103
Carrowreagh Ps	92
Lislagan Ps	92
Hazelbank Ps	91
Ballee Ps	87
Balnamore Ps	87
St Mary's Ps (Glenravel)	86
Barnish Ps	86
St Joseph's Ps (Doury Rd)	86
St Brigid's Ps (Cloughmills)	84
St Anne's Ps (Corky)	83
Ballycastle Ps	82
Eden Ps	81
Cloughmills Ps	80
Straidbilly Ps	78
St Ciaran's Ps (Cushendun)	77
Knockahollet Ps	76
Kirkinriola Ps	72
The Wm Pinkerton Memorial Ps	67
St Olcan's Ps (Armoy)	65
Garryduff Ps	62



School Name	Total enrolment
Armoy Ps	61
Longstone Ps	60
Rasharkin Ps	59
Landhead Ps	55
Glenann Ps	53
St Mary's Ps (Larne Rd, Ballymena)	53
Bunscoil An Chaistil	43
Braid Ps	28
Lisnamurrigan Ps	27
St Patrick's Ps (Aughtercloney)	26
St Joseph's Ps (Ahoghill)	24
St Mary's Ps (Rathlin)	3

**PRIMARY SCHOOLS IN THE NORTH ANTRIM CONSTITUENCY – TOTAL ENROLMENT – 2005/06**

School Name	Total enrolment
St Patrick's & St Brigid's Ps (Ballycastle)	447
Gracehill Ps	432
Buick Memorial Ps	389
Ballymena Ps	363
Braidside Integrated Ps	352
Camphill Ps	325
Ballykeel Ps	318
Ballymoney Ps	316
Leaney Ps	308
Broughshane Ps	296
St Louis' Convent Ps	292
St Joseph's Ps (Dunloy)	290
Carniny Ps	252
Fourtowns Ps	235
St Patrick's Ps (Rasharkin)	228
All Saints Ps	217
St Mary's Ps (Cushendall)	208
St Mary's Ps (Portglenone)	200
Moorfields Ps	193
St Patrick's Ps (Loughguile)	193
St Brigid's Ps (Ballymoney)	188
Kells & Connor Ps	187
Portglenone Ps	162
Bushvalley Ps	154
Dalriada School Prep. Dept.	146



School Name	Total enrolment
Harryville Ps	140
Clough Primary School	139
St Patrick's Ps (Glenariffe)	130
Dunseverick Ps	129
Dunclug Ps	126
Glenravel Ps	126
Kilmoyle Ps	124
Bushmills Ps	118
The Diamond Ps	114
Carnaghts Ps	108
Millquarter Ps	102
Hazelbank Ps	94
Barnish Ps	94
Lislagan Ps	93
Carrowreagh Ps	87
Balnamore Ps	87
Eden Ps	86
St Mary's Ps (Glenravel)	86
St Brigid's Ps (Cloughmills)	86
Ballee Ps	84
St Joseph's Ps (Doury Rd)	77
St Anne's Ps (Corky)	76
Cloughmills Ps	75
Straidbilly Ps	74
Kirkinriola Ps	72
Ballycastle Ps	72
St Ciaran's Ps (Cushendun)	69
Knockahollet Ps	66
The Wm Pinkerton Memorial Ps	65
Longstone Ps	64
Garryduff Ps	64
St Olcan's Ps (Armoy)	62
Landhead Ps	61
Bunscoil An Chaistil	61
Armoy Ps	59
Rasharkin Ps	59
St Mary's Ps (Ballymena)	49
Glenann Ps	46
Lisnamurrican Ps	31



School Name	Total enrolment
Braid Ps	28
St Patrick's Ps (Aughtercloney)	26
St Joseph's Ps (Ahoghill)	26
St Mary's Ps (Rathlin)	4

**PRIMARY SCHOOLS IN THE NORTH ANTRIM CONSTITUENCY – TOTAL ENROLMENT – 2006/07**

School Name	Total enrolment
Gracehill Ps	435
St Patrick's & St Brigid's Ps (Ballycastle)	410
Buick Memorial Ps	382
Ballymena Ps	368
Braidside Integrated Ps	343
Ballykeel Ps	322
Camphill Ps	322
Broughshane Ps	321
Ballymoney Ps	318
Leaney Ps	306
St Joseph's Ps (Dunloy)	292
St Louis' Convent Ps	284
Carniny Ps	252
Fourtowns Ps	228
St Patrick's Ps (Rasharkin)	219
Moorfields Ps	217
All Saints Ps	216
St Mary's Ps (Cushendall)	208
St Mary's Ps (Portglenone)	201
Kells & Connor Ps	194
St Brigid's Ps (Ballymoney)	194
St Patrick's Ps (Loughguile)	194
Portglenone Ps	150
Harryville Ps	148
Bushvalley Ps	147
Dalriada School Prep. Dept.	147
Clough Primary School	140
Glenravel Ps	131
Dunseverick Ps	128
Kilmoyle Ps	128
St Patrick's Ps (Glenariff)	125
Bushmills Ps	120
Dunclug Ps	115



School Name	Total enrolment
The Diamond Ps	114
Carnaghts Ps	109
Hazelbank Ps	105
Millquarter Ps	103
Ballycastle Ps	100
Lislagan Ps	94
Eden Ps	91
Balnamore Ps	90
Barnish Ps	89
St Mary's Ps (Glenravel)	87
St Brigid's Ps (Cloughmills)	83
Carrowreagh Ps	81
Kirkinriola Ps	78
Straidbilly Ps	78
The Wm Pinkerton Memorial Ps	73
Knockahollet Ps	73
St Anne's Ps (Corky)	73
St Joseph's Ps (Doury Rd)	73
Ballee Ps	71
Bunscoil An Chaistil	71
St Ciaran's Ps (Cushendun)	69
Garryduff Ps	63
Rasharkin Ps	63
Cloughmills Ps	63
Armoy Ps	57
Longstone Ps	56
Landhead Ps	55
St Olcan's Ps	55
Glenann Ps	48
St Mary's Ps (Ballymena)	45
St Patrick's Ps (Aughtercloney)	26
Braid Ps	24
St Joseph's Ps (Ahoghill)	17
St Mary's Ps (Rathlin)	4

**PRIMARY SCHOOLS IN THE NORTH ANTRIM CONSTITUENCY – TOTAL ENROLMENT – 2007/08**

School Name	Total enrolment
Gracehill Ps	439
St Patrick's & St Brigid's Ps (Ballycastle)	411
Buick Memorial Ps	375



School Name	Total enrolment
Ballymena Ps	360
Braidside Integrated Ps	357
Camphill Ps	352
St Colmcille's Ps	327
Leaney Ps	321
Ballykeel Ps	319
Broughshane Ps	315
St Brigid's Ps (Broughshane Rd)	308
St Joseph's Ps (Dunloy)	305
Ballymoney Ps	296
Carniny Ps	245
St Patrick's Ps (Rasharkin)	228
Fourtowns Ps	227
St Mary's Ps (Portglenone)	217
Moorfields Ps	216
St Mary's Ps (Cushendall)	200
St Brigid's Ps (Ballymoney)	194
St Patrick's Ps (Loughguile)	194
Kells & Connor Ps	186
Bushvalley Ps	156
Clough Primary School	152
Portglenone Ps	151
Dalriada School Prep. Dept.	146
Glenravel Ps	143
Dunseverick Ps	140
Kilmoyle Ps	132
Harryville Ps	129
Ballycastle Ps	125
Dunclug Ps	120
St Patrick's Ps (Glenariff)	120
The Diamond Ps	116
Millquarter Ps	115
Bushmills Ps	107
Carnaghts Ps	106
Hazelbank Ps	100
Lislagan Ps	94
Eden Ps	93
Barnish Ps	91
Kirkinriola Ps	89



School Name	Total enrolment
Balnamore Ps	89
St Brigid's Ps (Cloughmills)	88
Straidbilly Ps	87
Knockahollet Ps	81
St Mary's Ps (Glenravel)	78
Carrowreagh Ps	77
St Anne's Ps (Corky)	75
Bunscoil An Chaistil	75
The Wm Pinkerton Memorial Ps	73
Ballee Ps	73
St Ciaran's Ps (Cushendun)	66
Garryduff Ps	64
Rasharkin Ps	62
Longstone Ps	57
St Olcan's Ps (Armoy)	53
Glenann Ps	52
Armoy Ps	50
Landhead Ps	48
Cloughmills Ps	44
Braid Ps	23
St Joseph's Ps (Ahoghill)	18
St Patrick's Ps Aughercloney	5
St Mary's Ps (Rathlin)	4

## PRIMARY SCHOOLS IN THE NORTH ANTRIM CONSTITUENCY – TOTAL ENROLMENT – 2008/09

School Name	Total enrolment
Gracehill Ps	434
St Patrick's & St Brigid's Ps (Ballycastle)	411
Braidside Integrated Ps	371
Buick Memorial Ps	359
Camphill Ps	357
Ballymena Ps	336
St Colmcille's Ps	321
Ballykeel Ps	320
Leaney Ps	318
Broughshane Ps	313
St Brigid's Ps (Broughshane Rd)	311
St Joseph's Ps (Dunloy)	308
Carniny Ps	257
Ballymoney Ps	253



School Name	Total enrolment
Fourtowns Ps	219
Moorfields Ps	218
St Patrick's Ps (Rasharkin)	212
St Mary's Ps (Portglenone)	211
St Patrick's Ps (Loughguile)	195
St Brigid's Ps (Ballymoney)	188
St Mary's Ps (Cushendall)	187
Kells & Connor Ps	177
Clough Primary School	155
Bushvalley Ps	154
Dalriada School Prep. Dept.	144
Portglenone Ps	144
Glenravel Ps	143
Dunseverick Ps	141
Ballycastle Ps	129
Kilmoye Ps	126
Millquarter Ps	124
St Patrick's Ps (Glenariff)	122
The Diamond Ps	119
Harryville Ps	113
Dunclug Ps	108
Bushmills Ps	106
Kirkinriola Ps	99
Lislagan Ps	99
Hazelbank Ps	96
Balnamore Ps	93
Carnaghts Ps	92
Straidbilly Ps	86
Barnish Ps	85
Knockahollet Ps	84
Eden Ps	83
Carrowreagh Ps	81
Bunscoil An Chaistil	77
St Mary's Ps Glenravel	75
St Brigid's Ps (Clogh Mills)	74
The Wm Pinkerton Memorial Ps	72
St Anne's Ps (Corkey)	70
St Ciaran's Ps (Glendun)	65
Rasharkin Ps	63



School Name	Total enrolment
Ballee Ps	61
Garryduff Ps	59
Longstone Ps	58
Armoy Ps	53
St Olcan's Ps (Armoy)	49
Landhead Ps	46
Glenann Ps	45
Cloughmills Ps	40
St Paul's Ps (Ahoghill)	27
Braid Ps	18
St Mary's Ps (Rathlin)	4

**Source:** Annual school census

**Note:** Totals includes nursery, reception and year 1 – 7 classes.

### Glenravel Primary School

**Mr McKay** asked the Minister of Education how many pupils were enrolled at Glenravel Primary School in (i) 2005; (ii) 2006; (iii) 2007; and (iv) 2008. (AQW 3627/09)

**The Minister of Education:** Tá an t-eolas a iarradh sa tábla seo thíos.

The information requested is contained in the table below.

Glenravel Primary School – Total enrolment – 2005/06 – 2008/09

Year	Total enrolment
2005/06	126
2006/07	131
2007/08	143
2008/09	143

**Source:** Annual school census

### Glenravel Primary School

**Mr McKay** asked the Minister of Education if the Department will provide extra capacity at Glenravel Primary School before September 2009 to ensure that the school can accommodate rising numbers. (AQW 3628/09)

**The Minister of Education:** D'fhaomh an Roinn soláthar breise cóiríochta sealadaí ag an scoil le tabhairt faoin easnamh áiseanna ó thaobh oifige/seomra foirne/acmhainní de.

The Department has approved the provision of additional temporary accommodation at the school to address a shortfall in office/staffroom/resource facilities. The school has not applied for additional teaching accommodation but should one be submitted it will be considered by the Department. The Department will also consider the provision of additional temporary teaching accommodation for September 2009 as the enrolment at the school increases.



## Transport Policy

**Mr McKay** asked the Minister of Education if any of the Education and Library Boards approved exceptional cases that are not in line with their transport policy. (AQW 3629/09)

**The Minister of Education:** Is féidir liom a dheimhniú nár fhaomhadh aon chásanna eisceachtúla nach bhfuil clúdaithe sa pholasáí reatha maidir le cúrsaí iompair ó bhaile chuig scoil.

I can confirm that no exceptional cases have been approved that are outside of the current home to school transport policy. The Education and Library Boards may, however, consider applications for transport assistance in exceptional circumstances under the current school transport arrangements. This enables Boards to take account of non-standard issues such as road safety hazards. The Boards have advised that under the exceptional circumstances clause, 19 applications for transport assistance due to exceptional circumstances have been approved in the current academic year (2008/09).

## School Maintenance Programme

**Mr Craig** asked the Minister of Education for her assessment of the possible health and safety risks as a result of the backlog on the school maintenance programme for schools in Lisburn and Dromore. (AQW 3655/09)

**The Minister of Education:** Is iad Boird Oideachais agus Leabharlainne an Oirdheiscirt agus an Deiscirt a bhíonn freagrach as cothabháil scoileanna Rialaithe agus scoileanna faoi Chothabháil i gceantar Lios na gCearrbhach agus Dhroim Mór.

The South Eastern and Southern Education and Library Boards have responsibility for the maintenance of Controlled and Maintained schools in the Lisburn and Dromore area. The Boards carry out a rolling programme of condition surveys to identify maintenance requirements, with the highest priority being given to those that pose a health and safety risk. Additionally, possible health and safety issues are identified by regular site visits by Board officers and by school based staff. It is the Boards' policy to address health and safety issues as a matter of urgency.

## EMPLOYMENT AND LEARNING

### Belfast Metropolitan College

**Mr Newton** asked the Minister for Employment and Learning, pursuant to the answers to questions AQW 523/09 and AQW 1343/09, to detail the courses not being delivered at Belfast Metropolitan College, due to a lack of interest from prospective students, in this academic year. (AQW 3009/09)

**The Minister for Employment and Learning (Sir Reg Empey):** I have attached, at Annex A, a list of courses which are not being delivered in the current academic year by Belfast Metropolitan College, due to lack of student uptake.

The College has also informed me that a number of classes in Modern Languages and GCSE Maths and English have been amalgamated to ensure their viability.

#### ANNEX A

- Art – AS Level
- Geography – AS Level
- Irish - AS Level
- Law - AS Level
- Philosophy – AS Level
- Physics – AS Level
- Advanced Diploma in Health Promotion
- Applied Chemistry - HND
- Mechanical Engineering – Foundation Degree



- Product Design and Development – Foundation Degree

### Re-Integration of Former Prisoners

**Mr McKay** asked the Minister for Employment and Learning what is he doing to reduce barriers to employment and enhance re-integration of former political prisoners. (AQW 3071/09)

**The Minister for Employment and Learning:** A comprehensive range of services is available through my Department's network of 35 Jobs & Benefits offices and JobCentres and through contracted Providers to help the unemployed find work. These services include provision such as Progress2Work (NI) which is specifically targeted at ex-prisoners, those who are homeless and those with substance misuse/abuse issues, and will run until March 2010. The Pathways to Work programme is open to clients with health conditions or disability, including ex-prisoners. The Department has introduced a more flexible, menu-based, modular approach to provision, better tailored to the individual's needs, with a clear emphasis on increasing the participants' employability prospects. Through this new initiative, 'Steps to Work', the Department has extended the availability of provision to other groups not previously targeted, including ex-prisoners. In addition to these services the Department's Careers Service provides an all age Careers Information, Advice and Guidance service to adults and young people, including former political prisoners.

Furthermore, the Department's ApprenticeshipsNI provision is open to people of all ages who are in employment, or are about to take up employment, including ex-prisoners. Under this provision, people can work towards the achievement of industry-approved qualifications, as well as developing Essential Skills where required. Whilst this provision is not specifically designed to reduce barriers to employment, it is generally accepted that continuous professional development and occupational training can act as a significant step towards reintegration.

Local Further Education Colleges also offer a wide range of curriculum through their main campuses and community outreach centres, which are accessible to everyone. Courses include essential skills, professional and technical training, leisure and hobby activities and, tailored courses for students with learning difficulties or disabilities.

### Ex-Prisoner Groups

**Mr McKay** asked the Minister for Employment and Learning what ex-prisoner groups his Department has met with to discuss employment for former political prisoners. (AQW 3074/09)

**The Minister for Employment and Learning:** My Department has not met with any ex-prisoner groups to discuss employment for former political prisoners since devolution in May 2007.

### Apprentices

**Mr G Robinson** asked the Minister for Employment and Learning pursuant to the answer to AQW 2709/09, to list which major companies will be taking on apprentices who have been made redundant from their current employer. (AQW 3109/09)

**The Minister for Employment and Learning:** The Department has engaged with both the relevant Sector Skills Councils and Workforce Development Forums to begin identifying employers who will either "foster" apprentices who have been made redundant (i.e. take them on as additional employees), or provide work placements to allow apprentices to complete their NVQ training under the Steps to Work initiative.

I would emphasise that this work is ongoing and that contingency arrangements were only introduced on 1st December. It will require considerable coordination between the Department, Training Suppliers and employer organisations, to ensure that apprentices are appropriately matched to employers, according to geographical and occupational areas. It is likely, therefore, that a clearer picture will emerge over the next few weeks and into the New Year.

To date, however, the Department has received confirmation from Michelin that it will be prepared to facilitate work placements for 30 apprentices who have been made redundant. We also understand that NI Water and Phoenix Gas have been contacted by the appropriate Sector Skills Council in this regard, and that follow-up meetings are due to take place soon.



### Prader-Willi Syndrome Sufferers

**Mr Shannon** asked the the Minister for Employment and Learning if services and support such as residential provision, training and employment opportunities are available to Prader-Willi Syndrome sufferers.

(AQW 3127/09)

**The Minister for Employment and Learning:** The Department for Employment and Learning provides a wide range of training, pre-vocational and vocational provision to assist people with disabilities, including people with Prader-Willi Syndrome, to prepare for and to find and keep a suitable job. The provision includes: Training for Success; Apprenticeships NI; Workable (NI); Access to Work (NI); the Job Introduction Scheme; New Deal for Disabled People; Residential Training; Occupational Psychology services, and; within the Pathways to Work initiative the Condition Management Programme and the Work Preparation Programme. Appropriate supports are available to assist individuals, where required.

The provision can be accessed through the Department's Personal Adviser or Careers Adviser networks.

### UN Convention on the Rights of Persons with Disabilities

**Mr P Ramsey** asked the Minister for Employment and Learning what contribution his Department has made or will be making to the consultation by the UK Department of Work and Pensions on reservations to the UN Convention on the Rights of Persons with disabilities.

(AQW 3217/09)

**The Minister for Employment and Learning:** In December 2006, officials from the Department of Work and Pensions contacted officials in the Office of the First and Deputy First Minister (OFMDFM) about the UN Convention on the Rights of Persons with Disabilities (the Convention). OFMDFM assumed lead responsibility for progressing this issue and wrote to all Departments on 2 January 2007 requesting that they scrutinise their legislation, policies, practices and procedures to check their compatibility with the provisions of the Convention. This was to enable the UK Government to make an informed decision about the ratification of the Convention and to identify any need for reservations or interpretative declarations.

On the 26 September 2008, my Department was asked to confirm whether we had any difficulty with the areas of competency covered by the Convention and to confirm how we had arrived at our policy position. Officials concluded that, based on a working knowledge of the Department's policies, practices and legislation and our Departmental statutory duties and compliance with the Disability Discrimination Act 1995, as amended, and Section 75 of the Northern Ireland Act 1998, the Convention was unlikely to impose any additional requirements. We will, therefore, not be entering any reservations.

### Telephone Communication Masts

**Mr Hilditch** asked the Minister for Employment and Learning to detail the total revenue generated through his Department leasing its land or property to facilitate the erection of telephone communication masts.

(AQW 3261/09)

**The Minister for Employment and Learning:** My Department does not generate any revenue in relation to leasing land or property to facilitate the erection of telephone communication masts.

### Efficiency Savings

**Dr Farry** asked the Minister for Employment and Learning which policies and practices within his Department have been changed to deliver the 3% efficiency savings required under the Budget 2008-11. (AQW 3293/09)

**The Minister for Employment and Learning:** The Department has a target to deliver cash releasing efficiencies of £20.3 million, £40.1 million and £59.2 million respectively over the period 2008-09 to 2010-11.

Savings are being achieved through a range of measures including reducing departmental staffing complements and administration expenditure; setting more challenging targets for external organisations with a view to achieving the same with less and pursuing more efficient procurement methods in terms of capital expenditure.



### Further Education Awards System

**Mrs McGill** asked the Minister for Employment and Learning to detail the management of, and processes involved in, the further education awards system. (AQW 3350/09)

**The Minister for Employment and Learning:** Further Education Awards are funded by the Department for Employment and Learning, and administered by the Western Education and Library Board (WELB) on behalf of the five Education and Library Boards. In the 2008/09 academic year £3.25m is available for this purpose.

Full eligibility criteria and detail of how the Awards are managed are set out in the document “Further Education Awards 2008/09 - A Guide to Financial Support for Further Education” which is available on the WELB website at [www.welbni.org/uploads/File/A\\_guide\\_to\\_fin\\_support\(2\).pdf](http://www.welbni.org/uploads/File/A_guide_to_fin_support(2).pdf)

### European Charter on Minority Languages

**Mr Butler** asked the Minister for Employment and Learning to demonstrate how his Department and its arms length bodies, have applied, in practice, the European Charter on Minority Languages in relation to the Irish language. (AQW 3520/09)

**The Minister for Employment and Learning:** DEL fully recognises the importance of the use of Irish as an expression of cultural wealth and this is evidenced by the Codes of Courtesy in place for the conduct of business and efforts to date in relation to Irish, in particular in education and training. In recognising its responsibilities, after consultation with its delivery partners, DEL has contributed, in detail, to the compliance report that the UK is obliged to make to the Committee of Experts that oversees compliance with the articles of the European Charter on Regional and Minority Languages. Actions include:-

- Highlighting the provisions of the European Charter to organisations delivering Training for Success and ApprenticeshipsNI.
- Commissioning of research in the sphere of linguistic diversity marketing and administration within FE Colleges.
- A commitment to re-examining the language issue with a view to publishing a policy that will be available on the Department’s website.
- Making any printed document available in any language - the Department has in place a facility for replying to correspondents in their preferred language, e.g. Irish.. A range of key documents have already been translated into Irish and are available on the DEL website. Also, application forms for Student Support and Steps to Work promotional material are made available in Irish, and forms for Education Maintenance Allowance are available on the DEL website in Irish for 2008/09; .
- If a person presents to a Jobs and Benefits Office/JobCentre wishing to conduct business in Irish, arrangements can be made to commission an interpreter. Any requests to the Department’s “Helpline” would be dealt with in accordance with the Departmental Codes of Courtesy.
- Eligible Higher Education students from Northern Ireland who wish to be educated in the medium of Irish can attend courses in the Republic of Ireland and have their registration fees paid by DEL, provided they are designated under the Student Support Regulations.
- The two universities in Northern Ireland have facilities for studying Irish at undergraduate and postgraduate levels.
- DEL provides funding to St Mary’s University College for the additional costs involved in delivery of an Irish Medium Post-Graduate Certificate in Education.
- DE and DEL work jointly to take forward the further development of Irish Medium primary and post-primary Initial Teacher Education in the Higher Education Institutions.
- A module of the former Jobskills programme (now Training for Success) developed in Irish language jointly by Belfast Metropolitan College and Forbairt Feirste. This has now been made available for use across the FE sector, subject to demand.

Irish language provision in, for example, further and higher education is determined by the institutions themselves as autonomous bodies and a range of measures and provision is available in response to demand.



## Lone Parent Benefits

**Mr F McCann** asked the Minister for Employment and Learning how many focus advisors have been trained to deal with the proposed changes to incapacity and lone parent benefits. (AQW 3547/09)

**The Minister for Employment and Learning:** All of the Department for Employment and Learning's Pathways Personal Advisers are receiving training to deal with the change from Incapacity Benefit to Employment and Support Allowance. To date 135 Advisers and 31 Team Leaders have received the first element of training which deals with Employment and Support processes. Twenty-four Advisers, 23 Team Leaders and 24 Managers have received the second element of training which deals with clients Mental Health conditions and learning difficulties and is delivered by the Department's Occupational Psychology Service. The remainder of the Advisers will be trained in early part of 2009. It is expected that the changes to Lone Parent conditionality will result in Lone Parents claiming Jobseekers Allowance and these clients will be dealt with by the Department's existing Jobseekers Allowance Personal Advisers.

## Unemployment Numbers

**Mr McClarty** asked the Minister for Employment and Learning what plans his Department has to address rising unemployment numbers and significant job losses in the Coleraine area. (AQW 3554/09)

**The Minister for Employment and Learning:** A comprehensive range of services is available through my Department's network of 35 Jobs & Benefits Offices and JobCentres and with contracted Providers to help the unemployed find work, including those who have suffered as a result of recent job losses in Coleraine and elsewhere. The services include mandatory work-focused interviews, action planning for certain clients and a range of measures designed to improve their job prospects. Also, from 22nd December the Department's Steps to Work initiative will be rolled out in the Coleraine area. This will provide a more flexible approach to the use of adult return to work provision, and offer individual training assistance as appropriate following discussions with our Personal Adviser service.

My colleague the Minister of Enterprise, Trade and Investment has also confirmed that during the six year period 2002-03 to 2007-08, there were 595 offers of support made to Invest NI Clients in the East Londonderry Parliamentary Constituency area. This comprised assistance of just over £30m, which contributed towards a total planned investment of almost £98m. Some 50% of Invest NI assistance in the area related to locally-owned businesses (both existing and new starts). In addition, six inward investment projects were offered almost £12m of assistance, contributing towards projects planning to invest almost £35m and create 585 new jobs.

## University Fees

**Mr McClarty** asked the Minister for Employment and Learning what plans he has for a review of university fees and student support; and for his assessment of the issues to be highlighted as a result of this review. (AQW 3555/09)

**The Minister for Employment and Learning:** My plans have always been that an independent review of variable fees and student support arrangements will commence in this current academic year. The review is underway but at this stage I would not wish to pre-empt the issues that it might highlight. The review will look at three main areas:

- The impact of the current arrangements on higher education institutions
- The impact of the current arrangements on students and prospective students
- Future student support policy for Northern Ireland

## University Funds and Endowments

**Mr K Robinson** asked the Minister for Employment and Learning if he has made an assessment of the damage to funds and endowments of the two Universities during the present economic downturn and stock market crisis. (AQW 3576/09)



**The Minister for Employment and Learning:** I have not made an assessment of the damage to funds and endowments of the two Northern Ireland universities. As autonomous bodies both institutions are responsible for the management of their own financial affairs and funds.

However, under the terms of their Financial Memorandum with my Department, each University must ensure that it has a sound system of internal financial management and control in place. It is also required to plan and conduct its financial and academic affairs to ensure that it remains solvent. The Department must be notified of any event that has, or is likely to have, a material adverse impact on the financial position of the University, as soon as this becomes apparent. I can confirm that neither university has brought any such concerns to the attention of the Department during the present economic downturn.

In addition, the universities are required to submit annual accounts and other assurance documentation to the Department. This information is examined by the Higher Education Funding Council for England's (HEFCE) Assurance Service which then reports its findings to the Department. In the last such report, issued in February 2008, both universities were found to be 'not at higher risk'. A further report will issue in February 2009.

## ENTERPRISE, TRADE AND INVESTMENT

### Capital Projects

**Dr Farry** asked the Minister of Enterprise, Trade and Investment what actions her Department is taking to bring forward the delivery of capital projects, to help address the economic downturn. (AQW 3013/09)

**The Minister of Enterprise, Trade and Investment (Mrs A Foster):** The majority of DETI's Capital budget relates to the provision of grant funding by Invest NI to businesses in support of their Capital investment plans. Invest NI has been working closely with its client base to encourage the submission of such Capital investment proposals.

DETI and NITB have also been actively encouraging the progression of Capital investment in the Tourism, Energy and Telecoms sectors, and on 27 November 2008, DETI secured agreement for the Executive to offer up to £43.5million toward the £97million Titanic Quarter Limited proposal for a Titanic Signature project.

### Cultural Tourism Sector

**Mr McKay** asked the Minister of Enterprise, Trade and Investment for her assessment of Economusees/Economuseums including their potential to contribute to the cultural tourism sector and if she will support efforts to develop them. (AQW 3075/09)

**The Minister of Enterprise, Trade and Investment:** Northern Ireland Tourist Board (NITB) officials attended the launch of the first United Kingdom Economusees/Economuseums project in Ballymena on Monday 8th December 2008. Following this NITB will be able to assess its potential and how it can be integrated into the work NITB is doing with this sector.

Craft has been selected as one of the key products within NITB's product portfolio. NITB has established a collaborative relationship with Craft NI in order to help this sector respond to the opportunities offered by tourism. NITB sponsored two seminars for the craft sector in 2008, one focusing on the range of grants available and how to access them, and the other on the developing trend for creative tourism.

### Energy Bills

**Ms Ni Chuilín** asked the Minister of Enterprise, Trade and Investment what discussions she has had with energy providers on the potential of excluding V.A.T. from household energy bills. (AQW 3080/09)

**The Minister of Enterprise, Trade and Investment:** My Department has not engaged in discussions with any of the energy providers in Northern Ireland regarding the potential for excluding V.A.T. from household energy bills.



Taxation, including V.A.T., is a Reserved Matter for HM Treasury to determine and is therefore outside the remit of the devolved responsibilities of the Northern Ireland Assembly.

### Lending Practices

**Mr Poots** asked the Minister of Enterprise, Trade and Investment what meetings have taken place or been arranged with the banks to discuss their lending practices to businesses. (AQW 3085/09)

**The Minister of Enterprise, Trade and Investment:** I, along with the First and deputy First Ministers and the Minister for Finance and Personnel are due to meet with representatives of the four main banks in Northern Ireland on 16 December to explore the wider banking sector views on local business prospects for 2009 and discuss with the local banks their lending policies to consumers and businesses. This meeting is an opportunity to encourage the banks to avail of the recent funding measures for business announced by the Chancellor in his Pre-Budget Report.

Invest NI's senior management has engaged proactively with the main Northern Ireland banks – Ulster Bank, Northern Bank, First Trust and Bank of Ireland – to discuss how businesses can continue to access finance in the current economic environment. These meetings began last year when Invest NI identified that some of its client companies were beginning to face cash flow problems. More than 30 meetings have taken place so far, both at headquarters and regional levels, and many more are scheduled over the coming months.

Officials from DETI have also had discussions with local banks in relation to the development of an Enterprise Strategy, an important component of which will be access to finance.

A significant feature of these discussions has been how banks might make more use of the UK wide Small Firm Loan Guarantee Scheme, which has always been under-utilised in Northern Ireland. DETI and Invest NI will continue to work with the UK Department for Business, Enterprise and Regulatory Reform, the banks and businesses to ensure that Northern Ireland takes full advantage of the scheme.

### UN Convention on the Rights of Persons with Disabilities

**Mr P Ramsey** asked the Minister of Enterprise, Trade and Investment what preparations her Department has made for the implementation of the UN Convention on the Rights of Persons with Disabilities. (AQW 3192/09)

**The Minister of Enterprise, Trade and Investment:** In July 2007, DETI carried out an exercise to scrutinise all of its legislation, policies, practices and procedures to ensure that they were compatible with the provisions of the UN Convention on the Rights of Persons with Disabilities. In a further update in September 2008, DETI re-checked its position and confirmed that there were no areas of difficulty which would be likely to compromise the Department's ability to meet the requirements of the Convention.

### UN Convention on the Rights of Persons with Disabilities

**Mr P Ramsey** asked the Minister of Enterprise, Trade and Investment what contribution her Department has made or will be making to the consultation by the UK Department of Work and Pensions on reservations to the UN Convention on the Rights of Persons with disabilities. (AQW 3194/09)

**The Minister of Enterprise, Trade and Investment:** DETI undertook an exercise in July 2007 to scrutinize its legislation, policies, practices and procedures for compatibility with the provisions of the Convention. DETI did not identify any particular difficulties and did not raise any potential reservations to the Convention. This position was confirmed in a follow-up exercise in September 2008.

### Invest NI

**Dr Farry** asked the Minister of Enterprise, Trade and Investment to report on the impact of the economic downturn on the number of projects with which Invest NI is engaged. (AQW 3215/09)

**The Minister of Enterprise, Trade and Investment:** In the year to date, Invest NI activity has been encouraging when compared to that in recent years. Thus far, 1st April to 30th November 2008, it has approved offers of



financial assistance totalling £113 million to almost 1,400 projects. The comparable performance for the same period in 2007/08 was £56 million and 1,200 projects. Great care needs to be taken in interpreting this performance as it reflects a “lag” effect, as projects that have been in the pipeline for some time have been finalised, and also some evidence that clients are “banking” offers and preparing for a medium term economic upturn.

Invest NI anticipates that its PSA and Operating Plan activity targets for 2008/09 will largely be achieved. However, looking longer term, into 2009/10 and 2010/11, the early stage pipeline of projects from locally-owned and externally-owned clients, and prospective new Foreign Direct Investment clients, is not favourable. It shows a 45% reduction in project numbers compared to the same point in 2007/08.

This correlates to feedback received from the National Business Survey which shows a general deterioration in business confidence. As these projects would have been due to be delivered during 2009/10, this forecasted downturn is likely to have a negative impact on my Department’s ability to deliver its PSA targets.

Invest NI has also experienced a significant drop in the number of industrial land sites it has sold to its client companies to undertake development projects. At this stage last year, Invest NI had sold leases to client companies for 27 sites, and 2 factories. In the year to date, 4 sites have been sold. This is clear evidence that clients are at best delaying future investment projects.

The level of grant claims being processed by Invest NI each month is running at unprecedented levels. 255 claims per month are being processed compared to 233 in 2007/08 and 200 in 2006/07. This demonstrates clear evidence that Invest NI’s clients are being much more expeditious in submitting claims in order to assist in managing cash flow pressures. It is worth noting that Invest NI is responsive to the needs of its clients and on average clears claims for payment within 5 days after checking and approval.

On a more positive note, there has been an increase in those companies undertaking Research and Development, business improvement and cost reduction projects. Research & Development assistance offered has increased by 176% compared with the same point in 2007/08. Again, this is a clear sign that many Invest NI clients are moving to increase their competitiveness and position themselves to take advantage of any future economic upturn.

### Telephone Communication Masts

**Mr Hilditch** asked the Minister of Enterprise, Trade and Investment to detail the total revenue generated through her Department leasing its land or property to facilitate the erection of telephone communication masts. (AQW 3244/09)

**The Minister of Enterprise, Trade and Investment:** The Department has no leasing arrangements in respect of its land and property to facilitate the erection of telephone communications masts.

Invest NI has entered into a 10 year (minimum) agreement, commencing on 23 July 2008, with Orange Personal Communications Services Limited for the placement of a telecommunications equipment mast on an approximately 36 square metre plot at Springbank Industrial Estate, Poleglass.

This agreement generates rental income of £4,000.00 + VAT per annum.

### 3% Efficiency Savings

**Dr Farry** asked the Minister of Enterprise, Trade and Investment which policies and practices within her Department have been changed to deliver the 3% efficiency savings required under the Budget 2008-11. (AQW 3295/09)

**The Minister of Enterprise, Trade and Investment:** The 3% efficiency savings required under the Budget 2008-11 will be delivered through a 5% reduction year on year in DETI’s Administration budget and withdrawal from the electricity Contract Buy Out (CBO) Policy. Further details are set out in the Department’s Efficiency Delivery Programme at <http://www.detini.gov.uk/cgi-bin/downutildoc?id=2141>.

### Tourism Partnerships

**Mrs McGill** asked the Minister of Enterprise, Trade and Investment how much funding has each of the regional Tourism Partnerships received in 2008-09. (AQW 3349/09)



**The Minister of Enterprise, Trade and Investment:** NITB has established Service Level Agreements with the Regional Tourism Partnerships (RTPs) for 2008/09. Payments are made on the fulfilment of targets established within the Service Level Agreements.

To date the following funds have been released:

Causeway Coast and Glens RTP	ArmaghDown RTP	Belfast Visitor and Convention Bureau	Western RTP
£41,125	£41,125	£46,250	£ nil to date

The Western RTP Service Level Agreement was only signed recently and a payment claim is yet to be submitted.

NITB also administers International Fund for Ireland funding to RTPs. In 2008-09 the following payments were made:

Causeway Coast and Glens RTP	Armaghdown RTP	Belfast Visitor and Convention Bureau	Western RTP
£66,510	£94,581	£ nil to date	£ 27,185

### LEDU Retirement and Death Benefits Plan

**Mr Wells** asked the Minister of Enterprise, Trade and Investment for her assessment of the impact, of the decision to wind-up the LEDU retirement and death benefit plan, on existing pensioners receiving benefits from this pension scheme. (AQW 3363/09)

**The Minister of Enterprise, Trade and Investment:** Wind-up means that the Plan's assets will be used to secure members' benefit entitlements under the Plan through alternative pension arrangements. Once this is done, members will cease to have any entitlement to benefits under the Plan.

The wind up arrangements are as follows:

Benefits in respect of all pensioner members will be secured by means of immediate annuity policies with an insurance company. Similarly, benefits in respect of deferred members (i.e. any member who is not yet in receipt of a pension from the Plan) will be secured by means of deferred annuity policies with an insurance company.

On wind-up, the Trustees will purchase insurance policies in members' own names that will provide their full benefit entitlement, including any spouse's pension payable following their death and full pension increases on both their pension and their spouse's pension for the remainder of their lifetimes.

It is possible that the insurance policy cannot exactly replicate some of the more minor features of members' benefits. However, where this is the case, the Trustees will ensure that the benefit bought for individuals is at least of equivalent value to their benefit entitlement.

Deferred members have the right to transfer their benefits to an alternative pension arrangement, either with their current employer or a personal pension policy. This right applies prior to the Plan wind-up being completed and extends until the member actually retires and starts to draw their pension benefits.

### LEDU Retirement and Death Benefits Plan

**Mr Wells** asked the Minister of Enterprise, Trade and Investment to provide the names and contact details of the trustees of the LEDU retirement and death benefits plan. (AQW 3372/09)

**The Minister of Enterprise, Trade and Investment:** The names and contact details of the Trustees of the LEDU Retirement and Death Benefits Plan are:

Chairperson: Anna Cooper, c/o Departmental HR, Department of Enterprise, Trade and Investment, Netherleigh, Massey Avenue, Belfast BT4 2JP;

Member: Liam Hagan, c/o Invest Northern Ireland, Bedford Square, Bedford Street, Belfast, BT2 7ES; and



Member: Fiona White, c/o Department of Enterprise, Trade and Investment, Netherleigh, Massey Avenue, Belfast BT4 2JP.

### LEDU Retirement and Death Benefits Plan

**Mr Wells** asked the Minister of Enterprise, Trade and Investment to provide the reasons for the winding-up of the LEDU retirement and death benefits plan. (AQW 3373/09)

**The Minister of Enterprise, Trade and Investment:** LEDU ceased operating as a company on 31 March 2002 and, as a result, all employees ceased to earn benefits in the LEDU Retirement and Death Benefits Plan at that date. The rules of the Principal Civil Service Pension Scheme (NI) would only permit those employees who transferred to Invest Northern Ireland to transfer their benefits to the PCSPS(NI). As such, the possibility of transferring deferred members and pensioners to PCSPS(NI) was not an option.

A number of alternative options as to how the benefits payable to deferred and pensioner members (approximately 155) of the Plan may be secured was considered at the time. Having considered all of the potential options available, it was decided that the only viable option was for the Trustees to wind up the Plan. However, in view of the significant funding shortfall at the time (a position not uncommon in retirement plans) it was agreed that, rather than commencing wind up immediately, the winding up of the Plan should be deferred until such time as the necessary funds were available to secure members' benefits in full. Therefore on 1 April 2002, to ensure, in the interim, the continued provision of the benefits specified in the Plan, the Department, by Deed of Novation, assumed the liabilities of the Plan and roles/responsibilities as Principal Employer. At the same time, since none of the existing Trustees wished to continue in post, the Department appointed a Board of three Trustees to manage the scheme until wind up.

As the Principal Employer, in accordance with the Plan's rules, DETI is required to pay such contributions as the Trustees require to provide the benefits specified in the rules. Between 2003 and 2007, the Plan's investments have increased significantly as a result of good investment returns. In addition, over this period, the Department has provided the necessary additional funding to enable the Trustees to now secure members' benefit entitlements in full. Wind up would be achieved by purchasing insurance policies which would replicate the benefits provided under the Plan. The opinion of the Plan's actuary is that the current assets and investments will enable the members' benefit entitlement in full to be secured on wind up.

As the circumstances are now favourable to enable the Trustees to secure members benefits in full, the Trustees are undertaking the necessary preparatory tasks to enable the Scheme to be wound up.

### Northern Ireland Tourist Board

**Ms Anderson** asked the Minister of Enterprise, Trade and Investment how much money has been invested by the Northern Ireland Tourist Board, in each parliamentary constituency, in each of the past five years. (AQW 3430/09)

**The Minister of Enterprise, Trade and Investment:** The total financial assistance paid to tourism projects by the Northern Ireland Tourist Board in each of the last five financial years and the current year to date, broken down by parliamentary constituency is detailed in the table below.

#### PAYMENTS OF FINANCIAL ASSISTANCE TO ALL TOURISM PROJECTS BY CONSTITUENCY OVER THE PAST 5 YEARS AND DURING THE CURRENT YEAR TO DATE

Constituency	2003/2004	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009 to date	Total
Across all constituencies & cross-border	£2,562,807	£1,487,400	£1,199,553	£4,322,949	£161,738	£204,882	<b>£9,939,329</b>
Belfast East	£49,400	£10,000	£6,565		£444,510	£149,572	<b>£660,047</b>
Belfast North	£1,000	£4,500	£3,891			£62,138	<b>£71,529</b>
Belfast South		£13,314	£137,655	£252,643	£38,610	£44,144	<b>£486,366</b>



Constituency	2003/2004	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009 to date	Total
Belfast West	£20,000		£10,815		£60,065	£129,565	£220,445
East Antrim	£500			£14,474	£12,187		£27,161
East Londonderry	£77,030	£3,000	£2,272	£13,002	£210,316	£76,515	£382,135
Fermanagh & South Tyrone	£265,495	£75,592	£125,936	£144,372	£7,900	£188,194	£807,489
Foyle	£175,535	£99,498	£679,784	£1,730,323	£403,199	£720,414	£3,808,753
Lagan Valley	£2,021		£2,510	£11,380			£15,911
Mid Ulster	£20,790	£2,310	£3,974				£27,074
Newry & Armagh	£23,991	£7,000		£6,050	£32,541	£126,456	£196,038
North Antrim	£28,457	£14,709	£51,162	£74,209	£442,135		£610,672
North Down	£8,000		£3,266				£11,266
South Antrim							£0
South Down	£14,071	£29,801	£72,333	£141,988	£6,326	£6,639	£271,158
Strangford	£57,375		£1,887				£59,262
Upper Bann							£0
West Tyrone		£7,093				£26,746	£33,839
	£3,306,472	£1,754,217	£2,301,603	£6,711,390	£1,819,527	£1,735,265	£17,628,474

\* Across all constituencies and cross border relates to projects which straddle more than one Parliamentary Constituency

While the investment is shown on a Constituency basis the economic and tourism benefits that this brings have a much wider effect. For example, investment in the five Signature Projects will bring benefits across all of Northern Ireland.

In addition financial assistance has been committed to projects that were implemented over several Constituencies. These amounts have been shown separately.

### Irish in Public Life

**Mr Butler** asked the Minister of Enterprise, Trade and Investment to demonstrate how her Department, and its arms length bodies, have applied, in practice, the European Charter on Minority Languages in relation to the Irish language. (AQW 3460/09)

**The Minister of Enterprise, Trade and Investment:** In line with their obligations under the European Charter for Regional and Minority Languages, DETI and its NDPBs – Invest Northern Ireland, Northern Ireland Tourist Board, Consumer Council for Northern Ireland and Health and Safety Executive for Northern Ireland – have made the following provisions for people who wish to use Irish in public life:

To accept written correspondence in Irish. Such correspondence is translated into English through DCAL's central translation service and a response is issued in English. Interpreters can also be provided through the central translation service if required;

To accept telephone calls in Irish. To handle such calls, customers are referred to a central voice mail service operated by DCAL;

To respect the wishes of anyone who wishes to be known by the Irish version of his or her name, and to use an Irish street name, if legally adopted, when a customer wishes; and

To consider the translation of executive summaries of key publications into Irish upon request subject to cost.



### Tourism Ireland Offices

**Ms Purvis** asked the Minister of Enterprise, Trade and Investment to (i) outline the salary scales for posts in similar grades in Tourism Ireland's offices in (a) Coleraine; and (b) Dublin; and (ii) explain any significant inequalities in salaries between equivalent positions in the two offices. (AQW 3494/09)

**The Minister of Enterprise, Trade and Investment:** The salary scales for 2 posts in similar grades in Tourism Ireland Offices in Coleraine and Dublin are listed below.

#### GRADE E

	Dublin	Coleraine
Band Min	€53902	£30142
	€56229	£31393
	€58567	£32643
	€60935	£33893
	€63315	£35143
	€65702	£36080
	€68077	£37018
	€70465	£37643
	€72836	£38268
	€75213	£38893
	€77592	
	€79980	
	€82355	
	€84989	
	€87624	

#### GRADE D

	Dublin	Coleraine
Band Min	€45334	£24089
	€46846	£25008
	€48328	£25927
	€49824	£26845
	€51329	£27764
	€52849	£28453
	€54359	£29142
	€55868	£29601
	€57397	£30061
	€61083	£30520
	€63341	
	€65622	

Whilst the grades are similar in nature a direct comparison cannot be made and would be misleading.

Earlier this year, both Finance Ministers considered, at the request of NSMC, a case put by the Chief Executives of North/South Bodies which highlighted, inter alia, the differences in pay between their staff employed in Northern



Ireland whose pay is, in the main, linked to the Northern Ireland Civil Service and their staff in the Irish Republic whose pay is linked, in the main, to the Irish Civil Service.

The conclusion was that paying the going rate for the jurisdiction was the only defensible position. The main driver in this process is the national pay policy for the public sector in each jurisdiction. If there were harmonisation of the monetary value of salaries North and South, this would entail a sharp upward turn in the salaries of Northern Ireland staff, even if the salaries in the Irish Republic remained the same. In other words this cadre of staff in the bodies would be singled out to receive higher than the going rate for the public sector in Northern Ireland. Not only would this be invidious for the public sector at large in Northern Ireland but it would seem inequitable for those staff based in the Republic of Ireland who are expected, in these circumstances, to be satisfied with the going rate in that jurisdiction and nothing more.

### Northern Ireland Science Park

**Ms Anderson** asked the Minister of Enterprise, Trade and Investment if the Northern Ireland Science Park intends to create a linked development in Derry/Londonderry, as originally committed to when the Park was established in 1999. (AQW 3532/09)

**The Minister of Enterprise, Trade and Investment:** It has always been intended that Northern Ireland Science Park (NISP) would develop facilities outside Belfast, as outlined in the vision document: 'Towards a Prosperous Future' which stated that the main physical development of the Science Park would be in the Belfast area with linked sites in the North West. Experience would indicate that Science Parks usually need some two decades to establish a hub which is both financially and organisationally strong enough to sustain linked development investment.

NISP continues to keep the issue of expansion outside Belfast under review and is currently in discussion with a number of interested parties to explore options for a linked development in Londonderry, as per the original vision.

### Banks Lending Policies

**Mr Weir** asked the Minister of Enterprise, Trade and Investment what representations have been made by her Department to local banks to ensure that interest rate cuts are passed on to customers and support given to local businesses. (AQW 3613/09)

**The Minister of Enterprise, Trade and Investment:** Together with the First and deputy First Ministers and the Minister for Finance and Personnel I met the Chief Executives of the four main banks in Northern Ireland on 16 December 2008 to discuss the general state of the local financial sector and the banks' lending policies to consumers and businesses. In our discussions, we raised with banks recent cuts in interest rates as well as the liquidity pumped into the market, which should make a significant impact on the cost of borrowing for both householders and business.

Invest NI's senior management has engaged proactively with the main Northern Ireland banks to discuss how businesses can continue to access finance in the current economic environment. These meetings began last year when Invest NI identified that some of its client companies were beginning to face cash flow problems. More than 30 meetings have taken place so far, both at headquarters and regional levels, and many more are scheduled over the coming months.

### Invest NI

**Mr Doherty** asked the Minister of Enterprise, Trade and Investment to detail all requests made to Invest NI to make suitable land and/or premises available for (i) business start-up projects; (ii) business expansion projects; and (iii) inward investment projects in Strabane District Council area, in the last five years and how many projects have been accommodated. (AQW 3631/09)

**The Minister of Enterprise, Trade and Investment:** Invest NI holds land for the use of its client companies that have a supported business case and can demonstrate an immediate property need. It only records interests on its own sites.



A company must meet minimum turnover and export thresholds to become an Invest NI client and, accordingly many start-ups fall outside the Invest NI remit in their early years and come under the responsibility of the Local Enterprise Agencies. Requests for property needs from such companies are not recorded by Invest NI.

Invest NI's landholding in Strabane is at Orchard Road. In the last five years Frylite purchased a 1.8 acre site at Orchard Road. In addition to this local company, two inward investment projects were successfully brought to the estate. In November 2004, Allstate Northern Ireland established a presence on the estate and in January 2007, FabPlus added to their 4.9 acre landholding by acquiring an additional 3.6 acres.

Invest NI has identified a shortage of land for the needs of its clients in the Strabane District Council Area and, in its 2005 response to the West Tyrone Area Plan Issues Paper suggested that approximately 30 acres would be required for that demand in the medium term. It is currently in discussions with a number of landowners with a view to acquiring land in the town for its clients needs.

Invest NI records property search information by client rather than any geographic reference. As a result it cannot provide any data on the number of requests for any particular location. However, the organisation has 79 client companies operating in the Strabane District Council Area. Thirty-three of these companies currently have growth plans.

### Invest NI

**Mr Doherty** asked the Minister of Enterprise, Trade and Investment to detail the number and description of (i) business start-up projects; (ii) business expansion projects; and (iii) inward investment projects in Strabane District Council area, that has sought suitable land and/or premises from Invest NI, in the last five years that have been offered alternative land and/or premises instead for their projects in other Council districts. (AQW 3632/09)

**The Minister of Enterprise, Trade and Investment:** Invest NI holds land for the use of its client companies that have a supported business case and can demonstrate an immediate property need. It only records interests on its own sites.

A company must meet minimum turnover and export thresholds to become an Invest NI client and, accordingly many start-ups fall outside the Invest NI remit in their early years and come under the responsibility of the Local Enterprise Agencies. Requests for property needs from such companies are not recorded by Invest NI.

Invest NI holds 29.2 acres of land in the Strabane District Council Area. Most of this land is already developed and leased to Client companies leaving only 2.1 acres, at Orchard Road Industrial Estate, remaining for future industrial development. In recent years, as remaining Invest NI land has become scarcer, four locally owned client companies with expansion projects could not be accommodated within Orchard Road.

Of these, one has purchased premises in the Derry City Council Area and one has relocated elsewhere in the Strabane Council District whilst the other two projects have been delayed while these clients continue to seek land in Strabane. There are currently four interests recorded for a total of eight acres of land in Strabane.

Invest NI is unaware of any potential inward investment projects that have specifically wished to come to Strabane but were unable to because of a lack of property options.

Invest NI has identified a shortage of land for the needs of its clients in the Strabane District Council Area and, in its 2005 response to the West Tyrone Area Plan Issues Paper, suggested that approximately 30 acres would be required for that demand in the medium term. It is currently in discussion with a number of landowners with a view to acquiring land in the town for its clients needs.

Invest NI records property search information by client rather than any geographic reference. As a result it cannot provide any data on the number of requests for any particular location. However, the organisation has 79 client companies operating in the Strabane District Council Area. Thirty-three of these companies currently have growth plans.

### Business Projects: Strabane Area

**Mr Doherty** asked the Minister of Enterprise, Trade and Investment to detail the number and description of (i) business start-up projects; (ii) business expansion projects; and (iii) inward investment projects in Strabane District Council area, in the last five years. (AQW 3634/09)



**The Minister of Enterprise, Trade and Investment:** Although the request relates to the last 5 years, information is more readily available for the 6 year period since the inception of Invest NI. Details are provided as follows:

- (i) **Business Start Up Projects:** Invest NI made 439 offers to support the formation of new businesses in the Strabane District Council area over the last six years.
- (ii) **Business Expansion Projects:** Invest NI made 54 offers to existing locally-owned businesses in the Strabane District Council area through a range of schemes and programmes to help expand their operations. In addition, Invest NI also offered support to 123 specific business innovation activities (12 externally-owned and 111 locally-owned) including R&D, trade development, training, and technology and process development projects.
- (iii) **Inward Investment Projects:** Support was offered to 9 inward investment projects in the Strabane District Council area, including 3 new and 6 reinvestment projects.

### **Lagan Valley: Potential Investors**

**Mr Craig** asked the Minister of Enterprise, Trade and Investment how many potential investors have visited the Lagan Valley constituency in the last two years; and what future visits are planned by potential investors.

(AQW 3656/09)

**The Minister of Enterprise, Trade and Investment:** One potential investor visited Lagan Valley constituency between 1st April 2006 and 31st March 2008.

To date the number of inward visits by potential investors to Northern Ireland is significantly higher than this time last year however, in order not to prejudice commercial interests and to protect the confidentiality of potential investors, Invest Northern Ireland is unable to release details of further visits.

## **ENVIRONMENT**

### **Permeable Paving**

**Mr Ross** asked the Minister of the Environment for his assessment of permeable paving; and what plans he has to introduce legislation that requires this type of paving to be used on developments on existing flood plains.

(AQW 2972/09)

**The Minister of the Environment (Mr S Wilson):** Permeable paving is intended to reduce storm water flows and assist the infiltration of water into the ground. While it may assist in reducing the risk of flooding in some circumstances, current UK construction industry guidance and advice is that such products should not be used in flood plains as their operation will be compromised in a flood event.

Beyond flood plains the use of permeable paving may however help control storm water flows where its use is not constrained by limited soil permeability and ground water quality concerns.

My officials are currently preparing an addendum to PPS 7 Quality Residential Developments for public consultation. This work will include consideration of enhanced use of permeable paving and other sustainable drainage techniques specifically in new housing developments. In addition the Northern Ireland Environment Agency will be issuing a consultation document early in 2009 on the use of sustainable drainage systems in Northern Ireland.

My Department is also engaged in a review of householder permitted development rights which will consider the use of permeable surfaces. Public consultation on this matter will also take place during 2009.



## Planning Service

**Mr K Robinson** asked the Minister of the Environment (i) when the 'Area of Character' study of the Sandy Bay/ Larne Harbour will be finalised; and (ii) how much weight the study will be afforded by the Planning Service when making its assessment of applications. (AQW 3019/09)

**The Minister of the Environment:** Due to competing work priorities and resource problems, members of staff of the Antrim, Ballymena and Larne (ABL) Area Plan 2016 team, whose duties include the preparation of the Sandy Bay and Larne Harbour Character Study, have been redeployed, within Ballymena Divisional Planning Office, to assist the Magherafelt Area Plan 2015 to reach the Independent Examination stage of the area plan process. As a consequence, work on the study has ceased and it is difficult at present to provide a definitive date for finalisation of the study. I do however assure you that you will be advised by my Department of any change in these circumstances as soon as it is practicable to do so.

The study, when completed, would be only one of a number of material considerations, including other prevailing planning policies, which will be considered by the Department in determining development proposals in the Sandy Bay/Larne Harbour Area.

## Northern Ireland Environment Agency

**Mr P J Bradley** asked the Minister of the Environment what assessment he has made of the initial threat to the environment caused by the materials used in the 11 July bonfire at the Rathfriland Road/Glenvale Road junction outside Newry, and the continued impact this is having. (AQW 3046/09)

**The Minister of the Environment:** The Northern Ireland Environment Agency (NIEA) will investigate bonfires when commercial waste (most frequently tyres) is reported to have been used. This particular bonfire was not reported to the Agency and as a consequence was not investigated. It is not therefore possible to comment on the environmental threat, or the continued impact, from the materials used. In cases where the dumping of commercial waste is reported, NIEA will seek to find the source and take enforcement measures against the business or businesses concerned.

## Deer Poaching

**Mr Elliott** asked the Minister of the Environment what he is doing to tackle the rise in deer poaching. (AQW 3049/09)

**The Minister of the Environment:** Deer poaching is a criminal offence under the Wildlife (Northern Ireland) Order 1985.

The investigation and prosecution of any offences of this nature are the responsibility of the PSNI.

When requested, the Northern Ireland Environment Agency works closely with the PSNI Wildlife Liaison officer and advises on deer ecology and wildlife law.

## Parking Laws

**Mr Easton** asked the Minister of the Environment if cars with trade registration plates may park on public footpaths. (AQW 3051/09)

**The Minister of the Environment:** Trade licences can be used by motor traders, testers and others for specifically limited purposes such as testing, delivery and demonstration. Section 12 of the Vehicle Excise and Registration Act 1994 specifically states that a trade licence does not entitle the holder to keep (that is to say, to park) any vehicle on a road if it is not being used on the road. A trade licence does not, of course, give any exemption to ordinary parking laws.



## Signage at Road Works

**Mr P Ramsey** asked the Minister of the Environment to outline the role of his Department in the enforcement of effective signage at road works. (AQW 3099/09)

**The Minister of the Environment:** Enforcement of effective signage at road works is the responsibility of the Police Service of Northern Ireland. My Department has no role in this matter.

## Capital Projects

**Dr Farry** asked the Minister of the Environment what actions his Department is taking to bring forward the delivery of capital projects to help redress the economic downturn. (AQW 3105/09)

**The Minister of the Environment:** The Strategic Waste Infrastructure Fund (SWIF) is available to the three Waste Management Groups (arc21, the Southern Waste Management Partnership2008 and the North West Region Waste Management Group) to assist local government with the significant costs of delivering the new waste infrastructure required to meet the landfill diversion targets in the EU Landfill Directive (1999/31/EC).

SWIF will provide up to £200m or 50% of the cost of the capital investment for Northern Ireland as a whole, whichever is the lower. This will reduce the impact of the cost to ratepayers of providing the new residual waste services.

The procurement of the strategic waste infrastructure is a local government responsibility and is being taken forward through the Waste Management Groups. The competitive procurement process is already underway in the arc21 region and due to commence in the near future in the NWRWMG and SWaMP2008. Given the pace of delivery which the Waste Management Groups are already achieving it is not possible to bring forward these procurements. However, the existing capital expenditure profile for these projects already anticipates £75.2m of capital investment over the next 3 years, with the potential to create and support a significant number of construction and engineering jobs.

## Cycling Proficiency Scheme

**Mr Beggs** asked the Minister of the Environment if his Department plans to develop the Cycling Proficiency Scheme to provide a higher level of on road cycle training, and will he support the Department of Regional Development's efforts to encourage more children to cycle to school. (AQW 3137/09)

**The Minister of the Environment:** Although I recognise that environmental, public health and wider transport considerations are relevant to this issue, my Department's responsibility in this area, and its statutory responsibility, is primarily for road safety. The main purpose of the Cycling Proficiency Scheme is to instil good road user attitudes and behaviours from an early age with the ultimate aim of reducing road traffic casualties.

The current Cycling Proficiency Scheme is well established, with 596 primary schools participating in 2007 and with almost 8,000 children passing the test. The number of schools involved in the scheme has also been growing. On-road training is offered to all primary schools participating in the Cycling Proficiency Scheme.

Cycling casualties have been falling for a number of years. Figures for the period up to 4 December 2008 show that two pedal cyclists have been killed so far this year compared with two for the same period in 2007 and none in 2006. There have been no child cyclist fatalities since 2005. Over the last three years, on average, 10 children have been seriously injured on bikes. This represents a reduction of over 64% on the average of 28 for the baseline period of 1996-2000. The figures suggest that while there is no room for complacency, and while efforts to drive the figures down even further must continue, the existing strategy is working.

Since proper training should help children to have the confidence to cycle to school, and encourage parents to allow them to do so, my Department's efforts should therefore complement those of the Department for Regional Development.



## Environment Liability Directive

**Mr B Wilson** asked the Minister of the Environment what progress his Department has made in implementing the Environment Liability Directive (2204/35/EC). (AQW 3159/09)

**The Minister of the Environment:** My Department is finalising draft Regulations to implement the Environmental Liability Directive (2004/35/EC) and aims to issue a public consultation on the draft Regulations, Guidance and partial Regulatory Impact Assessment early in 2009.

## Domestic Glass Recycling

**Mr McKay** asked the Minister of the Environment for his plans to increase domestic recycling of glass. (AQW 3171/09)

**The Minister of the Environment:** District Councils are the statutory authorities in Northern Ireland with responsibility for providing suitable receptacles and for collecting controlled wastes in their districts. Currently there are 8 District Councils who operate the “box” facility which collects domestic glass at the kerbside, whilst the remaining 18 Councils operate the “blue bin” facility which does not collect domestic glass. However, in these Council areas domestic glass can be taken to a local civic amenity site operated by the relevant District Council or a bring site such as those found at supermarket car parks. In 2007/8, 19,595 tonnes of waste glass were collected for recycling, a 21.9% increase from the previous year.

## Landfill Allowances Scheme

**Mr McKay** asked the Minister of the Environment to outline the difficulties that each District Council faces in meeting targets set by the Northern Ireland Landfill Allowance Scheme. (AQW 3172/09)

**The Minister of the Environment:** The main difficulty that District Councils face in meeting targets set by the Northern Ireland Landfill Allowances Scheme (NILAS) is the lack of waste infrastructure to facilitate compliance with Landfill Directive targets. This difficulty is compounded by political opposition to the use of some technologies, such as energy from waste plants, and the significant costs associated with the scale of the overall infrastructure procurement required. The Executive has made a capital grant of £196.9m available for waste management infrastructure, which will help alleviate the cost to Northern Ireland ratepayers generally of compliance with EU landfill diversion targets.

## Waste Issues

**Mr McKay** asked the Minister of the Environment what his Department is doing to address waste issues and prevent the growth of waste. (AQW 3173/09)

**The Minister of the Environment:** Waste management is a top priority for my Department in protecting and enhancing Northern Ireland’s environment. A key action under the Programme for Government is to implement the Waste Management Strategy to ensure that we meet the requirements of the European Commission in terms of reducing waste.

My Department has been active in a number of areas in supporting and taking forward the challenges that face Northern Ireland on waste. Together with the Strategic Investment Board we established the Programme Delivery Support Unit to provide planning, procurement and communication support to the three waste management groups. We have also established governance arrangements to oversee the implementation of the current Waste Management Strategy.

In January 2008 the Executive approved £200m of capital funding for the Waste Infrastructure Programme and we are working with the three Waste Management Groups to use this money to reduce the burden on ratepayers as far as possible.

In addition to the important work already under way in relation to the Waste Infrastructure Programme we are also beginning to move forward with work on other critical strands of the Waste Management Strategy including Learning & Communications and Waste Prevention. This will help to bring about a fundamental change in



our attitude and behaviour towards waste, how we can prevent it, recycle it and dispose of it in ways that are environmentally responsible and economically sensible.

I appreciate that much good work is already taking place within Councils and through organisations such as Bryson House for example to encourage behaviour change to reduce waste going to landfill. However, I know that more needs to be done and I am determined to ensure that we, through our ongoing programme to implement the Waste Management Strategy, will bring about significant reductions in waste in Northern Ireland.

### Penalty Points

**Mr Dallat** asked the Minister of the Environment to detail the number of motorists who have had their licences endorsed with penalty points over the last five years. (AQW 3176/09)

**The Minister of the Environment:** The attached table indicates the number of individual motorists who have had their licences endorsed by the Fixed Penalty Office, as the result of a fixed penalty notice, and following prosecution in Northern Ireland courts.

TABLE

	Fixed Penalty Office	Court	Total
2004	21,413	6,581	27,994
2005	22,599	5,930	28,529
2006	21,875	6,519	28,394
2007	31,798	7,531	39,329
2008	32,291	2,079*	34,370

\* January to September 2008

### UN Convention on the Rights of Persons with Disabilities

**Mr P Ramsey** asked the Minister of the Environment what preparations his Department has made for the implementation of the UN Convention on the Rights of Persons with Disabilities. (AQW 3193/09)

**The Minister of the Environment:** Since January 2007, officials within OFMDFM have taken the lead in preparing for implementation here of the UN Convention on the Rights of Persons with Disabilities (the Convention). These preparations have included asking Departments to scrutinise their legislation, policies, practices and procedures to check their compatibility with the provisions of the Convention and to confirm whether they had any difficulty with the areas of competency covered by the Convention and to confirm how they had arrived at their policy position.

My officials concluded that, based on a working knowledge of my Department's policies, practices and legislation and the Department's statutory duties and compliance with the Disability Discrimination Act 1995, as amended, and Section 75 of the Northern Ireland Act 1998, the Convention was unlikely to impose any additional requirements.

Officials in OFMDFM are intending to organise an event, in conjunction with Disability Action and the Office of Disability Issues (which is within the Department of Work and Pensions), early in the New Year to discuss the Convention with interested parties. Officials from my Department will attend that event and will continue to ensure that my Department is fully informed of progress on the implementation of the Convention.

### UN Convention on the Rights of Persons with Disabilities

**Mr P Ramsey** asked the Minister of the Environment what contribution his Department has made or will be making to the consultation by the UK Department of Work and Pensions on reservations to the UN Convention on the Rights of Persons with disabilities. (AQW 3195/09)

**The Minister of the Environment:** In December 2006, officials from the Department of Work and Pensions contacted OFMDFM officials about the UN Convention on the Rights of Persons with Disabilities (the Convention).



OFMDFM which had assumed lead responsibility for progressing this issue, wrote to Departments on 2 January 2007 to ask them to scrutinise their legislation, policies, practices and procedures to check their compatibility with the provisions of the Convention. This was to enable the UK Government to make an informed decision about the ratification of the Convention and to identify any need for reservations or interpretative declarations.

Further, on 26 September 2008 Departments were asked to confirm whether they had any difficulty with the areas of competency covered by the Convention and to confirm how they had arrived at their policy position. My officials, in common with those in other Departments, concluded that, based on a working knowledge of my Department's policies, practices and legislation and the Department's statutory duties and compliance with the Disability Discrimination Act 1995, as amended, and Section 75 of the Northern Ireland Act 1998, the Convention was unlikely to impose any additional requirements.

### Ulster Farm By-Products

**Mr Burns** asked the Minister of the Environment, pursuant to the answer to AQW 2537/09, who is responsible for the enforcement of legislation on offensive odours emanating from transport vehicles travelling to, and from, the Ulster Farm By-Products site. (AQW 3197/09)

**The Minister of the Environment:** The Department of Agriculture and Rural Development is responsible for enforcement of the Animal By-Products Regulations (NI) 2003. These require vehicles and containers used to transport animal by-products to be covered, leak proof and clean before use. They also require material to be disposed of without undue delay. These measures are designed to protect public and animal health and while they will not eliminate odours, they may have an indirect impact on reducing them.

### Review of Public Administration

**Mr Brady** asked the Minister of the Environment (i) how many staff are employed by the Boundary Commission; and (ii) how much funding was set aside for the completion of the work in regard to the Review of Public Administration. (AQW 3198/09)

**The Minister of the Environment:**

- (i) The Local Government Boundaries Commissioner is supported by a Secretary, 3 full time secretariat staff and one temporary administrative officer;  
  
Professional staff from Land and Property Services provide technical support in delineating the proposed boundaries and at the public hearings;  
  
11 Assistant Commissioners, who are employed on a part-time basis by the Department of the Environment, were appointed on 5 November 2008 to preside over the public hearings in each district and to report to the Commissioner.
- (ii) Estimated provision for the Office of the Boundary Commission is £562,000 for 2008/2009. It is anticipated that a further £125,000 will be required in 2009/2010, to complete the review.

### John Lewis Planning Application

**Mr Butler** asked the Minister of the Environment to outline the progress to date in processing the John Lewis planning application for Sprucefield, and when his Department will be making a decision. (AQW 3206/09)

**The Minister of the Environment:** The application, accompanied by an Environmental Statement, was received by the Planning Service on 28 August 2008 and designated as one of major importance under Article 31 of the Planning (NI) Order 1991 on 8 October 2008.

The statutory consultation process is ongoing and, following its completion, all responses will be analysed and taken into consideration. The outcome of stage 1 retail issues, including Sprucefield following the BMAP Inquiry, will also need to be taken into consideration. The Planning Appeals Commission (PAC), in response to a request from the Planning Service, has advised that the early release of stage 1 retail issues is now feasible and that the reporting Commissioners will direct their efforts to provide this section of the report to the Planning Service early in 2009, hopefully January.



Dependant on the PAC's assurance, the Planning Service hopes to be in a position to submit a report to me in January 2009.

### George Best Belfast City Airport

**Dr Farry** asked the Minister of the Environment, following the recently concluded planning agreement in relation to George Best Belfast City Airport, how the proceeds of the community fund arising out of penalties for late flights, will be distributed to the Belfast City Council and North Down Borough Council areas.

(AQW 3212/09)

**The Minister of the Environment:** The Department has no legal powers to set up a Community Fund nor impose levels of fines for delayed aircraft using the airport during 'extended hours', that is between 9:31pm and 11:59pm. George Best Belfast City Airport has agreed to voluntarily introduce a scheme in which it proposes to make payments into the Energy for Children registered charity.

The amount of penalties and their distribution through the Community Fund to projects in the Belfast City and North Down Borough Council areas is a matter for the Airport.

### George Best Belfast City Airport

**Dr Farry** asked the Minister of the Environment to report on the amount of penalties to be paid to the community fund for late flights occurring at George Best Belfast City Airport.

(AQW 3213/09)

**The Minister of the Environment:** The Department has no legal powers to set up a Community Fund nor impose levels of fines for delayed aircraft using the airport during 'extended hours', that is between 9:31pm and 11:59pm. George Best Belfast City Airport has agreed to voluntarily introduce a scheme in which it proposes to make payments into the Energy for Children registered charity.

The amount of penalties and their distribution through the Community Fund to projects in the Belfast City and North Down Borough Council areas is a matter for the Airport.

### Planning Regulations

**Mr Craig** asked the Minister of the Environment how many planning enforcement notices have been served for breaches of planning regulations in the Lisburn area, in the last five years.

(AQW 3225/09)

**The Minister of the Environment:** The Division has served the following enforcement notices within:

Year	2004	2005	2006	2007	2008	Total
Lisburn Number of Notices Served	5	2	7	4	3	21

### Noise Nuisance

**Mr Craig** asked the Minister of the Environment how many prosecutions there have been for noise nuisance in Lisburn city, in the last five years.

(AQW 3228/09)

**The Minister of the Environment:** There are no separate figures available for Lisburn City, however figures available for the Lisburn City Council area show there have been no prosecutions for noise nuisance in that area in the last 5 years.

### Review of Public Administration

**Mr Brady** asked the Minister of the Environment when the Boundary Commissioners will complete the work that falls under its remit on the Review of Public Administration.

(AQW 3230/09)



**The Minister of the Environment:** The Local Government Boundaries Commissioner is scheduled to submit his final report to my Department on 30 June 2009.

### **Banbridge/Newry and Mourne Area Plan 2015**

**Mr P J Bradley** asked the Minister of the Environment to confirm the date for the final publication and launch of the Draft Banbridge/Newry and Mourne Area Plan 2015. (AQW 3231/09)

**The Minister of the Environment:** The Draft Banbridge/Newry & Mourne Area Plan 2015 was published on 22 August 2006 and contains the Plan Strategy, allocations, designations, policies, proposals and zonings for the Banbridge and Newry & Mourne District Council Areas.

On 27 November 2008, the Department formally requested the Planning Appeals Commission to undertake an Independent Examination into objections to the Draft Plan and report its findings to the Department.

The Department will consider the report and the recommendations of the Commission before deciding whether to adopt the plan, in whole or in part, with or without modification.

My Department is currently not in a position to advise as to when the Banbridge/Newry and Mourne Area Plan will be adopted as this will be dependant on both the timetable for the Examination, which will be set by the Commission, and the content of the Commission's report.

### **Planning Service in Craigavon**

**Mr P J Bradley** asked the Minister of the Environment what action he will take on those planning applications that were withheld or refused by Planning Service in Craigavon on the basis of being premature to the outcome of Draft Banbridge/Newry and Mourne Area Plan 2015. (AQW 3232/09)

**The Minister of the Environment:** Refusal on the grounds of 'prematurity' currently affects a limited number of applications within the draft Banbridge/Newry & Mourne Plan Area. These can be classified into two groups:

- (i) Those current planning applications for development in the countryside received by the Planning Service on or before 16 March 2006, prior to the publication of draft PPS14. The policy context for these applications remains 'A Planning Strategy for Rural Northern Ireland' and the draft Area Plan. In arriving at a final decision on these applications, however, draft PPS 21 will be a material consideration because draft PPS 21 takes precedence over the greenbelt and Countryside Policy Area proposals in the draft Plan. Applications will be reconsidered and any approvals issued. Refusals will continue to be held until after the consultation period expires similar to the agreed handling arrangements for deferred PPS 14/21 cases.
- (ii) Those applications for development in urban areas or which impact on proposed development limits of settlements and which are considered prejudicial to the outcome of the draft Area Plan. Draft PPS 21 is not a material consideration in these cases and where appropriate refusal on the grounds of 'prematurity' will continue to be used.

Any application refused on the basis of 'prematurity' will not be held pending the outcome of draft Banbridge/Newry & Mourne Area Plan.

### **Planning Service**

**Mr P J Bradley** asked the Minister of the Environment, given publication of the draft PPS 21 statement, if he will end the use of the prematurity clause by Planning Service in relation to planning applications being refused or put on hold pending the outcome of the Draft Banbridge/Newry and Mourne Area Plan 2015. (AQW 3233/09)

**The Minister of the Environment:** Refusal on the grounds of 'prematurity' currently affects a limited number of applications within the draft Banbridge/Newry & Mourne Plan Area. These can be classified into two groups:

- (i) Those current planning applications for development in the countryside received by the Planning Service on or before 16 March 2006, prior to the publication of draft PPS14. The policy context for these applications remains 'A Planning Strategy for Rural Northern Ireland' and the draft Area Plan. In arriving at a final decision on these applications, however, draft PPS 21 will be a material consideration because draft PPS 21 takes precedence over the greenbelt and Countryside Policy Area proposals in the draft Plan. Applications



will be reconsidered and any approvals issued. Refusals will continue to be held until after the consultation period expires similar to the agreed handling arrangements for deferred PPS 14/21 cases.

- (ii) Those applications for development in urban areas or which impact on proposed development limits of settlements and which are considered prejudicial to the outcome of the draft Area Plan. Draft PPS 21 is not a material consideration in these cases and where appropriate refusal on the grounds of 'prematurity' will continue to be used.

Any application refused on the basis of 'prematurity' will not be held pending the outcome of draft Banbridge/Newry & Mourne Area Plan.

### Telephone Communication Masts

**Mr Hilditch** asked the Minister of the Environment to detail the total revenue generated through his Department leasing its land or property to facilitate the erection of telephone communication masts. (AQW 3245/09)

**The Minister of the Environment:** The total revenue generated through the Department of the Environment leasing its land or property to facilitate the erection of telephone communication masts is nil.

### Biodegradable Municipal Waste

**Mr McKay** asked the Minister of the Environment what Councils are expected to meet their NILAS target of reducing the amount of Biodegradable Municipal Waste sent to landfill to 75% of the 1995 level by 2010. (AQW 3248/09)

**The Minister of the Environment:** While we cannot be certain, current trends would suggest that all Councils will meet their 2010 NILAS targets although a few Councils may require a transfer of allowances from other Councils who have a surplus in 2010. It is not known at this stage which councils, if any, would require a transfer of allowances.

### Nuclear Power Facilities

**Mr McKay** asked the Minister of the Environment, in light of his comments during Question Time on 1 December that nuclear power must be considered to help meet targets to reduce CO<sub>2</sub> emissions, would planning applications presented to Planning Service for nuclear power facilities in East Antrim be given consideration. (AQW 3249/09)

**The Minister of the Environment:** Under Article 25 of the Planning (Northern Ireland) Order 1991, my Department has a statutory duty to determine all new applications which are submitted.

Were a planning application for a nuclear power station submitted anywhere in Northern Ireland my Department would be required to process it in accordance with current procedures and to consider the application in light of relevant planning policies.

### Waste Incineration

**Mr McKay** asked the Minister of the Environment for his assessment of incineration as a means of managing waste and what action he has taken to encourage groups to consider this method in their waste management policy. (AQW 3258/09)

**The Minister of the Environment:** Incineration is one of a suite of available thermal treatment technologies, others of which include pyrolysis and gasification, and all of which offer the potential to generate energy from waste. The appropriateness of any one of these to a particular Waste Management Group's area is determined by a range of factors, including capacity, environmental impact, technological novelty and risk, cost and compliance with the BPEO (Best Practicable Environmental Option) requirement to provide a balanced mix of technologies across the whole of Northern Ireland.

My main objective is to ensure that Northern Ireland as a whole manages its waste in accordance with my Department's aim to build a better and safer environment. While it is my belief that energy from waste, including



incineration, will be a necessary component of the Groups' preferred infrastructure, it is not for me to encourage or favour any particular option. It is my role to ensure that my Department provides effective support to the Groups in taking forward the procurements essential to enable their constituent councils to comply with their legal obligations in a manner that represents the best possible and practicable balance of social, economic and environmental impacts.

### Fly-Tipping

**Mr Elliott** asked the Minister of the Environment how many incidents of fly-tipping have occurred in each of the last five years, broken down by (i) local government area; and (ii) parliamentary constituency; and how many people have been prosecuted in each year for this offence. (AQW 3300/09)

**The Minister of the Environment:** Since March 2006, the Northern Ireland Environment Agency (NIEA) has been provided with details of fly-tipping, on a District Council basis, through the Flycapture online database; figures are not available prior to that time. Any prosecutions taken directly by NIEA relate to large-scale, commercial illegal dumping, rather than the smaller amounts, dumped on a more random basis, that are commonly regarded as fly-tipping.

There has been no universal agreement that NI Councils would use this system. Only 7 District Councils are inputting information on to Flycapture on a consistent basis, rendering the information NIEA holds essentially unrepresentative in determining the nature and scale of fly-tipping within Northern Ireland. My officials are involved in ongoing discussions about recording incidences of fly-tipping and associated legislative changes giving Councils more powers to deal with fly-tipped waste.

The attached table sets out the information requested from the seven District Councils that have provided information via Flycapture.

District Council	2006/07		2007/08		2008/09 (to end October 2008)	
	Number of incidents	Number of fines	Number of incidents	Number of fines	Number of incidents	Number of fines
Ards	19	1	165	23	137	2
Armagh	22	0	125	2	45	4
Ballymena	60	1	129	2	105	1
Banbridge	24	0	94	7	36	2
Larne	184	17	147	22	55	18
Newtownabbey	12	0	294	6	297	22
Strabane	44	0	365	2	529	3

### PPS 21 Consultation

**Mr McGlone** asked the Minister of the Environment what consultation events will his Department be facilitating on PPS21 to provide an opportunity for input from rural dwellers. (AQW 3340/09)

**The Minister of the Environment:** As part of the public consultation process on Draft PPS21, officials from my Department will be holding a series of information days in rural communities across Northern Ireland during January and February 2009.

These are intended to provide people with the background they may need to reach an informed opinion on the new policy provisions.

Notice of these events will appear in the local press in due course.



### Cycle Proficiency Scheme

**Mr Beggs** asked the Minister of the Environment for his assessment of the Cycle Proficiency Scheme for providing training that enables children to cycle safely to and from their home. (AQW 3345/09)

**The Minister of the Environment:** My Department's statutory duty is to promote road safety in order to reduce the number of people killed and seriously injured on Northern Ireland's roads, and resources are therefore targeted primarily at addressing the main causes of road traffic casualties. The Department has no statutory obligation to train road users, be they cyclists, pedestrians, drivers or motorcyclists, or to promote cycling as an activity for health, environmental or other reasons.

The Cycling Proficiency Scheme is one of a range of road safety initiatives for children and young people and its purpose, along with other road safety education work, is to instil good road user attitudes and behaviours from an early age with the ultimate aim of reducing road traffic casualties. The scheme is well established and has been operating successfully for over 30 years.

Cycling casualties have been falling for a number of years. Figures for the period up to 9 December 2008 show that two pedal cyclists have been killed so far this year compared with two for the same period in 2007 and none in 2006. There have been no child cyclist fatalities since 2005. Over the last three years, 10 children, on average, have been seriously injured on bikes. This represents a reduction of over 64% on the average of 28 for the baseline period of 1996-2000. These figures are relatively low in comparison with other categories of road users and suggest that while there is no room for complacency the current approach to the delivery of cycle training for children as a road safety initiative is working.

### Councillor Vacancies

**Mr Boylan** asked the Minister of the Environment to provide an update on the expected timeframes that will allow opportunities for those councillors wishing to leave local government to be replaced by co-optees. (AQW 3351/09)

**The Minister of the Environment:** Elections, in respect of the Northern Ireland Assembly and district councils, are an excepted matter, under the Northern Ireland Act 1998, and responsibility for legislation relating to elections rests with the Secretary of State.

The procedure for filling vacancies on councils in the period between local government elections without requiring mid-term elections, sometimes referred to as co-option, is outlined in the Electoral Law Act (Northern Ireland) 1962.

As this arrangement constitutes part of electoral law, responsibility for any changes to this legislation lies with the Secretary of State.

I have raised this issue with the Secretary of State and a meeting has been arranged in the New Year to discuss it.

### Pollution Prevention and Control Permit

**Mr Butler** asked the Minister of the Environment to provide a copy of the Pollution Prevention and Control (PPC) Permit relating to Planning Reference: S/1998/0162 at 29 Ballyvannon Road, Glenavy. (AQW 3355/09)

**The Minister of the Environment:** The Department of the Environment for Northern Ireland did not receive an application for an authorisation under the Industrial Pollution Control (NI) Order 1997 or a permit under the Pollution Prevention and Control Regulations (NI) 2003 for the development covered by Planning Reference S/1998/0162. No permit therefore exists.

### Mullaghglass Landfill Site

**Mr Butler** asked the Minister of the Environment (i) the number of complaints that his Department has received about Mullaghglass landfill site; and (ii) the nature of these complaints. (AQW 3397/09)

**The Minister of the Environment:** Over the last 12 months the Northern Ireland Environment Agency (NIEA) has received 207 complaints about the Mullaghglass landfill site, mostly in relation to odour.



NIEA's regular audits of this facility and inspections in response to complaints have not detected a recurring odour nuisance but found that the operation meets the high standard of the Integrated Pollution Prevention and Control permit conditions in place.

### Efficiency Savings

**Dr Farry** asked the Minister of the Environment what policies and practices in his Department have changed in delivering the 3% efficiency savings required by the 2008-11 Budget. (AQW 3411/09)

**The Minister of the Environment:** Budget 2008-11, which covers the three financial years 2008/09 to 2010/11, requires my Department to deliver cash efficiency savings of £3.92m (2008-09), £7.73m (2009-10) and £11.42m (2010-11). The table below shows these overall efficiency savings split between the DFP budget categories - Administration costs and Other Resource/Capital.

	2008-09 £m	2009-10 £m	2010-11 £m
Total DEL required 3% cumulative	3.92	7.73	11.42
Split between			
Administration costs (2.8%)	0.6	2.28	3.9
Other Resource/Capital	3.32	5.45	7.52

### DELIVERY OF SAVINGS

#### Other Resource/Capital (£7.52m by 2010-11):-

To deliver the Other Resource/Capital savings my Department has undertaken a number of measures which in the main include reductions in:

- the level of grant schemes which offer financial assistance for various environmental protection and heritage activities including grants towards the preservation of the stock of listed buildings in Northern Ireland. This has included the cessation of the waste management grant scheme which has contributed £3m per year to the efficiencies but has been replaced by the Strategic Waste Infrastructure Fund (circa £200m) to be disbursed to the three Waste Management Groups tasked with the progressing the waste management plans of the councils.
- the level of resources grant paid to district councils (£1.5m in 2010-11) as it is anticipated that the level of resources grant currently paid to the less affluent councils could diminish once the 26 district councils merge into 11 under the RPA initiative; and
- consultancy spend (£0.5m in 2010-11).

#### Administration (£3.9m by 2010-11)

Key actions to deliver these savings will involve the suppression of low priority posts, the cessation of automatic backfilling of posts and the rationalisation of administrative structures to achieve economies of scale. Also, non-salary running costs have been reduced by 15%.

Details of the level of the overall efficiency savings together with the actions required to achieve the savings are detailed in the DOE Efficiency Delivery Plan (EDP) which is included in the Department's website.

### Ballycarry Wastewater Treatment Works

**Mr Beggs** asked the Minister of the Environment (i) if the sewage and wastewater treatment plant at Ballycarry complies with Northern Ireland Environment Agency consent standards for discharges into Larne Lough; (ii) what the level of treatment is provided; and (iii) what are the levels of discharge. (AQW 3436/09)

#### The Minister of the Environment:

- (i) The Ballycarry Waste Water Treatment Works (WWTW) was compliant, in 2007 and 2008 (1 January to 29 October 2008), with the standards set by the Northern Ireland Environment Agency under the terms of the Water Order discharge consent.



- (ii) Ballycarry WWTW currently provides secondary treatment. Discharges in storm conditions are currently screened and/or settled before discharge to Larne Lough.
- (iii) The volume of secondary treated waste water discharged to Larne Lough should not exceed 1282m<sup>3</sup>/day.

### Northern Ireland Environment Agency

**Mr Beggs** asked the Minister of the Environment (i) if the sewage and wastewater treatment plant at Whitehead complies with Northern Ireland Environment Agency consent standards for discharges into Larne Lough; (ii) what level of treatment is provided; and (iii) what are the levels of discharge. (AQW 3440/09)

**The Minister of the Environment:** (i) Untreated sewage is discharged to the North Channel via a sea outfall at Whitehead. A condition of the Water Order discharge consent, set by Northern Ireland Environment Agency, is that the discharge should be finely screened and therefore it is not currently compliant.

- (ii) The current outfall discharges untreated waste water from a population equivalent of approximately 4500.
- (iii) The volume of untreated waste water discharged to the North Channel should not exceed 700 m<sup>3</sup>/day.

### Planning Enforcement Notices

**Mr Weir** asked the Minister of Environment how many planning enforcement notices have been served for breaching planning regulations in the North Down area, in each of the last five years. (AQW 3458/09)

**The Minister of the Environment:** The Division has served the following enforcement notices within:

Year	2004	2005	2006	2007	2008	Total
North Down Number of Notices Served	2	0	6	2	0	10

### Public Appointments

**Ms Purvis** asked the Minister of the Environment (i) to list all public appointments filled (a) by his Department and (b) still outstanding; (ii) on what grounds were some appointments not made; (iii) to assess the process adopted for appointments including the OPCA guidance; and (iv) his plans for ensuring a more efficient application of the procedures. (AQW 3497/09)

**The Minister of the Environment:**

- (i) (a) Set out at Annex A is a schedule detailing all public appointments filled by my Department during each of the last 3 financial years.
- (b) The reconstitution of Northern Ireland Local Government Officers' Superannuation Committee (NILGOSC) was begun on 2 March 2007. The intention was to publicly appoint a Chairperson and five new committee members to NILGOSC. The public appointments were not completed.
- (ii) The NILGOSC public appointments competition launched in March 2007 was subject to the coming into operation of the Local Government Pension Scheme (Amendment No.2) Regulations (Northern Ireland) 2007, which were made on August 2007, with a commencement date of 1 October 2007 (subject to the Assembly not praying against them). The amending Regulations removed the statutory right of both employer and employee representative bodies to be members of NILGOSC.

Trade Unions were opposed to the Regulations, on the basis that it could result in a loss of representation for the two groups that contribute to the fund, namely employers and employees. They also objected to the fact that the competition had commenced prior to the consultation on the draft Regulations.

The Environment Committee supported the view of the Trade Unions, in that it considered that those with an interest in the pension scheme should be represented on NILGOSC. On 1 October 2007, the Assembly debated a motion to annul the Local Government Pension Scheme (Amendment No.2) Regulations (Northern Ireland) 2007. The motion was carried, annulling the Regulations.



- (iii) DOE public appointments are either regulated or monitored by the Commissioner for Public Appointments and as such are made in accordance with the Code of Practice published by the Commissioner's office. For those appointments not regulated by the Commissioner for Public Appointments my Department will, as far as is practicable and in line with the principle of proportionality, apply the principles and procedures set out in the Commissioner's Code of Practice.
- (iv) The Commissioner for Public Appointments has a statutory responsibility to prescribe and publish a Code of Practice; to carry out an audit to establish whether the Code of Practice is being observed; and to publish an Annual Report which includes both information as to the observance of the Code of Practice and an account of the audit process. When making public appointments my Department normally follows the principles and procedures set out in the Commissioner's Code of Practice and takes careful note of any and all recommendations contained in the aforementioned Annual Report and Audit Reports that would ensure the more efficient application of appointment procedures.

#### ANNEX A

Financial Year	Public Appointments Filled	Number of Appointees
2005/06	Local Government Staff Commission	6
	Council for Nature Conservation and the Countryside	20
	Historic Monuments Council	15
2006/07	Historic Buildings Council	18
	Chair of the NI Biodiversity Group	1
2007/08	Local Government Boundaries Commissioner.	1
	Assistant Local Government Boundaries Commissioners	7
	Chair of Council for Nature Conservation and the Countryside	1

### Wind Turbines

**Mr Butler** asked the Minister of the Environment to detail all (i) wind turbines and (ii) wind farms, in the Lagan Valley constituency and to list the planning applications for wind turbines that are with the Planning Service. (AQW 3521/09)

**The Minister of the Environment:** Since 2002 there have been 47 applications for domestic wind turbines in the Lagan Valley Constituency Area, 5 of which have yet to be determined.

The wind turbine applications to be determined are Q/2008/0217/F, S/2008/0274/F, S/2008/0494/F, S/2008/0524/F and S/2008/0701/F.

There have been no applications for wind farms within the Lagan Valley Constituency Area.

### Ulster Farm By-Products

**Mr Burns** asked the Minister of the Environment if he will place in the Assembly Library, a copy of the (i) plume modelling data; and (ii) resultant analysis, submitted to Planning Service/Northern Ireland Environment Agency for planning application S/2008/0488/F (extension of chimney stack, Ulster Farm By-products). (AQW 3523/09)

**The Minister of the Environment:** The planning application to replace an existing 30 metre high chimney with a 54 metre high chimney at the Ulster Farm Byproducts site, Glenavy was submitted to Planning Service on 2 June 2008.

The plume modelling data and resultant analysis have not yet been submitted to Planning Service/Northern Ireland Environment Agency.

I will not be making a copy of the material available in the Assembly Library. When the information is submitted it will be available for viewing at the offices of Planning Service Headquarters, Millennium House, 17-25 Great Victoria Street Belfast and at the Divisional Planning Office in Downpatrick.



Should anyone wish to view the working planning application file they can do so through the Planning Service open file policy. An appointment is necessary to view the working file and can be made through Planning Service Headquarters where the application is being processed.

### Glenavy River

**Mr Burns** asked the Minister of the Environment, in relation to the Glenavy River, (i) who is responsible for monitoring compliance with the Surface Waters (Fishlife) (Classification) (Amendment) Regulations (Northern Ireland) 1997; (ii) if the river is considered compliant with the regulations and; (iii) the frequency of monitoring compliance with the regulations. (AQW 3528/09)

**The Minister of the Environment:** The Northern Ireland Environment Agency (NIEA) is responsible for monitoring compliance with the Surface Waters (Fishlife) (Classification) (Amendment) Regulations (Northern Ireland) 1997, which is more commonly known as the Freshwater Fish Directive (FFD).

NIEA monitors compliance with the FFD at two locations on the Glenavy River; at Ballydonagh Bridge and at Leap Bridge.

Both sample stations have complied fully with the requirements of the FFD for the past four years.

Table A below details the frequency of compliance monitoring against the mandatory parameters contained in the FFD.

TABLE A

Parameter	Dissolved Oxygen	Ammonia	pH (measure of acidity)	Zinc
Frequency	Monthly	Monthly	Monthly	Quarterly

### Food Waste

**Mr Burns** asked the Minister of the Environment, pursuant to his answer to AQW 7431/08, to detail (i) where the food waste from Belfast households was taken after kerbside collection; and (ii) how the food waste was processed, recycled or disposed. (AQW 3533/09)

**The Minister of the Environment:** As advised in my response of 2 June 2008 to AQW 7431/08, my Department has no regulatory authority over this project. The destination of Belfast's household food waste and the way in which it is treated is a matter for Belfast City Council.

### George Best Belfast City Airport

**Dr Farry** asked the Minister of the Environment what is the timescale for a decision on a public inquiry into the planning application for the runway extension at Belfast City Airport. (AQW 3536/09)

**The Minister of the Environment:** Public Inquiries are normally only called in association with applications designated as being of major importance under Article 31 of the Planning (NI) Order 1991. My Department anticipates being in a position, within the next few weeks, to confirm that the application, for the extension to the runway, will be designated under the Article 31 procedure. A decision on whether there is a need for a public inquiry will be made shortly thereafter.

### George Best Belfast City Airport

**Dr Farry** asked the Minister of the Environment what is the criteria to determine if there will be a public inquiry with the planning application for the runway at Belfast City Airport. (AQW 3537/09)

**The Minister of the Environment:** The key test in deciding the process route is whether a public inquiry is necessary to provide a forum for the presentation and consideration of issues arising from representations received and which need to be assessed to allow the Department to determine the application.



### George Best Belfast City Airport

**Dr Farry** asked the Minister of the Environment if he will take into account the (i) number of objections; and (ii) calls for a public inquiry received by the Planning Service, before making a decision with the planning application for the runway extension at the Belfast City Airport. (AQW 3539/09)

**The Minister of the Environment:** Public Inquiries are normally only called in association with applications designated as being of major importance under Article 31 of the Planning (NI) Order 1991. My Department anticipates being in a position, within the next few weeks, to confirm that the application, for the extension to the runway, will be designated under the Article 31 procedure. A decision on whether there is a need for a public inquiry will be made shortly thereafter.

### George Best Belfast City Airport

**Mr Butler** asked the Minister of the Environment for his assessment on the impact the proposed plans to extend the George Best Belfast City Airport runway will have on Belfast International Airport. (AQW 3605/09)

**The Minister of the Environment:** Article 25(1) of the Planning (NI) Order 1991 provides that in dealing with an application for planning permission my Department shall have regard to the development plan, in so far as it is material to the application, and to any other material considerations. These material considerations must be considerations of a planning nature.

The application to extend the runway is at an early stage and the assessment of its potential impacts has not yet been concluded.

### Powers to Search and Seize Vehicles

**Mr B Wilson** asked the Minister of the Environment when he proposes to use the powers to search and seize vehicles in accordance with Article 5E of the Waste (amendment) (Northern Ireland) Order 2007. (AQW 3607/09)

**The Minister of the Environment:** The enabling powers for the searching and seizure of vehicles provide that seized vehicles must be dealt with in accordance with regulations made by the Department. The powers can not therefore be used until such regulations are in place. I hope to consult on draft seizure of property regulations in early 2009. I anticipate that the regulations will be made by summer 2009, depending on the outcome of the consultation process.

### Forfeiture of Vehicles

**Mr B Wilson** asked the Minister of the Environment when he proposes to introduce forfeiture of vehicles under section 5D of the Waste (Amendment) (Northern Ireland) Order 2007. (AQW 3608/09)

**The Minister of the Environment:** Decisions on vehicle forfeiture must be taken by a court, and the enabling legislation is already in place. The provision enables a court to make an order depriving an offender of his rights to a vehicle, and vesting those rights in the Department. The court must be satisfied that the vehicle was used in connection with the offence, and the legislation stipulates a number of factors which must be considered in reaching a decision. These include the value of the vehicle, the financial implications of forfeiture on the offender and his need to use the vehicle for lawful purposes.

### Construction Industry

**Mr McKay** asked the Minister of the Environment if his Department will publish an information leaflet informing the construction industry of the requirement to ensure that passengers being carried in the rear of vans are transported in a safe manner. (AQW 3626/09)

**The Minister of the Environment:** My Department has provided the PSNI with new information leaflets which explain the law in relation to the safe carriage of passengers in work vans. The leaflet also highlights that



the police will be stepping up enforcement to discourage employers or drivers from carrying van passengers in an unsafe manner.

The Department and the police will announce the campaign in the New Year, and for a short time advice and warnings will be issued in advance of the commencement of enforcement.

Copies of the leaflet will be available from my Department's Road Safety Division headquarters and from regional road safety education offices, and may be downloaded from Road Safety Division's website at [www.roadsafetyni.gov.uk](http://www.roadsafetyni.gov.uk).

### Industrial Zoned Land

**Mr Doherty** asked the Minister of the Environment to detail the size and location of industrial zoned land available in each District Council area. (AQW 3633/09)

**The Minister of the Environment:** I regret that the information you have requested is not currently available. Officials within my Department are presently carrying out an industrial monitor which will cover all district council areas in Northern Ireland. It is however, not anticipated that the information will be available before summer 2009. When complete the information will be made available on the Planning Service website.

### Victoria Park, Belfast

**Mr B Wilson** asked the Minister of the Environment if the proposed cull of birds at Victoria Park Belfast requires Departmental approval; and if so, whether such approval will be given. (AQW 3664/09)

**The Minister of the Environment:** There has been no application to the Department to cull birds in Victoria Park in 2009.

The control of wildlife for the preservation of air safety would require a licence under the Wildlife (Northern Ireland) Order 1985.

If an application is made to the Department it will be assessed by officials and may be granted if it is agreed that the birds pose a significant threat to public safety through the risk of air strike.

## FINANCE AND PERSONNEL

### Capital Projects

**Dr Farry** asked the Minister of Finance and Personnel what actions his Department is taking to bring forward the delivery of capital projects, to help address the economic downturn. (AQW 3014/09)

**The Minister of Finance and Personnel (Mr N Dodds):** My department is engaged in a number of significant capital programmes which directly benefit the economy through civil service reform projects and a range of construction and energy improvement projects. Consideration has also been given to whether additional investment, which might have a further positive impact on the economy, could be progressed any faster. However, taking account of the significant investment already planned, my department has concluded that no additional initiatives could be progressed in the short to medium term without increasing the risk of underspending. My department therefore remains committed to delivering its planned investment, which is playing a considerable part in helping the ICT and construction sectors in particular.

### Small Business Finance Scheme

**Mr Poots** asked the Minister of Finance and Personnel how the (i) £1bn Small Business Finance Scheme; (ii) £1bn guarantee facility to support bank lending to small exporters; (iii) £50m fund to convert businesses' debt into equity; and (iv) £25m regional loan transition fund, announced in the pre-budget report, is to be applied and accessed by small business. (AQW 3079/09)



**The Minister of Finance and Personnel:** The economic shocks that have impacted on the global economy have created an exceptionally challenging environment for small businesses. In the Pre-Budget Report the UK Government announced a number of UK-wide initiatives to assist small and medium-sized businesses facing credit constraints. I understand that HM Treasury are still clarifying the detail of these schemes. The central aim of the initiatives is to help provide credit guarantees to businesses.

These schemes will help small businesses by improving the availability of finance and provide working capital to meet investment needs and export credits. When the final details are made available, appropriate agencies such as Invest NI will disseminate information to the business sector.

### Lending Practices

**Mr Poots** asked the Minister of Finance and Personnel what meetings have been arranged with the banks to discuss their lending practices to businesses. (AQW 3083/09)

**The Minister of Finance and Personnel:** I am particularly concerned about the current lending practices of our local banks. While I appreciate the desire to strengthen their balance sheets in terms of retained capital, it must not be at the expense of local businesses.

The UK Government has invested considerable sums of taxpayers' money into maintaining the integrity of the banking sector. The banks must now fulfil their responsibilities in terms of assisting businesses and consumers through this period of economic instability.

I have now initiated a series of meetings with the chief executives of the leading local banks. At these meetings I will impress upon the banks the need to assist local businesses through this period of financial turmoil.

### eHR Contract

**Mr Dallat** asked the Minister of Finance and Personnel to list the numbers and grades of staff employed by his Department in the management of the eHR contract; and to detail the total cost of these staff in each financial year from 2005-06. (AQW 3089/09)

**The Minister of Finance and Personnel:** The number, grades and cost of staff employed by the Department in the management of the eHR contract in each financial year from 2005/6 is as follows

	2005/6	2006/7	2007/8	2008/9
Grade 5	1	1	1	1
Grade 6	2	2	1	1
Grade 7	1	1	1	1
DP	0	0	2	2
SO	1	1	1	1
EO2	0	0	1	1
<b>Total No</b>	<b>5</b>	<b>5</b>	<b>7</b>	<b>7</b>
<b>Cost</b>	<b>£291,000</b>	<b>£305,000</b>	<b>£367,000</b>	<b>£380,000</b>

The costs are covered from a dedicated eHR Programme budget allocation which is in addition to the normal running costs of the Department.

### eHR Contract

**Mr Dallat** asked the Minister of Finance and Personnel to detail the costs of staff employed by his Department, not directly involved in the management of the eHR contract, who have contributed to the planning and implementation of services which will be delivered under this contract, for each financial year from 2005-06. (AQW 3091/09)



**The Minister of Finance and Personnel:** The costs of staff employed by the Department (including GAE), not directly involved in the management of the eHR contract, who have contributed to the planning and implementation of services which will be delivered under this contract, for each financial year from 2005-06 are:

2005/06	2006/07	2007/08	2008/09
£1,657,000	£777,000	£1,231,000	£1,438,000

The costs are covered from a dedicated eHR Programme budget allocation which is in addition to the normal running costs of the Department.

### Civil Servants: Air Fare Expenditure

**Mr Burns** asked the Minister of Finance and Personnel, pursuant to the answers to AQW 1810/09, AQW 1811/09, AQW 1817/09, AQW 1818/09 to detail what action he intends to take to reduce the amount of money spent by civil servants on air fares. (AQW 3148/09)

**The Minister of Finance and Personnel:** It is not within the Department of Finance and Personnel's remit to police how all public servants use air travel. As stated within the NICS Handbook, it is an individual responsibility for each Northern Ireland Civil Service Department to consider alternatives to the cheapest method and to justify it.

### Civil Service Vacancies

**Mr Durkan** asked the Minister of Finance and Personnel to detail the (i) location; and (ii) number of vacancies in the Northern Ireland Civil Service at (a) Administrative Officer; (b) Executive Officer II; (c) Executive Officer I; and (d) Staff Officer, in each Government Department. (AQW 3190/09)

**The Minister of Finance and Personnel:** The location and number of vacancies in permanent posts in each Northern Ireland Civil Service department at the grades of (a) Administrative Officer; (b) Executive Officer 2; (c) Executive Officer 1; and (d) Staff Officer are set out in the attached table.

VACANCIES (FULL TIME EQUIVALENT BASIS) IN THE ELEVEN NI DEPARTMENTS AND THEIR AGENCIES IN GRADES: AO; EO2; EO1; SO, AT 4 DECEMBER 2008

Department	AO		EO2		EO1		SO	
	Number	Location (posts)	Number	Location (posts)	Number	Location (posts)	Number	Location (posts)
Agriculture & Rural Development (DARD)	19.5	Belfast(15.5), Ballymena(1), Dungannon(1), Enniskillen(1), Londonderry(1)	8	Belfast(5), Larne(1), Londonderry(2)	13	Belfast(11), Ballymena(1), Londonderry(1)	6	Belfast(3), Antrim(1), Armagh(1), Newtownards/ Downpatrick(1)
Culture, Arts & Leisure (DCAL)	1.6	Belfast	2	Belfast	2	Belfast	2	Belfast
Education (DE)	3.4	Bangor(1), Londonderry(2.4)	1	Bangor	5	Bangor	1	Bangor



Department	AO		EO2		EO1		SO	
	Number	Location (posts)	Number	Location (posts)	Number	Location (posts)	Number	Location (posts)
Employment & Learning (DEL)	22.5	Belfast(16.2), Coleraine(0.5), Downpatrick(1), Enniskillen(0.8), Foyle(1.5), Larne(1), Lisburn(1), Omagh(0.5)	21.3	Belfast(16.8), Ballymoney(1), Carrickfergus(1.6), Coleraine(1), Dungannon(0.9)	36.4	Belfast(31.4), Ballymena(1), Downpatrick(1), Foyle(0.5), Limavady(0.5), Newcastle(1), Portadown(1)	11	Belfast
Enterprise, Trade & Investment (DETI)	2	Belfast	1	Belfast	5	Belfast	1	Belfast
Finance & Personnel (DFP) <sup>1</sup>	64	Belfast(62), Bangor(1), Craigavon(1)	24	Belfast(22), Londonderry(1), Omagh(1)	26	Belfast(24), Bangor(2)	19	Belfast(18), Bangor(1)
Health, Social Services & Public Safety (DHSSPS)	2.5	Belfast	0		8	Belfast(7), Londonderry(1)	1.5	Belfast
Environment (DOE)	17.5	Belfast(7), Armagh(1), Coleraine(5), Downpatrick(1.5), Enniskillen(1), Mallusk(1), Omagh(1)	2	Belfast	29	Belfast(22), Coleraine(4), Lisburn(2), Londonderry(1)	13	Belfast(10), Armagh(1), Ballymena(1), Coleraine(1)
Regional Development (DRD)	25	Belfast(5), Antrim(1), Ballymena(6), Craigavon(4), Downpatrick(4), Omagh(5)	9	Belfast(2), Ballymena(4), Coleraine(1), Downpatrick(1), Omagh(1)	22	Belfast(16), Antrim(1), Ballymena(1), Coleraine(2), Omagh(2)	11	Belfast(8), Ballymena(1), Craigavon(1), Omagh(1)
Social Development (DSD) <sup>2</sup>	163.7	Belfast(136.8), Armagh(1.5), Ballynahinch(1), Banbridge(2), Downpatrick(2.4), Limavady(0.5), Lisburn(1), Londonderry(11.5), Newry(2), Portadown(5)	42.5	Belfast(34), Antrim(1.5), Ballymena(0.5), Banbridge(1), Downpatrick(0.5), Limavady(1), Londonderry(1), Newcastle(1), Newtownabbey(1), Portadown(1)	120.7	Belfast(106.7), Antrim(2), Armagh(0.5), Bangor(1), Coleraine(2), Cookstown(1), Downpatrick(1), Dungannon(0.5), Enniskillen(2), Londonderry(1), Newry(2), Portadown(1)	45.9	Belfast(42.4), Coleraine(0.5), Londonderry(2), Newtownards(1)



Department	AO		EO2		EO1		SO	
	Number	Location (posts)	Number	Location (posts)	Number	Location (posts)	Number	Location (posts)
Office of the First & Deputy First Minister (OFMDFM)	2	Belfast	3	Belfast	6	Belfast	4	Belfast(3) Armagh(1)
Total	323.7		113.8		273.1		115.4	

1 FP: Latest figures available at 1 November 2008.

2 DSD: Figures at 4 December 2008 except: Social Security Agency, latest figures available at 31 October 2008, and Child Maintenance and Enforcement Division (previously the CSA), latest figures available at 20 October 200

### UN Convention on the Rights of Persons with Disabilities

**Mr P Ramsey** asked the Minister of Finance and Personnel what contribution his Department has made or will be making to the consultation by the UK Department of Work and Pensions on reservations to the UN Convention on the Rights of Persons with disabilities. (AQW 3214/09)

**The Minister of Finance and Personnel:** In December 2006, officials from the Department of Work and Pensions contacted OFMDFM officials about the UN Convention on the Rights of Persons with Disabilities (the Convention). OFMDFM assumed lead responsibility for progressing this issue and asked all Departments to scrutinise their legislation, policies, practices and procedures to check their compatibility with the provisions of the Convention. This was to enable the UK Government to make an informed decision about the ratification of the Convention and to identify any need for reservations or interpretative declarations.

Departments were also asked to confirm whether they had any difficulty with the areas of competency covered by the Convention. My officials concluded that, based on a working knowledge of the Department's policies, practices and legislation and statutory duties and compliance with the Disability Discrimination Act 1995, as amended, and Section 75 of the Northern Ireland Act 1998, the Convention was unlikely to impose any additional requirements.

### UN Convention on the Rights of Persons with Disabilities

**Mr P Ramsey** asked the Minister of Finance and Personnel what preparations her Department has made for the implementation of the UN Convention on the Rights of Persons with Disabilities. (AQW 3218/09)

**The Minister of Finance and Personnel:** As requested by the Office of the First Minister and Deputy First Minister, which has taken lead responsibility in preparing for implementation of the UN Convention on the Rights of People with Disabilities, my Department has scrutinised its legislation, policies and practices and procedures to check their compatibility with the provisions of the Convention and has confirmed that we have no difficulty with the areas of competency covered by the Convention.

We will also be taking part in an event organised by the Office of the First Minister and Deputy First Minister, early in the New Year to discuss the Convention with interested parties.

### Telephone Communication Masts

**Mr Hilditch** asked the Minister of Finance and Personnel to detail the total revenue generated through his Department leasing its land or property to facilitate the erection of telephone communication masts. (AQW 3260/09)

**The Minister of Finance and Personnel:** The Department of Finance and Personnel generates £6,000 per annum through the leasing of land and property to facilitate the erection of telecoms equipment.



### Tesco Unit at Springhill Retail Park

**Dr Farry** asked the Minister of Finance and Personnel to report on progress in placing the Tesco unit at Springhill Retail Park in Bangor, on the valuation list.[R] (AQW 3268/09)

**The Minister of Finance and Personnel:** The new Tesco Unit at Springhill Retail Park in Bangor was placed in the Valuation List by District Valuer's Certificate dated 10 September 2008.

### Bloomfield Centre

**Dr Farry** asked the Minister of Finance and Personnel to report on progress in placing all of the new units at the Bloomfield Centre in Bangor on the valuation list.[R] (AQW 3269/09)

**The Minister of Finance and Personnel:** There have been 2 phases of new development at the Bloomfield Centre. The first phase, comprising 3 new retail warehouse units, was completed and occupied earlier this year. All the units have been valued and entered in the Valuation List.

The second phase consists of the split up of a former unit into 2 units. One unit is almost ready for occupation and will be valued this month. Work at the other unit is not as far advanced, but it will be valued upon completion.

### Efficiency Savings

**Dr Farry** asked the Minister of Finance and Personnel which policies and practices within his Department have been changed to deliver the 3% efficiency savings required under the Budget 2008-11. (AQW 3296/09)

**The Minister of Finance and Personnel:** As part of the Budget 2008-11 process the Department reviewed its policies and practices and, as a result, targeted a range of areas to deliver efficiency savings. These include:

- recognition of costs recovered in respect of rate collection;
- maximising receipts and extending charging in respect of services provided by DFP particularly to non NICS customers;
- realising potential savings from the release of accommodation following 'Fit for Purpose' staff reductions (target of 2,300 posts) across the NICS;
- efficiency targets for the new Land and Property Services Agency; and
- targeted GAE and staffing reviews across the department.

### Construction Industry

**Mrs D Kelly** asked the Minister of Finance and Personnel what action he has taken to (i) address the concerns of the construction industry that major projects in the Investment Strategy are not being rolled out as scheduled; and (ii) ensure that the industry is fully involved in discussions on the progress of the strategy. (AQW 3312/09)

**The Minister of Finance and Personnel:** In order to hear at first hand the difficulties facing the construction industry, I met the Construction Employers Federation and the Northern Ireland Federation of Housing Associations over recent weeks. The Central Procurement Directorate (CPD) has also been involved in meetings with a wide range of key industry stakeholders.

This level of direct engagement has been essential in order to fully understand the issues and how Government can help to alleviate some of the problems. The key message from all industry stakeholders has been the need for the Investment Strategy to be delivered to the market place as quickly as possible.

Unfortunately, the litigation brought by unsuccessful contractors against both the Central Procurement Directorate (CPD) and Department of Education framework agreements has not helped in this regard.

These legal issues will take time to fully resolve, but as I announced in the Assembly on 15 December, I am determined to ensure that the planned construction of schools and other public sector infrastructure projects that were to be delivered using the framework agreements will not be stopped. My Department will be working with a wide range of Government Construction Clients, including the Department of Education, to move the procurement of projects forward as quickly as possible on a project-by-project basis.



As a result of this, contracts worth some £115 million, that were to be delivered by the frameworks, will move ahead, avoiding unnecessary delay and allowing them to go to the market place this financial year. Crucially, this means that no construction project will be held up pending the outcome of legal proceedings. The projects include, amongst others, major projects relating to schools and colleges.

Other Departments have also indicated that they are progressing a further range of schemes. This means that projects with a total value in excess of £400 million are scheduled to go to the market place before the end of this financial year.

Major infrastructure projects with an estimated value of almost £1.3 billion are already under construction and the latest forecasts from departments indicate that total capital investment this year will be around £1.5 billion. In addition, Public Sector investment in infrastructure is set to continue to increase over the remaining years of the Investment Strategy and will be in the order of £5 billion for the first three years.

These ambitious plans need to be delivered and this challenge requires effective strategic management, oversight and robust monitoring. To this end Strategic Investment Board (SIB), with input from CPD, is introducing a new Investment Strategy Delivery Tracking System (DTS) to capture the status of all major capital procurements.

Given the wide-ranging stakeholder interests represented at the Construction Industry Forum for Northern Ireland (CIFNI), it is already recognised and established as the appropriate forum for the construction industry to discuss with Government the roll-out of Investment Strategy projects. Once the project data contained within the DTS has been fully validated, SIB plan to provide the construction industry with appropriate reports through the Forum.

An update on the Investment Strategy will continue to be a standing item for discussion at CIFNI meetings and I will continue to work closely with my Ministerial colleagues to ensure that Government works in partnership with the industry at all levels to deliver the Investment Strategy effectively and to keep the industry fully informed of progress.

### Civil Service Sickness Levels

**Mrs D Kelly** asked the Minister of Finance and Personnel to give an update on sickness levels in the Civil Service; and what progress has been made in reducing these levels. (AQW 3313/09)

**The Minister of Finance and Personnel:** The Northern Ireland Statistics and Research Agency (NISRA) recently published its Annual Report on Sickness Absence for the 2007/2008 financial year. This report confirmed that an average of 12.9 days per staff year were lost as a result of sickness absence in 2007/2008, down from 13.7 in the previous year and from a high of 15.5 days in 2003/04.

According to NISRA's latest statistics for 2008/09 (April – October), this downward trend has continued. NISRA has indicated that if these trends continue and are confirmed when the final year analysis is completed, the estimated outturn for 2008/09 could be around 11.5 days. While this improvement is encouraging, more work is required if we are to achieve the target of 10.2 days for 2008/09.

A substantial programme of work aimed at addressing the high levels of sickness absence in the NICS is underway following the publication of the Northern Ireland Audit Office (NIAO) report on sickness absence and the subsequent Public Accounts Committee (PAC) report. DFP in its Memorandum of Reply, which was published on 4 November 2008, has accepted the PAC recommendations and work on implementation has commenced. A group of HR Directors, including officials from NISRA and OHS, has been tasked with overseeing the implementation of the NIAO and PAC recommendations.

### Births Registered in Northern Ireland

**Mr Shannon** asked the Minister of Finance and Personnel how many children were born in each constituency, in the last 10 years. (AQW 3475/09)

**The Minister of Finance and Personnel:** The table below gives the number of births registered in Northern Ireland by parliamentary constituency, for the years 1999 to 2007. Detailed figures for parliamentary constituency for earlier years are not readily available.



**BIRTHS BY REGISTRATION YEAR AND PARLIAMENTARY CONSTITUENCY, 1998 TO 2007**

Area	Registration Year								
	1999	2000	2001	2002	2003	2004	2005	2006	2007
Belfast East	870	852	859	770	872	872	898	913	1,018
Belfast North	1,119	1,115	1,095	1,033	1,085	1,089	1,097	1,182	1,210
Belfast South	1,087	994	927	981	1,027	1,009	957	959	1,106
Belfast West	1,406	1,289	1,279	1,186	1,206	1,288	1,192	1,240	1,321
East Antrim	1,066	1,003	992	1,023	1,007	1,007	1,066	1,052	1,061
East Londonderry	1,156	1,064	1,101	1,087	1,089	1,098	1,040	1,129	1,135
Fermanagh & South Tyrone	1,212	1,146	1,200	1,226	1,135	1,219	1,248	1,387	1,415
Foyle	1,682	1,562	1,544	1,575	1,504	1,484	1,529	1,527	1,583
Lagan Valley	1,427	1,316	1,378	1,316	1,292	1,377	1,399	1,412	1,551
Mid Ulster	1,269	1,193	1,290	1,271	1,200	1,349	1,334	1,360	1,455
Newry & Armagh	1,544	1,420	1,536	1,460	1,512	1,510	1,575	1,651	1,710
North Antrim	1,304	1,233	1,286	1,279	1,275	1,378	1,363	1,371	1,424
North Down	966	902	937	827	956	935	924	993	1,057
South Antrim	1,391	1,282	1,353	1,309	1,320	1,400	1,367	1,411	1,553
South Down	1,472	1,381	1,455	1,437	1,484	1,508	1,479	1,600	1,663
Strangford	1,285	1,176	1,164	1,134	1,150	1,194	1,171	1,188	1,206
Upper Bann	1,424	1,344	1,385	1,335	1,383	1,470	1,504	1,663	1,785
West Tyrone	1,239	1,206	1,181	1,136	1,151	1,131	1,185	1,230	1,196
Unknown <sup>1</sup>	38	34	-	-	-	-	-	4	2
<b>Northern Ireland</b>	<b>22,957</b>	<b>21,512</b>	<b>21,962</b>	<b>21,385</b>	<b>21,648</b>	<b>22,318</b>	<b>22,328</b>	<b>23,272</b>	<b>24,451</b>

1. When the mother's home address can not be allocated to a Local Government District the Event District is used, however these births remain as unknowns at Parliamentary Constituency level

## Public Appointments

**Ms Purvis** asked the Minister of Finance and Personnel (i) to list all public appointments filled (a) by his Department; and (b) still outstanding, in the last 12 months; (ii) on what grounds were some appointments not made; (iii) to assess the process adopted for appointments including the OPCA guidance; and (iv) his plans for ensuring a more efficient application of the procedures. (AQW 3504/09)

**The Minister of Finance and Personnel:** In answering this question it has been assumed that public appointments relate only to appointments made through the Public Appointments Process which is regulated and monitored by the Commissioner for Public Appointments. Appointments made to Monitoring Bodies and Review groups have not therefore been included.

The Department of Finance and Personnel has not made any appointments to any of its 3 sponsored bodies in the last 12 months and there are no outstanding appointments.

Future appointments will be regulated by the Commissioner for Public Appointments who has a statutory responsibility to prescribe and publish a Code of Practice, to carry out an audit to establish whether this Code is being observed and to publish an annual report which includes information as to the observance of the code and an account of the audit process.



This will ensure the efficient application of the appointment process.

### Homeowners

**Mr McNarry** asked the Minister of Finance and Personnel what action he has asked the banks to take to assist homeowners and small and medium sized enterprises during the present economic downturn. (AQW 3573/09)

**The Minister of Finance and Personnel:** At recent meetings with senior banking officials I have stressed the need to provide local homeowners and businesses with all assistance possible. I have highlighted the need to fully utilise schemes such as the Small Firm Loan Guarantee Scheme, the European Investment Bank Loan Fund, and existing mortgage interest relief measures.

During these meetings with the banks I have also stressed the important role that the local banks need to fulfil in terms of creating confidence in sectors such as construction. This can be achieved by taking a long term view of business investments and project returns.

### Business Credit Insurance Providers

**Mr McNarry** asked the Minister of Finance and Personnel if he has had (i) any meetings with business credit insurance providers; and (ii) any plans to take action to offset the downward valuation and credit worthiness of local companies. (AQW 3574/09)

**The Minister of Finance and Personnel:** I have not had any meetings with business credit insurance providers.

In relation to the downward valuation and credit worthiness of local companies, I have had meetings with all our leading banks to explore how to best to maintain business stability. Any measures from the banks which enhance the credit worthiness of our companies should be welcome.

### Energy Performance Certificates

**Mr Shannon** asked the Minister of Finance and Personnel who is the lead body in enforcing energy performance certificates on properties. (AQW 3583/09)

**The Minister of Finance and Personnel:** The Energy Performance of Buildings (Certificates and Inspections) Regulations (NI) 2008 identifies the Department of Finance and Personnel as the enforcement authority for energy performance certificates. The Department is currently finalising discussions to assign this function to district councils in the New Year.

### Interest Rates

**Mr Weir** asked the Minister of Finance and Personnel what representations have been made by his Department to local banks to ensure that interest rates cuts are passed on to customers. (AQW 3610/09)

**The Minister of Finance and Personnel:** I have, on several occasions, met with local banks to discuss how we can jointly improve the performance of the local economy. These discussions have also considered the impact of the banks recent interest rate setting behaviour on local businesses and consumers.

On the 16th December I chaired a meeting involving the chief executives from the four local leading banks. The First Minister and deputy First Minister, as well as the Enterprise Minister, also attended this meeting. During the meeting I pressed the local banks to pass on, in full, the recent Bank of England interest rate cuts to both consumers and businesses.



## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Foetal Alcohol Spectrum Disorders

**Mr G Robinson** asked the Minister of Health, Social Services and Public Safety what action he has taken, since the Assembly debate in September 2008 on Foetal Alcohol Spectrum Disorders (FASD), to reduce the incidence of FASD. (AQW 3015/09)

**The Minister of Health, Social Services and Public Safety (Mr M McGimpsey):** I have ensured that the next phase of the binge drinking campaign will specifically target females, and will include information on alcohol and pregnancy. I am also continuing to work with UK colleagues to ensure that alcohol containers have a clear health message relating to recommended levels of alcohol consumption, and that this should include the advice on alcohol use during pregnancy.

### Orthopaedic Patients

**Mr A Maskey** asked the Minister of Health, Social Services and Public Safety pursuant to the answer to AQW 2344/09, to detail the total cost incurred by the referral of 12,368 orthopaedic patients to the independent sector for treatment by the Belfast Health and Social Care Trust; and the cost incurred by the referral of 2,736 orthopaedic patients to the independent sector for treatment by the Western Health and Social Care Trust. (AQW 3034/09)

**The Minister of Health, Social Services and Public Safety:** I am advised that a total of approximately £7.6 million in 2006/07 and £11.8 million in 2007/08 has been paid to the independent sector for orthopaedic treatments procured as part of the waiting initiatives. However, it should be noted that these figures include the cost of a small number of treatments provided in 2005/06 and exclude some costs for 2007/08 for which invoices have not yet been received.

To meet current access targets it has been necessary to use the independent sector to supplement health service capacity to deliver the reductions in waiting times seen over the last few years.

### Orthopaedic Patients

**Mr A Maskey** asked the Minister of Health, Social Services and Public Safety to detail the difference in cost of an orthopaedic patient being treated by the Health Service in comparison to treatment provided by the independent sector. (AQW 3035/09)

**The Minister of Health, Social Services and Public Safety:** It is not possible to make a direct cost comparison between treating an orthopaedic patient in the NHS or through the Independent Sector. Within the NHS a patient's management will encompass treatment within Primary and Secondary care and will include physiotherapy, management and support of any related disability including domiciliary care and pain management.

Only outpatient assessments and surgery are procured from the independent sector

We have achieved significant reductions in waiting times for patients in Northern Ireland through a number of initiatives, including supplementing capacity through use of the independent sector. It is my view that this is an appropriate measure which will reduce waiting times to a level at which they can be stabilised and maintained

### Nursing/Residential Care: Mid-Ulster

**Mr I McCrea** asked the Minister of Health, Social Services and Public Safety if there is a shortage of nursing or residential care in the Mid-Ulster constituency. (AQW 3054/09)

**The Minister of Health, Social Services and Public Safety:** The Northern Health and Social Care Trust has advised that, of the 691 people currently with an assessed need for residential or nursing home care in the Mid Ulster area, only one person has not been placed.



### Nursing/Residential Care: Mid-Ulster

**Mr I McCrea** asked the Minister of Health, Social Services and Public Safety how many nursing homes there are in the Mid Ulster constituency. (AQW 3055/09)

**The Minister of Health, Social Services and Public Safety:** At 30 June 2008, there were 12 nursing homes in the Mid-Ulster constituency.

### Slieve Roe Residential Home, Kilkeel

**Mr Wells** asked the Minister of Health, Social Services and Public Safety if an equality impact assessment was carried out on the proposed closure of Slieve Roe Residential Home in Kilkeel. (AQW 3057/09)

**The Minister of Health, Social Services and Public Safety:** The Southern Health and Social Care Trust has undertaken an equality impact assessment of its proposal for the future of Slieve Roe House in Kilkeel. This equality impact assessment was carried out in accordance with guidance issued by the Equality Commission in April 2001. The Trust wishes to consult as widely as possible on the proposed service changes for statutory residential care for older people and the associated EQIA. The Trust is planning to commence a 12 week period of consultation with all interested persons from Monday, 15 December 2008 until Friday, 6th March 2009. In doing so, it will conform to the guiding principles governing consultation contained in section 6 of its Equality Scheme and the Equality Commission's Guide to the Statutory Duties. The Trust will then consider the responses received from this consultation process before any decision is made.

### Psychiatric Units

**Ms S Ramsey** asked the Minister of Health, Social Services and Public Safety how many young people have been sent to psychiatric units for inpatient treatment in the last year, broken down by the (i) unit attended; and (ii) age of young person. (AQW 3076/09)

**The Minister of Health, Social Services and Public Safety:** During the financial year 2007/08, 48 young people aged under 14, and 120 aged between 14 and 18 were admitted by the HSC in Northern Ireland to psychiatric units. These figures are further broken down by admitting unit as below:

Unit	No. of Admissions	Age
Minnowburn, South Belfast	48	Under 14
Regional Adolescent Unit, Forster Green Hospital	43	14-18
Holywell Hospital	11	14-18
Fermanagh & Tyrone Hospital	8	14-18
Craigavon Hospital	10	14-18
Gransha Hospital	15	14-18
Ards Hospital	7	14-18
Downshire Hospital	1	14-18
Lagan Valley Hospital	2	14-18
Mater Hospital	7	14-18
Belfast City Hospital	3	14-18
Extra Contractual Referral (ECR) to UK facilities	13	14-18

While Trusts endeavour to admit children and young people to age appropriate facilities, there can be exceptional circumstances necessitating admission to an adult facility. Such admissions require a risk assessment to be carried out and admission must comply with Departmental guidance covering the admission of a young person to an adult ward. This requires such admissions to be located in a side ward with an appropriate observation regime.



The expansion of community based Child and Adolescent Mental Health Teams is helping to reduce inappropriate admissions to hospital by providing alternative treatments enabling young people to be supported at home.

### Residential Tier 4 Treatment

**Ms S Ramsey** asked the Minister of Health, Social Services and Public Safety how many people under 18 years of age, with complex substance abuse problems, have been referred for residential tier 4 treatment in (i) England; (ii) Republic of Ireland; (iii) Scotland; and (iv) Wales, in the last year, providing details of (a) the unit they were referred to; (b) the reason for referral; and (c) cost associated with each referral. (AQW 3078/09)

**The Minister of Health, Social Services and Public Safety:** In Northern Ireland during 2007/08 there was only one referral for Tier 4 Residential Treatment for a person aged under 18. The patient was referred to the Ashlinn Adolescent Unit in the Republic of Ireland for manic depression and addictive disorder. The referral lasted 19 days at a cost of £10,374.

### Health and Social Care Trusts: Hospitality Spend

**Ms Ní Chuilín** asked the Minister of Health, Social Services and Public Safety how much each Health and Social Care Trust has spent on hospitality since May 2007. (AQW 3084/09)

**The Minister of Health, Social Services and Public Safety:** Figures provided by the Health and Social Care Trusts are set out in the table below:

Health and Social Care Trust	1 May 2007 to 31 October 2008
Belfast	£45,845
Northern	£168,144
Northern Ireland Ambulance Service	£10,025
Southern	£128,000
South Eastern	£157,000
Western	£160,000

The above figures includes such items as sandwiches, tea and coffee etc for both internal and external meetings and events, for example public Trust Board meetings, Ministerial Visits, Health Committee etc

### Capital Projects

**Dr Farry** asked the Minister of Health, Social Services and Public Safety to report on the actions his Department is taking to bring forward the delivery of capital projects to help redress the economic downturn. (AQW 3100/09)

**The Minister of Health, Social Services and Public Safety:** My Department has submitted bids as part of the recent Budget Strategic Stocktake exercise in order to bring forward the delivery of key schemes. I am awaiting the outcome of this exercise.

### Learning Disabilities

**Mr I McCrea** asked the Minister of Health, Social Services and Public Safety how many people with a learning disability are attending adult training centres in the Northern Health and Social Care Trust area. (AQW 3110/09)

**The Minister of Health, Social Services and Public Safety:** Information provided by the Northern Health & Social Care Trust indicated that on 4 December 2008, 949 people with a learning disability were attending adult training centres.



## Health Promotion Agency

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how many staff work for the Health Promotion Agency. (AQW 3111/09)

**The Minister of Health, Social Services and Public Safety:** As at 3rd December 2008 there were 64 people working for the Health Promotion Agency. This figure includes 4 people working on secondment from other organisations.

## Learning Disabilities

**Mr I McCrea** asked the Minister of Health, Social Services and Public Safety how many people in the Northern Health and Social Care Trust area have a (i) learning disability; and (ii) severe learning disability. (AQW 3112/09)

**The Minister of Health, Social Services and Public Safety:** Information provided by the Northern Health & Social Care Trust indicated that on 4 December 2008, there were (i) 3,000 adults registered as having a learning disability and, (ii) 1,820 adults registered as having a severe learning disability. The requested information is not available for children.

## Clinical Trials

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to outline the cost of clinical trials in the Health Service, for the last three years. (AQW 3113/09)

**The Minister of Health, Social Services and Public Safety:** The full cost of clinical trials in the HSC is not routinely recorded nor is it easily quantified.

## Hepatitis

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how many cases of hepatitis have occurred, in each of the last three years. (AQW 3115/09)

**The Minister of Health, Social Services and Public Safety:** The number of laboratory reports of hepatitis (A, B and C) in Northern Ireland over the last 3 years for which information is available, is shown in the table below.

Year of diagnosis	2005	2006	2007
Number of New Diagnoses	213	218	223*

Source: CDSC(NI).

\*2007 data is provisional and may be subject to change.

## HIV Infections

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail any increases in HIV infections. (AQW 3116/09)

**The Minister of Health, Social Services and Public Safety:** Information on the number of diagnosed cases of HIV in Northern Ireland over the last 6 years for which information is available, is shown in the table below.

Year of diagnosis	2003	2004	2005	2006	2007	2008
Number of New Diagnoses	33	62	62	56	65	54*

Source: CDSC(NI) - HIV and STI Surveillance in Northern Ireland 2008.

\* Figure is for the first 6 months of 2008 only.



### Private Finance Initiative Projects

**Mr Easton** asked the Minister of Health, Social Services and Public Safety for his assessment of the increase in costs of Private Finance Initiative projects. (AQW 3118/09)

**The Minister of Health, Social Services and Public Safety:** I am not sure what increasing costs are being referred to in the question. However, in line with Treasury guidance, PFI has only been used as a procurement route in health infrastructure projects where they have demonstrated value for money and have been confirmed as being affordable.

### Prader-Willi Syndrome

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety how many people have Prader-Willi Syndrome, and what is their age profile. (AQW 3124/09)

**The Minister of Health, Social Services and Public Safety:** Information on the number of people who have Prader-Willi Syndrome is not available.

### Prader-Willi Syndrome

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety (i) how many; and (ii) are there any plans for, residential homes for Prader-Willi Syndrome sufferers. (AQW 3130/09)

**The Minister of Health, Social Services and Public Safety:** There are no residential homes specifically for sufferers of Prader-Willi Syndrome in Northern Ireland and there are currently no plans to commission specialist residential homes for this condition.

The five Health and Social Care Trusts provide person centred care assessments which address the specific needs of all users of their services, including those with Prader-Willi Syndrome.

### Prader-Willi Syndrome

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if his Department will ensure that appropriate care is available to all Prader-Willi Syndrome sufferers. (AQW 3131/09)

**The Minister of Health, Social Services and Public Safety:** The five HSC Trusts provide a broad range of appropriate care and services to people with a diagnosis of Prader-Willi Syndrome and their family/carers. The Trusts focus on providing a person centred care assessment involving multi disciplinary health and social care staff, as appropriate. The assessment is dependent on the specific needs of the individual and the assessed needs of the family/carers.

### Prader-Willi Syndrome

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety, since funding is due to end in April 2009, will he continue to offer financial assistance to employ a Prader-Willi Syndrome Outreach Worker (AQW 3132/09)

**The Minister of Health, Social Services and Public Safety:** My Department currently does not provide funding for a Prader Willi Syndrome Outreach Worker.

In accordance with normal auditing arrangements all organisations which seek funding from my Department should submit applications through the normal Departmental funding application routes.



### Walking and Cycling Initiatives

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety to detail (i) what role walking and cycling initiatives play in his Department's strategy to increase active lifestyles among children; and (ii) what steps his Department is taking to encourage this activity. (AQW 3138/09)

**The Minister of Health, Social Services and Public Safety:** (i) All physical activity, including walking and cycling, plays an important role in my Department's strategy to increase and promote active lifestyles among children. Regular physical activity contributes to maintaining a healthy weight which lowers the risk of a child developing weight problems and suffering related adverse health conditions during their lifetime.

(ii) I have established a cross-sectoral Obesity Prevention Steering Group (OPSG) which will advise on the delivery of over 70 key recommendations aimed at preventing and reducing childhood obesity identified in Fit Futures: Focus on Food, Activity and Young People. Associated advisory groups will provide advice on specific areas of work, one of which is the Promoting Physical Activity Advisory Group. This group, made up of a cross-section of representatives who specialise in physical activity issues will consider the wide range of associated activities including walking and cycling, and thus inform the development of the overarching obesity strategy to be developed through the OPSG.

### Clinical Dress Codes

**Lord Morrow** asked the Minister of Health, Social Services and Public Safety, pursuant to answer AQW 2531/09, if he is (i) maintaining regular spot-checks to ensure clinical dress codes for medical staff are being adhered to; and (ii) taking, or planning to take, disciplinary action against those Health and Social Care Trusts and individuals who are in breach of dress code policy. (AQW 3149/09)

**The Minister of Health, Social Services and Public Safety:** In February 2008 I announced that my department had issued a Regional Dress Code Policy as part of a package of measures to improve patient safety and reduce the spread of healthcare associated infection, and that all HSC Trusts were required to implement the Dress Code Policy with immediate effect.

I am firmly committed to a sustained approach, to promote the continued and effective implementation of measures which reduce the spread of healthcare associated infection, and my department therefore places great importance on monitoring compliance with these important measures.

For this reason my department requires that each HSC Trust must monitor compliance with the Regional Dress Code Policy, within their existent arrangements and report back on their individual compliance with the Regional Dress Code Policy to my department on an annual basis.

### National Appeal Panel

**Mr Durkan** asked the Minister of Health, Social Services and Public Safety the average time taken by the National Appeal Panel to process an appeal of an application to join the Pharmaceutical List, where that appeal was received (i) in 2007; and (ii) in 2008. (AQW 3155/09)

**The Minister of Health, Social Services and Public Safety:**

- (i) The average waiting time for appeals received in 2007 was approximately 18 months, and that remains current.
- (ii) It is anticipated that by March 2009 the average waiting time for appeals received in 2008 will be approximately 12 months.

### National Appeal Panel

**Mr Durkan** asked the Minister of Health, Social Services and Public Safety what is the current waiting period between receipt by the National Appeal Panel of an appeal to an application to join the Pharmaceutical List, and a decision on the appeal. (AQW 3157/09)

**The Minister of Health, Social Services and Public Safety:**

- (i) The average waiting time for appeals received in 2007 was approximately 18 months, and that remains current.



- (ii) It is anticipated that by March 2009 the average waiting time for appeals received in 2008 will be approximately 12 months.

### Health Service: Cost of Reviews

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to outline the total costs of all reviews on Health Service issues, announced by the Minister, since taking office. (AQW 3183/09)

**The Minister of Health, Social Services and Public Safety:** Information on the total costs of all reviews on Health Service issues is not available and could only be obtained at disproportionate cost.

### Health Service: Surgical Appliances

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to outline the cost to the Health Service of surgical appliances, over the last three years. (AQW 3186/09)

**The Minister of Health, Social Services and Public Safety:** Information on the specific costs of surgical appliances is not held.

### Clinical Coders

**Mr Burns** asked the Minister of Health, Social Services and Public Safety how many clinical coders are employed in the Belfast Health and Social Care Trust; and their respective pay bands. (AQW 3187/09)

**The Minister of Health, Social Services and Public Safety:** There are 21 clinical coders, both full-time and part-time, currently employed in the Belfast HSC Trust; 19 of these are in the Agenda for Change band 4 pay band and 2 are in the band 3 pay band.

### General Pharmaceutical Council

**Mr Durkan** asked the Minister of Health, Social Services and Public Safety to give an update on the formation of the General Pharmaceutical Council, and to make a statement on the future of the regulation of pharmacy. (AQW 3188/09)

**The Minister of Health, Social Services and Public Safety:** The General Pharmaceutical Council is due to be established in 2010. This work is being taken forward by an oversight group appointed by the Department of Health in England and known as the Pharmacy Regulation and Leadership Group (PRLOG).

I postponed taking a decision on whether pharmacy regulation in N Ireland should be carried out by the General Pharmaceutical Council until the Council has been established.

In the meantime the Pharmaceutical Society of Northern Ireland continues to regulate the pharmacy profession here and officials in my Department are updating the legislative framework under which this regulatory body operates.

### Community Pharmacy Contracts

**Mr Durkan** asked the Minister of Health, Social Services and Public Safety to provide an update on the conclusion of the new Community Pharmacy contracts. (AQW 3189/09)

**The Minister of Health, Social Services and Public Safety:** The Department's community pharmacy contract negotiating team has been negotiating a new contract with the Pharmaceutical Contractors Committee (PCC), the representative body for community pharmacy, since April 2004. To date a total of 11 formal contract meetings have been held.

The main developments have been a jointly agreed framework for the new contract, preparation by the departmental team of detailed service specifications and standards for the services to be provided, a survey commissioned jointly by the Department and PCC into the costs of running pharmacies in Northern Ireland and some discussion on introducing certain services as the first part of a phased approach to implementing the new contract.



One of the key initiatives of the new contract is the provision of a Minor Ailments Scheme. The Department has recently had constructive discussions with PCC in relation to provision of this service.

Clearly the rate of progress on the new pharmacy contract has been disappointing; however, it is hoped that real progress is now possible. I see a key role for community pharmacy in providing a range of services for local people and I will be looking to the profession to return to the negotiation process to ensure that patients in Northern Ireland benefit from the services that the rest of the UK enjoy. I firmly believe that the new contract is the way ahead for community pharmacy and I believe that, with willingness on both sides, real progress can be made in the coming months.

### Health and Social Care Trust Managers

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how many managers there are per department, in each Health and Social Care Trust. (AQW 3209/09)

**The Minister of Health, Social Services and Public Safety:** The requested Information is not available centrally and could only be provided at disproportionate cost.

### Management Positions

**Mr Easton** asked the Minister of Health, Social Services and Public Safety what is the total cost of management positions, in each department, in each Health and Social Care Trust. (AQW 3210/09)

**The Minister of Health, Social Services and Public Safety:** The information is not held centrally and could only be obtained at a disproportionate cost.

### UN Convention on the Rights of Persons with Disabilities

**Mr P Ramsey** asked the Minister of Health, Social Services and Public Safety what contribution his Department has made or will be making to the consultation by the UK Department of Work and Pensions on reservations to the UN Convention on the Rights of Persons with disabilities. (AQW 3216/09)

**The Minister of Health, Social Services and Public Safety:** In January 2007, OFMdFM asked all departments, including DHSSPS, to scrutinize their legislation, policies, practices and procedures to check their compatibility with the provisions of the Convention to enable the UK Government to make an informed decision about ratification.

In September 2008, OFMdFM sought further confirmation and the department responded that given statutory duties and compliance with the Disability Discrimination Act 1995, as amended, and Section 75 of the Northern Ireland Act 1998, the Convention was unlikely to impose any additional requirements. My Department has made no specific input with regard to reservations.

### UN Convention on the Rights of Persons with Disabilities

**Mr P Ramsey** asked the Minister of Health, Social Services and Public Safety what preparations his Department has made for the implementation of the UN Convention on the Rights of Persons with Disabilities. (AQW 3219/09)

**The Minister of Health, Social Services and Public Safety:** In line with the standards set out in the Convention on the Rights of Persons with Disabilities, my Department has completed a scrutiny of its legislation, policies, practices and procedures to check their compatibility with the provisions of the Convention. In addition, in July this year, my Department submitted a revised Disability Action Plan to the Equality Commission containing a series of planned actions for the period June 2007 to May 2010. In order to ensure that policies currently under development incorporate the standards set out in the Convention, establish equitable health care provision, promote positive attitudes and inclusion for people with disabilities, my Department is working with relevant stakeholders, including disability interests, and this process will be extended as appropriate to future policy development.



## Learning Disabilities

**Mr Weir** asked the Minister of Health, Social Services and Public Safety how many people in the South Eastern Health and Social Care Trust area have a (i) learning disability; and (ii) severe learning disability.

(AQW 3250/09)

**The Minister of Health, Social Services and Public Safety:** Information provided by the South Eastern Health & Social Care Trust indicated that:

- (i) On 31 March 2008, there were 1, 855 people with a learning disability;  
and,
- (ii) Information on the number of people with a severe learning disability is not currently recorded.

## Caesarean Sections

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety what is the total cost for caesarean sections, broken down by parliamentary constituency, for the financial years (i) 2006; and (ii) 2007.

(AQW 3278/09)

**The Minister of Health, Social Services and Public Safety:** For the financial years 2005/06 and 2006/07 total expenditure on caesarean sections in an inpatient setting in Northern Ireland, broken down by parliamentary constituency, was as follows:

Parliamentary Constituency	Expenditure (£000) 2006/07	Expenditure (£000) 2005/06
Belfast East	737	635
Belfast North	1,032	910
Belfast South	936	854
Belfast West	1,088	1,011
East Antrim	906	942
East Londonderry	567	792
Fermanagh and South Tyrone	1,061	1,089
Foyle	1,204	1,059
Lagan Valley	1,061	1,080
Mid Ulster	1,101	932
Newry and Armagh	1,576	1,156
North Antrim	865	1,013
North Down	751	731
South Antrim	1,244	1,310
South Down	1,199	955
Strangford	835	894
Upper Bann	1,493	1,342
West Tyrone	1,017	876
Unknown*	153	157
Total	18,826	17,738

\*Hospital Inpatient System could not identify the area due to insufficient information

**Source:** Trust Annual Costing Returns and Hospital Inpatient System



### Clostridium Difficile

**Lord Morrow** asked the Minister of Health, Social Services and Public Safety why some patients, suspected of contracting clostridium difficile in hospital and infection isolation wards, are refused re-entry to their original ward after testing negative for the infection. (AQW 3302/09)

**The Minister of Health, Social Services and Public Safety:** Patients who have diarrhoeal symptoms are isolated as soon as they develop the symptoms. The diarrhoea may be caused by a number of pathogens (germs) therefore a negative C. difficile result by itself is inconclusive as the patient may have any number of other infectious causes for their diarrhoea.

The patient would therefore remain in isolation (which may be in a different ward) unless a non-infectious cause is identified and documented by medical staff in the patient's notes.

The patient should be able to move back to their original ward (provided there are beds available) when they are 48 – 72 hours free from diarrhoeal symptoms and have had at least one 'normal' stool.

### Care Homes

**Mr K Robinson** asked the Minister of Health, Social Services and Public Safety if the Northern Health and Social Care Trust is involved in a process that will lead to the (i) closure or 'repurposing' of five of the nine care homes managed by the Trust; and (ii) moving elderly and vulnerable residents to unfamiliar surroundings. (AQW 3309/09)

**The Minister of Health, Social Services and Public Safety:** The Northern Health and Social Care Trust (NHSCT) proposes to replace 5 of the 9 statutory residential homes within its area with supported living schemes or other support suitable to the needs of the residents. The NHSCT has not identified the locations of the 5 specific homes yet; however, Trust officials will discuss the proposals with the residents, their families and staff in the homes concerned, before a public consultation period commences on 7th January 2009. As part of their older people's strategy, "Living Well, Ageing Better", the NHSCT sought the views of older people, who expressed their wish to live at home for as long as possible with appropriate support. Supported living schemes such as Barnhalt Cottages, Carrickfergus, provide evidence that such schemes are successful and an appropriate alternative to residential care for many people. However, in taking decisions on the way forward, the wellbeing and future care of existing residents, as well as the outcomes of the consultation, will be of paramount importance in the Trust's deliberations.

### Adult Training Centres

**Mr Weir** asked the Minister of Health, Social Services and Public Safety how many people with a learning disability are attending adult training centres in the South Eastern Health and Social Care Trust area. (AQW 3310/09)

**The Minister of Health, Social Services and Public Safety:** Information provided by the South Eastern Health & Social Care Trust indicated that on 31 October 2008, 935 people with a learning disability were attending adult training centres.

### Cardiac Rehabilitation Unit

**Mr K Robinson** asked the Minister of Health, Social Services and Public Safety where the Cardiac Rehabilitation Unit, currently sited in the Wakehurst Building at Belfast City Hospital, will be relocated should its present location be demolished; and (ii) if the Wakehurst Building recently cost £200,000 to refurbish. (AQW 3318/09)

**The Minister of Health, Social Services and Public Safety:**

- (i) There has been no decision made to demolish the Wakehurst Building at the Belfast City Hospital. Therefore, the Belfast Trust is retaining the Cardiac Rehabilitation Unit in the Wakehurst building.
- (ii) In the last few years, £200,000 was spent on refurbishing the Wakehurst Building. This refurbishment was for redecoration and the upgrade of patient areas in the Cardiac Rehabilitation Unit.



### Adult Training Centres

**Mr Craig** asked the Minister of Health, Social Services and Public Safety how many people with a learning disability are attending adult training centres in the South Eastern Health and Social Care Trust. (AQW 3319/09)

**The Minister of Health, Social Services and Public Safety:** Information provided by the South Eastern Health & Social Care Trust indicated that on 31 October 2008, 935 people with a learning disability were attending adult training centres.

### Learning Disabilities

**Mr Craig** asked the Minister of Health, Social Services and Public Safety how many people in the South Eastern Health and Social Care Trust have a learning disability, broken down by council area. (AQW 3320/09)

**The Minister of Health, Social Services and Public Safety:** Information is not available in the format requested.

### Voluntary Groups

**Mr Craig** asked the Minister of Health, Social Services and Public Safety what are the voluntary groups that the South Eastern Health and Social Care Trust works with to provide supported living for persons with learning disabilities, in the Lagan Valley area. (AQW 3321/09)

**The Minister of Health, Social Services and Public Safety:** The South Eastern Health and Social Care Trust has advised me that it works with Positive Futures, Prospects, Autism Initiatives and Oaklee Housing Association in providing supported living for persons with learning disabilities in the Lagan Valley area.

### Cardiovascular Services

**Mr Lunn** asked the Minister of Health, Social Services and Public Safety to outline the budget for cardiac rehabilitation for (i) adults; and (ii) children, for the 2009/10 financial year; and for his assessment of this amount being appropriate for the delivery of necessary training in this area. (AQW 3327/09)

**The Minister of Health, Social Services and Public Safety:** I have allocated £3 million to Health and Social Services Boards for expenditure on cardiovascular services in 2009/10.

Part of this allocation is to provide for improved community rehabilitation services so that all patients with heart disease who could benefit from rehabilitation have the opportunity to participate in a suitable programme. The breakdown of funding available to adults and children is not held.

It is the responsibility of the Health and Social Services Boards to plan and allocate resources to meet the needs of their local population, including those with heart disease. In determining their priorities for funding, Boards will take into account local circumstances, the strategic objectives established for the HSC and competing demands and pressures for a wide range of health and social care services generally. To date, Boards have not identified financial pressures for the delivery of necessary training in this area and consequently, my Department has not made any bids for additional funding.

### Newtownards Minor Injuries Unit

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to outline the savings to be made with the proposed closure of the Newtownards Minor Injuries Unit at weekends. (AQW 3331/09)

**The Minister of Health, Social Services and Public Safety:** Weekend closure of the Ards MIU could deliver an estimated efficiency of £56k. This proposal is subject to public consultation and a final decision will be made in due course.



### Nursing Posts

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to outline the savings to be made through the reduction of 700 nursing posts. (AQW 3332/09)

**The Minister of Health, Social Services and Public Safety:** Trust proposals that require any reduction in posts, including nursing posts, to allow the reconfiguration of services are currently subject to a public consultation process. Funding that may be released as a result of the efficiencies will be re-invested in service development.

### Lagan Valley Obstetrics Services

**Mr Easton** asked the Minister of Health, Social Services and Public Safety for his assessment of the savings to be made through the proposed closure of obstetrics services at Lagan Valley. (AQW 3334/09)

**The Minister of Health, Social Services and Public Safety:** The South Eastern Health and Social Care Trust's consultation on the proposal to transfer consultant-led inpatient obstetric services from Lagan Valley Hospital is currently ongoing and it would not be appropriate for me to provide an assessment of the proposal until that process is complete. The Trust has estimated that the savings associated with the proposal would be approximately £1 million.

### Smoking Cessation

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety how many of the 7,681 people who claim to have ceased smoking this year indicated that tobacco duty had a positive effect on their decision. (AQW 3348/09)

**The Minister of Health, Social Services and Public Safety:** The 7,681 figure quoted was the increase in the number of people who set a quit date through smoking cessation services during 2007/08 year, compared to the previous year. In 2007/08, which is the latest year for which statistics are available, the total number of people who set a quit date was actually 21,571.

Information on smoking cessation is collected via the four Health & Social Services Boards who submit data to the Department. There have been no indications from people who reported to Board cessation services that tobacco duty had any bearing on their individual decisions to quit, though a significant number cited cost as a factor.

### Greenfield Residential Care Home

**Mrs McGill** asked the Minister of Health, Social Services and Public Safety to detail the amount of funding that has gone into Greenfield Residential Care Home, Strabane for (i) physical improvement; and (ii) maintenance, in the last ten years. (AQW 3352/09)

**The Minister of Health, Social Services and Public Safety:** The Western Health and Social Care Trust have advised that over the past ten years £255,534 has been spent on maintenance and £274,839 on physical improvements for Greenfield Residential Home. The physical improvements included safety glazing, kitchen improvements, radiator replacement, installation of TV aerials, window anti-glare screens and various statutory improvements.

### Budget Underspends

**Ms Ní Chuilín** asked the Minister of Health, Social Services and Public Safety to detail (i) all budget under spends; and (ii) the bids that have yet to be met for which money is available. (AQW 3357/09)

**The Minister of Health, Social Services and Public Safety:**

- (i) The Department has no budget under spends in 2008-09.
- (ii) Under the terms of Budget 2008-11 Settlement it was agreed that DHSSPS would have first call on available in year monies of up to £20m. To date the Department has received some £10m and has submitted a bid for a further £10m in the recent December Monitoring round.



## Learning Disabilities

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety what action his Department is taking to ensure that learning disability in the Western Health and Social Care Trust is funded on a par with all Health and Social Care Trusts. (AQW 3358/09)

**The Minister of Health, Social Services and Public Safety:** The Department uses the Regional Capitation Formula to ensure that funds are distributed to commissioners on an equitable basis and in line with need. It is made up of a number of smaller formulae, one of which specifically deals with Learning Disability Services.

Ultimately however it is for commissioners to decide how these funds are spent with HSC Trusts.

## Western Health and Social Care Trust

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety what steps his Department is taking to address the severe shortage of (i) Speech Therapists; (ii) Occupational Therapists; (iii) Community Nurses; (iv) Social Workers; and (v) Domiciliary Care Nurses, in the Western Health and Social Care Trust area. (AQW 3359/09)

**The Minister of Health, Social Services and Public Safety:** The Western Trust currently has 9 vacant posts (headcount) over the professions listed above, (6.5WTE).

Recruitment and retention of staff is a matter for individual health and social care trusts and the Western Trust has assured me that they are taking appropriate measures to address the vacant posts.

## Western Health and Social Care Trust

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety how many vacancies exist for (i) Speech Therapists; (ii) Occupational Therapists; (iii) Community Nurses; (iv) Social Workers; and (v) Domiciliary Care Nurses, in the Western Health and Social Care Trust area. (AQW 3360/09)

**The Minister of Health, Social Services and Public Safety:** Information on the number of vacant posts for the above selected grades in the Western Health and Social Care Trust area is given in the table below.

**TABLE 1: NUMBER OF CURRENT VACANCIES, BY GRADE, IN THE WESTERN HEALTH AND SOCIAL CARE TRUST AREA AS AT 9TH DECEMBER 2008.**

Grade	Vacant Posts	
	Headcount	WTE
Speech Therapists	3	2.5
Occupational Therapists	2	1.5
Community Nurses	0	0.0
Social Workers	3	2.0
Domiciliary Care Workers	1	0.5

**Source:** Western Health & Social Care Trust

**Notes:**

1. WTE = Whole-Time Equivalent.
2. A current vacancy is an unoccupied post, which at 9th December 2008 was vacant and which the organisation was actively trying to fill.
3. None of the above vacancies are long-term (i.e. Vacant for 3 or more months).



### Learning Disabilities: Strabane

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety how many people from the Strabane area with learning disabilities are living in other areas because there are no residential places available in Strabane. (AQW 3361/09)

**The Minister of Health, Social Services and Public Safety:** There are currently 10 adults with learning disabilities from the Strabane area who have been placed in Residential/Nursing Homes outside of the area.

The main reason for this is that suitable vacant places are not available within the area. Three of the clients affected required specialised placements to deal with challenging behaviour, and this type of accommodation is presently not available within Strabane. One client also preferred to be placed outside of the area.

### Iona House, Strabane

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety what action his Department has taken to bring forward the replacement for Iona House in Strabane. (AQW 3362/09)

**The Minister of Health, Social Services and Public Safety:** The Western Health and Social Care Trust input to the recently completed Review of Capital Priorities identified Iona House as one of the priority schemes within its Learning Disability programme of care. However, the Trust also indicated that the capital funding required would be sought from the Department of Social Development.

### Pulmonary Arterial Hypertension

**Mr Durkan** asked the Minister of Health, Social Services and Public Safety how many people have been diagnosed with Pulmonary Arterial Hypertension, broken down by Health and Social Care Trust area. (AQW 3365/09)

**The Minister of Health, Social Services and Public Safety:** The number of people diagnosed with Pulmonary Arterial Hypertension is not available.

### Management and Administration Reductions

**Mr Poots** asked the Minister of Health, Social Services and Public Safety what percentage of the total budget has been identified as available through reductions and proposed reductions in management and administration. (AQW 3368/09)

**The Minister of Health, Social Services and Public Safety:** My Department will deliver £53m of management and administration savings from Health and Social Care organisations as a result of RPA.

These planned savings on management and administration equate to approximately 19.4% of the actual employer's payroll spend on these organisation's administration, clerical, board and director's salaries and wages in 2007/08.

### Residential Home Closures

**Mr Poots** asked the Minister of Health, Social Services and Public Safety what consideration is given to the personal and individual needs of residents in care, and if this is given priority over financial savings when considering the closure of residential homes. (AQW 3369/09)

**The Minister of Health, Social Services and Public Safety:** The Health and Social Care are reforming and modernising the way in which older peoples services are delivered across Northern Ireland. This is in response to a growing elderly population who have made known their wish to be able to remain living at home in their own communities, with proper support and care packages, for as long as it is safe to do so. This desire to remain at home has resulted in a reduction in the number of admissions to residential care homes. Several Health and Social Care trusts are in the process of carrying out public consultations on proposals to reform and modernise older peoples services in their areas. However, in taking decisions on the way forward, the wellbeing and future care of existing residents, as well as the outcomes of the consultation, will be of paramount importance in the Trust's deliberations.



### Gregg House, Lisburn

**Mr Poots** asked the Minister of Health, Social Services and Public Safety what role has his Department taken in supporting the residents of Gregg House in Lisburn. (AQW 3370/09)

**The Minister of Health, Social Services and Public Safety:** Gregg House in Lisburn is a former sheltered housing facility, which has been re-designated as mainstream housing and leased to Northern Ireland Housing Executive. The residents therefore, are not placed in Gregg House on the basis of having a particular health or social care need. Subsequently, if a resident requires support or domiciliary care the South Eastern Health and Social Care Trust carry out a full needs assessment and health and social services are provided on the basis of that assessment. There are currently 29 residents in Gregg House with 10 of these residents receiving a domiciliary care package.

### Pork Sales

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what discussions have taken place with the Food Standards Agency in Great Britain to ensure the continued sale of pork products in Northern Ireland. (AQW 3375/09)

**The Minister of Health, Social Services and Public Safety:** I am in close contact with the Food Standards Agency, which is a UK-wide non-Ministerial Government Department. The Food Standards Agency office in Belfast is providing the Minister with daily updates on the situation concerning dioxin and dioxin-like PCBs in pork and pork products from Northern Ireland and the Republic of Ireland. The FSANI is in continuous contact with the FSA office in London, availing of its scientific expertise to ensure that pork products in Northern Ireland pose no immediate risk to public health.

### Erne Hospital

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety how many operations have been carried out at the Erne Hospital, Enniskillen, in each of the last five years. (AQW 3381/09)

**The Minister of Health, Social Services and Public Safety:** The number of operations carried out at the Erne Hospital in each of the last five years, is shown in the table below:-

Financial Year	Number of operations
2002/03	8,037
2003/04	7,650
2004/05	7,893
2005/06	8,544
2006/07	9,041

**Source:** Hospital Inpatient System

### Agency for Public Health and Well-Being

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety how much the new Agency for Public Health and Well Being will cost his Department, on an annual basis. (AQW 3382/09)

**The Minister of Health, Social Services and Public Safety:** The Department is currently completing a staff mapping exercise to identify staff moving to the Regional Agency for Public Health and Social Well-Being with effect from 1 April 2009, and a business case which will determine the costs of the new Agency. The annual cost of the Agency cannot be confirmed until these exercises are completed.



### Nursing Vacancies: Omagh/Enniskillen

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety how many nursing vacancies currently exist in (i) Tyrone County Hospital, Omagh; and (ii) Erne Hospital, Enniskillen. (AQW 3383/09)

**The Minister of Health, Social Services and Public Safety:** Information on the number of vacant posts for Nursing & Midwifery staff in the selected hospitals in the Western Health and Social Care Trust area is given below.

As at 30th September 2008, Tyrone County Hospital, Omagh, had 2 (2.0 Whole-Time Equivalent) current vacancies for Qualified Nursing Staff. A current vacancy is defined as an unoccupied post, which at 30th September 2008 was vacant and which the organisation was actively trying to fill. Neither of these vacancies were long-term (i.e. vacant for 3 or more months).

As at 30th September 2008, Erne Hospital, Enniskillen, had 3 (2.5 Whole-Time Equivalent) current vacancies for Qualified Nursing Staff. None of these vacancies were long-term.

There were no vacancies for Nurse Support Staff in either hospital.

### Pharmaceutical Product Suppliers

**Mr I McCrea** asked the Minister of Health, Social Services and Public Safety what plans his Department has to limit the number of suppliers of pharmaceutical product. (AQW 3387/09)

**The Minister of Health, Social Services and Public Safety:** The pharmaceutical clinical effectiveness programme (PCEP) has promoted a rationalised and transparent approach to the selection of pharmaceutical products from those suppliers who can provide the highest standard of evidence for the quality, safety and cost-effectiveness of their products.

Regional contracts have been established with selected suppliers identified through EU tendering mechanisms for influenza vaccinations, wound care products and hospital generic medicines. These arrangements have delivered demonstrable improvements in quality and risk management of services in addition to delivering significant cash efficiencies for reinvestment in HSC.

You will also be aware that over the CSR 2008-11 period, I have set challenging targets to improve generic dispensing rates in order to achieve greater convergence with equivalent generic dispensing rates across the rest of the UK. With these objectives in mind, I will be considering the extension of the above PCE procurement approach to generic medicines for the primary care sector. I expect to review the findings of this latter exercise by the end of 2008 before any options for implementation are considered.

### ‘Love for Life’

**Mr I McCrea** asked the Minister of Health, Social Services and Public Safety to detail the total funding awarded to ‘Love for Life’ by (i) the Northern Health and Social Services Board; and (ii) the Northern Health and Social Care Trust, in each of the last five years. (AQW 3388/09)

**The Minister of Health, Social Services and Public Safety:** Funding to Love for Life has been awarded by (i) the Northern Health and Social Services Board; and (ii) the Northern Health and Social Care Trust for each of the last 5 years as follows:

	2004/05	2005/06	2006/07	2007/08	2008/09
(i) NHSSB	£615	£2633*	Nil	Nil	Nil
(ii) NHSCT	N/A	N/A	N/A	N/A	Nil

\* awarded but not expended by the organisation.



## Learning Disabilities

**Mr I McCrea** asked the Minister of Health, Social Services and Public Safety how much money his Department has provided to learning disability in the Northern Health and Social Care Trust area, in each of the last five years. (AQW 3390/09)

**The Minister of Health, Social Services and Public Safety:** My Department makes funding allocations to Health and Social Services Boards rather than Health and Social Care Trusts, therefore the information is not available in the format requested. However, Trust expenditure costs for learning disability services are held centrally. The latest figures my Department holds are for the financial year 2007/08. The table below provides the latest information available on the total amount of money spent by the Northern Health and Social Care Trust on learning disability between 2003/04 and 2007/08.

Northern HSC Trust Total Learning Disability Expenditure 2003/04 to 2007/08

Programme of Care	2003/04	2004/05	2005/06	2006/07	2007/08
Learning Disability (PoC6)	£28,400,270	£30,166,458	£34,141,977	£36,116,388	£36,346,053 <sup>1</sup>

**Note:**

1 - 2007-08 expenditure is provisional and may be subject to change.

**Source:** Northern Health and Social Care Trust

## Dampness in Homes

**Mr McKay** asked the Minister of Health, Social Services and Public Safety to list the public health effects of a house with (i) damp; and (ii) serious condensation. (AQW 3396/09)

**The Minister of Health, Social Services and Public Safety:** The World Health Organisation has concluded that the strongest evidence exists for the association of dampness in homes with cough, wheeze and asthma. Other illnesses associated with exposure to indoor damp include bronchial obstruction, bronchitis, persistent allergic rhinitis and eczema. It has been suggested that dampness can also affect mental health, for example, by causing stress to people worried about high heating bills and the destruction of belongings.

## Health and Social Care Trusts

**Mr Easton** asked the Minister of Health, Social Services and Public Safety what plans have the Health and Social Care Trusts to become more energy efficient. (AQW 3402/09)

**The Minister of Health, Social Services and Public Safety:** Currently, all Health and Social Care (HSC) Trusts are working toward achieving targets for energy efficiency contained in EnCO2de, the primary guidance on energy efficiency in both new and existing HSS Board facilities, issued on 30 May 2006.

Further plans for Health and Social Care bodies to become more energy efficient are contained in the draft Action Plan for Sustainable Operations on the Health and Social Care Estate. The Action Plan running from 2009 to 2011 covers 6 topic areas and will be issued for consultation in the near future.

## Health and Social Services Board

**Mr Easton** asked the Minister of Health, Social Services and Public Safety what plans have the Health and Social Services Board to become more energy efficient. (AQW 3403/09)

**The Minister of Health, Social Services and Public Safety:** Currently, all Health and Social Services (HSS) Boards are working toward achieving targets for energy efficiency contained in EnCO2de, the primary guidance on energy efficiency in both new and existing HSS Board facilities, issued on 30 May 2006.

Further plans for Health and Social Care bodies to become more energy efficient are contained in the draft Action Plan for Sustainable Operations on the Health and Social Care Estate. The Action Plan running from 2009 to 2011 covers 6 topic areas and will be issued for consultation in the near future.



## Energy Efficiency

**Mr Easton** asked the Minister of Health, Social Services and Public Safety what plans his Department has to become more energy efficient. (AQW 3404/09)

**The Minister of Health, Social Services and Public Safety:** Responsibility for the management, including energy efficiency, of the buildings occupied by the Department of Health, Social Services and Public Safety rests with the Department of Finance and Personnel and private landlords.

However, plans for the DHSSPS to become more energy efficient in areas within its influence are contained in the DHSSPS Action Plan for Sustainable Operations on the Government Estate 2006 -2008 and is available on line at [http://www.dhsspsni.gov.uk/dhssps\\_green\\_sd\\_action\\_plan.pdf](http://www.dhsspsni.gov.uk/dhssps_green_sd_action_plan.pdf)

The Action Plan covers the period from 2006 to 2008 and it is currently under review.

## Accident and Emergency Department in the Mid Ulster Hospital

**Mr I McCrea** asked the Minister of Health, Social Services and Public Safety how many people were admitted to the accident and emergency department in the Mid Ulster Hospital, in each of the last five years. (AQW 3405/09)

**The Minister of Health, Social Services and Public Safety:** Information on the number of attendances at the Accident and Emergency Department at Mid Ulster Hospital, for each of the last five years, is outlined below.

	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
Total Attendances	24,477	23,566	23,089	20,451	18,997

Source: Departmental Return KH09 (Part 2)

## Alcohol Abuse

**Mr I McCrea** asked the Minister of Health, Social Services and Public Safety how many patients have been treated in the Mid Ulster Hospital because of alcohol abuse or related reasons. (AQW 3406/09)

**The Minister of Health, Social Services and Public Safety:** In 2006/07, there were 348 admissions to the Mid Ulster Hospital where an alcohol related diagnosis was recorded.

Deaths and discharges are used as an approximation of admissions. These figures should not be used to denote individuals as a person may be admitted to hospital more than once in a year.

## Efficiency Savings

**Dr Farry** asked the Minister of Health, Social Services and Public Safety what policies and practices in his Department have changed in delivering the 3% efficiency savings required by the 2008-11 Budget. (AQW 3407/09)

**The Minister of Health, Social Services and Public Safety:** Trusts and other organisations must produce efficiency proposals that are in line with existing policies and the Department's strategic direction and are deliverable alongside service modernisation. This includes implementing policies and practices, for example, to increase daycase rates, to decrease inappropriate length of stay, to improve procurement, to treat people in the community instead of hospital where that is the best care for them, to improve preventative measures, to extend generic prescribing of drugs and reduce administration.

## Carers

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety how many people have (i) family members; and (ii) Trust appointed carers to look after them, in each constituency, in each of the last two years. (AQW 3412/09)



**The Minister of Health, Social Services and Public Safety:** The information is not available centrally.

### Residential Home Closures

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety what steps the South Eastern Health and Social Care Trust is taking to ensure that the views of residents are taken into account as part of its plans to close residential homes. (AQW 3413/09)

**The Minister of Health, Social Services and Public Safety:** I can confirm that no final decision has been made on the closure of Loch Cuan House. The proposals are now subject of a planning process, the current stage of which is a full public consultation period, which has been running from November 20 2008 and continues until February 12 2009. The South Eastern Trust are making significant efforts to engage with all interested parties through a series of meetings with residents in Loch Cuan and their families, and a public meeting was held in the Strangford Arms Hotel on December 8 2008. The Trust also proposes to engage with all political parties and Ards District Council during the consultation period. No decision will be taken by the Trust until such times as it has given full and proper consideration to the response to the public consultation.

### Residential Home Closures

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if he can confirm that a final decision has not been made on the closure of Loch Cuan Home and that consideration will be given to the opinions of (i) residents of the home and their families; (ii) elected representatives; and (iii) residents in the area, before a decision is made. (AQW 3415/09)

**The Minister of Health, Social Services and Public Safety:** I can confirm that no final decision has been made on the closure of Loch Cuan House. The proposals are now subject of a planning process, the current stage of which is a full public consultation period, which has been running from November 20 2008 and continues until February 12 2009. The South Eastern Trust are making significant efforts to engage with all interested parties through a series of meetings with residents in Loch Cuan and their families, and a public meeting was held in the Strangford Arms Hotel on December 8 2008. The Trust also proposes to engage with all political parties and Ards District Council during the consultation period. No decision will be taken by the Trust until such times as it has given full and proper consideration to the response to the public consultation.

### Assaults on Healthcare Officials

**Mrs Long** asked the Minister of Health, Social Services and Public Safety (i) how many assaults were carried out against health care officials, in the current year in each Health and Social Care Trust as well as the comparable figures for the previous year; (ii) how many prosecutions were pursued as a result of an assault on a health care official; and how many prosecutions were successful; (iii) what support and assistance were given by his Department to health care officials who have suffered an assault; and (v) what assistance is provided to health care officials who wish to prosecute a person who carried out an assault against them. (AQW 3422/09)

**The Minister of Health, Social Services and Public Safety:** The number of physical and verbal attacks over the previous two years.

	2008/2009*		2007/2008	
	Physical	Verbal	Physical	Verbal
Northern Health and Social Care Trust	556	188	889	331
Southern Health and Social Care Trust	324	171	385	320
South Eastern Health and Social Care Trust	237	67	973	234
Western Health and Social Care Trust	368	190	618	272
Belfast Health and Social Care Trust	690	310	1372	580



	2008/2009*		2007/2008	
	Physical	Verbal	Physical	Verbal
Northern Ireland Ambulance Services Health and Social Care Trust	38	38	82	56
Others	0	1	0	8
<b>Totals</b>	<b>2213</b>	<b>965</b>	<b>4319</b>	<b>1793</b>
	3178		6120	

\* Figures are collected by the Department on a six monthly basis. The figures for 2008/2009 reflect the period from 1st April 2008 to 30 September 2008

Prosecution statistics collected by the Public Prosecution Service do not distinguish healthcare workers as a specific category. Trusts have Zero Tolerance policies in place that indicate that support will be provided by line management following the report of an assault. Similar arrangements are in place to support staff in the event that a prosecution is appropriate.

### Mental-Health Promotion Strategy

**Ms Anderson** asked the Minister of Health, Social Services and Public Safety if his Department plans to amalgamate the existing suicide strategy within the new Mental Health Promotion Strategy, and if so (i) to outline his assessment of the impact of this measure with reference to the World Health Organisation recommendations on suicide prevention; and (ii) to detail any consultations his Department held with families bereaved by suicide and other stakeholders prior to making this decision. (AQW 3428/09)

**The Minister of Health, Social Services and Public Safety:** The Department is currently revising its strategy for the promotion of mental health. I have not made a decision to amalgamate the Protect Life strategy with any future promoting mental health strategy, but I recognise that interventions that improve the levels of mental wellbeing in the population have the potential to contribute significantly to reducing the risk of suicide.

### Myalgic Encephalomyelitis

**Mr Craig** asked the Minister of Health, Social Services and Public Safety how many people suffer from (i) Myalgic Encephalomyelitis, (ii) Fibromyalgia and (iii) Chronic Fatigue Syndrome. (AQW 3429/09)

**The Minister of Health, Social Services and Public Safety:** Information is not available on how many people suffer from (i) Myalgic Encephalomyelitis, (ii) Fibromyalgia and (iii) Chronic Fatigue Syndrome.

### Learning Disabilities

**Mr Craig** asked the Minister of Health, Social Services and Public Safety to report on the current and planned provision for supported living for persons with learning disabilities in the Lagan Valley area. (AQW 3433/09)

**The Minister of Health, Social Services and Public Safety:** The provision of services for supported living in the Lagan Valley area is the responsibility of the South Eastern Health and Social Care Trust (the Trust).

The Trust has advised that within the Lagan Valley area, it currently supports 51 persons with learning disabilities to live within supported living schemes.

The Trust plans to provide an additional 7 supported living places by 2011 and is currently negotiating to include a further 6 places in the Supporting People Capital and Revenue Programme for 2011/2012.

### Hospital Costs

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what is the average cost of a hospital meal, per patient, in each of the last five years. (AQW 3441/09)



**The Minister of Health, Social Services and Public Safety:** The information requested is not available to the Department of Health and Social Services.

### **Acute Hospital for the South-West in Enniskillen**

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety why all works at the acute hospital for the South West in Enniskillen have stopped. (AQW 3453/09)

**The Minister of Health, Social Services and Public Safety:** Work on the site for the new South West acute hospital has not stopped. In September 2006 my Department approved the OBC2 for the acute hospital in Enniskillen. This gave approval for enabling works to commence on the site of the new hospital. These works were completed in August this year at a cost of £5.3 million. Work on the construction phase, including the foundations, of the new hospital will commence in Spring 2009.

### **Acute Hospital for the South-West in Enniskillen**

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety if all the foundations for the new acute hospital for the South West in Enniskillen have now been laid ready for building works to commence. (AQW 3454/09)

**The Minister of Health, Social Services and Public Safety:** Work on the site for the new South West acute hospital has not stopped. In September 2006 my Department approved the OBC2 for the acute hospital in Enniskillen. This gave approval for enabling works to commence on the site of the new hospital. These works were completed in August this year at a cost of £5.3 million. Work on the construction phase, including the foundations, of the new hospital will commence in Spring 2009.

### **Myalgic Encephalomyelitis**

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety what help is available for families caring for a Myalgic Encephalomyelitis sufferer at home. (AQW 3455/09)

**The Minister of Health, Social Services and Public Safety:** People with Myalgic Encephalomyelitis (ME) and their families are supported through access to a range of health and social care services which include respite care, domiciliary care, occupational therapy, physiotherapy, mental health services, nursing and social work. Direct Payments are also promoted by Health & Social Care Trusts as a means by which traditional domiciliary care resources can be utilised in a more flexible, supportive and person centred manner.

### **Myalgic Encephalomyelitis**

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety what provision his Department has in place to diagnose and offer treatment options for patients with Myalgic Encephalomyelitis. (AQW 3456/09)

**The Minister of Health, Social Services and Public Safety:** On 31 January 2008, the Department officially endorsed the NICE guideline on the diagnosis and management of Myalgic Encephalomyelitis (ME) / Chronic Fatigue Syndrome (CFS) in adults and children as applicable to Northern Ireland. This guideline states that ME / CFS cannot be diagnosed by any test currently available, but that clinicians should make a diagnosis following the exclusion of other known causes for the symptoms, and where symptoms are causing functional impairment.

A range of treatment and support options are available for people with ME. Patient care is for the most part provided by general practitioners. Patients may also access other disciplines of the HSC including community care and support, neurology services and mental health services which can provide treatment like cognitive behaviour therapy, which is thought to help manage the illness.



### Myalgic Encephalomyelitis

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety how much funding his Department has provided for biomedical research into Myalgic Encephalomyelitis, in each of the last five years. (AQW 3457/09)

**The Minister of Health, Social Services and Public Safety:** The Department has not provided any funding for biomedical research into Myalgic Encephalomyelitis in the last five years.

Pioneering research into diseases like Myalgic Encephalomyelitis needs to be undertaken in specialised centres of excellence which can best contribute to a global research effort.

### Hospital Admissions

**Mr Burns** asked the Minister of Health, Social Services and Public Safety to detail the number of admissions to hospitals for injuries caused by falls related to the cold weather, in the month of December 2008. (AQW 3477/09)

**The Minister of Health, Social Services and Public Safety:** Information is not available on the number of admissions to hospitals for injuries caused by falls related to the cold weather, in the month of December 2008.

### Health Service Workers

**Mr Burns** asked the Minister of Health, Social Services and Public Safety to detail the number of Health Service workers who are owed pay due to errors. (AQW 3479/09)

**The Minister of Health, Social Services and Public Safety:** My Department does not hold this information. Once an error in pay comes to light HSC employers make every effort to rectify that error as soon as possible.

### Interface Violence

**Mr A Maskey** asked the Minister of Health, Social Services and Public Safety to detail (i) the programmes his Department funds in relation to direct intervention and prevention of interface violence; and (ii) the cost of these programmes. (AQW 3487/09)

**The Minister of Health, Social Services and Public Safety:** My Department does not provide such direct funding.

### Reviews Announced by Minister

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how many reviews he has announced since coming into office. (AQW 3488/09)

**The Minister of Health, Social Services and Public Safety:** I have announced 14 reviews since taking up office in May 2007. I have also jointly announced a review with the DSD Minister on Support Provisions for Carers.

### Departmental Public Appointments

**Ms Purvis** asked the Minister of Health, Social Services and Public Safety (i) to list all public appointments (a) filled by his Department and (b) still outstanding; (ii) on what grounds were some appointments not made; (iii) to assess the process adopted for appointments including the OPCA guidance; and (iv) his plans for ensuring a more efficient application of the procedures. (AQW 3495/09)

**The Minister of Health, Social Services and Public Safety:**

- (i) (a) The Department of Health, Social Services and Public Safety has made a total of 377 public Appointments over the last three financial years. The attached table at Annex A details all the public Appointments made by my Department during each of the last three financial years.



- (i) (b) There are currently a total of **32** public appointment vacancies, as listed below:-

Eastern Health & Social Services Board	1
Southern Health & Social Services Board	2
Western Health & Social Services Board	1
Eastern Health & Social Services Council	12
Northern Health & Social Services Council	4
Southern Health & Social Services Council	4
Western Health & Social Services Council	1
Health Promotion Agency	1
Mental Health Commission	3
NI Ambulance Service HSC Trust	1
NI Practice & Education Council for Nursing & Midwifery	2
<b>Total</b>	<b>32</b>

- (ii) The majority of the vacancies (**29 in total**) are within organisations which will cease to exist from 1 April 2009, due the Review of Public Administration. These organisations include the four Health and Social Services (HSS) Boards; HSS Councils; HCS Trusts; the Health Promotion Agency and the Mental Health Commission. To that end, the Department decided that no new public appointments would be made to these organisations in the interim period.

There is currently one vacancy in the NI Ambulance Service Health and Social Care Trust and the Department is currently running an appointment competition to fill the vacancy. In addition, there are two vacancies in the NI Practice & Education Council for Nursing & Midwifery Council. The Department intends to run a competition to fill these two vacancies in the New Year. Both of these organisations are unaffected by RPA.

- (iii) All appointments made to DHSSPS public bodies are regulated by the Commissioner for Public Appointments for Northern Ireland, and as such are made in accordance with the Code of Practice issued by the Commissioner's office.
- (iv) Under the 2001 Order, the Commissioner for Public Appointments for Northern Ireland is required to audit appointments within her remit, for compliance with the Code of Practice, and publish an Annual Report and audit reports which includes information as to the observance of the Code of Practice and an account of the audit process. The Department of Health, Social Services and Public Safety adheres to the principles and procedures as set out in the Commissioner's Code of Practice and ensures that all recommendations contained in the audit report are implemented to ensure more efficient application of the appointment procedures.

#### ANNEX A

#### DEPARTMENT OF HEALTH, SOCIAL SERVICES & PUBLIC SAFETY PUBLIC APPOINTMENTS MADE 1 APRIL 2005 – 31 MARCH 2008

Financial Year 2005/06	
Name of Body	Number
Altnagelvin Hospitals HSS Trust	3
Armagh & Dungannon Community Trust	2
Craigavon Area Hospital HSS Trust	3
Down & Lisburn HSS Trust	5
Eastern Health & Social Services Council	15
Foyle HSS Trust	1
Greenpark HSS Trust	5



Financial Year 2005/06	
Name of Body	Number
Homefirst HSS Trust	2
Mater Infirmorum Hospitals HSS Trust	1
Mental Health Commission for NI	6
North & West Belfast HSS Trust	3
Northern Health & Social Services Board	4
Northern Health & Social Services Council	17
Northern Ireland Ambulance Service	3
Northern Ireland Social Care Council	7
NI Guardian Ad Litem Agency	4
NI Blood Transfusion Service	2
NI Practice & Education Council for Nursing & Midwifery	1
Regional Medical Physics Agency	1
Regulation & Quality Improvement Authority	6
South & East Belfast HSS Trust	2
Southern Health & Social Services Board	2
Southern Health & Social Services Council	18
Sperrin Lakeland HSS Trust	6
Western Health & Social Services Board	4
Western Health & Social Services Council	17
<b>Total</b>	<b>140</b>

Financial Year 2006/07	
Name of Body	Number
Altnagelvin HSS Trust	1
Down Lisburn HSS Trust	1
Belfast Health & Social Care Trust	1
Fire & Rescue Service Board	9
Greenpark HSS Trust	1
Health Promotion Agency	2
Mater Infirmorum Hospitals HSS Trust	2
Mental Health Commission	2
North & West Belfast HSS Trust	1
Northern Health & Social Care Trust	1
Northern Ireland Ambulance Service	1
NI Practice & Education Council for Nursing & Midwifery	11
Royal Group of Hospitals HSS Trust	2
Regulation & Quality Improvement Authority	1
Southern Health & Social Care Trust	1
South Eastern Health & Social Care Trust	1



Financial Year 2006/07	
Name of Body	Number
Ulster Community HSS Trust	1
Western Health & Social Care Trust	1
Western Health & Social Services Council	1
<b>Total</b>	<b>41</b>

Financial Year 2007/08	
Name of Body	Number
Belfast Health & Social Care Trust	7
Central Services Agency	1
Eastern Health & Social Service Council	1
Fire & Rescue Service Board	2
Mental Health Commission for NI	1
Northern Health & Social Care Trust	7
NI Ambulance Service Trust	1
NI Blood Transfusion Service Agency	1
NI Guardian Ad Litem Agency	1
NI Social Care Council	12
South Eastern Health & Social Care Trust	7
Southern Health & Social Care Trust	7
Western Health & Social Services Council	1
Western Health & Social Care Trust	7
<b>Total</b>	<b>56</b>

## GCSEs

**Miss McIlveen** asked the Minister of Health, Social Services and Public Safety what percentage of children in care, who are in the age range to sit examinations, achieved; (i) one or more GCSEs at grade C or above; (ii) two or more GCSEs at grade C or above; (iii) three or more GCSEs at grade C or above; (iv) four or more GCSEs at grade C or above; and (v) five or more GCSEs at grade C or above, in each of the last five years. (AQW 3496/09)

**The Minister of Health, Social Services and Public Safety:** The information is not available in the format requested.

## Children in Care

**Miss McIlveen** asked the Minister of Health, Social Services and Public Safety how many children have gone missing from care in each of the last five years, broken down by Health and Social Care Trust. (AQW 3498/09)

**The Minister of Health, Social Services and Public Safety:** The information requested is not available in the format requested, and could only be provided at disproportionate cost.



### Pork Industry

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety what assessment he has made of scientific advice in the news media that dioxins are not harmful and that the consumption of pork at meal times over a lengthy period would not lead to health problems. (AQW 3501/09)

**The Minister of Health, Social Services and Public Safety:** The Food Standards Agency provides me with scientific advice and appropriate risk assessment on the effects on human health in relation to the consumption of food.

The FSA is a science and evidence based organisation, and in addition to its own scientific expertise, the Agency takes account of the European Food Safety Authority (EFSA) assessments.

Scientific evidence shows that, concerning this single incident, consumption of even a large amount of contaminated pork is not likely to lead to adverse health effects.

### Ravara House

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what scoring the South Eastern Health and Social Care Trust used to propose the closure of Ravara House in Bangor. (AQW 3510/09)

**The Minister of Health, Social Services and Public Safety:** The scoring system used by the South Eastern Health and Social Care Trust in its proposal to close Ravara House is detailed in the consultation document available on the Trust's website: <<http://www.setrust.hscni.net>> and clicking on 'Involving You'.

### Myalgic Encephalomyelitis

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety how many people have been diagnosed and currently suffering from Myalgic Encephalomyelitis in the Western Health and Social Care Trust area. (AQW 3512/09)

**The Minister of Health, Social Services and Public Safety:** Information is not available on how many people have been diagnosed and are currently suffering from Myalgic Encephalomyelitis.

### Public Consultations

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to outline the cost of all public consultations undertaken on health issues, in the last three years. (AQW 3527/09)

**The Minister of Health, Social Services and Public Safety:** The latest information held by my department on the cost of all public consultations in the last three years was provided to the Member in AQW 6118/08.

### Equality Impact Assessments

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to breakdown the cost of all equality impact assessments carried out within the Health Service, in the last three years. (AQW 3529/09)

**The Minister of Health, Social Services and Public Safety:** Information on the breakdown of the costs of all Equality Impact Assessments carried out across the Health Service is not maintained nor readily available.

### Cleft Palate

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety what is the cost for surgery for those born with a cleft palate, broken down by parliamentary constituency, in each of the last two years. (AQW 3544/09)

**The Minister of Health, Social Services and Public Safety:** The last two financial years for which costs are available are 2005/06 and 2006/07. For the financial years 2005/06 and 2006/07 total expenditure on operations



for the correction of a cleft palate in an inpatient setting in Northern Ireland, broken down by parliamentary constituency, was as follows:

Source: Trust Annual Costing Returns and Hospital Inpatient System

A waiting list initiative was carried out during 2006/07 which led to an increase in activity in this year.

Parliamentary constituency	Expenditure (£000) 2006/07	Expenditure (£000) 2005/06
Belfast East	13.9	4.8
Belfast North	15.2	4.8
Belfast South	3.5	4.8
Belfast West	6.9	0
East Antrim	17.3	2.4
East Londonderry	20.8	0
Fermanagh And South Tyrone	3.5	2.4
Foyle	17.3	7.2
Lagan Valley	20.8	0
Mid Ulster	17.3	2.4
Newry And Armagh	10.4	7.2
North Antrim	27.7	7.2
North Down	10.4	7.2
South Antrim	3.5	4.8
South Down	3.5	4.8
Strangford	10.4	2.4
Upper Bann	20.8	7.2
West Tyrone	6.9	2.4
<b>Total</b>	<b>230.3</b>	<b>72.3</b>

### Minor Ailments Scheme

**Mr McClarty** asked the Minister of Health, Social Services and Public Safety what developments have been made on the Minor Ailments Scheme following its suspension in July 2008. (AQW 3551/09)

**The Minister of Health, Social Services and Public Safety:** The Minor Ailments Scheme was not suspended but was enhanced in August 2008 to provide a greater range of services to patients.

Following negotiations I met with the Pharmaceutical Contractors Committee on 19 November and am pleased to report that a negotiated settlement has been agreed. I intend to issue a statement outlining the terms of a new service shortly.

### Car Parking Charges

**Mr McClarty** asked the Minister of Health, Social Services and Public Safety to outline his plans for potential car parking charges at the Causeway Hospital. (AQW 3553/09)

**The Minister of Health, Social Services and Public Safety:** The decision to apply car park charging and the level of charging to be applied remains with the individual discretion of each Trust. This allows each Trust to strike a reasonable balance between local needs and the costs of providing car parking facilities. The provision and management of car parking at the Causeway Hospital is therefore an operational matter for the Northern Trust, not the Department of Health, Social Services and Public Safety.



### Unattended Child in Care

**Mr McClarty** asked the Minister of Health, Social Services and Public Safety what action he is taking to investigate why a child was left behind under the care of social services at a Coleraine restaurant in early December 2008. (AQW 3557/09)

**The Minister of Health, Social Services and Public Safety:** This is a very regrettable incident which the Western Health and Social Care Trust is currently investigating. The Trust has advised that they will consider the circumstances of the incident under their normal disciplinary procedures before deciding what action will be taken. My Department will wish to consider the outcome of the Trust's investigations to ensure that lessons learned are shared across all five Trust areas.

### Speech and Language Therapy

**Mr P Ramsey** asked the Minister of Health, Social Services and Public Safety what public health initiatives are being taken to address the increasing number of children entering school with significant speech and language difficulties. (AQW 3579/09)

**The Minister of Health, Social Services and Public Safety:** My Department published the Health for All Children Report in October 2006. This is a guide for health professionals in supporting children and young people's health and development in the early years and beyond. The Report sets out a screening programme for children from the antenatal period to four years and beyond.

Screening plays a vital role in the diagnosis of a speech and language difficulty, with the premise that preventative health care can be administered as soon as the difficulty is detected. Speech & language therapists work in partnership with health visitors to help ensure early identification of speech and language problems. Children suspected of having special education needs may be referred to a community paediatrician or another relevant health professional.

### Speech and Language Therapy

**Mr P Ramsey** asked the Minister of Health, Social Services and Public Safety what Speech and Language Therapy (SLT) is available for (i) young people; and (ii) adults, with speech, language and communications difficulties, in the justice system. (AQW 3580/09)

**The Minister of Health, Social Services and Public Safety:** While there is no dedicated provision for young people or adults with speech, language or communication difficulties within the juvenile or adult justice system, Her Majesty's Prisons may request such services from the local Health and Social Care Trust after a clinical assessment of the individual's need has been made. Speech & Language Therapy services may then be provided by a community-based team.

### Augmentative and Alternative Communications (AAC)

**Mr P Ramsey** asked the Minister of Health, Social Services and Public Safety what steps are being taken to develop a regional strategy for Augmentative and Alternative Communications (AAC) for (i) assessment of appropriate systems; (ii) funding of recommended AAC equipment; and (iii) support for clients and patients learning and using AAC systems. (AQW 3581/09)

**The Minister of Health, Social Services and Public Safety:** Criteria for access to the regional Communication Advice Centre (CAC) within the Belfast Health and Social Care Trust (BHSCT) are being developed. BHSCT has initiated a discussion with Speech and Language Therapy (SLT) managers within the Health and Social Care Trusts to examine what Augmentative and Alternative Communications (AAC) services exist across Northern Ireland. Representatives from SLT services will meet in early 2009 to map currently available AAC assessment and support services in both the CAC and in local Trusts.

The CAC does not fund devices for individual long term use. Loan of equipment may be arranged as part of the assessment procedure. When an appropriate system has been identified the details are sent to the Speech & Language Therapy (SLT) manager in the referring Trust.



The CAC service recognises the need to support users, families, and Speech and Language Therapists during assessment and in the long term use of AAC systems. The CAC has planned a programme of SLT training in 2009 to support local SLT services.

### Myalgic Encephalomyelitis

**Mr Newton** asked the Minister of Health, Social Services and Public Safety how many staff are dedicated to providing treatment to persons suffering from Chronic Fatigue Syndrome/Myalgic Encephalomyelitis, broken down by Health and Social Services Board area. (AQW 3621/09)

**The Minister of Health, Social Services and Public Safety:** The Belfast Health and Social Care Trust provide a consultant-led specialist service for Chronic Fatigue Syndrome/Myalgic Encephalomyelitis. This service currently has one (0.5 Whole-Time Equivalent) person employed solely to provide Chronic Fatigue Syndrome/ Myalgic Encephalomyelitis services. At this time referrals to this service are from the Belfast area only.

As Chronic Fatigue Syndrome/ Myalgic Encephalomyelitis may involve a range of symptoms and disabilities, people suffering from this condition may be treated by a number of different health and social care professionals, including GPs, community care, neurology, mental health and allied health professionals. These staff are not employed solely to provide services to people with Chronic Fatigue Syndrome/ Myalgic Encephalomyelitis and it is not possible to identify separately the proportion of their time spent treating patients with this individual condition.

### Medical Cards

**Mr O'Dowd** asked the Minister of Health, Social Services and Public Safety when an answer to AQW 1981/09 will be provided. (AQW 3624/09)

**The Minister of Health, Social Services and Public Safety:** The member will receive an answer to AQW 1981/09 when the information requested is available.

### December Monitoring Round

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how he intends to use the extra £5m announced for his Department in the December monitoring round. (AQW 3645/09)

**The Minister of Health, Social Services and Public Safety:**

- (i) Under the terms of Budget 2008-11 Settlement it was agreed that DHSSPS would have first call on available in year monies of up to £20m. On the basis of this commitment, the Department drew in its initial spending plans assuming these monies would be made available to bring forward improvements to cardiac, elective and long term care services and enhance services to children.
- (ii) The additional £5m awarded in December means that to date DHSSPS has received some £15m of the promised £20m. The Department will bid for the remaining balance in the February monitoring round to ensure the requisite resources are available to meet existing commitments.

### Obesity

**Mr Elliott** asked the Minister of Health, Social Services and Public Safety what steps he is taking to reduce the prevalence of obesity. (AQW 3654/09)

**The Minister of Health, Social Services and Public Safety:** Tackling obesity in Northern Ireland is a high priority for my Department. To this end I have established a cross-sectoral Obesity Prevention Steering Group (OPSG) with responsibility for taking forward the recommendations in the Fit Futures Implementation Plan. During the coming year we shall be developing a life course approach to improve participation in physical activity, increasing awareness of healthy eating and promoting healthy weight within an over-arching Obesity Strategic Framework.

Preventing the rise of obesity will have a positive impact on the health of our communities in the future and whilst I acknowledge appropriate clinical interventions have a role to play, I believe we need to place particular emphasis on the prevention of obesity which can help reduce related health issues such as diabetes, cancer and heart disease.



## Hospital Appointments

**Mr Craig** asked the Minister of Health, Social Services and Public Safety to detail the procedures, including timeframes, for hospitals to cancel appointments and provide new appointment dates. (AQW 3658/09)

**The Minister of Health, Social Services and Public Safety:** I refer you to the answer I gave to AQW 4307/08 on 5 March 2008.

## REGIONAL DEVELOPMENT

### Northern Ireland Water

**Mr K Robinson** asked the Minister for Regional Development for his assessment of the proposed sea outfall being of sufficient length to disperse effluent away from the still waters of Cloughfin Bay. (AQW 2724/09)

**The Minister for Regional Development (Mr C Murphy):** I have been advised by Northern Ireland Water that it is currently liaising with the Northern Ireland Environment Agency (NIEA) regarding the proposal to provide appropriate treatment of wastewater from Whitehead, Ballycarry and Ballystrudder and the discharge of effluent through a sea outfall pipe at Cloughfin Bay. Alternative treatment solutions are currently being modelled in order to provide satisfactory dilution and dispersion of effluent in the Irish Sea and along the coast, including Cloughfin Bay. The proposal will remove existing continuous discharges in these areas and lead to an improvement in water quality in Belfast and Larne Loughs and off the coastline north of Whitehead.

NIEA will assess the results of the modelling and will take into account any impact on puffin feeding grounds and the habitat that supports sand eels in its consideration for the granting of a Food & Environment Protection Act license and consent to discharge.

### Northern Ireland Water

**Mr K Robinson** asked the Minister for Regional Development for his assessment of the environmental damage of Northern Ireland Water's sewage disposal proposals on initiatives to enhance the tourist potential of the (i) Gobbins; and (ii) adjacent areas of Larne and Belfast Loughs. (AQW 2726/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water that it is currently liaising with the Northern Ireland Environment Agency (NIEA) regarding the proposal to provide appropriate treatment of wastewater from Whitehead, Ballycarry and Ballystrudder and the discharge of effluent through a sea outfall pipe at Cloughfin Bay. Alternative treatment solutions are currently being modelled in order to provide satisfactory dilution and dispersion of effluent in the Irish Sea and along the coast, including Cloughfin Bay. The proposal will remove existing continuous discharges in these areas and lead to an improvement in water quality in Belfast and Larne Loughs and off the coastline north of Whitehead.

NIEA will assess the results of the modelling and will take into account any impact on puffin feeding grounds and the habitat that supports sand eels in its consideration for the granting of a Food & Environment Protection Act license and consent to discharge.

### Northern Ireland Water

**Mr K Robinson** asked the Minister for Regional Development if he will revisit the current proposals for sewage and waste water treatment for the areas including (i) Whitehead; (ii) Ballystrudder; and (iii) Ballycarry, given the environmental sensitivities of Larne Lough and the Gobbins. (AQW 2727/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water that it is currently liaising with the Northern Ireland Environment Agency (NIEA) regarding the proposal to provide appropriate treatment of wastewater from Whitehead, Ballycarry and Ballystrudder and the discharge of effluent through a sea outfall pipe at Cloughfin Bay. Alternative treatment solutions are currently being modelled in order to provide satisfactory dilution and dispersion of effluent in the Irish Sea and along the coast, including Cloughfin Bay. The



proposal will remove existing continuous discharges in these areas and lead to an improvement in water quality in Belfast and Larne Loughs and off the coastline north of Whitehead.

NIEA will assess the results of the modelling and will take into account any impact on puffin feeding grounds and the habitat that supports sand eels in its consideration for the granting of a Food & Environment Protection Act license and consent to discharge.

### Northern Ireland Water

**Mr K Robinson** asked the Minister for Regional Development if the current proposal to provide a sewage outfall pipe, located at Cloughfin Bay, will also ensure that no damage will come to the (i) puffin feeding grounds; and (ii) the habitat that supports sand eels. (AQW 2728/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water that it is currently liaising with the Northern Ireland Environment Agency (NIEA) regarding the proposal to provide appropriate treatment of wastewater from Whitehead, Ballycarry and Ballystrudder and the discharge of effluent through a sea outfall pipe at Cloughfin Bay. Alternative treatment solutions are currently being modelled in order to provide satisfactory dilution and dispersion of effluent in the Irish Sea and along the coast, including Cloughfin Bay. The proposal will remove existing continuous discharges in these areas and lead to an improvement in water quality in Belfast and Larne Loughs and off the coastline north of Whitehead.

NIEA will assess the results of the modelling and will take into account any impact on puffin feeding grounds and the habitat that supports sand eels in its consideration for the granting of a Food & Environment Protection Act license and consent to discharge.

### Belfast Metro Bus Drivers

**Mr Wells** asked the Minister for Regional Development the length of time for meal breaks allocated to Belfast Metro bus drivers. (AQW 2872/09)

**The Minister for Regional Development:** Translink has advised me that the length of meal breaks for a Metro bus driver can vary as a result of scheduling but the minimum break is 30 minutes.

### Bus Tickets

**Mr McElduff** asked the Minister for Regional Development what plans he has to meet with (i) the Minister for Transport and the Marine; and (ii) representatives from Bus Éireann; to ensure that customers living in Northern Ireland can book bus tickets online at the same price available to customers living in the Republic of Ireland. (AQW 2908/09)

**The Minister for Regional Development:** I have no plans at present to meet either with Ministerial counterparts in the South or with Bus Éireann to discuss this matter. I am informed that people living in the North may buy tickets online from Bus Éireann for the same price in Euro as people in the South.

### Northern Ireland Water

**Mr P J Bradley** asked the Minister for Regional Development for his assessment of the commencement of anti-flooding measures at Carrickdesland, Warrenpoint, as agreed at a meeting between the residents and NI Water that was held on site on 11 September 2008. (AQW 3044/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water that it has agreed to fund the upgrading of the storm drainage outlet that was contributing to the flooding. Replacement of the first section of pipework will commence as soon as the contractor has all of the necessary fittings and it is expected it will be completed before the Christmas holidays. It has not yet been possible to agree terms with the owner of the land through which the second section of pipe passes and it may be necessary to serve a notice on the landowner to obtain access to permit replacement of the pipe.



## Road Safety

**Mr P Ramsey** asked the Minister for Regional Development to outline what action his Department is taking to ensure that there is proper and effective road safety measures outside schools. (AQW 3098/09)

**The Minister for Regional Development:** My Department's Roads Service has been very active in addressing road safety concerns around schools and continues to develop and implement initiatives to further reduce the number of children involved in accidents at all locations.

Roads Service works closely with the Department of Education and other Departments on the Safer Routes to School Programme. The Programme seeks to make the school journeys safer and more sustainable through a range of road engineering measures outside schools, so that drivers are made aware of the presence of children. These measures include flashing warning signs, pedestrian facilities, bus bays and enhanced road markings. Schools that encourage school children to walk or cycle to school, will have additional safety measures, such as traffic calming, to improve the safety for school journeys.

In addition, you may be aware that Roads Service is currently piloting variable speed limit schemes at two schools. Roads Service will continue to monitor and assess these pilot schemes to determine their effectiveness in reducing traffic speeds at schools, before consideration is given to introducing a more widespread programme.

I can also advise that a review of our whole approach to speed management has been completed. This incorporated addressing speed limits outside schools and full public consultation of the policy proposals will be sought very shortly.

In response to your question, Minister Wilson has advised that his Department's Road Safety Education Officers (RSEOs) promote and deliver road safety education for children and young people, in line with Best Practice Guidelines. The guidelines are based on research which recommends that road safety education of children and young people is best carried out by professional teachers on a regular structured basis with RSEOs providing appropriate teaching resources, expertise, teacher training and support.

In line with Best Practice, the Department of the Environment provides teaching materials and resources to schools. RSEOs meet regularly with teachers and, when appropriate, deliver interactive road safety sessions to supplement and reinforce the teacher's work. A range of specific road safety initiatives are delivered in schools targeted at appropriate age groups and a road safety education website has also been developed.

## Noise Monitoring

**Mr Newton** asked the Minister for Regional Development if (i) the monitoring of noise and other quality of life matters is constantly being carried out; and (ii) other monitoring information collected by other statutory bodies, such as DHSSPS and Belfast City Council is made available to his Department. (AQW 3106/09)

**The Minister for Regional Development:** I can advise that my Department provides the Department of the Environment with strategic noise mapping for road noise. Noise contour monitoring is also carried out by Belfast City Airport and the results are submitted to my Department for consideration, in the application of its responsibilities under Article 22 of the Airports (Northern Ireland) Order 1994.

My Department does monitor the contribution of transportation to society through the Regional Transportation Strategy (RTS) monitoring report, which includes road safety, accessibility and performance targets

Minister Wilson has advised that while his Department of the Environment does not monitor noise, it does record the number of noise complaints that all twenty six District Councils receive. These are published by the Department of the Environment annually, in the form of the Noise Complaint Statistics for Northern Ireland report. These reports are available to view at [http://www.doeni.gov.uk/index/protect\\_the\\_environment/local\\_environmental\\_issues/noise/complaint\\_statistics\\_for\\_ni.htm](http://www.doeni.gov.uk/index/protect_the_environment/local_environmental_issues/noise/complaint_statistics_for_ni.htm).

Similarly, the Department of the Environment does not monitor air quality, but oversees the review and assessment of air quality carried out by District Councils. An annual Air Quality Monitoring Summary Report is issued each year by that Department. The Chief Environmental Health Officers Group and District Councils assist the report's publication by providing air quality monitoring data. These reports are available to view via the dedicated NI Air Quality web site at <http://www.airqualityni.co.uk/>

I can confirm that my Department has access to statistics prepared by other Departments and statutory bodies that reflect quality of life issues.



### George Best Belfast City Airport

**Mr Newton** asked the Minister for Regional Development for his assessment of the potential benefits of an extension to the George Best, Belfast City Airport, to the economy. (AQW 3123/09)

**The Minister for Regional Development:** I have not carried out such an assessment but I am keen to see the airports of the North develop and increase business, within any constraints that the planning system may impose to limit local environmental disbenefits. As with the other commercial airports, Belfast City Airport is an important transport gateway to help growth of the local economy.

### Roads Service

**Lord Morrow** asked the Minister for Regional Development when funding will be made available to carry out urgent repairs to roads and footpaths in Coleshill, Enniskillen. (AQW 3126/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that the roads and footpaths in Coleshill, Enniskillen, are not considered to be in need of urgent repairs. The maintenance and safety needs are considered to be adequately met by the cyclic inspection and repair arrangements currently in place, in accordance with the provisions of my Department's Road Maintenance Standards.

However, Roads Service officials have been liaising with local residents in the area, and hope to include some footpath resurfacing in Coleshill Crescent in future programmes.

### School Walking and Cycling Initiative

**Mr Beggs** asked the Minister for Regional Development (i) for an assessment of the school walking and cycling initiative; and (ii) to detail the role that this plays in his Department's strategy to reduce traffic congestion. (AQW 3139/09)

**The Minister for Regional Development:** My Department's Roads Service is involved in promoting walking and cycling to school through its Travelwise NI Safer Routes to Schools Programme. Since launching in 2004, Travelwise NI and its partners have worked in 151 schools, involving over 45,000 pupils and their parents, to promote walking, cycling and the greater use of public transport for the journey to school. The programme is assisted by the provision of safety zones outside schools and the installation of cycle shelters.

Roads Service's most recent evaluation of the Safer Routes to School initiative is for the academic year 2007/08. Of the schools that participated in the survey, 50% have indicated that they have observed more children walking to and from school. In addition, approximately 41,000 participants took part in last year's annual 'Walk to School Week' event.

Roads Service is currently introducing a new approach to Safer Routes to Schools surveying, which will allow for a more detailed assessment of any change in children's mode of travel.

The Travelwise NI Safer Routes to School Programme has been developed to support the objectives of the Regional Transportation Strategy, which aims to provide a safe, modern and sustainable transportation network here. Roads Service has promoted the Safer Routes to Schools initiative, since 2004. This initiative aims to tackle the problems caused by the 'School Run' by car, by raising awareness of the major issues related to increasing congestion, including the detrimental impact on road safety, health and the environment through the promotion of alternative, more sustainable modes of travel including walking and cycling for the journey to and from school.

### Rural Safe Routes to School Project

**Mr Beggs** asked the Minister for Regional Development to detail his Department's plans to develop the Rural Safe Routes to School project in conjunction with local schools.[R] (AQW 3140/09)

**The Minister for Regional Development:** I can advise the Member that the Rural Safer Routes to Schools project is led by the Department of Agriculture and Rural Development. However, my Department is responsible for rolling out a range of measures under the initiative. The Rural Safer Routes to Schools initiative promotes sustainable travel for the rural school run, with a total of 18 rural primary schools selected to participate in the



initiative across the North. The Rural Safer Routes to Schools initiative has resulted in a 27% reduction in car journeys to and from school, while walking and cycling has increased by 58%.

My Department has no plans to further develop this project at this time.

### Northern Ireland Water

**Mr McQuillan** asked the Minister for Regional Development what steps he is taking to address the mal odour problem at Seaport Avenue, Portballintrae. (AQW 3147/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water (NIW) that it has sealed all the manholes in the Seaport Avenue area and is proposing to install anti-flood devices on connections to the public sewer. It is expected that these measures will resolve the malodour problem in the area and NIW will continue to monitor the situation closely.

### George Best Belfast City Airport

**Mr B Wilson** asked the Minister for Regional Development, in light of the Environmental Noise Directive, what plans he has to submit evidence on the planning application for the expansion of the runway at George Best Belfast City Airport; and for his assessment of a public inquiry to consider this issue. (AQW 3152/09)

**The Minister for Regional Development:** My Department has no statutory responsibilities in relation to noise management measures proposed by George Best Belfast City Airport under the requirements of the Environmental Noise Directive.

My Department is being consulted about the planning application for the expansion of the runway and will respond in relation to matters that are its responsibility. Whether a public inquiry should be held is a matter for the Department of the Environment.

### Roads Service

**Mr Burns** asked the Minister for Regional Development to detail all the work being carried out by Roads Service and Northern Ireland Water, in the South Antrim constituency, during December 2008. (AQW 3154/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that during December 2008 work will continue on the M2 Improvement Scheme between Sandyknowes and Greencastle junctions. During this time the new traffic signals for the bus gate at the bottom of the M2 city-bound off-slip at Sandyknowes Junction will be activated.

Resurfacing on Ballytromery Road, Crumlin will be completed during December 2008 and structural repairs will also be undertaken to Templepatrick Bridge over the M2.

Routine maintenance work will continue to be undertaken on roads in the South Antrim constituency throughout this period.

I have been advised by Northern Ireland Water that in the South Antrim constituency during December 2008 the following works are being carried out:

Location	Type Of Works
Castle Road, Antrim	Placing of watermain to serve Randalstown.
Clonkeen, Randalstown	Replacement of watermain.
Rashee Service Reservoir	Reservoir rehabilitation.
Antrim & Newtownabbey	Service reservoir enhanced security work – Divisional sites.
Hightown Road, Newtownabbey	Replacement of watermain.
Hydepark Service Reservoir	Replacement of joints.
Ballyvaston Service Reservoir	Reservoir rehabilitation.



Location	Type Of Works
Antrim Road, Aldergrove	Foul sewer upgrade.
Milltown Wastewater Treatment Works, Antrim	Upgrade of existing works.
Various small wastewater treatment works	Priority upgrades.

### Official Engagements

**Mr Dallat** asked the Minister for Regional Development how many official engagements (i) he has carried out; and (ii) he has travelled to using (a) the Ministerial car; and (b) public transport since May 2007. (AQW 3175/09)

**The Minister for Regional Development:** I have carried out 118 official engagements in the period 8 May 2007 to 3 December 2008. I have travelled to 102 of the engagements using the Ministerial car. Public transport was used to travel to 12 engagements and I walked to the other four.

### Footway Reconstruction Schemes

**Mr Weir** asked the Minister for Regional Development what plans his Department has to re-pave any areas of the North Down constituency, in the next three years. (AQW 3180/09)

**The Minister for Regional Development:** I can confirm that my Department's Roads Service has programmed footway reconstruction schemes at the following locations, within the North Down Constituency, to be carried out in the next three years.

#### Financial year 2009/10

- East Circular Road, Bangor
- Donaghadee Road, Bangor

#### Financial year 2010/11

- Beverley Drive, Bangor
- Beverley Hills, Bangor

#### Financial year 2011/12

- Balloo Drive, Bangor
- Shandon Drive, Bangor

However, I should advise that these schemes are kept under constant review, and that the commencement of the works will be dependent upon the availability of funding at that time and other competing priorities.

### Road-Calming Schemes

**Mr McKay** asked the Minister for Regional Development to outline the road calming schemes to be introduced to the North Antrim constituency, over the next three years. (AQW 3200/09)

**The Minister for Regional Development:** As I advised the Member, in response to his recent Assembly Question AQW 621/09, a traffic calming scheme for Martinstown and Cargan has been included in a programme of works for the current financial year. Roads Service officials are considering the most appropriate traffic calming measures for both villages and anticipate that the works will be carried out at Cargan in the current financial year and completed in Martinstown during financial year 2009/10. At present there are no other traffic calming schemes programmed for the North Antrim Constituency.

### Speed Limits

**Mr Butler** asked the Minister for Regional Development for his assessment of the merits of having speed limits changed from miles to kilometres, as is the practice throughout Europe. (AQW 3205/09)



**The Minister for Regional Development:** My Department's Roads Service has no plans at this time to introduce road signs displaying speed limits in kilometres since this is a reserved matter.

### Telephone Communication Masts

**Mr Hilditch** asked the Minister for Regional Development to detail the total revenue generated through his Department leasing its land or property to facilitate the erection of telephone communication masts.

(AQW 3263/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that utility companies, including telecommunication providers, licensed by the Department of Trade and Industry, have a statutory right to place and maintain apparatus within public road boundaries. Therefore, the Department for Regional Development does not generate any revenue from the erection of such telephone masts.

### Street Lighting

**Dr Farry** asked the Minister for Regional Development to report on the nature of the additional costs of £4.5m in 2009/10 and £4.7m in 2010/11, for street lighting, considering the changing global energy market.

(AQW 3267/09)

**The Minister for Regional Development:** The additional costs of £4.5 million in 2009/10 and £4.7 million in 2010/11 are estimates of the increased funding required for rising electricity costs for public lighting, based on the latest tariff information and predicted growth in the public lighting stock. The estimates will be reviewed when further information on electricity prices becomes available.

### UN Convention on the Rights of Persons with Disabilities

**Mr P Ramsey** asked the Minister for Regional Development what contribution his Department has made or will be making to the consultation by the UK Department of Work and Pensions on reservations to the UN Convention on the Rights of Persons with disabilities.

(AQW 3270/09)

**The Minister for Regional Development:** OFMdFM have assumed the lead responsibility for progressing this issue. In response to a request from OFMdFM, the Department has scrutinised its legislation, policies, practices and procedures to check compatibility with the provisions of the Convention.

The Department has also confirmed that it has no difficulty with the areas of competency covered by the Convention. This conclusion was based on a working knowledge of the Department's policies, practices and legislation and the Department's statutory duties and compliance with the Disability Discrimination Act 1995, as amended, and Section 75 of the Northern Ireland Act 1998. The Department did not identify any need for reservations or interpretative declarations.

### UN Convention on the Rights of Persons with Disabilities

**Mr P Ramsey** asked the Minister for Regional Development what preparations his Department has made for the implementation of the UN Convention on the Rights of Persons with Disabilities.

(AQW 3273/09)

**The Minister for Regional Development:** OFMdFM are in the lead in preparing for implementation here of the UN convention on the Rights of Persons with Disabilities (the Convention). At the request of OFMdFM the Department has scrutinised its legislation, policies, practices and procedures to check their compatibility with the provisions of the Convention. The Department has also confirmed that it has no difficulty with the areas of competency covered by the Convention. This conclusion was based on a working knowledge of the Department's policies, practices and legislation and the Department's Statutory Duties and compliance with the Disability Discrimination Act 1995, as amended, and Section 75 of the Northern Ireland Act 1998.



## Water Supply

**Mr P J Bradley** asked the Minister for Regional Development what plans there are to deliver a mains water supply to the seven dwellings on Carrick Road, Warrenpoint. (AQW 3280/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water (NIW) that it is required under Article 76 of the Water and Sewerage Services (NI) Order 2006 to provide a requisitioned water main for domestic purposes subject to certain conditions. One of the conditions, set out in Article 77, requires the persons making the requisition to pay the reasonable costs of providing the water main as determined in accordance with NIW's charges scheme. Under Regulation 7 of the Water and Sewerage Charges Scheme (No. 2) Regulations (Northern Ireland) 2007, NIW is empowered to provide an allowance against the cost of complying with a water main requisition and details are set out in the charges scheme.

My Department has provided additional assistance in respect of existing properties constructed before 1 January 2000 to make it more affordable for householders in rural areas to have their properties connected to the mains water supply. This assistance has raised the allowance from £5,000 to £6,500 per property from 1 April 2007. It is my intention that the level of this assistance will be kept under review.

NIW is currently determining an appropriate route for a watermain to serve homes on Carrick Road, Warrenpoint and this will enable the estimated cost of the scheme to be assessed. Following this, NIW expects to be in a position to notify the applicants of the contribution required from them (if any) to enable the watermain extension to proceed.

## Gritting Schedule

**Mr Doherty** asked the Minister for Regional Development if he will review current winter gritting policies with a view to developing and implementing a strategy, either directly or in conjunction with the Department of Education and the Education and Library Boards, to ensure that schools located in rural areas remain accessible during inclement weather conditions. (AQW 3289/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that the salting of school bus routes was considered in the 2001 review of its Winter Service procedures. One of the key outcomes of that review, which was fully debated and accepted by the Assembly, was that the practice of targeting the limited resources available for this service, on the busier main through routes, should continue.

The review also recognised that to include all school bus routes, would more than double the cost of the salting operation, and would involve the treatment of some very minor rural roads. Apart from the substantial initial capital investment that would be required, it would also cost over £5 million extra each year.

However, the review did recommend that buses in service, including school buses, should receive special consideration. A 40-seater bus is now counted as 40 vehicles, when determining whether a road should be included on the salting schedule, regardless of the number of passengers on the bus. In addition, small settlements containing 100 dwellings or more should have a salted link to the nearest part of the existing salted network.

As the Member will appreciate, there is a fine balance to be drawn between putting even more funds into salting, or continuing to spend it on the many other worthwhile demands on Roads Service's limited resources. I can, however, advise that officials have agreed to examine the Roads Service operational response to areas around schools, which are regularly affected by adverse weather conditions.

## Translink

**Mr G Robinson** asked the Minister for Regional Development, given the cancellation of the 5.35am train from Derry/Londonderry to Dublin from 14 December onwards, what early service will be available to passengers wishing to travel from Derry/Londonderry to Dublin. (AQW 3301/09)

**The Minister for Regional Development:** Translink have informed me that the Derry-Belfast 05.33 departure is being rescheduled to a 06.35 departure due to consistently low passenger numbers. It is anticipated that the 06.35 will attract higher passenger numbers making this service more viable. The 06.17 Coleraine to Belfast service is being retained.



Translink have informed me that the following Goldline services are available: the 212 service leaves Foyle Street, Derry every 15 minutes from 05.30 in the morning. The 05.30 and 05.45 departures arrive in Belfast at 07.20 and 07.35 hours and provide connection opportunities with the 08.00 Enterprise. Alternatively, Ulsterbus operate a 24/7 direct Derry to Dublin coach service No. 274 with early morning departures at 00.45, 04.15 and 06.15 with arrival times in Dublin at 04.10, 08.15 and 10.15 hours respectively.

### Gritting Schedule

**Mr D Bradley** asked the Minister for Regional Development what plans his Department has to include the Ballymoyer Road, Whitecross, Co. Armagh on the gritting schedule, given the road is a school bus route to two secondary schools and two primary schools, and the location of two churches. (AQW 3323/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that the Ballymoyer Road has not previously met the criteria for inclusion in its winter gritting schedule. Officials have, however, arranged for an assessment to be carried out, to ascertain whether this route now meets the criteria.

This assessment will be undertaken at the earliest opportunity and I have asked the Divisional Roads Manager to write to you to advise you of the results, in due course.

I can also advise that officials have agreed to examine the Roads Service operational response to areas around schools, which are regularly affected by adverse weather conditions.

### Aer Lingus Flights

**Mr Burnside** asked the Minister for Regional Development what representations he has made to the Government of the Republic of Ireland to retain Aer Lingus flights between Belfast International and Heathrow airports to ensure the slot allocation. (AQW 3329/09)

**The Minister for Regional Development:** I have not made such representations. Decisions about routes are a commercial matter for the airlines. I recognise the importance of maintaining slots at Heathrow for services to and from Belfast airports and the Department for Transport (London) is aware of our concerns.

### Translink

**Mr G Robinson** asked the Minister for Regional Development what consideration he will give to ensuring that the 5.35am Northern Ireland Railways service from Londonderry/Derry connecting to the Enterprise service, will run during summer. (AQW 3336/09)

**The Minister for Regional Development:** Translink have informed me that the Derry-Belfast 05.33 departure is being rescheduled to a 06.35 departure due to consistently low passenger numbers. It is anticipated that the 06.35 will attract higher passenger numbers making this service more viable. The 06.17 Coleraine to Belfast service is being retained.

This is an operational matter for Translink. Translink have informed me that only one or two people per week use the 05.35 train to connect with the 08.00 Enterprise service to Dublin. It appears that there are also suitable, alternative options as outlined above. Translink will keep these issues under review but there are no plans currently to re-instate this service.

### Water Charges

**Mr McGlone** asked the Minister for Regional Development, in light of the Executive's announcement of the deferral of water charges, when was the introduction of water charges (i) agreed at Executive level; and (ii) approved by the Assembly. (AQW 3343/09)

**The Minister for Regional Development:** At its first meeting on 10 May 2007 the Executive decided not to impose new annual charges for water and sewerage and agreed to appoint an Independent Panel to carry out a comprehensive review of water and sewerage services.



Following the publication of the Panel's first report in October 2007 the Executive unanimously agreed its recommendation that households should make additional contributions for water and sewerage and that these would be phased in from April 2009. I announced the Executive's decision to the Assembly in my statement on 22 October 2007.

### School Travel Advisers

**Mr Beggs** asked the Minister for Regional Development what plans he has to employ school travel advisors and to introduce a structure to support walking and cycling to school. (AQW 3346/09)

**The Minister for Regional Development:** My Department's Roads Service has two School Travel Plan Co-ordinators, who develop the Travelwise Safer Routes to Schools initiative in schools across the North. This initiative aims to tackle the problems associated with the 'School Run' by promoting more sustainable modes of travel, including walking and cycling, for the journey to and from school.

### Roads Service

**Mr McGlone** asked the Minister for Regional Development (i) what measures will be taken to repair; and (ii) for a timescale for completion of repairs, to the severe deterioration of the road surface at (a) Ballyronan Village; (b) Shore Road, Ballyronan; and (c) Dunmenny Road, Ballinderry Bridge. (AQW 3347/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that the road in Ballyronan village has been affected by utility work associated with new developments. The road surface has not been reinstated to the required standard and Roads Service served notice on the developer to have appropriate remedial measures undertaken by him. Unfortunately, the developer has not responded in a satisfactory manner, within the time frame allowed in the notice. Roads Service is currently in the process of securing the remedial work, through an external contractor, and will recover costs from the developer, as provided for in the notice.

Roads Service is also aware of additional development that will require further utility work within the village. Resurfacing of the road in Ballyronan Village will be considered, when these works have been completed.

With regard to the Shore Road, Ballyronan, Roads Service has no plans to carry out resurfacing along this road. Some sections of the Shore Road are in a provisional programme for edge strengthening in 2009/10, and similar works are expected to be required in later years. However, the majority of the carriageway surface is considered to be in reasonable condition.

Finally, with regard to the Drumenny Road, Ballinderry Bridge, substantial edge strengthening work, at a cost of £80,000, was undertaken on this road earlier this year. This will enable a more durable surfacing scheme to be undertaken at a later date. The final surfacing scheme is programmed for completion in the 2009/10 financial year, or earlier, should additional funding become available.

### Gritting Schedule

**Mrs McGill** asked the Minister for Regional Development if his Department will review the criteria for gritting and salting roads to ensure that rural communities are not disadvantaged. (AQW 3353/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that the salting of rural roads was considered in the 2001 review of its Winter Service procedures. One of the key outcomes of that review, which was fully debated and accepted by the Assembly, was that the practice of targeting the limited resources available for this service, on the busier main through routes, should continue.

As a result of the review, the salting schedule has been increased by some 4%, with additional routes being determined by:

- ensuring that small settlements containing 100 dwellings or more should have a salted link to the nearest part of the existing salted network.
- allowing other busy routes with special difficulties, for example hilly areas, carrying between 1,000 - 1,500 vehicles per day, to be considered, if there are no nearby/parallel alternative salted routes; and



- using an increased weighting for buses, so that a 40-seater bus is now counted as 40 vehicles, regardless of the actual number of passengers.

On more lightly trafficked routes, salt bins or grit piles may be provided for use by the public, on a self help basis.

As the Member will appreciate, there is a fine balance to be drawn between putting even more funds into salting, or continuing to spend it on the many other worthwhile demands on Roads Service's limited resources. I can, however, advise that officials have agreed to examine the Roads Service operational response to areas around schools, which are regularly affected by adverse weather conditions.

### Northern Ireland Water

**Mrs McGill** asked the Minister for Regional Development if he believes that the water bills issued to residents are easy to understand. (AQW 3354/09)

**The Minister for Regional Development:** As the Executive has deferred household water and sewerage payments no domestic bills have been issued. I have been advised by Northern Ireland Water (NIW) that the current non-domestic water bill format was designed in consultation with the Consumer Council for Northern Ireland (CCNI). In the course of continuous customer service improvement and following customer feedback, NIW is currently reviewing the bill format to simplify its layout and content and will consult with CCNI and other key stakeholders during this process.

### Traffic-Calming Measures

**Lord Morrow** asked the Minister for Regional Development to outline (i) the reasons for the delay in placing traffic-calming measures in the vicinity of Florencecourt Primary School, County Fermanagh; and (ii) when the work will be completed. (AQW 3366/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that Florencecourt Primary School was assessed, in February 2008, for inclusion in the Travelwise Safer Routes to Schools initiative. Under this initiative, Roads Service proposed providing enhanced warning signs, incorporating flashing lights, for the school and red coloured surfacing on the approaches. These works were programmed for the current financial year, with a proposed completion date of October 2008. Unfortunately, due to additional works in connection with the trial of 20 mph school zones in the North, the completion of some schemes have been delayed beyond their proposed completion date.

Roads Service has advised that, the warning signs for Florencecourt Primary School were erected and commissioned for use at the site on Tuesday 16 December 2008. The red surfacing material needs to be applied onto a dry road surface and consequently it is more difficult to give an exact date for completion. However, it is anticipated that this surfacing will be completed before the end of January 2009.

### Efficiency Savings

**Dr Farry** asked the Minister for Regional Development what policies and practices in his Department have changed in delivering the 3% efficiency savings required by the 2008-11 Budget. (AQW 3408/09)

**The Minister for Regional Development:** The Department has a target to deliver 3% efficiencies of some £22 / £44 / £65 million (of which £0.8 / £3.1 / £5.4 million is Admin) over the Budget period 2008-11.

The Department is delivering these efficiencies within the roads, rail and capital programmes and through reductions in its corporate service functions. Also, some £9 / £18 / £26 million will be saved through efficiencies incorporated within the Northern Ireland Water subsidy requirement. Further, the Department is also scoring the generation of additional income and receipts from asset disposals as efficiency savings. The table at Annex A sets these savings out in detail.

#### ANNEX A

The Department identified, at a high level, 3% efficiency reductions within the roads rail and bus capital programmes, corporate service functions and through efficiencies incorporated within the Northern Ireland Water subsidy requirement, as set out in the table below.



Efficiency Delivery Plan - Categories	2008/09 £'000	2009/10 £'000	2010/11 £'000
<b>Overall DRD Efficiencies</b>	<b>22,463</b>	<b>44,250</b>	<b>65,384</b>
<b>Water Efficiencies - to be incorporated within the NIW subsidy requirement</b>	<b>9,014</b>	<b>17,758</b>	<b>26,239</b>
<b>Remaining DRD Efficiencies</b>	<b>13,449</b>	<b>26,492</b>	<b>39,145</b>
<b>Of which Admin Efficiencies</b>	<b>830</b>	<b>3,130</b>	<b>5,366</b>
Generation of additional income	3,494	3,952	4,412
Reduction in capital budget for plant / depot additions / refurbishment	2,500	2,500	2,500
Other Capital efficiencies	2,600	8,000	7,790
Reductions in rail / bus capital	1,100	5,950	4,500
NITHC Asset Disposals	0	0	11,600
Core Costs (Resource)	475	510	527
Bus route subsidy	2,450	2,450	2,450
<b>Subtotal</b>	<b>12,619</b>	<b>23,362</b>	<b>33,779</b>
Service Delivery Efficiencies (Admin)	830	2,995	5,099
Reductions in Core Costs (Admin)	0	135	267
<b>Admin Subtotal</b>	<b>830</b>	<b>3,130</b>	<b>5,366</b>
<b>Total</b>	<b>13,449</b>	<b>26,492</b>	<b>39,145</b>

### Parking Tickets

**Mr Craig** asked the Minister for Regional Development to detail (i) the number of parking tickets issued by NCP from the start of on street parking; and (ii) the revenue generated. (AQW 3431/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that since taking responsibility for parking enforcement at the end of October 2006, a total of 314,701 Penalty Charge Notices have been issued to the period ending November 2008.

The revenue received by Roads Service, as a result of these Notices, is £8,560,000.

### City of Derry Airport

**Mr Durkan** asked the Minister for Regional Development (i) what category standard of dual carriageway is planned for the A2 Maydown to City of Derry Airport upgrade scheme; (ii) to detail the current timescale; (iii) to provide an update on progress; and (iv) when the scheme will be completed. (AQW 3434/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that the A2 Maydown to City of Derry Airport road improvement, will be a Category 5 all purpose dual carriageway with roundabouts at the main junctions and no central reserve cross-overs. Tenders for the works are due to be returned by mid February 2009. Subject to satisfactory progression through this last stage of the procurement process and the availability of finance, construction is planned to commence in April/May 2009. The scheme has a contract period of 18 months and is expected to be completed in late 2010.

### City of Derry Airport

**Mr Durkan** asked the Minister for Regional Development how many vehicles visited the City of Derry Airport, in each of the last three years. (AQW 3435/09)

**The Minister for Regional Development:** My Department does not hold the information requested.



## Roads Service

**Mr Beggs** asked the Minister for Regional Development what changes have been made to gritting routes maintained by Roads Service in the East Antrim constituency, over the past ten years. (AQW 3439/09)

**The Minister for Regional Development:** Roads Service salts main through routes carrying more than 1,500 vehicles per day and, in exceptional circumstances, roads with difficult topography carrying between 1,000 and 1,500 vehicles per day. The application of this policy ensures that 28% of the total road network, which carries around 80% of traffic, is salted, at an annual cost of approximately £5million.

Roads Service does not maintain a record of specific changes made to its schedule of salted routes over the past 10 years. However, arising from a review carried out in 2001, the salting schedule was increased by about 4% across the North. The additional routes were determined by an increased weighting for buses. In addition, small settlements containing 100 dwellings or more now have salted links to roads on the main salted network. Also, as new sections of road were constructed, they were included onto the salting schedule, if the above criteria were met.

## Translink Bus Drivers

**Mr Burns** asked the Minister for Regional Development how many Translink bus drivers have been absent from work because of stress related illness, in each of the last five years. (AQW 3476/09)

**The Minister for Regional Development:** Translink has informed me that it does not hold the information in the form requested and is, moreover, unable to provide details of the reasons for absences prior to 2006.

The attached table sets out the number periods of absence incurred by drivers during 2006, 2007 and 2008 where the recorded reason was “anxiety” or “clinical depression”. The category “anxiety” includes symptoms such as stress and fatigue. A period of absence is recorded only once in the year in which it commenced.

Year	Ulsterbus	Citybus (Metro)
2008	41	103
2007	61	87
2006	67	99

## Gritting Schedule

**Mr Burns** asked the Minister for Regional Development (i) what gritting arrangements are in place for roads and pavements in the Rathenraw Estate, Antrim; and (ii) if he has any plans to revise these arrangements in light of the extreme difficulties being faced by traffic and pedestrians in this area in recent days. (AQW 3480/09)

**The Minister for Regional Development:** My Department’s Roads Service has advised that the roads within the Rathenraw Estate do not meet the criteria for inclusion on its winter salting schedule. I must also advise you that it has never been Roads Service’s policy to salt footways.

As the Member will appreciate, there is a fine balance to be drawn between putting even more funds into salting, or continuing to spend it on the many other worthwhile demands on Roads Service’s limited resources. The main criteria for roads to be included in the winter salting schedule is that they are main through routes carrying in excess of 1,500 vehicles per day, or busy through routes carrying in excess of 1,000 vehicles per day, where difficult factors are present, such as steep gradients, sharp bends, etc.

Following the recent severe icy conditions, Roads Service considered requests for salt boxes to be provided within the Rathenraw Estate, against criteria set out in its Winter Service policy. I understand that Roads Service is arranging for a number of salt boxes to be located as soon as possible in the Rathenraw Estate.



### Department Staff

**Mr Wells** asked the Minister for Regional Development what instructions have been given to his staff on the use of the specific terms (i) 'Northern Ireland'; (ii) 'Londonderry'; and (iii) 'United Kingdom', in written documents. (AQW 3481/09)

**The Minister for Regional Development:** I have not given any instruction to staff in respect of the references listed by the Member. However, I have advised that, in any correspondence to be signed by me, or speeches that I deliver, I prefer to use the terms the North, Derry and Britain.

### Rathlin Ferry Service

**Mr Wells** asked the Minister for Regional Development to detail the total cost of the investigation into the procurement of Rathlin ferry service. (AQW 3482/09)

**The Minister for Regional Development:** I consider it important to put on record that the overall conclusion of the investigation is that there was nothing untoward in the Department's approach and decision-making.

Specifically, the report concludes that there is absolutely no evidence to suggest that the Department or Central Procurement Directorate in DFP sought to manipulate the outcome of this tender.

Secondly, the objective of a tender competition is to achieve better value for money. In this instance we also wanted an improved level of service for the islanders and visitors. This competition achieved those objectives. We now have better value for money for the taxpayer and a much improved level of service which, I understand, is a view held by many of the islanders.

Thirdly, the report concludes that there was no manifest error in the award of the contract to the new service provider. The report does find that there were some errors in relation to administration of the tender. However, these errors did not affect the overall outcome of the tender competition.

The report is also very clear in its conclusion about the serious allegations made about the conduct of DRD staff. The report concludes that there is no substance to the allegations that DRD officials undermined, harassed or bullied complainants. The report did find errors in the judgement exercised by an official in the handling of information from people who considered themselves to be 'whistleblowers'.

This was a complex and delicate investigation the total cost of which is estimated to be £55,000. Contained in the aforementioned figure is an amount of £20,000 for services provided by the Department's Internal Audit Branch, which was not an additional cost to the Department.

### Public Appointments

**Ms Purvis** asked the Minister for Regional Development (i) to list all public appointments (a) filled by his Department and (b) still outstanding; (ii) on what grounds were some appointments not made; (iii) to assess the process adopted for appointments including the OPCA guidance; and (iv) his plans for ensuring a more efficient application of the procedures. (AQW 3499/09)

**The Minister for Regional Development:** (i) (a) The public appointments filled by my Department in the past 3 financial years are as follows:

Financial Year	Public Appointments Filled	Number
2005/06	Belfast Harbour Commissioners	4
	Londonderry Port and Harbour Commissioners	1
	Warrenpoint Harbour Authority	3
	Northern Ireland Transport Holding Company	9



Financial Year	Public Appointments Filled	Number
2006/07	Belfast Harbour Commissioners	2
	Londonderry Port and Harbour Commissioners	8
	Northern Ireland Transport Holding Company	1
	Board of Northern Ireland Water	4
2007/08	Belfast Harbour Commissioners	15
	Warrenpoint Harbour Authority	8
	Northern Ireland Transport Holding Company	1

- (i) (b) There are no appointments outstanding.
- (ii) There was one non executive appointment not made to the Board of Northern Ireland Water in 2006/07 as I wanted to retain flexibility to strengthen the Board with a further appointment at a later date.
- (iii) Most of my Department's public appointments are either regulated or monitored by the Commissioner for Public Appointments and as such are made in accordance with the Code of Practice published by the Commissioner's office. For those appointments not regulated by the Commissioner my Department will, as far as is practicable and in line with the principle of proportionality, apply the principles and procedures set out in the Commissioner's Code of Practice. An audit is carried out to establish whether the Code of Practice is being observed. The Commissioner publishes an Annual Report which includes information as to the observance of the Code of Practice and an account of the audit process.
- (iv) When making public appointments my Department aims to follow the principles and procedures set out in the Commissioner's Code of Practice, taking careful note of any and all recommendations contained in the Annual Report and Audit reports, ensuring the more efficient application of appointment procedures.

## Roads Service

**Mr Burns** asked the Minister for Regional Development what changes have been made to the gritting routes maintained by Roads Service in the East Antrim constituency, in the past five years. (AQW 3524/09)

**The Minister for Regional Development:** Roads Service salts main through routes carrying more than 1,500 vehicles per day and, in exceptional circumstances, roads with difficult topography carrying between 1,000 and 1,500 vehicles per day. The application of this policy ensures that 28% of the total road network, which carries around 80% of traffic, is salted, at an annual cost of approximately £5 million.

Roads Service does not maintain a record of specific changes made to its schedule of salted routes over the past 5 years. However, arising from a review carried out in 2001, the salting schedule was increased by about 4% across the North. The additional routes were determined by an increased weighting for buses. In addition, small settlements containing 100 dwellings or more now have salted links to roads on the main salted network. Also, as new sections of road were constructed, they were included onto the salting schedule, if the above criteria were met.

## Gritting Schedule

**Mr Burns** asked the Minister for Regional Development for a list of all roads on the gritting schedule in the South Antrim constituency. (AQW 3525/09)

**The Minister for Regional Development:** My Department's Roads Service does not maintain the information that you have requested on a constituency basis.

The South Antrim constituency is covered by areas of both Roads Service Northern and Eastern Divisions, and the following table lists those roads included in the salting schedule that are located within Eastern Division.

Officials from Roads Service, Northern Division, are currently updating their salting schedule database and it is not possible to provide this information in a similar table format. However, a map showing these roads is available and has been placed in the Library.



I have been advised that a copy of this map was also included in a recent report that Roads Service officials presented to Antrim Council members in November 2008. I have asked the Northern Divisional Roads Manager to write to you with a list of all the roads included in the salting schedule for Antrim Section, which are located within South Antrim constituency, once this information becomes available.

In addition to these routes, the M2, M22 and their associated slip roads are salted by Highway Management Maintenance, as part of a Public Private Partnership contract.

Roads Service Eastern Division Gritting Schedule – Newtownabbey And Carrick		
Road	From	To
A57	A8 Larne Line	Station Rd
A57 On Slip	A57	Hillhead Rd
A8 Larne Rd	Corr's	Doagh Rd
A8 Larne Rd	Doagh Rd	Corr's
A8 Larne Rd	Doagh Rd	Hillhead Rd
A8 Larne Rd	Hillhead Rd	Lisglass Rd
A8 Larne Rd	Lisglass Rd	Legaloy Rd
A8 Larne Rd	Legaloy Rd	Templepatrick Rd
A8 Larne Rd	Templepatrick Rd	Church Rd
A8 Larne Rd	Church Rd	Boundary
A8 M	Corr's	Sandyknowes
A8 M	Sandyknowes	Corr's
Albert Rd	Marine Highway	North St
Alexander Rd	Downshire Rd	Dromore Rd
Antrim Rd	Bellvue Bridge	Hightown Rd
Antrim Rd	Hightown Rd	Sandyknowes
Antrim Rd	End of Dual C/Way	Carlisle Rd
Antrim Rd Dual C/Way	S/Knowes R/About	To End
Antrim Rd Dual C/Way	Start Dual C/Way	S/Knowes R/About
Antrim St	Lancasterian St	High St
Arthur Rd	Whitewell Rd	Longlands Rd
Ashgrove Rd	Glebe Rd West	Roundabout
Avondale Dr	Main St Ballyclare	To End
Ballyclare Rd	Antrim Rd	R/about Corr's
Ballyclare Rd	R/about Corr's	Ballyrobert Rd
Ballycorr Rd	Ballyeaston Rd	Church Rd
Ballycraig Rd	Ballyclare Rd	Ballyvessey Rd
Ballycraig Rd South	Ballyvessey Rd	Antrim Rd
Ballyduff Gdns	Ballyduff Rd	Ballyfore Rd
Ballyduff Rd	Doagh Rd	Carnmoney Rd
Ballyearl Dr	Ballyclare Rd	To End
Ballyearl Way	Ballyearl Dr	Milewater Dr
Ballyeaston Rd	North End	Ballyeaston



Roads Service Eastern Division Gritting Schedule – Newtownabbey And Carrick		
Road	From	To
Ballyfore Rd	Doagh Rd	Fairview Rd
Ballyhenry Ave	Glenvarna Dr	Ballyhenry Rd
Ballyhenry Rd	Sandyknowes	Ballyclare Rd
Ballymena Rd	Doagh Main St	Deerpark Rd
Ballynure Main St	Larne Rd A8	Carrickfergus Rd
Ballynure Rd	Green Rd	A57
Ballyrobert Rd	Kingsmoss Rd	A57
Ballyvessey Rd	Ballycraig Rd	Ballycraig Rd South
Barn Rd	Taylor's Ave	Coronation Rd
Belfast Rd	Rawbrae Rd West	Rawbrae Rd East
Belfast Rd	Marine Highway	Dual C/Way
Belfast Rd Dual C/Way	Carrick Bound	n/a
Belfast Rd Dual C/Way	Belfast Bound	n/a
Beltoy Rd	A2 Larne Rd	Manse Rd
Bernice Rd	Mallusk Rd	Lyle Hill Rd
Beverly Rd	Manse Rd	To End
Bridewell Dr	North Rd	Roundabout
Bridge Rd	Rectory Rd	Cogry Rd
Burleigh Drive	Woodburn Rd	Oakwood Rd
Burn Rd	Doagh Main St	Strand Rd
Burneys Lane	Antrim Rd	Derry Rd

### Public Transport

**Dr Farry** asked the Minister for Regional Development what consideration has been given to providing and promoting free public transport on Saturdays and evenings in the run up to Christmas. (AQW 3535/09)

**The Minister for Regional Development:** I have not considered supporting free public transport on Saturdays and evenings in the run up to Christmas.

### ‘B’ Class Road Upgrading

**Mr Buchanan** asked the Minister for Regional Development to outline his Department’s criteria for upgrading a ‘C’ class road to a ‘B’ class road. (AQW 3558/09)

**The Minister for Regional Development:** My Department’s Roads Service has advised that, road classification dates back a very considerable time (pre Local Government Reorganisation), and its use today is limited to route identification. Any new route, outside of a motorway, would be classified on the basis of the comparable route classification in the area.

Roads Service has been unable to find any historic record of how the classification system was determined originally, but officials have pointed out that it has no relevance to current funding allocations.



### Gritting Schedule

**Mr Burns** asked the Minister for Regional Development to outline his Departments' policy on gritting pavements. (AQW 3595/09)

**The Minister for Regional Development:** It is not my Department's Roads Service's policy to carry out gritting of footways. However, Roads Service does provide salt boxes at strategic locations. These salt boxes can be used by the general public, on a self help basis, to help prevent the formation of snow and ice on footways and roads.

### Gritting Schedule

**Mr Burns** asked the Minister for Regional Development what criteria his Department applies when determining whether a road gets added to the gritting schedule. (AQW 3596/09)

**The Minister for Regional Development:** The criterion for inclusion of roads on the gritting schedule is as follows:-

- all Motorways and Trunk roads shall be treated;
- main through routes which carry more than 1,500 vehicles per day shall be treated;
- other busy through routes with special difficulties which carry more than 1,000 vehicles per day shall be considered. Special difficulties which are considered include the severity, frequency and extent of gradients, frequency of bends, the height above sea level, railway level crossings on the road and abnormally high junction frequencies. It should be noted that in relation to this category, consideration will be given to the availability of alternative or parallel routes which are on the treated network. Where such parallel or alternative routes are available, the routes qualifying under this criteria need not necessarily be salted; and
- small settlements containing 100 dwellings or more shall have a salted link to the nearest part of the existing salted network.

Routes which are used by buses are given special consideration, in that buses are counted according to the number of seats on the bus, regardless of the number of passengers on the bus, that is, a 40-seater bus is counted as 40 vehicles.

### Gritting Schedule

**Mr Burns** asked the Minister for Regional Development what percentage of the total public road network is on the gritting schedule. (AQW 3597/09)

**The Minister for Regional Development:** The total length of public road network within the North, at 1 April 2008 was 25,455 kilometres. During the 2008/2009 Winter Service season, the total length of the network on the gritting schedule is 7,072 kilometres. This is approximately 28% of the entire network.

### Roads Service Alleygating Scheme

**Mr Butler** asked the Minister for Regional Development if he will make changes to the Roads Service alleygating scheme to ensure that schemes are not unduly delayed because of the amount of bureaucracy associated with alleygating schemes. (AQW 3609/09)

**The Minister for Regional Development:** Alleygating schemes are brought forward by promoters, usually a community safety partnership involving a district council. My Department endeavours to make every effort to ensure that schemes are processed without any undue delay. However, my Department must ensure that full consultation with the local community has been completed and that any scheme presented to the Department has the clear overall support of the local community. It is also important that human rights, equality and amenity impact assessments are carried out and that there is strict adherence to the procedural requirements laid down in the Road Traffic Regulations (Northern Ireland) Order 1997.

In view of the above points, I do not believe that changes could reasonably be made, that would speed up the current process.



## SOCIAL DEVELOPMENT

### Capital Projects

**Dr Farry** asked the Minister for Social Development what actions her Department is taking to bring forward the delivery of capital projects to help redress the economic downturn. (AQW 3103/09)

**The Minister for Social Development (Ms M Ritchie):** The Social Housing Development Programme, the Social Housing Maintenance & Repairs Programme and Urban Regeneration are the main avenues for advancing capital works in this Department and I am pursuing this as part of December Monitoring. While the extent of work possible will depend on the level of any additional funding allocated, I believe that an increased investment in social housing can have a profoundly beneficial effect on the economy in a relatively short period of time.

Furthermore, in the Department's current Public Service Agreement, I have committed to delivering 5,250 new social homes over the next 3 years. Whilst these are very challenging times for the Construction Industry, there is a tremendous opportunity for them to work with me in delivering these new social homes.

### Homeless Support

**Mr I McCrea** asked the Minister for Social Development to detail the charitable organisations funded by her Department who provide support for the homeless. (AQW 3114/09)

**The Minister for Social Development:** During 2007/08 my Department provided £2.23m through the Housing Executive to service providers (registered as charities) for the provision of services to support homeless people.

The service providers were as follows:

- Daughters of Charity,
- Sisters of Mercy,
- Council for the Homeless
- Extern Organisation,
- First Housing Aid and Support Services,
- Foyle Haven Association for the Care and Resettlement of Offenders,
- Housing Rights Service,
- Link (Newtownards),
- Mid Ulster & South Tyrone Association for the Single Homeless (MUST),
- NI Association (NIACRO),
- Simon Community,
- Welcome Organisation,
- Women's Aid.

Additionally, through the Supporting People programme, the Housing Executive will also provide £10.43m funding to a number of such service providers during 2008/09 (See Table A). Housing Associations will provide a further £1.3m for the provision of these services (See Table B).

TABLE A

Clarendon Shelter	Living Rivers Trust
Council for the Homeless	MUST
DePaul Trust NI	NIACRO – Base 2
East Belfast Mission	Methodist Mission
Edward Street Hostel Ltd	Mid Ulster South Tyrone Association
Extern	North Down YMCA



FHASS – Derry SmartMove	Northern Ireland Institute For The Disabled
First Housing Aid & Support	SATH
Housing Rights Service	Shankill Lurgan Community Project
Foyle Haven	Shelter (NI) Ltd.
Kilcooley Community Forum	Simon Community
Larne Community Care Centre	The Salvation Army Trustee Committee
LINK – Marc Project	Welcome Organisation
Legion Of Mary	
<b>Total funding</b>	<b>£10,437,829</b>

TABLE B

Ark Housing Association	SHAC Housing Association
North & West Housing Association	Triangle Housing Association
Open Door Housing Association	
<b>Total funding</b>	<b>£1,319,000</b>

My Department has also funded the following charitable organisations through the Voluntary & Community Unit amounting to £354,181.32 from 2003/04 to the present (See Table C). Whilst this funding is not specifically for Homelessness the organisations all use this funding, in part, for Housing, Accommodation and Homelessness purposes.

TABLE C

Barnardos NI	£41,607.00
Belfast Central Mission	£28,790.00
Carnagat Area Community Association	£10,590.32
Glencollin Residents Association	£5655.00
Rethink	£98,041.00
NI Women's Aid Federation Northern Ireland	£169,498.00
<b>Total Funding</b>	<b>£354,181.32</b>

## Social Security Agency

**Mr Durkan** asked the Minister for Social Development what arrangements will be put in place for Social Security Agency staff in the Foyle constituency as part of the Strategic Business Review, including (i) relocation; (ii) retraining, and to make a statement. (AQW 3238/09)

**The Minister for Social Development:** The Strategic Business Review proposals have recently been issued for public consultation. Foyle constituency forms part of the Social Security Agency's West District. In West District, the proposed changes would see Income Support processing centralised in Derry, Social Fund processing centralised in Omagh and Jobseekers Allowance processing centralised in Enniskillen. All frontline office activity would continue as at present, no offices would be closing and there would be no staff redundancies.

In order to protect service delivery, it would be imperative that each new benefit processing centre has the required level of skilled staff. Consequently, under the current proposals, staff with the requisite experience would travel to their new processing centres, within their existing District structures, subject to the reasonable travel provisions within their NICS employment contracts. Where this would not be possible the Social Security Agency will look at other alternatives which may include possible retraining.



It is not possible at this stage to predict exactly which staff would move where as the relocation process would need to be fully worked through. Implementation of the proposed changes would take approximately 4 years to rollout across Northern Ireland.

Arrangements for staff in Foyle and elsewhere in Northern Ireland will be assessed as part of the consideration of the findings of the consultation exercise. The consultation runs until late April 2009.

### **Purchase of Properties**

**Mr F McCann** asked the Minister for Social Development to provide details of the developers and individuals from whom her Department, including the Northern Ireland Housing Executive, purchased properties 'off the shelf' in the last 2 years. (AQW 3239/09)

**The Minister for Social Development:** Neither my Department nor the Northern Ireland Housing Executive purchase properties 'off the shelf' or from individuals as 'Existing Satisfactory Purchases'. Properties are acquired by Housing Associations subject to approval by the Northern Ireland Housing Executive. Where properties are acquired by this method the contractual relationship exists between the Housing Association and the vendor and the Northern Ireland Housing Executive does not collate information on those contracts.

### **Telephone Communication Masts**

**Mr Hilditch** asked the Minister for Social Development to detail the total revenue generated through her Department leasing its land or property to facilitate the erection of telephone communication masts. (AQW 3247/09)

**The Minister for Social Development:** The total revenue generated in this way amounts to £76,750 per annum.

### **UN Convention on the Rights of Persons with Disabilities**

**Mr P Ramsey** asked the Minister for Social Development what contribution her Department has made or will be making to the consultation by the UK Department of Work and Pensions on reservations to the UN Convention on the Rights of Persons with disabilities. (AQW 3271/09)

**The Minister for Social Development:** The Office of the First Minister and deputy First Minister has lead responsibility for contributing, on behalf of the Northern Ireland Civil Service, to the UK Department of Work and Pensions' consultation on reservations to the UN Convention on the rights of persons with disabilities.

In order to contribute to the OFMDFM response, my Department has undertaken scrutiny of legislation, policies, practices and procedures to check their compatibility with the provisions of the Convention and identify any difficulties with the areas of competency covered by the Convention.

In addition, my Department has been and will continue to be in contact with the Department of Work and Pensions regarding the Convention and Social Security related matters.

### **UN Convention on the Rights of Persons with Disabilities**

**Mr P Ramsey** asked the Minister for Social Development what preparations her Department has made for the implementation of the UN Convention on the Rights of Persons with Disabilities. (AQW 3272/09)

**The Minister for Social Development:** Since January 2007, officials within OFMDFM have taken the lead in preparing for implementation, in Northern Ireland, of the UN Convention on the Rights of Persons with Disabilities (the Convention).

As requested by OFMDFM, my Department has been scrutinising legislation, policies, practices and procedures to check for compatibility with the provisions of the Convention and to confirm whether we had any difficulty with the areas of competency covered by the Convention.



Based on a working knowledge of the Department's policies, practices and legislation and our Departmental statutory duties, and compliance with the Disability Discrimination Act 1995, as amended, and Section 75 of the Northern Ireland Act 1998, officials concluded that the Convention was unlikely to impose any additional requirements.

### UN Convention on the Rights of Persons with Disabilities

**Mr P Ramsey** asked the Minister for Social Development what preparations her Department has made for the implementation of the UN Convention on the Rights of Persons with Disabilities. (AQW 3274/09)

**The Minister for Social Development:** The Office of the First Minister and deputy First Minister has taken the lead in preparing for the implementation of the UN Convention on the Rights of Persons with Disabilities (the Convention) in Northern Ireland and in identifying reservations to be brought forward.

In cooperation with their plans, my Department has undertaken scrutiny of legislation, policies, practices and procedures to check their compatibility with the provisions of the Convention and identify any difficulties with the areas of competency covered by the Convention.

My officials have advised OFMDFM that aside from an issue regarding benefit appointees, about which they are liaising with colleagues in the Department for Work and Pensions, the convention is unlikely to impose any additional requirements on the Department.

### Satisfactory Housing Scheme

**Mr Beggs** asked the Minister for Social Development to give the criteria used by the Housing Executive and Housing Associations to purchase property under the acquisition of satisfactory housing scheme. (AQW 3304/09)

**The Minister for Social Development:** Houses purchased under the Acquisition of Satisfactory Housing Scheme must fulfil the following eligibility criteria:

- Properties are immediately available for letting
- Properties do not require extensive repairs or rehabilitation.
- Properties should generally be former Housing Executive dwellings.
- Properties situated in exclusively owner occupied areas should not be considered.
- There is an established long term housing demand and need for that type of property and no existing Social house is available.
- Properties must meet the current Total Cost Indicators. Allowances should include additional costs such as pre letting repairs and or professional fees.
- Properties recommended for purchase at a valuation exceeding the Total Cost Indicator allowance require the approval of the Department for Social Development.
- Properties subject to an offer will not be considered under the Acquisition of Satisfactory Housing scheme.

### Regulation of Charities

**Mrs D Kelly** asked the Minister for Social Development for a progress report on work to ensure the better regulation of charities. (AQW 3317/09)

**The Minister for Social Development:** The Charities Act (NI) 2008 received Royal Assent on 9 September 2008. This legislation will introduce a new regulatory framework for charities in Northern Ireland and will increase public confidence in charitable giving. The provisions in the primary legislation will be phased in over the next 2-3 years through a series of Commencement Orders. The first Order is scheduled to be made in March 2009 and this will allow for the establishment of the Charity Commission, appointment of Commissioners and staff and consultation on the public benefit test.

Officials in my Department have been working with other charity regulators in the UK and Ireland to ensure that the Charity Commission will be in a position to begin its programme of work in 2009/2010. This will include the transfer of approximately 5,500 charity records from HM Revenue and Customs to populate an interim charity register. It is also important to note that new charity regulations are being progressed in both parts of this



island. I welcome the fact that the Charities Bill 2007 has been passed in the Dail and cleared its Second Stage in Seanad Éireann on the 27th November 2008. This will be particularly important in dealing with regulation of cross-border charities.

I am pleased at the progress made to date in taking forward this important work to regulate local charities. An information website has been developed to provide advice and guidance to local charities and other interested parties. This can be accessed at [www.charitycommissionni.org.uk](http://www.charitycommissionni.org.uk) and the site went live on 10 December 2008.

### Gregg House, Lisburn

**Mr Poots** asked the Minister for Social Development what role her Department has taken in supporting the residents of Gregg House in Lisburn. (AQW 3371/09)

**The Minister for Social Development:** The Northern Ireland Housing Executive held a meeting in September 2008 which was attended by public representatives along with staff from the South Eastern Health and Social Care Trust. It was agreed that the Housing Executive and the South Eastern Health and Social Care Trust would jointly survey the tenants of Gregg House to establish their needs and identify problems they were having. A further meeting between the South Eastern Health and Social Care Trust, and Housing Executive staff from the Lisburn District Office has been arranged for 7 January 2009 to review the findings of the surveys, and determine the most appropriate course of action in relation to the Gregg House accommodation.

### Carbon Monoxide Alarms

**Mr Butler** asked the Minister for Social Development how many NIHE dwellings with gas heating systems have carbon monoxide alarms installed. (AQW 3391/09)

**The Minister for Social Development:** Carbon monoxide alarms are not part of the Northern Ireland Housing Executive's specification for any of its dwellings and consequentially none are fitted by the Northern Ireland Housing Executive.

### Housing Executive

**Mr McKay** asked the Minister for Social Development what definition the Housing Executive uses in relation to (i) damp; and (ii) condensation. (AQW 3394/09)

**The Minister for Social Development:** Damp in relation to Northern Ireland Housing Executive homes is defined as excessive moisture in building fabric arising as a consequence of capillary attraction from ground water rising through walls or floors in contact with the ground, or by penetrating through superstructures and roofs by the (weather) elements.

Condensation relates to internal moisture created as a consequence of the lifestyle of the occupants of a dwelling. Moisture created in the home condenses on cold surfaces leading to the formation of black mould.

### House Sales

**Mr Butler** asked the Minister for Social Development to provide details of the number of NIHE house sales in each of the last five years. (AQW 3398/09)

**The Minister for Social Development:** The table below details the Northern Ireland Housing Executives house sales for the last five years and the position for the current year.

	2003/04	2004 /05	2005/06	2006/07	2007/08	2008/09 To date
Total	5652	3053	2522	2201	808	34



### Maintenance Schemes

**Mr Butler** asked the Minister for Social Development (i) the number of NIHE improvement and maintenance schemes that were planned for the Dairyfarm and Lisburn districts that have now been postponed; (ii) the number of schemes that will be carried out as planned; and (iii) the costs of all schemes in both areas. (AQW 3399/09)

**The Minister for Social Development:** As a result of the December monitoring round all Northern Ireland Housing Executive programmes are currently under review. The Northern Ireland Housing Executive will work to formulate a revised programme as a matter of urgency over the coming weeks.

### Efficiency Savings

**Dr Farry** asked the Minister for Social Development what policies and practices in her Department have changed in delivering the 3% efficiency savings required by the 2008-11 Budget. (AQW 3409/09)

**The Minister for Social Development:** My Department has a continuous emphasis on achieving efficiency which is continually reflected in new policies and practices. For example in terms of policy changes, the Child Support Reforms will create more efficient Child Support services as these are implemented over the Budget period. Practices that have changed include the continuing standardisation of operating models and changes to the Social Security Agency's service delivery model through the establishment of centralised processing centres. There is a continuing emphasis on streamlining back office and administrative support activities and ensuring that process waste and inefficiency is minimised. A number of reform and modernisation programmes have also been implemented which will deliver efficiencies, such as the Operational Improvement Project in my Department's Child Maintenance and Enforcement Division which is designed to stabilise and improve the Division's performance. A further example is in my Department's Urban regeneration and Community Development Group where funding mechanisms have been rationalised and emphasis has been placed on leveraging in funds from other sources for regeneration purposes.

### Housing Benefit Payments

**Mr McLaughlin** asked the Minister for Social Development to breakdown the amount of housing benefit payments paid to private landlords in the South Antrim constituency, broken down by electoral districts. (AQW 3445/09)

**The Minister for Social Development:** The information is not available in the form requested. The table below details Housing Benefit payments for Northern Ireland Housing Executive District Offices in South Antrim for 2007/08. It should be noted that the payments include Housing Benefit paid to Housing Associations, as the Northern Ireland Housing Executive's accounting procedures do not differentiate between Housing Associations and Private Landlords.

District	Payment £
Antrim District	3,242,596.18
Newtownabbey 1	3,104,870.01
Newtownabbey 2	3,529,466.17
Carrickfergus	3,776,579.93
<b>Total</b>	<b>13,653,512.29</b>

### Community Development Programmes

**Mr McLaughlin** asked the Minister for Social Development in relation to the Crumlin area, (i) to identify the community development programmes; (ii) to give an assessment of the impact these programmes have had on the social infrastructure; and (iii) what programmes are planned to address the deficit in social development, (AQW 3446/09)



**The Minister for Social Development:** My Department provides financial assistance to District Councils through the Community Support Programme. In return for funding, the Department requires Councils to submit Community Support Plans which cover a three year period (2006-09). Antrim Borough Council have been offered £98,810 during this financial year. Their plan indicates that a total of seven community centres are supported across the Borough. Of the seven, Crumlin Community Centre attracts the highest level of community centre expenditure from Council with an average yearly expenditure of £146,011. The Community Support Plan is developed at Council level and it would be the responsibility of Antrim Council to advise on the full impact the programme has had on their area.

In addition my Department is currently considering an application for funding for a community group "Crumlin Together" under the Modernisation Fund which will be jointly funded by the International Fund for Ireland and others.

### New Start Homes

**Mr Newton** asked the Minister for Social Development, pursuant to her answer to AQW 7169/08, if her Department still intends to build the 145 new start homes in 2008-09, 87 in 2009-10 and 107 in 2010-11, in the East Belfast constituency. (AQW 3469/09)

**The Minister for Social Development:** The figures quoted in this question refer to the Social Housing Development Programme for East Belfast Programme at May 2008. However, the Social Housing Development Programme is continually subject to change, as some schemes slip or are lost from the Programme due to planning or acquisition difficulties and new schemes are brought forward. The Social Housing Development Programme for East Belfast currently indicates 175 starts for 2008/09, 117 starts for 2009/10, and 112 starts for 2010/11. The new Social Housing Development Programme for 2009/10 – 2013/14 is currently being formulated and will be published on the Housing Executive's website in February 2009 and will reflect the current housing needs assessment.

### Departmental Public Appointments

**Ms Purvis** asked the Minister for Social Development (i) to list all public appointments (a) filled by her Department and (b) still outstanding; (ii) on what grounds were some appointments not made; (iii) to assess the process adopted for appointments including the OPCA guidance; and (iv) her plans for ensuring a more efficient application of the procedures. (AQW 3500/09)

**The Minister for Social Development:** : I have set out below all public appointments filled by my Department during each of the last 3 financial years.

Financial Year	Public appointments Filled	Number
2005/06	Charities Advisory Committee	2
	Disability Living Allowance Advisory Board for NI	7
	Rent Assessment Panel	3
	NI Housing Executive	3
	Laganside Corporation	2
	Vaughan's Charity	4
	<b>Total</b>	<b>21</b>
2006/07	Disability Living Allowance Advisory Board for NI	2
	NI Housing Executive	4
	<b>Total</b>	<b>6</b>



Financial Year	Public appointments Filled	Number
2007/08	NI Housing Executive	6
	Rent Assessment Panel	12
	Rent Officer	1
	Vaughan's Charity (Trustees)	5
	Charities Advisory Committee	3
	Disability Living Allowance Advisory Board for NI	3
	<b>Total</b>	<b>30</b>

My Department is currently running a competition to fill 7 positions on the new Charity Commission for Northern Ireland. Plans are in place to fill 2 vacancies to the Charities Advisory Committee, one current vacancy at present with a further vacancy arising in March 2009.

The Disability Living Allowance Board for Northern Ireland currently has 1 vacancy, but as this body is due to be abolished under the Public Authorities Reform Bill in January, there are no plans to fill this vacancy.

The principles set out in the Commissioner for Public Appointment's Code of Practice on Public Appointments are routinely applied to public appointments made by my Department.

### Social Housing Development Programme

**Mr Cree** asked the Minister for Social Development (i) when the five year Social Housing Development Programme for 2009-2014 will be released; (ii) why this programme has been delayed; and (iii) when she will be bringing her proposals to the Executive for a decision. (AQW 3505/09)

**The Minister for Social Development:** The Social Housing Development Programme for 2009 -2014 is currently being finalised and will be published as expected in February 2009. It has not been subjected to delay and is entirely within my Departmental responsibilities, therefore not requiring Executive approval.

### Regeneration Schemes

**Mr McClarty** asked the Minister for Social Development to provide an update on any developments on the proposed regeneration schemes for Coleraine town centre. (AQW 3552/09)

**The Minister for Social Development:** I regret that the proposed development schemes on the Abbey Street and Mall car parks in Coleraine town centre have been delayed by some months. This has been due to unforeseen complications in the transfer of the Abbey Street site to my Department from the Department for Regional Development, which is necessary to allow the scheme to be delivered. It is now anticipated that construction work will commence on the first of the schemes no later than the first half of 2010.

### Creche Facilities in Benefits Office

**Mr F McCann** asked the Minister for Social Development what arrangements will be put in place to provide creche facilities for lone parents who come into Benefits Offices for interviews about Job Seekers Allowance. (AQW 3562/09)

**The Minister for Social Development:** There are no plans to provide crèche facilities for lone parents who come into Benefits Offices for interviews about Job Seekers Allowance.

### North and West Housing Association

**Mr F McCann** asked the Minister for Social Development was the £4m investment by the North and West Housing Association into affordable housing taken from its social housing allocation. (AQW 3564/09)



**The Minister for Social Development:** This £4m proposed commitment by the North and West Housing Association does not include any public money but comes from a tranche of private funding independently secured by the Housing Association.

### Energy Performance Certificates

**Mr Shannon** asked the Minister for Social Development if the Housing Executive will carry out the enforcement of energy performance certificates when a change of tenant occurs (i) through its local offices; (ii) centrally; or (iii) through external bodies. (AQW 3587/09)

**The Minister for Social Development:** From 30 December 2008 all Northern Ireland Housing Executive dwellings being relet will require an energy performance certificate. The Northern Ireland Housing Executive will carry out this requirement centrally when the change of tenancy takes place.

### Own A Home Partnership Scheme

**Mr F McCann** asked the Minister for Social Development how much funding has (i) Clanmil; and (ii) South Ulster Housing Associations, contributed to the Own a Home partnership scheme that was announced in Portadown; and to confirm if this money was taken from their social housing budget. (AQW 3617/09)

**The Minister for Social Development:** No money from the Social Housing Development Programme has been used to support this Own a Home scheme. The contribution from both Housing Associations involved in this scheme comes entirely from their private funding which is completely independent of the Department.

### Rathenraw Resource Centre Project

**Mr Burns** asked the Minister for Social Development, pursuant to her answer to AQW 592/09, to provide an update on the Rathenraw resource centre project. (AQW 3640/09)

**The Minister for Social Development:** Work on the community and business centre project in Rathenraw, Antrim, commenced in May and had been progressing well with an expected completion date of June 2009. Unfortunately, the contractor went into liquidation in September 2008. The project architect and the group explored all other options and agreed to approach the second placed contractor on the tender list. This contractor (P & K Mc Kaigue) has now been appointed by the Group and the relevant contract documents were signed on the 15th December 2008. Work is scheduled to re-commence on site on Monday 5th January 2009.

### Benefit Fraud

**Mr Elliott** asked the Minister for Social Development, for each of the last five years, how many incidents of benefit fraud have occurred, broken down by (i) local council area; and (ii) parliamentary constituency; and how many people were prosecuted in each year. (AQW 3651/09)

**The Minister for Social Development:** The tables below show the number of 'incidents of benefit fraud' and the number of people prosecuted for each of the last 5 years, by local council area and parliamentary constituency.

For the purposes of this reply 'incidents of benefit fraud' are those cases where individuals have been convicted in court, or have accepted either a formal caution or an administrative penalty.

Table of 'incidents of benefit fraud' and number of people prosecuted in each of the last five years by local council area



Local Council Area	2004-2005		2005-2006		2006-2007		2007-2008		2008-2009 to date	
	Incidents	Prosecutions	Incidents	Prosecutions	Incidents	Prosecutions	Incidents	Prosecutions	Incidents	Prosecutions
Antrim	1	1	11	6	6	2	10	8	8	6
Ards	8	5	12	10	7	7	11	10	12	7
Armagh	6	7	11	4	14	10	13	5	19	13
Ballymena	2	2	5	4	16	6	15	12	6	5
Ballymoney	3	0	3	2	5	5	7	5	0	0
Banbridge	6	6	11	5	11	6	4	4	8	5
Belfast	70	60	116	75	169	94	230	123	240	145
Carrickfergus	6	6	6	4	12	6	7	3	6	2
Castlereagh	8	7	6	2	11	9	17	14	12	10
Coleraine	8	6	5	4	8	3	11	9	4	3
Cookstown	3	2	3	0	2	2	6	4	7	3
Craigavon	14	11	33	21	30	18	31	24	22	12
Derry	29	22	36	21	50	34	72	37	60	40
Down	15	14	16	10	9	7	20	15	14	7
Dungannon	7	7	10	4	15	8	19	15	10	6
Fermanagh	22	19	13	7	20	9	19	12	15	14
Larne	2	2	10	5	6	3	8	2	2	1
Limavady	8	6	8	3	9	1	8	7	1	1
Lisburn	14	11	24	14	37	12	39	20	28	16
Magherafelt	1	1	1	1	3	2	8	6	5	3
Moyle	5	5	2	1	5	3	4	3	1	1
Newry & Mourne	10	10	28	14	30	14	31	21	26	11
Newtownabbey	7	3	19	8	25	15	27	9	28	15
North Down	9	7	13	4	12	10	12	8	5	4
Omagh	8	7	6	0	9	3	17	14	14	12
Strabane	12	6	22	9	28	12	22	16	6	4
Local Council Area not known	7	6	9	6	12	5	11	8	8	2
<b>Total</b>	<b>291</b>	<b>239</b>	<b>439</b>	<b>244</b>	<b>561</b>	<b>306</b>	<b>679</b>	<b>414</b>	<b>567</b>	<b>348</b>



Table of 'incidents of benefit fraud' and number of people prosecuted in each of the last five years by parliamentary constituency

Parliamentary Constituency	2004-2005		2005-2006		2006-2007		2007-2008		2008-2009 to date	
	Incidents	Prosecutions	Incidents	Prosecutions	Incidents	Prosecutions	Incidents	Prosecutions	Incidents	Prosecutions
Belfast East	16	14	23	13	28	20	31	18	31	14
Belfast North	24	19	46	21	57	32	89	42	97	58
Belfast South	9	8	15	12	27	15	33	18	41	24
Belfast West	37	30	50	33	89	43	109	58	107	70
East Antrim	10	8	19	10	21	10	21	6	16	8
East Londonderry	16	12	13	7	17	4	19	16	5	4
Fermanagh & South Tyrone	27	24	21	10	27	14	35	24	22	19
Foyle	29	22	36	21	50	34	72	37	60	40
Lagan Valley	7	6	17	13	25	11	29	16	16	9
Mid Ulster	6	5	6	2	13	7	17	13	15	7
Newry and Armagh	11	12	30	14	33	19	35	21	39	22
North Antrim	10	7	10	7	26	14	26	20	7	6
North Down	9	7	13	4	12	11	13	9	8	5
South Antrim	3	3	22	12	17	8	20	13	15	9
South Down	19	18	25	13	21	13	28	19	21	10
Strangford	12	9	14	13	14	11	18	18	13	11
Upper Bann	19	16	42	24	35	20	34	28	26	14
West Tyrone	20	13	28	9	37	15	39	30	20	16
Parliamentary Constituency not known	7	6	9	6	12	5	11	8	8	2
Total	291	239	439	244	561	306	679	414	567	348

### Protection for Household Tenants

**Mr Elliott** asked the Minister for Social Development what recent steps her Department has taken to increase the protection for household tenants in the private rented sector. (AQW 3653/09)

**The Minister for Social Development:** The Private Tenancies (Northern Ireland) Order 2006, which became operative in April 2007, gave tenants new rights and placed new obligations on landlords. A review of this Order is underway and proposals for a new strategic framework for the private rented sector will be issued for public consultation in April 2009.

### Warm Homes Scheme

**Mr B Wilson** asked the Minister for Social Development if she has any proposals to promote the installation of wood pellet boilers as part of the Warm Homes Scheme. (AQW 3662/09)



**The Minister for Social Development:** I have proposed a number of changes to the Warm Homes Scheme following a report by the Northern Ireland Audit Office and subsequent Public Accounts Committee hearing. Public consultation on the proposed changes to the Scheme finished on the 19 December and my officials are working through the responses. One of the proposed changes is to include renewable technologies, including wood pellet boilers, for hard-to-treat homes where there is currently no alternative to oil.

## ASSEMBLY COMMISSION

### Assembly Email System

**Mr McKay** asked the Assembly Commission what measures it is taking to ensure that Members can access their external email accounts and attachments other than those sent to their internal Assembly email account. (AQW 3199/09)

**The Representative of the Assembly Commission (Rev Dr R Coulter):** The Assembly Commission seeks to provide all Members with safe, secure access to all external information sources. In some instances access to web based files may be refused on the grounds that they are of a type commonly used by malicious software. Security systems that carry out this work are reviewed and upgraded on a regular basis to cope with new security threats and to respond to changes in external systems.

The computer system managing Internet access & security (including access to web based email accounts) is currently under review and an update is scheduled for the Christmas period.

### Solar Technology

**Mr McKay** asked the Assembly Commission if it will introduce solar technology in Parliament Buildings and if it has completed any research in this technology. (AQW 3448/09)

**The Representative of the Assembly Commission (Rev Dr R Coulter):** The Assembly Commission is very aware of the need to become more energy efficient and has been participating in the Public Sector Energy Campaign since 1999.

Earlier this year the Carbon Trust were appointed to carry out a carbon survey of Parliament Buildings and a range of measures were recommended that would represent a 12.5% reduction in energy consumption and 10% reduction in costs.

In November 2006 a bid was made to the Central Energy Efficiency Fund (CEEF), to install solar panels on the roof of Parliament Buildings. That particular bid was unsuccessful due to the high installation costs and the predicted payback period of 136 years.

However, the Assembly Commission will continue to work closely with the Department of Finance and Personnel's Engineering Services & Energy Unit and the Carbon Trust to consider all possible energy saving initiatives, including solar technology.

### Radiators in Parliament Buildings

**Mr McKay** asked the Assembly Commission what measures it will take to ensure that radiators are not switched on in Parliament Buildings when they are clearly not needed. (AQW 3450/09)

**The Representative of the Assembly Commission (Rev Dr R Coulter):** Heating and cooling in Parliament Buildings is controlled by the Building Energy Management System (BEMS). This system was installed in 2002 following an audit by the Carbon Trust, and it allows staff in Building Management Branch to adjust the heating schedules to meet the needs of all building users. The heating is maintained at a reasonable set level, approximately 21oC; however it is the responsibility of individual room occupiers to turn off radiators when they are not required.



The BEMS system works on a vertical zoning system and currently the heating can only be adjusted in large 'blocks' of accommodation simultaneously. Properties Directorate is currently exploring proposals to upgrade the BEMS and it is anticipated that this will improve the flexibility and efficiency of the heating and cooling system.

Properties Directorate will issue a building wide e-mail in advance of Christmas recess reminding all building users to turn off unnecessary heating.

It might be helpful for you to note that Building Management Branch staff continually monitor the heating schedules and that these will be adjusted to reflect the fact that the building is closed.

### Wind Turbines

**Mr McKay** asked the Assembly Commission if it has explored the possibility of erecting wind turbines in the Stormont estate. (AQW 3451/09)

**The Representative of the Assembly Commission (Rev Dr R Coulter):** The Stormont Estate is currently controlled and managed by the Department of Finance and Personnel (DFP), and the Assembly Commission has responsibility only for Parliament Buildings and its immediate environs.

Properties Directorate works closely with DFP, their Engineering Services & Energy Unit and the Carbon Trust on all matters relating to energy efficiency.

The most recent advice from the Carbon Trust is that we should continue to concentrate our efforts on reducing our direct and indirect emissions and then give further consideration to renewable technologies.

### Pork Industry

**Mr Shannon** asked the Assembly Commission what it is doing to encourage caterers in Parliament Buildings to source their pork from local suppliers rather than purchase it from Scotland. (AQW 3474/09)

**The Representative of the Assembly Commission (Rev Dr R Coulter):** The Northern Ireland Assembly Support Services contract is currently operated by Eurest. This includes all catering services. Eurest have confirmed that since the commencement of the contract in March 2007 and up to Monday 8th December 2008, 100% of the fresh pork was sourced from farms within Northern Ireland. Due to the recent health scare with pork produce however, the Eurest supplier of pork supplied the Northern Ireland Assembly with Scottish bacon in order to provide a continuous and seamless service on an interim, emergency basis only.

However, the over-riding Eurest commitment on a daily basis is to provide the Assembly with produce sourced from farms within Northern Ireland only. Facilities Branch reserve the right at any time to carry out an audit of Eurest produce supplied to the Assembly to ensure compliance with the contract. For their part, the Eurest purchasing management team ensures compliance with their contractual obligations by purchasing Northern Ireland pork produce only.

The Food Standards Agency (FSA) reinstated Northern Irish pork produce on Tuesday 9th December 2008, Eurest are once again sourcing all pork produce from farms within Northern Ireland.

### Water Supply

**Mr McKay** asked the Assembly Commission what action it has taken, and plans to take, to ensure the efficient use of the water supply in Parliament Buildings and to reduce the overall amount used. (AQW 3507/09)

**The Representative of the Assembly Commission (Rev Dr R Coulter):** The Assembly Commission works closely with the DFP Engineering Services and Energy Unit and the Carbon Trust to improve all aspects of energy and utility efficiency within Parliament Buildings. As such water saving flush systems for urinals have been fitted in the following locations.

- 4th floor east
- 3rd floor east and west
- 2nd floor east and west
- 1st floor east and west



- Ground floor (3 sets)
- Basement (2 sets)

In addition to this 'Hippo Bags', cistern dams which limit the amount of water used per flush, are being tested in various toilets to ensure they do not have an adverse effect before installing them in all toilets. The 'Hippo Bags' had to be removed in some public sector buildings as they did not flush the WC pan adequately.

Consideration is also being given to installing suitable percussion taps within the bathrooms to ensure that taps are not left running when not in use.

In addition, Central Procurement Directorate are currently investigating problems relating to the dispersal of water from the roofs of Parliament Buildings and it is anticipated that the proposed solution will include rainwater harvesting for use in toilets etc.

## TSO

**Mr McCausland** asked the Assembly Commission to explain the basis and nature of the relationship with The Stationery Office under which they are responsible for the printing and publication of Assembly reports.

(AQW 3534/09)

**The Representative of the Assembly Commission (Rev Dr R Coulter):** The Stationery Office was awarded the contract for the Assembly's Printing, Publication and Related Services in March 2002 following a tendering exercise run by the Government Purchasing Agency (now known as Central Procurement Directorate). The current contract is due to expire on 23 July 2009. The Stationery Office as part of their contractual obligation undertakes any printing and publishing as requested by the Assembly through the Assembly's Printed Paper Office. They also undertake the distribution of Assembly publications through their retail premises in Belfast and online services.

## Constituency Offices

**Mr Hilditch** asked the Assembly Commission if it will consider introducing a standard computerised database for constituency offices of all Parties.

(AQW 3575/09)

**The Representative of the Assembly Commission (Rev Dr R Coulter):** The Assembly Commission does not currently provide centrally funded software to enable Members to track Constituency Office cases, as each Party has adopted different approaches to the issue.

The Commission is aware of growing interest amongst the Devolved Legislatures and at Westminster for a common approach to managing such information. The Assembly's Information Systems Office is representing the Commission in these initial discussions.

The Information Systems Office maintains a Constituency Office Helpdesk service to assist Members and their staff in ICT related matters. It can be contacted on 028 905 21755.

## Electrical Appliances

**Mr Wells** asked the Assembly Commission if it will ensure that all non-essential electrical appliances will be turned off in Parliament buildings when it is closed for the Christmas/ New Year holidays.

(AQW 3636/09)

**The Representative of the Assembly Commission (Rev Dr R Coulter):** The Assembly Commission is committed to adopting a proactive approach to energy management and as such encourages all staff when leaving the office to turn off lights, TVs, computers, monitors, and shredders situated in the office.

The Security Officers from the Control Room carry out a patrol at last light and first light, in which they complete a full check of the building, inclusive of switching off lights/ photocopiers, closing windows/ doors and ensuring that the building is secure. Stairwell lights are left on in the event that the building would need to be evacuated during hours of darkness, and to assist the Emergency Services should they require a lighted area if they are responding to an emergency. Security Officers do not, however, enter locked offices to turn off lights and appliances.



In addition to this the Support Services contractor, as part of the nightly (and recess) close down procedure, ensures that all lights and non-essential electrical items are turned off in all catering areas.

Properties Directorate will be issuing a building wide email in advance of the Christmas recess, reminding all building users to switch off lights, TVs, computers, monitors, shredders and other associated electrical equipment.

### **Weekly Answer Booklet**

**Mr Wells** asked the Assembly Commission why it is necessary to distribute the Weekly Answer Booklet dated 12 December 2008 in a sealed addressed envelope. (AQW 3639/09)

**The Representative of the Assembly Commission (Rev Dr R Coulter):** In August 2008 a questionnaire was issued to each Member by the Assembly's Printed Paper Office, requesting information on their preferred format for core Assembly documents.

The results of the survey lead to a reduction in the print run of various publications. For example instead of printing and delivering 324 documents (i.e. 108 copies each of the Weekly Information Bulletin, Written Answer Booklet and Questions for Written Answer) to Members' pigeon holes on Monday mornings (as was the case prior to the survey) a total of 210 documents are now printed for Members and delivered (i.e. 60 copies of the Weekly Information Bulletin, 73 copies of the Written Answer Booklet and 77 copies of Questions for Written Answer).

As Members had differing requirements, it became necessary for the Printed Paper Office to devise a system which ensured Members received only the hardcopies of the documents they had requested. The current system of placing documents in a labelled envelope together with a list of the documents they require was adopted and put in place at the end of September 2008.

As a result of your feedback, the Printed Paper Office is considering an alternative method of managing and distributing documents which would negate the use of labelled envelopes.







# NORTHERN IRELAND ASSEMBLY

Friday 9 January 2009

## Written Answers to Questions

### OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

#### Efficiency Savings

**Dr Farry** asked the Office of the First Minister and deputy First Minister what (i) policies; and (ii) practices in its Department have been changed by delivering the 3% efficiency savings required under the Budget 2008-11. (AQW 3541/09)

**The First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness):** The Office of the First Minister and deputy First Minister has made the following policy changes in the delivery of the Department's 3% efficiency savings:

- The Advisory Council on Infrastructure Investment (ACII) was disbanded at the end of its last term of appointment on 31 December 2007; and
- the Department will reduce the use of external consultants and external research costs.

The Office of the First Minister and deputy First Minister has made the following changes to Departmental business practices in the delivery of the Department's 3% efficiency savings:

- Critical review and control of discretionary administration cost spend, including travel and subsistence costs;
- the introduction of improved business processes across the Department, including the restructuring and/or merger of some business units;
- review of accommodation requirements; and
- examination and rationalisation of the back-office functions of the Department's sponsored bodies, and the investigation of opportunities to share common services with other government sponsored bodies.

The Department will continue to review its policies and business practices as part of its ongoing commitment to efficiency and value for money in the use of public resources, and the achievement of the efficiency targets set out in Budget 2008-11.

### CULTURE, ARTS AND LEISURE

#### Road Racing

**Mr Poots** asked the Minister of Culture, Arts and Leisure what contribution road racing makes to the economy and the tourism industry. (AQW 3367/09)

**The Minister of Culture, Arts and Leisure (Mr G Campbell):** I am aware that this Question was due for Answer on 22 December 2007 and I apologise to the Member for the delay.

Road racing, through major international events such as the North West 200 and the Ulster Grand Prix, makes a considerable contribution to the economy and tourism industry here both in terms of attracting visitors that may not otherwise have come to Northern Ireland and raising our international profile as a venue for world class events.



The Northern Ireland Tourist Board (NITB) recognises the importance of such unique road racing events and promotes these on its consumer website [www.discovernorthernireland.com](http://www.discovernorthernireland.com). Both NITB and Tourism Ireland feature links to the Motor Cycle Union of Ireland website [www.realroadracing.com](http://www.realroadracing.com), which is the governing body of motor cycle sports and responsible for the promotion of the sport.

### **Irish Football Association**

**Mr P Maskey** asked the Minister of Culture, Arts and Leisure how much the Irish Football Association made from fines collected from junior football clubs last season; and how much they anticipate collecting this season. (AQW 3679/09)

**The Minister of Culture, Arts and Leisure:** Responsibility for matters relating to fines collected from junior football clubs and where the profits from this process go rests, in the first instance, with the governing body of the sport, the Irish Football Association (IFA). Requests for information on these matters should be directed to the IFA.

### **Irish Football Association**

**Mr P Maskey** asked the Minister of Culture, Arts and Leisure to detail to where the profits from the increased fines collected by the Irish Football Association from junior football clubs are going. (AQW 3680/09)

**The Minister of Culture, Arts and Leisure:** Responsibility for matters relating to fines collected from junior football clubs and where the profits from this process go rests, in the first instance, with the governing body of the sport, the Irish Football Association (IFA). Requests for information on these matters should be directed to the IFA.

### **Irish Football Association**

**Mr P Maskey** asked the Minister of Culture, Arts and Leisure what action he intends to take in the face of the high increase in fines levied against junior football clubs by the Irish Football Association. (AQW 3681/09)

**The Minister of Culture, Arts and Leisure:** Responsibility for matters relating to fines collected from junior football clubs and where the profits from this process go rests, in the first instance, with the governing body of the sport, the Irish Football Association (IFA). Requests for information on these matters should be directed to the IFA.

### **Interdepartmental Charter Group**

**Mr F McCann** asked the Minister of Culture, Arts and Leisure when was the Interdepartmental Charter Group set up and what are its terms of reference. (AQW 3774/09)

**The Minister of Culture, Arts and Leisure:** The Interdepartmental Charter Group was set up by the Permanent Secretaries Group and the first meeting of the Group took place in February 2001.

The terms of reference for the Interdepartmental Charter Implementation Group are:

- To oversee and monitor the implementation of the Charter by Government Departments in Northern Ireland;
- To prepare periodic reports for the Committee of Experts (COMEX) of the Council of Europe;
- To develop guidance to Northern Ireland Departments (and Whitehall Departments that operate in Northern Ireland) as necessary; and
- To advise Departments on the possible resource implications of Charter implementation issues.



## EDUCATION

### South Eastern Education and Library Board

**Mr Craig** asked the Minister of Education how much was paid to recruitment agencies for teaching and non-teaching staff in the South Eastern Education and Library Board, in each of the last two years. (AQW 3324/09)

**The Minister of Education (Ms C Ruane):** Seo a leanas an méid a íocadh le gníomhaireachtaí earcaíochta fá choinne foirne múinteoireachta agus neamh-mhúinteoireachta i mBord Oideachais agus Leabharlainne an Oirdheiscirt (SEELB), i ngach bliain le dhá bhliain airgeadais anuas:

The amount paid to recruitment agencies for teaching and non teaching staff in the South Eastern Education and Library Board (SEELB), in each of the last two financial years, are as follows:

	2006-07	2007-08
Teaching Staff	£136,843	£67,896
Non Teaching Staff	£430,436	£443,402
<b>Total</b>	<b>£567,279</b>	<b>£511,298</b>

### Additional Fuel Costs

**Mr Weir** asked the Minister of Education for her assessment of the impact of additional fuel costs on (i) schools; and (ii) Education and Library Boards, in this financial year. (AQW 3442/09)

**The Minister of Education:** B'éigean éifeacht na gcostas breise breosla ar scoileanna agus ar bhoird oideachais agus leabharlainne sa bhliain airgeadais seo a bhainistiú laistigh d'acmhainní reatha.

The impact of the additional fuel costs on schools and education and library boards in this financial year has had to be managed from within existing resources. I have sought additional funding in each of the In-Year Monitoring rounds to alleviate the unprecedented increases, however, no additional resources have been made available. As a consequence of the significant increases in costs, schools and education and library boards have had to reprioritise their activities to absorb these costs in the short-term.

Whilst there have been some reductions in the cost of fuel, particularly in relation to oil, unless there are further decreases, it will not be possible for schools and education and library boards to continue to absorb these costs without an impact on front line services. As part of the Executive's Strategic Stocktake, I have highlighted this issue and sought additional resources to protect the delivery of educational services and will continue to do so.

### European Charter on Minority Languages

**Mr Butler** asked the Minister of Education to demonstrate how her Department and its arms length bodies, have applied, in practice, the European Charter on Minority Languages in relation to the Irish language. (AQW 3461/09)

**The Minister of Education:** Tá Cairt na hEorpa do Theangacha Réigiúnda nó Mionlaigh curtha i bhfeidhm ag an Roinn Oideachais i dtaca leis an Ghaeilge de, tríd na bearta seo a leanas:-

The Department of Education has applied the European Charter for Regional or Minority Languages in relation to the Irish language through the following activities:-

- Letters received in Irish are replied to in Irish;
- Irish is included in my Department's letter head;
- Telephone calls and meetings in Irish are facilitated;
- Consultation documents and school circulars are issued in Irish and English;
- Irish versions of documents, such as those above, are available on the Department's website;
- Irish is incorporated into my answers to Assembly questions, speeches and Assembly statements and is frequently used in press releases;



- Internal guidance on complying with the Charter and a Code of Courtesy on Irish are available to assist staff.

This year my Department appointed two Irish Language Officers. As part of their role these officers carry out many of the tasks listed above, particularly the provision of urgent translations and facilitation of the use of Irish in telephone calls and at meetings or other events. Indeed, they are attending the current series of consultation events relating to the report on the Review of Irish medium Education.

With regard to facilitating Irish medium education, Irish-medium pre-school settings are eligible for funding in the same way as other voluntary and private pre-school playgroups. 521 places were funded including 104 places in the statutory sector in 2007/08.

The Department has approved grant-aided status for 23 Irish-medium schools. In addition there are 11 funded Irish-medium units attached to English medium schools. In 2007/08 there were 2,878 pupils in funded Irish-medium education.

The Department of Education provides core funding to Comhairle na Gaelscolaíochta, the Irish-medium Education Council. One of its roles is to provide advice, assistance and information to groups setting up schools and units.

In addition, the Department has provided significant funding to Iontaobhas na Gaelscolaíochta, the Irish-medium Education Trust-fund, for the purpose of developing and supporting Irish-medium pre-school provision.

The statutory revised curriculum provides opportunities for teaching Irish language, literature, culture and history through areas such as Language & Literacy, Environment & Society and the new strand of Citizenship Education, where young people will be able to explore cultural identity, heritage and diversity.

In the 2007/08 school year I introduced a Primary Languages Programme to provide support for those primary schools who wish to introduce teaching of certain modern languages, including Irish. In addition, within the provisions of the statutory curriculum, schools can choose to make provision for the teaching of Irish at Key Stage 3.

The Council for the Curriculum, Examinations and Assessment (CCEA) now has an increased Irish translation facility and provides curriculum support, examination and assessment materials in Irish. CCEA is specifically providing translated materials to support Irish-medium schools in the roll-out of the revised curriculum.

My Department is awaiting recommendations from the joint Queen's University-University of Ulster Subject Centre for Languages, Linguistics and Area Studies on a strategic approach to language learning at all levels for the north of Ireland. This will address language learning at primary and post-primary for a range of languages, including Irish.

## Interface Violence

**Mr A Maskey** asked the Minister of Education to detail (i) the programmes her Department funds, in relation to direct intervention and prevention of interface violence; and (ii) the cost of these programmes. (AQW 3483/09)

**The Minister of Education:** Níl mo Roinn ag tabhairt cistiú d'aon chlár tacaíochta ó thaobh scoileanna atá lonnaithe cois líne síochána de.

My Department is no longer funding any school interface support programmes.

The last Interface School Support Programme ended in March 2008 and was always intended to be a short-term measure, to assist a very small number of the worst affected schools to operate in the midst of community conflict in certain areas of Belfast.

My Department continues to foster and promote better educational opportunities for all our young people, in accordance with its budget priorities.

Through the Department's Extended Schools programme schools can become the hubs of their local communities offering a range of activities beyond the traditional school day engaging with their local community, connecting local people with local services. Extended Schools can make a significant contribution to reducing differentials and improving the quality of life for children and young people particularly from disadvantaged and deprived areas and can build still further on what has been achieved by securing the active engagement of their communities.



## Interface Violence

**Mr A Maskey** asked the Minister of Education to detail the programmes her Department is carrying out in relation to the prevention of interface violence in (i) primary schools; (ii) post primary schools, in Belfast and what plans does her Department have to introduce such programmes if none exist. (AQW 3484/09)

**The Minister of Education:** Níl mo Roinn ag tabhairt cistiú d'aon chlár tacaíochta ó thaobh scoileanna atá lonnaithe cois líne síochána de.

My Department is no longer funding any school interface support programmes.

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## Catholic Maintained Schools

**Miss McIlveen** asked the Minister of Education what steps she is taking to ensure the removal of the requirement to hold a Catholic certificate to teach in Catholic maintained schools. (AQW 3491/09)

**The Minister of Education:** The recruitment of teachers is exempt from the provisions of the Fair Employment and Treatment (NI) Order 1998. Any changes to this legislation would be a matter for the Office of the First Minister and Deputy First Minister.

Tá beartaithe agam athbhreithniú a dhéanamh ar dheiseanna earcaíochta anois agus san am atá romhainn in earnáil na Múinteoireachta.

I have decided to conduct a review of current and future recruitment opportunities in the Teaching sector. The review will be conducted by my officials working closely with, and involving, key stakeholders. The review will be completed by January 2010.

## Community and Volunteer Playgroups

**Mr Storey** asked the Minister of Education what support is available for community and volunteer playgroups that need to employ a translator to meet the needs of children for whom English is not their first language. (AQW 3503/09)

**The Minister of Education:** Tháinig méadú de 45% ar líon na ndaltaí ó thíortha eile inár scoileanna idir 2006 agus 2007 agus faoi mhí Dheireadh Fómhair 2007, bhí 5665 dalta ó thíortha eile inár mbunscoileanna, inár n-iarbhunscoileanna agus inár scoileanna speisialta.

The number of newcomer pupils in our schools increased by 45% between 2006 and 2007 and by October 2007 there were 5665 newcomer pupils in our primary, post primary and special schools. My Department does not collect data on newcomer children in pre-school provision. However, there are currently 112 newcomer children in government funded nursery schools and nursery classes within primary schools.

Playgroups need to communicate with newcomer parents and to do this they will wish to have key documents translated into various languages.

The priority for my Department has been to provide services to schools with newcomer pupils. It is for this reason that the Inclusion and Diversity Service (IDS) was set up as a regional service within the Education and Library Boards in April 2007, to strengthen and improve support to newcomer pupils and their parents, primarily working through schools. Part of its responsibilities include such services as interpreting and translating, an



information website for newcomer parents and the provision of advice and guidance to schools via locally based Diversity Coordinators.

Due to the very rapid increase in the number of newcomer pupils, IDS has had to concentrate on the primary and the post primary sectors, as it is recognised that the needs of newcomer pupils are greater the older they are when entering the education system.

IDS provide an interpreting service to Department funded nursery schools and units for the following purposes: initial parent/teacher interviews; parent consultation interviews; critical incidents; and pastoral care issues. This service involves the provision of interpreters and is paid for by IDS.

Unfortunately, it has not been possible to provide direct support to community and voluntary playgroups, but a number of services which are accessible via the web, may be of some help to such groups.

Within the past year IDS has offered a translation of documents service, and access to many of these documents is now provided via a website. Schools have access to 10 generic school policies and a number of key letters translated into 15 languages for issue to parents in their own language. Whilst IDS is unable to fund interpreting and translation services for private and voluntary pre-school playgroups, I would encourage playgroups to utilise these generic documents, available on the following website [www.education-support.org.uk](http://www.education-support.org.uk), for example letters which concern parent/teacher meetings.

The Education Support website includes information about our education system in the north and community and volunteer playgroups could direct newcomer parents to the website as it will be of interest to them.

As part of the funding provided via the Common Funding Formula, schools receive an additional monetary payment for each full-time newcomer pupil in a nursery school/class. In 2008/09 this equates to £983 per pupil. Schools receive £491, again for 2008/09, for each part-time newcomer pupil in a nursery school/class. This funding is available only to government funded nursery schools and nursery classes within primary schools.

### Portadown College

**Mr Gardiner** asked the Minister of Education, pursuant to the answer to AQW 2841/09, when her Department received the submission to the revised appraisal for Portadown College. (AQW 3515/09)

**The Minister of Education:** Thug Bord Oideachais agus Leabharlainne an Deiscirt (SELB) breac-chuntas ar na hathruithe molta a bhain leis na bunscéimeanna caipitil formheasta fá choinne Lurgan College agus Portadown College do mo Roinn i mí Mheithimh agus i mí Aibreáin faoi seach.

Proposed changes to the original approved capital schemes for Lurgan and Portadown Colleges were outlined to my Department by the Southern Education and Library Board (SELB) in June and April 2007 respectively. The SELB advised that the Board and Lurgan College had decided it was important to retain a link with the existing listed building. In regard to Portadown College a new internal road layout meant that the capital scheme needed to be revisited. The changes as proposed necessitated revisions to the appraisals which were undertaken by the SELB. The Board and the department have been in contact on the work on both projects on a number of occasions. The latest revisions were received on 24 November 2008 for Portadown College and 10 November 2008 for Lurgan College. The appraisals need to be approved by the Department and the Department of Finance and Personnel. Subject to the appraisals satisfying the requirements it is anticipated that both schemes would be approved shortly.

### Lurgan College Scheme

**Mr Gardiner** asked the Minister of Education, pursuant to the answer to AQW 2841/09, when she anticipates approving the revised Lurgan College scheme. (AQW 3516/09)

**The Minister of Education:** Thug Bord Oideachais agus Leabharlainne an Deiscirt (SELB) breac-chuntas ar na hathruithe molta a bhain leis na bunscéimeanna caipitil formheasta fá choinne Lurgan College agus Portadown College do mo Roinn i mí Mheithimh agus i mí Aibreáin faoi seach.

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### Portadown College

**Mr Gardiner** asked the Minister of Education, pursuant to the answer to AQW 2841/09, when she anticipates approving the revised Portadown College scheme. (AQW 3517/09)

**The Minister of Education:** Thug Bord Oideachais agus Leabharlainne an Deiscirt (SELB) breac-chuntas ar na hathruithe molta a bhain leis na bunscéimeanna caipitil formheasta fá choinne Lurgan College agus Portadown College do mo Roinn i mí Mheithimh agus i mí Aibreáin faoi seach.

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### Lurgan College Scheme

**Mr Gardiner** asked the Minister of Education, pursuant to her answer to AQW 2841/09, for the reasons given by the Southern Education and Library Board for submitting the original Lurgan College scheme in a form that required revision. (AQW 3565/09)

**The Minister of Education:** Thug Bord Oideachais agus Leabharlainne an Deiscirt (SELB) breac-chuntas ar na hathruithe molta a bhain leis na bunscéimeanna caipitil formheasta fá choinne Lurgan College agus Portadown College do mo Roinn i mí Mheithimh agus i mí Aibreáin faoi seach.

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### Portadown College

**Mr Gardiner** asked the Minister of Education, pursuant to her answer to AQW 2841/09, for the reasons given by the Southern Education and Library Board for submitting the original Portadown College scheme in a form that required revision. (AQW 3566/09)

**The Minister of Education:** Thug Bord Oideachais agus Leabharlainne an Deiscirt (SELB) breac-chuntas ar na hathruithe molta a bhain leis na bunscéimeanna caipitil formheasta fá choinne Lurgan College agus Portadown College do mo Roinn i mí Mheithimh agus i mí Aibreáin faoi seach.

Proposed changes to the original approved capital schemes for Lurgan and Portadown Colleges were outlined to my Department by the Southern Education and Library Board (SELB) in June and April 2007 respectively. The SELB advised that the Board and Lurgan College had decided it was important to retain a link with the existing listed building. In regard to Portadown College a new internal road layout meant that the capital scheme needed



to be revisited. The changes as proposed necessitated revisions to the appraisals which were undertaken by the SELB. The Board and the department have been in contact on the work on both projects on a number of occasions. The latest revisions were received on 24 November 2008 for Portadown College and 10 November 2008 for Lurgan College. The appraisals need to be approved by the Department and the Department of Finance and Personnel. Subject to the appraisals satisfying the requirements it is anticipated that both schemes would be approved shortly.

### Controlled Schools Estate

**Mr D Bradley** asked the Minister of Education what plans she has for the future of the controlled schools estate in the Craigavon area. (AQW 3588/09)

**The Minister of Education:** Is ábhar a bhaineann le Bord Oideachais agus Leabharlainne an Deiscirt é planáil eastáit na scoileanna rialaithe i gceantair Craigavon.

The planning of the controlled schools estate in the Craigavon area is a matter for the Southern Education and Library Board (SELB) in the first instance.

The SELB has advised that capital schemes are progressing for Portadown College and Lurgan College. The Board has also projects for King's Park and Hart Memorial Primary Schools at the appraisal stage. The Board has advised that discussions are ongoing with a variety of parties on the further development of the controlled schools' estate in the area.

### Ulster-Scots Language

**Mr McCausland** asked the Minister of Education what action her Department is taking to carry out the obligations of Part 2 of the Council of Europe Charter for Regional or Minority Languages, in relation to the Ulster-Scots language. (AQW 3622/09)

**The Minister of Education:** Tá Cuid II de Chairt na hEorpa do Theangacha Réigiúnda nó Mionlaigh curtha i bhfeidhm ag an Roinn Oideachais i dtaca le hAlbainis-Uladh de, tríd na gealltanais seo a leanas:-

The Department of Education has applied Part II of the European Charter for Regional or Minority languages in relation to the Ulster-Scots language through the following commitments:-

- Letters received in Ulster-Scots are replied to in Ulster-Scots;
- Ulster-Scots is included in my Department's letter head;
- Telephone calls and meetings in Ulster-Scots can be facilitated.

The Department of Education also supports the implementation of Part II of the Charter in respect of the Ulster-Scots language through provision within the statutory revised curriculum, which is being introduced on a phased basis from September 2007 to June 2010. The revised curriculum provides opportunities for teaching Ulster-Scots literature, culture and history through areas such as Language & Literacy, Environment & Society and the new strand of Citizenship Education, where young people will be able to explore cultural identity, heritage and diversity.

The Department has provided funding for the production of Ulster-Scots primary resource materials, which were made available in December 2007. It has also committed to providing similar support in relation to post-primary materials on their completion and is awaiting engagement in relation to this with the Ulster-Scots Academy Implementation Group.

The Department is awaiting recommendations from the joint Queen's University-University of Ulster Subject Centre for Languages, Linguistics and Area Studies on a strategic approach to language learning at all levels for the north of Ireland.

### Devenish College in County Fermanagh

**Mr Elliott** asked the Minister of Education, following recent remarks from her Department that some capital projects may have to 'slow down or temporarily halt', what impact this course of action, if implemented, will have on the proposed new build for Devenish College in County Fermanagh. (AQW 3647/09)



**The Minister of Education:** Tá athbhreithniú déanta ag Bord Oideachais agus Leabharlainne an Iarthair ar sholáthar iarbhunscolaíochta rialaithe agus deonacha i bhFear Manach agus an cuspóir acu go mbeidh soláthar inbhuanaithe ann le riachtanais oideachasúla na toadhchá a chomhlíonadh.

The Western Education and Library Board has undertaken a review of controlled and voluntary post primary provision in Fermanagh with the objective of having sustainable provision to meet future educational needs. There is a need for new accommodation for Devenish College and the building project will move forward informed by an agreed strategic approach to future development for the area, and the Board's feasibility study on site options for the College.

## EMPLOYMENT AND LEARNING

### Survey of 16-25 Year Olds

**Mr Shannon** asked the Minister for Employment and Learning what steps he is taking to address the findings of the survey of 16-25 year olds, by the Prince's Trust, that suggests this group feels they have minimum contribution to make to society, especially those not in education, work or training. (AQW 3690/09)

**The Minister for Employment and Learning (Sir Reg Empey):** I am aware of the survey undertaken by the Prince's Trust.

As you are aware there was a debate in the Assembly on 18 November about young people not in education, employment or training (NEET), and I committed to take the lead in a scoping study to research further data on the NEET group in Northern Ireland, to identify the relevant actions currently in place across all departments and to recommend whether a cross departmental strategy could achieve better outcomes for this group of young people.

The information from the Prince's Trust survey will be used to inform the study.

### Education Maintenance Allowance

**Mr Shannon** asked the Minister for Employment and Learning (i) why the Education Maintenance Allowance was not paid for the first school term of 2008/9 to the South Eastern Regional College; and (ii) when it will be paid. (AQW 3739/09)

**The Minister for Employment and Learning:** Education Maintenance Allowance (EMA) payments are made to individual students. My officials have contacted the EMA Customer Services team which has confirmed that EMA payments have been paid to a substantial number of students in the first school term of academic year 2008/09. These include payments to students where applications had been approved and attendance confirmed for the first week in the academic year for the three campuses within the South Eastern Regional College as follows:

- Lisburn campus - 223 students;
- East Down campus - 160 students; and
- North Down and Ards campus – 386 students.

## ENTERPRISE, TRADE AND INVESTMENT

### Invest NI

**Mr Doherty** asked the Minister of Enterprise, Trade and Investment to detail the amount of financial assistance provided by Invest NI towards (i) business start-up; (ii) business expansion; and (iii) inward investment projects, in the Strabane District Council area, in the last five years, compared to the overall amount that had been applied for during this period. (AQW 3667/09)



**The Minister of Enterprise, Trade and Investment (Mrs A Foster):** Although the request relates to the last 5 years, information on assistance provided within the Strabane District Council area is more readily available for the 6 year period since the inception of Invest NI. Details are therefore provided as follows:

- (i) **Business Start Up Projects:** Invest NI made 439 offers to support the formation of new businesses in the Strabane District Council area over the last six years.
- (ii) **Business Expansion Projects:** Invest NI made 54 offers to existing locally-owned businesses in the Strabane District Council area through a range of schemes and programmes to help expand their operations. In addition, Invest NI also offered support to 123 specific business innovation activities (12 externally-owned and 111 locally-owned) including research and development, trade development, training, and technology and process development projects.
- (iii) **Inward Investment Projects:** Support was offered to 9 inward investment projects in the Strabane District Council area, including 3 new and 6 reinvestment projects.

Unfortunately, no comparison can be made with the overall amount of assistance applied for as such figures do not exist. This is because Invest NI's client companies do not apply for a pre-determined level of financial assistance in relation to their investment projects. The agency requires clients to prepare comprehensive business plans in relation to investment proposals and these must meet its strict intervention criteria. Invest NI then negotiates and agrees bespoke financial assistance packages individually with the companies concerned with the aim of offering the minimum funding necessary to enable a project to proceed at a given location and within a pre-determined timeframe.

## ENVIRONMENT

### District Electoral Area Commissioner for Local Government

**Mr Weir** asked the Minister of the Environment (i) what discussions have been held with the Northern Ireland Office about the timescale for the proposed work programme of the District Electoral Area Commissioner for Local Government; and (ii) what other information has emerged from these discussions. (AQW 3443/09)

**The Minister of the Environment (Mr S Wilson):** I have had no discussions with the Northern Ireland Office about the timescale for the proposed work programme of the District Electoral Areas Commissioner.

My predecessor, Arlene Foster, wrote to the Secretary of State for Northern Ireland on 6 May 2008, informing him of her intention to appoint a Local Government Boundaries Commissioner in early July, and indicating that it would be helpful if a District Electoral Areas Commissioner could be appointed at the earliest opportunity.

The Local Government Boundaries Commissioner was appointed on 1 July 2008, and is due to submit the report on his final recommendations for local government wards and districts on 30 June 2009. In autumn 2009, I will lay the Local Government Boundaries Commissioner's Report before the Assembly, together with draft subordinate legislation giving effect to the recommendations in the report.

The task of the District Electoral Areas Commissioner is to review and make recommendations for grouping together the wards drawn up by the Local Government Boundaries Commissioner into district electoral areas for the purpose of holding local government elections.

The District Electoral Areas Commissioner (Northern Ireland) (Amendment) Order 2007 provides for the appointment of a District Electoral Areas Commissioner as soon as practicable after the appointment of the Local Government Boundaries Commissioner.

### Peace III Allocation

**Mr Weir** asked the Minister of the Environment what legal powers allow local councils to distribute or spend money allocated to council clusters as part of the Peace III allocation. (AQW 3511/09)



**The Minister of the Environment:** The PEACE III Programme is a source of funding. It is not an activity in itself. The legal powers for the involvement of local government in PEACE III derive from local government's general legislative remit, notably the Local Government Act (NI) 1972.

## FINANCE AND PERSONNEL

### Recruitment Services

**Mr Dallat** asked the Minister of Finance and Personnel how many staff were employed in the delivery of recruitment services and human resource services at the start of the 2008-09 financial year; and to detail the number of staff, broken down by grade, that are required by his Department to deliver retained services over the period of the eHR contract. (AQW 3095/09)

**The Minister of Finance and Personnel (Mr N Dodds):**

- (i) The number of staff employed in the delivery of recruitment services and human resource services at the start of the 2008-09 financial year is listed below:

**Personnel: 66.79 (Full time equivalents)** to deliver a departmental service to DFP.

**Recruitment Policy & Marketing Branch: 11.65 (Full time equivalents)** to deliver a service to the whole of the NICS.

- (ii) The number of staff, broken down by grade, that are required by his Department to deliver retained services over the period of the eHR contract is:

**Personnel: 27.25 (Full time equivalents)** – Delivering a retained departmental service to DFP.

Grade Full Time (Equivalents)								
G5	G7	DP	SO	EO1	EO11	AO	AA	Total
0.85	1.55	2.20	2.88	2.52	4.70	8.12	4.43	27.25

**Recruitment Policy & Marketing Branch: 6 (Full time equivalents)** – Delivering a retained service to the whole of the NICS.

Grade Full Time (Equivalents)					
G7	DP	SO	EO1	AA	Total
1	1	1	2	1	6

**Welfare Support Service: 23.5 (Full time equivalents)** - Delivering a retained service to the whole of the NICS.

Grade Full Time (Equivalents)					
DP	SO	EO1	AO	AO Vacancy	Total
1	2	17.5	2.5	0.5	23.5

### Consultants Employed by Departments

**Mr B Wilson** asked the Minister of Finance and Personnel to provide details, including costs, of all consultants employed by Departments and their agencies, in the last financial year. (AQW 3160/09)

**The Minister of Finance and Personnel:** The information, including costs of all consultants employed by Departments and their agencies in the last financial year have been provided by departments in annual returns to DFP. Tables setting out the information have been placed in the library.



### Wood Chip Energy Production

**Dr McDonnell** asked the Minister of Finance and Personnel how much wood chip energy production will be used by Departments over the next five years. (AQW 3265/09)

**The Minister of Finance and Personnel:** The amount of wood chip energy production that is proposed to be used by Departments over the next five years is shown below.

	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014
Wood chip	400	600	600	600	600	600
Wood pellet	0	144.5	344.5	464.5	464.5	464.5

**Note:-** All amounts are in metric tonnes.

### European Charter on Minority Languages

**Mr Butler** asked the Minister of Finance and Personnel to demonstrate how his Department and its arms length bodies, have applied, in practice, the European Charter on Minority Languages in relation to the Irish language. (AQW 3462/09)

**The Minister of Finance and Personnel:** My Department has recently provided input to the 3rd UK report on the implementation of the European Charter on Regional or Minority Languages.

This report, detailing the actions which Departments have taken to fulfil their obligations under the Charter, will be presented to the Executive for approval as soon as possible.

### Empty Properties

**Dr Farry** asked the Minister of Finance and Personnel what consideration is being given to deferring the introduction of the rating of empty properties in light of the economic downturn and its effects upon the property market. (AQW 3635/09)

**The Minister of Finance and Personnel:** I recently announced my decision to introduce the rating of empty homes, at 100% liability, from April 2010. I believe this will encourage people to live in homes that are lying empty. It will also raise additional revenue for the Assembly and local councils to help fund public services. However, I am all too aware of the downturn in the property market and if it has not recovered by early 2010 I will consider delaying the introduction of the measure.

You will be aware that the rating of empty commercial property has been in place since April 2004.

### Lone Pensioner Allowance Scheme

**Mr B Wilson** asked the Minister of Finance and Personnel how many applications have been received for the lone pensioner allowance scheme, broken down by parliamentary constituency. (AQW 3660/09)

**The Minister of Finance and Personnel:** A break down of the number of applications for the Lone Pensioner Allowance Scheme received by Land & Property Services, broken down by district council area, is set out in the attached table. Land & Property Services records information on applications received by district council area, and therefore information is not available by parliamentary constituency.

Council Area	No of Applications Received
Antrim	397
Ards	889
Armagh	514
Ballymena	684



Council Area	No of Applications Received
Ballymoney	239
Banbridge	332
Belfast	3,240
Carrickfergus	469
Castlereagh	1,227
Coleraine	736
Cookstown	189
Craigavon	634
Derry	574
Down	636
Dungannon & South Tyrone	321
Fermanagh	539
Larne	398
Limavady	176
Lisburn	1,165
Magherafelt	212
Moyle	171
Newry & Mourne	599
Newtownabbey	1,034
North Down	1,506
Omagh	358
Strabane	197
<b>Total</b>	<b>17,436</b>

### Dormant Bank Accounts

**Ms J McCann** asked the Minister of Finance and Personnel if he will bring forward the necessary measures to use the money from dormant bank accounts to alleviate the financial difficulties facing people in the community. (AQW 3677/09)

**The Minister of Finance and Personnel:** Under the terms of the current legislation, the Scheme provides a general definition of “social or environmental purposes” on which the unclaimed assets may be spent. I believe that it is important that all interested parties should have the opportunity to be involved in the setting of local priorities for the distribution of funds currently locked in dormant bank and building society accounts for the benefit of the community.

Therefore, subject to Executive agreement, I am proposing the launch of a 12 week consultation on the Dormant Accounts Scheme during February.

### Dormant Bank Accounts

**Mr McCartney** asked the Minister of Finance and Personnel if he is aware of the Dormant Bank and Building Society Act 2008; and to outline how much money will be made available to target the need for youth facilities in the most deprived areas. (AQW 3683/09)



**The Minister of Finance and Personnel:** On the 27 November 2007, the Assembly passed a Legislative Consent Motion agreeing that the provisions in the Dormant Bank and Building Society Accounts Bill relating to the distribution in Northern Ireland of sums released from dormant bank and building society accounts should be considered by the UK Parliament. The Dormant Bank and Building Society Act 2008 received Royal Assent on 26 November 2008.

Under the terms of the current legislation, the Scheme provides a general definition of “social or environmental purposes” on which the unclaimed assets may be spent. I believe that it is important that all interested parties should have the opportunity to be involved in the setting of local priorities for the distribution of funds currently locked in dormant bank and building society accounts for the benefit of the community.

Therefore, subject to Executive agreement, I am proposing the launch of a 12 week consultation on the Dormant Accounts Scheme during February.

### Dormant Bank Accounts

**Mr McCartney** asked the Minister of Finance and Personnel (i) how much; (ii) when; and (iii) how, money from the Dormant Bank and Building Society Act 2008 will be made available. (AQW 3684/09)

**The Minister of Finance and Personnel:** At present it is estimated the Northern Ireland share for investment will be between £10-20 million in the first year and then tail off rapidly in future years with estimates of a few hundreds of thousands per year thereafter.

It will be mid 2009 before the Dormant Accounts Scheme will be launched and funds from identified dormant accounts will begin to be transferred to the Reclaim Fund.

It will be early 2010 before the funds are transferred from the Reclaim Fund to BIG Lottery Fund for distribution through the Dormant Accounts Scheme. The Dormant Accounts Scheme will be a separate and distinct funding stream from lottery funding with its own branding.

### Civil Service

**Mr Dallat** asked the Minister of Finance and Personnel for the number of (i) internal; and (ii) external, appointments made at senior Civil Service level to the Northern Ireland Civil Service, in each of the last five financial years. (AQW 3306/09)

**The Minister of Finance and Personnel:** The number of (i) internal, and (ii) external, appointments made at Senior Civil Service level to the Northern Ireland Civil Service in each of the last five financial years is shown on the attached table.

NUMBER OF INTERNAL AND EXTERNAL APPOINTMENTS MADE AT SENIOR CIVIL SERVICE LEVEL TO THE NORTHERN IRELAND CIVIL SERVICE

	03/04	04/05	05/06	06/07	07/08
Internal	4	3	NIL	1	2
External	23	11	18	18	6

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Bonus Payments

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to outline the cost of any bonuses that were paid to consultants or senior officials at (i) Departmental level; (ii) Board level; and (iii) Trust level, in the last three years. (AQW 2987/09)



**The Minister of Health, Social Services and Public Safety (Mr M McGimpsey):** It should be noted that the number and rate of bonus payments which can be paid to senior officials in DHSSPS and in all NI Departments is set by the Department of Finance and Personnel. The Department has no discretion to change the number and the rate of bonus payments made.

The most up to date figures that are currently available are at:

- (i) Departmental level for 2005/06 – a total of £118,520 paid to 25 staff, 2006/07 – a total of £156,000 paid to 24 staff and 2007/08 – a total of £180,000 paid to 25 staff.
- (ii) Board level for 2006/07 - £nil, 2007/08 - £nil, 2008/09 - £nil, and
- (iii) Trust level for 2006/07 - £36,214, 2007/08\* - £24,894, 2008/09\* - £9,894. The figures at Trust level include payments to senior officials in former legacy trust organisations in 2006/07 and 2007/08.

\* 2007/08 Belfast Trust has not yet agreed its awards

\* 2008/09 Western Trust and Belfast Trust have not yet agreed their awards

### Water Supply

**Mr P J Bradley** asked the Minister of Health, Social Services and Public Safety if the fire officers who attended the fire outbreak at Lisieux Avenue, in Warrenpoint on Sunday 30 November 2008, experienced any difficulties with the water supply from the nearest fire hydrant. (AQW 3207/09)

**The Minister of Health, Social Services and Public Safety:** I understand that the Northern Ireland Fire and Rescue Service experienced no difficulties with the water supply from the nearest fire hydrant when attending the fire at Lisieux Avenue.

### Money Spent on Art

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail the amount of money spent on art for the last three years, broken down by Health and Social Care Trust. (AQW 3208/09)

**The Minister of Health, Social Services and Public Safety:** The amount of spending on art by each Health and Social Care Trust in the period from 1 April 2005 to 31 March 2008 is as follows:

Health and Social Care Trust	Capital	Revenue
Belfast	£211,000	£197,000
Northern	£55,000	0
Southern	£29,300	£29,400
South Eastern	£278,000	0
Western	£190,000	£17,000

### Telephone Communication Masts

**Mr Hilditch** asked the Minister of Health, Social Services and Public Safety to detail the total revenue generated through his Department leasing its land or property to facilitate the erection of telephone communication masts. (AQW 3243/09)

**The Minister of Health, Social Services and Public Safety:** None.

My Department has not leased any land or property in its ownership for the erection of telephone communications masts.



### **Ravara House, Bangor**

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to outline the savings to be made through the proposed closure of Ravara House, Bangor. (AQW 3333/09)

**The Minister of Health, Social Services and Public Safety:** Full public consultation, which is running from November 20th 2008 to February 12th 2009, is currently ongoing on the South Eastern Trust's proposals and therefore it is not yet decided whether this establishment will close, or how precisely services would be reconfigured. No decision will be taken by the Trust until such times as it has given full and proper consideration to the response to the consultation. It is therefore not possible to make a reliable estimate of the savings to be achieved from this specific site at the present time.

### **South Eastern Health and Social Care Trust**

**Mr Easton** asked the Minister of Health, Social Services and Public Safety for his assessment of the savings to be made through the reduction of the use of (i) agency staff; (ii) locums; and (iii) bank staff, by the South Eastern Health and Social Care Trust. (AQW 3335/09)

**The Minister of Health, Social Services and Public Safety:** I have asked all Trusts to reduce reliance upon temporary staff and absence management and productivity targets have been put in place. A full assessment of the anticipated savings cannot be made until the consultation process on the efficiency proposals is complete.

### **Child Protection Services**

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what action his Department has taken to ensure lessons are learned from the failures of the 'baby P' case in England. (AQW 3374/09)

**The Minister of Health, Social Services and Public Safety:** My staff are considering this case very carefully to see if there are any lessons which can be learned to improve further child protection services in Northern Ireland. My officials are currently seeking an update from Trusts on current compliance with Laming recommendations. The Regulation and Quality Improvement Authority (RQIA) RQIA will as part of their review of child protection services within HSC Trusts and HSS Boards also consider Trust compliance with Laming recommendations. The RQIA, will also consider what good practice has been successfully achieved in safeguarding children since the Climbié Report, along with key features of good practice and whether these are universally applied in relation to effective implementation of safeguarding systems and procedures. RQIA has also been asked to report on interagency working, development and deployment of professional workforce capacity and effective systems of public accountability.

In addition, we have invested heavily in child protection services and family support. This includes a reform of front line child protection services which involves the introduction of a uniform assessment model to be used by professionals when assessing the needs of individual children and their families. We have also reviewed child protection structures and established Gateway Teams within each of the HSC Trusts to deal with child protection cases. Measures have been taken to improve supervision, recording and information exchange within child protection services in HSC Trusts and we have also invested heavily to improve Trust IT facilities.

Work is underway to establish an independently-chaired regional statutory Safeguarding Board for Northern Ireland which will make arrangements here amongst the strongest, robust and effective anywhere in the world. The new Safeguarding Board will, for example, include a duty on relevant agencies to co-operate to safeguard children.

### **Bamford Review**

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety what steps he is taking to have the recommendations in the Bamford Review actioned for existing services in the Western Health and Social Care Trust. (AQW 3379/09)

**The Minister of Health, Social Services and Public Safety:** Reviews of adult mental health services in the Western Trust area in recent years will lead to a significant move away from inpatient care towards a range of alternative community based services, in line with the Bamford vision. The Trust is redesigning its community



mental health team service to provide more specialised services to include primary care liaison, home treatment, rehabilitation and recovery, psychological therapies and acute day care services.

As a result of the shift to community based services, the Trust is planning to replace existing mental health inpatient facilities with two new inpatient facilities, one at Gransha due for completion by 2011 and the other at the new Omagh hospital site, due for completion in 2014.

Other mental health service developments being funded over the current and next two years are personality disorder services and advocacy and support partnerships with service users and their carers. Work to resettle long stay inpatients continues.

Within learning disability services, resettlement of long stay inpatients and tackling delayed discharges from hospital are priorities. Additional investment is also being directed towards crisis intervention services, day services, respite, advocacy and domiciliary care.

### People Registered as Blind

**Mr Irwin** asked the Minister of Health, Social Services and Public Safety, pursuant to the answer to AQW 2705/09, to detail the number of registrations in each of the two categories, broken down by Health and Social Care Trust, in each of the last two years. (AQW 3386/09)

**The Minister of Health, Social Services and Public Safety:** Pursuant to my answer to AQW 2705/09, information on the number of registrations in each of the two categories; (i) blind; and (ii) partially sighted, is not collected centrally, but is recorded by each Health & Social Care. The information provided by the five HSC Trusts is detailed in the table below.

#### NUMBER OF REGISTRATIONS OF PERSONS BLIND OR PARTIALLY SIGHTED IN HSC TRUSTS (31 MARCH 2008)

HSC Trust	(i) Blind Persons		(ii) Partially Sighted Persons	
	2006/2007	2007/2008	2006/2007	2007/2008
Belfast HSC Trust	66	57	31	25
Northern HSC Trust	123	91	39	41
South Eastern HSC Trust	52	50	23	21
Southern HSC Trust	29	27	13	10
Western HSC Trust	25	35	23	13
Northern Ireland	295	260	129	110

### Special Advisers

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how many special advisers he has. (AQW 3400/09)

**The Minister of Health, Social Services and Public Safety:** I have one special advisor.

### Antrim Area Hospital

**Mr I McCrea** asked the Minister of Health, Social Services and Public Safety how many people were admitted to the Accident and Emergency Department in the Antrim area, in each of the last five years. (AQW 3452/09)

**The Minister of Health, Social Services and Public Safety:** The number of attendances at the Accident and Emergency Department at Antrim Area Hospital, for each of the last five years, is outlined below.



Year	Attendances at Antrim Area Hospital Accident & Emergency Department		
	First	Follow Up	Total
2003-04	50,417	1,716	52,133
2004-05	50,704	1,838	52,542
2005-06	52,591	1,479	54,070
2006-07	55,940	1,462	57,402
2007-08	57,944	3,344	61,288

Source: Departmental Return KH09 (Part 2)

### Efficiency Savings

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to breakdown the money saved for each area of efficiency savings for the Belfast Health and Social Care Trust. (AQW 3489/09)

**The Minister of Health, Social Services and Public Safety:** Based on the latest figures available, as at 30th September Belfast Trust had achieved £5.45m of efficiency savings in the following areas:

	Reform of Public Administration	Productivity	Total
£m	3.20	2.25	5.45

### Efficiency Savings

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to breakdown the money saved for each area of efficiency savings for the Southern Health and Social Care Trust. (AQW 3490/09)

**The Minister of Health, Social Services and Public Safety:** Based on the latest figures available, as at 30th September Southern Trust had achieved £1.5m of efficiency savings in the following areas:

	Reform of Public Administration	Income generation	Productivity	Service re-engineering	Regional initiatives	Total
£m	0.8	0.1	0.1	0.2	0.3	1.5

### Efficiency Savings

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to breakdown the money saved for each area of efficiency savings for the South Eastern Health and Social Care Trust. (AQW 3492/09)

**The Minister of Health, Social Services and Public Safety:** Based on the latest figures available, as at 30th September South Eastern Trust had achieved £4.1m of efficiency savings in the following areas:

	Reform of Public Administration	Income generation	Productivity	Service re-engineering	Regional initiatives	Total
£m	1.5	0.1	1.7	0.8	0.0	4.1

### Efficiency Savings

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to breakdown the money saved for each area of efficiency savings for the western Health and Social Care Trust. (AQW 3493/09)

**The Minister of Health, Social Services and Public Safety:** Based on the latest figures available, as at 30th September Western Trust had achieved £3.3m of efficiency savings in the following areas:



	Reform of Public Administration	Productivity	Service re-engineering	Regional initiatives	Total
£m	1.2	1.3	0.6	0.2	3.3

### Ravara House, Bangor

**Mr Weir** asked the Minister of Health, Social Services and Public Safety when looking at the potential closure of Ravara House in Bangor, what consideration will be given to the views of (i) residents of the home; (ii) elected representatives; and (iii) local residents before a decision is made. (AQW 3508/09)

**The Minister of Health, Social Services and Public Safety:** The proposals for the future of Ravara House in Bangor are now subject of a planning process, the current stage of which is a full public consultation period, which has been running from November 20th 2008 and continues until February 12th 2009. The South Eastern Trust are making significant efforts to engage with all interested parties through a series of meetings with residents in Ravara and their families. A public meeting is scheduled for Monday 12th January at 7pm in the Marine Court Hotel in Bangor. The Trust also proposes to engage with all political parties, elected representatives and North Down District Council during the consultation period. No decision will be taken by the Trust until such times as it has given full and proper consideration to the response to the public consultation.

### Ravara House, Bangor

**Mr Weir** asked the Minister of Health, Social Services and Public Safety if a final decision has been made about the closure of Ravara House in Bangor. (AQW 3509/09)

**The Minister of Health, Social Services and Public Safety:** I can confirm that no final decision has been made on the closure of Ravara House in Bangor. The proposals are now subject of a planning process, the current stage of which is a full public consultation period, which has been running from November 20th 2008 and continues until February 12th 2009. No decision will be taken by the Trust until such times as it has given full and proper consideration to the response to the public consultation.

### European Charter on Minority Languages

**Mr Butler** asked the Minister of Health, Social Services and Public Safety to demonstrate how his Department and its arms length bodies have applied, in practice, the European Charter on Minority Languages in relation to the Irish language. (AQW 3519/09)

**The Minister of Health, Social Services and Public Safety:** My Department and its arms length bodies discharge their obligations under the European Charter for Regional or Minority Languages in relation to the Irish Language in the following ways:

- The translation of publications into Irish on request
- The acceptance of correspondence in Irish and response in Irish
- The facility for interviews and meetings to take place with interpretation in Irish on the receipt of sufficient advance notice
- The publication of health protection and promotion information leaflets in Irish on the public health pages of the Department's website
- The publication of school health forms and information in Irish at Irish speaking schools
- The use of Irish in the Department's letterhead
- The use of the Department of Culture, Arts and Leisure and other regional interpreting and translation services
- The commissioning of work to enable the Department to contribute to the Northern Ireland Civil Service report to the European Committee of Experts in preparation for their assessment visit to Northern Ireland
- The issue of guidance on the use of Irish to all staff.



### Efficiency Savings

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to breakdown the money saved in each area of efficiency savings identified for the Northern Health and Social Care Trust. (AQW 3526/09)

**The Minister of Health, Social Services and Public Safety:** Based on the latest figures available, as at 30th September Northern Trust had achieved £4.9m of efficiency savings in the following areas:

	Reform of Public Administration	Workforce controls	Regional initiatives	Total
£m	3.8	0.5	0.6	4.9

### Gartmore Nursing Home, Omagh

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety when was the last offer made by the Western Health and Social Care Trust for a patient placement in Gartmore Nursing home in Omagh. (AQW 3559/09)

**The Minister of Health, Social Services and Public Safety:** The Western Health and Social Care Trust have advised that the last permanent admission to Gartmore House was on the 14th August 2008, with no further request for permanent admission since. At present, there are currently three residents temporarily placed in Gartmore with further bookings taken as far in advance as 9th February.

### Bangor Health and Care Centre

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what is the timescale for the completion of the new Bangor Health Centre, recently announced by his Department. (AQW 3567/09)

**The Minister of Health, Social Services and Public Safety:**

As you will no doubt be aware, the funding available to me over the next 10 years is insufficient to meet all the capital demands across the HSC estate. To ensure that I make optimum use of the capital resources available to me I commissioned a review of capital priorities earlier in the summer.

Under current plans it is anticipated that the proposed Bangor Health and Care Centre project will commence in 2016/17 with a completion date of 20/21, subject to business case approval.

The capital cost of this scheme is estimated to be £39 million subject to Business Case development and approval.

I am not yet in a position to confirm the location for the provision of the new Health and Care Centre in Bangor as the Business Case is still being developed by the South Eastern Trust.

### Bangor Health and Care Centre

**Mr Weir** asked the Minister of Health, Social Services and Public Safety if he intends to consult with pharmacists in Bangor about services that they will provide at the proposed Bangor Health Care Centre. (AQW 3568/09)

**The Minister of Health, Social Services and Public Safety:** There are no plans at present to include pharmaceutical facilities in Bangor Health and Care Centre.

### Bangor Health and Care Centre

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what consultation will the South Eastern Health and Social Care Trust have with pharmacists in Bangor about services that they will provide at the proposed Bangor Health Care Centre. (AQW 3569/09)

**The Minister of Health, Social Services and Public Safety:** There are no plans at present to include pharmaceutical facilities in Bangor Health and Care Centre.



### Bangor Health and Care Centre

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what pharmaceutical facilities are planned for the proposed Bangor Health Care Centre. (AQW 3570/09)

**The Minister of Health, Social Services and Public Safety:** There are no plans at present to include pharmaceutical facilities in Bangor Health and Care Centre.

### Bangor Health and Care Centre

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what assurances can he give that the proposed new Bangor Health Care Centre will not damage services provided by pharmacies in Bangor. (AQW 3571/09)

**The Minister of Health, Social Services and Public Safety:** There are no plans at present to include pharmaceutical facilities in Bangor Health and Care Centre.

### Speech, Language and Communication Difficulties

**Mr P Ramsey** asked the Minister of Health, Social Services and Public Safety how many children have speech, language and communication difficulties. (AQW 3578/09)

**The Minister of Health, Social Services and Public Safety:** The information is not available in the format requested, and could only be provided at disproportionate cost.

### Junior Doctors

**Mr Ford** asked the Minister of Health, Social Services and Public Safety (i) the number of; and (ii) current vacancies for, junior doctors, broken down by (a) grade and (b) Health and Social Care Trust. (AQW 3618/09)

**The Minister of Health, Social Services and Public Safety:** The information requested is set out in the tables below.

#### (I) JUNIOR DOCTOR STAFF IN POST BY GRADE AND TRUST AS AT 30<sup>TH</sup> SEPTEMBER 2008.

HSC Trust	Foundation Officer Year 1		Foundation Officer Year 2		Specialty Registrar	
	Headcount	WTE	Headcount	WTE	Headcount	WTE
Belfast	99	99.0	116	114.9	658	650.2
Northern	36	36.0	59	58.8	155	154.1
South Eastern	39	39.0	39	38.1	174	173.5
Southern	28	28.0	44	43.1	149	147.9
Western	33	33.0	39	39.0	169	168.0

**Source:** Human Resource Management System. Figures exclude staff with a whole-time equivalent less than or equal to 0.03.

#### (II) THE HEADCOUNT NUMBER OF CURRENT VACANCIES BY GRADE AND TRUST AS AT 17<sup>TH</sup> DECEMBER 2008.

HSC Trust	Foundation Officer Year 1	Foundation Officer Year 2	Specialty Registrar
Belfast	2	0	44
Northern	2	2	18
South Eastern	0	0	9
Southern	0	0	15
Western	0	2	21



Source: Northern Ireland Medical and Dental Training Agency (NIMDTA).

### Young Disabled People

**Mr Durkan** asked the Minister of Health, Social Services and Public Safety (i) what investment is being made in support of transition services for young disabled people; (ii) what transition services have been developed across the Health and Social Care Trust areas; (iii) what is the outcome of liaison with the Department of Education and the Department for Employment and Learning about developing transition services; and (iv) what transition services are available for young learning disabled people, in the Derry/Londonderry area.

(AQW 3641/09)

#### **The Minister of Health, Social Services and Public Safety:**

- (i) My Department invested £0.9m through the Children and Young People Funding Package from 2006 to 2008 in support of transitions services for young people. This investment has now been mainstreamed through the Department's normal budgetary mechanisms, with effect from April 2008 and is in addition to each Health and Social Care Trust's investment plans.
- (ii) The provision of services is a matter for Health and Social Care Trusts in Northern Ireland. A range of transition services have been developed across all 5 Trust areas.
- (iii) Liaison with the Department of Education and the Department of Employment and Learning on developing transition services for young people is ongoing and my Department continues to work closely with those Departments.
- (iv) Within the Londonderry area, the Western Health and Social Care Trust (the Trust) has in place a transitions service to meet the needs of children with a physical and sensory disability and children with a learning disability. This service is currently being remodelled as part of the ongoing reform and modernisation agenda. In support of the transitions service the Trust provides an operational multi-agency group, a Designated Appropriate Officer, as required, under the Disabled Person's Act, a Strategic Senior Management Transitions Group and revised transitions leaflets and information. The Trust has two Transitions Officers in place to co-ordinate transitions planning with schools, health and social care staff and families. Contracted Services with Praxis and Mencap are also available to assist transitions officers dealing with young people who have a learning disability.

### Young Disabled People

**Mr Durkan** asked the Minister of Health, Social Services and Public Safety, in respect of the Derry/Londonderry City Council area, (i) how many severely learning disabled adults reside there; (ii) how many severely learning disabled young people reside there, at each age from 14 to 18 years old; (iii) what services are in place for severely learning disabled adults; and (iv) how many places are available in each training centre for severely learning disabled adults.

(AQW 3643/09)

**The Minister of Health, Social Services and Public Safety:** The information is not available in the format requested, and could only be provided at disproportionate cost.

The provision of services is a matter for Health & Social Care Trusts in Northern Ireland. The Western Health & Social Care Trust have advised me that they provide an array of services to adults with a severe learning disability which include assessment and treatment services at Lakeview Hospital, Consultant out-patient clinics, day services, respite care services in various forms and accommodation services which are provided in statutory facilities and through contract with private and voluntary residential and nursing homes.

### Trainee Nurses

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how many trainee nurses have found employment in the Health Service in this financial year.

(AQW 3648/09)



**The Minister of Health, Social Services and Public Safety:** From information provided by Queen's University, Belfast, out of 394 students who graduated in 2008, 332 returned destination survey questionnaires. Out of these 246 or 74% had found employment in HSC Trusts, with a further 51 or 15% on HSC Trust employment waiting lists.

At the University of Ulster, destination statistics for those students who completed their course in September 2008 are not yet available. However for the 137 students who completed in September 2007, 117 returned destination surveys. Of those 108 or 92% are employed as nurses in N. Ireland.

### Ards Hospital

**Mr Easton** asked the Minister of Health, Social Services and Public Safety what services are available at Ards Hospital. (AQW 3649/09)

**The Minister of Health, Social Services and Public Safety:** Ards Hospital provides the population of Newtownards and the surrounding areas with specialist primary, secondary, and community care services, including a GP out of hours service. The hospital has 24 acute inpatient beds for adults with functional mental illness, a minor injuries unit, GP ward, outpatient services, radiology, and a community mental health service. There are specialist clinics in diabetic, respiratory and cardiac services, as well as general medicine, tissue viability, dietetics and dermatology. There are 2 day surgery theatres with endoscopy facilities, gynaecological day surgery, and a children's ENT outpatient service.

### Bangor Hospital

**Mr Easton** asked the Minister of Health, Social Services and Public Safety what services are available at Bangor Hospital. (AQW 3650/09)

**The Minister of Health, Social Services and Public Safety:** Bangor Hospital provides the population of North Down with specialist primary and community care services, and operates in co-ordination with the Ulster Hospital to provide appropriate secondary and intermediate care services.

Bangor Hospital provides a range of services in various specialities including a 20-bed GP ward, a minor injuries unit, outpatient services, radiology and diagnostic imaging, and a community mental health service.

### Flu Treatment

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety how many people per constituency requested treatment for the flu in (i) November 2008; and (ii) December 2008. (AQW 3691/09)

**The Minister of Health, Social Services and Public Safety:** The number of people per constituency who requested treatment for the flu in (i) November 2008; and (ii) December 2008 is not available.

### Viruses in Hospitals

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety in respect of the last year (i) what is the scale of viruses present in the Ulster Hospital; (ii) to detail the viruses found in all hospitals; (iii) what steps were taken to eradicate the viruses; and (iv) if they have returned in the same period. (AQW 3692/09)

**The Minister of Health, Social Services and Public Safety:** The various forms of information requested in this question either do not exist or could not be captured without incurring disproportionate costs.

Viruses cannot be eradicated: they are found wherever there is life and are thought to have existed since living cells first evolved. In a hospital environment effective infection control measures such as good hand hygiene practice, the use of personal protective equipment, environmental cleaning, and the use of isolation rooms all help to control the spread of infection, including infections caused by viruses.



## Patient Satisfaction Survey

**Dr McDonnell** asked the Minister of Health, Social Services and Public Safety what is the total cost of the patient satisfaction survey being conducted by MORI. (AQW 3731/09)

**The Minister of Health, Social Services and Public Safety:** The Patient Experience Survey, which has been introduced in Northern Ireland this year as part of the UK Wide General Medical Services (GMS) Contract will, for the first time, provide data on patient satisfaction with the services they receive from their GP practices and specifically under the General Medical Services (GMS) Contract.

It will provide the Department, Boards and the new Regional HSC Board with better information than ever before on patients' experiences of the delivery of services in primary care. Practices will also be able to use the results of the survey as a tool for implementing changes to improve services for their patients

The total cost of the GP Patient Survey is £479,200, which represents approximately 0.2% of the total cost of the GMS budget.

## Eating Disorders

**Mr Doherty** asked the Minister of Health, Social Services and Public Safety, in relation to people who have an eating disorder, to provide by Health and Social Care Trust area (i) the number of people diagnosed, in each of the last five years; (ii) the gender and age of people diagnosed, in each of the last five years; (iii) the services available; and (iv) plans he has to build on the existing services. (AQW 3758/09)

**The Minister of Health, Social Services and Public Safety:** The information requested is attached (tab 1)

I am committed to the development of specialist eating disorder services. I have secured an additional £1 million over the next three years to enhance access to these services and my expert advice indicates that investment should continue to be used to develop the range of specific specialist services. I have however also agreed to the development of inpatient capacity for those with complex needs.

This will be supported by specialist community based staff on an in-reach basis.

**TAB 1**

### NUMBERS DIAGNOSED WITH EATING DISORDERS

Western Trust*	Age 0-13		Age 14-18		Adults	
	Male	Female	Male	Female	Male	Female
2003/04	0	0	0	0	0	0
2004/05	0	0	0	0	0	0
2005/06	0	0	0	0	0	0
2006/07	0	0	0	7	3	40
2007/08	0	0	0	8	2	72

\*Service commenced in September 2006

South Eastern Trust:	Age 0-13		Age 14-18		Adults	
	Male	Female	Male	Female	Male	Female
2003/04	2	1	2	3	0	2
2004/05	1	3	0	5	2	0
2005/06	1	4	0	7	0	4
2006/07	1	4	1	2	0	3
2007/08	0	0	0	2	0	2



Belfast Trust	Children	Adults	
		Male	Female
2003/04	0	N/A	N/A
2004/05	0	N/A	N/A
2005/06*	31	5	51
2006/07	36	7	73
2007/05	48	8	82

\*Service commenced in April 2006.

For children Belfast Trust does not have a break down of gender or age as this would involve a manual trawl of records which would incur disproportionate cost

Northern Trust*	Age 0-13		Age 14-18		Adults	
	Male	Female	Male	Female	Male	Female
2003/04	0	0	0	0	0	0
2004/05	0	0	0	0	0	0
2005/06	0	0	0	0	0	0
2006/07	0	0	0	0	4	47
2007/08	13	7	2	27	5	85

\*Service commenced in April 2006

Southern Trust*	Age 0-13		Age 14-18		Adults	
	Male	Female	Male	Female	Male	Female
2003/04	0	0	0	0	0	0
2004/05	0	0	0	0	0	0
2005/06	0	0	0	0	1	36
2006/07	0	1	1	8	3	44
2007/08	0	6	4	8	0	47

\*The Southern Trust Adult Eating Disorder Service was not operational until August 2005

### Services Provided by Each Trust:

#### Northern HSC Trust

##### Adult Services

In the last 2 years, a Specialist Eating Disorder Team has been established which provides out-patient appointments throughout the Northern Trust Area.

The Northern Trust Eating Disorder Service has input from the Regional Specialist Consultant Psychiatrist one day a month and from the Regional Specialist Dietician one day every fortnight. Both these specialists can be accessed at any time with urgent queries.

Where a person is assessed as needing specialist in-patient treatment, an ECR (Extra-Contractual Referral) can be made to Specialist Units in the UK and Dublin, with follow-up provided upon discharge.

##### Child and Adolescent Services

The Trust has recently appointed a dedicated staff team to respond to the treatment needs of young people under the age of 18 with eating disorders. Team members are Nurse Practitioners, who have particular expertise in the area of eating disorders.

In addition to this, there is a consultation service once per month offering services to other professionals. There is also a telephone helpline, which operates daily from 12noon to 1pm, again providing a service to other professionals.



**Belfast and South Eastern HSC Trusts****Adult Services**

The Eastern Board Adult Eating Disorders Service has been operating since April 2006. It offers Specialist Tier 3 outpatient treatment to people with Eating Disorders in the Belfast Trust and South Eastern Trust. It also acts as the regional triage to Specialist inpatient provision currently provided in England and the Republic of Ireland.

**Child and Adolescent Services**

The Trust is in the process of developing a specialist Eating Disorder Service specifically for children and young people (0-18) which should be fully operational by early 2010.

The Trust is currently not commissioned to provide a specialist inpatient Eating Disorder Service and arrangements are made for children/ young people requiring such services to access inpatient care in Great Britain. Inpatient care can however be provided locally for less complex cases.

**Southern HSC Trust****Adult Services**

The Southern Trust Adult Eating Disorder Team is a community/outpatient service. Treatment offered includes structured psychological therapies, dietetic input and the involvement of families and carers.

In addition to the statutory service provision for eating disorders, valuable support is also provided by voluntary agencies.

**Children and Young People With An Eating Disorder**

The Child and Adolescent Eating Disorder Service is a newly established multi-disciplinary team, who provide prompt, comprehensive assessment and treatment of young people and their families, who present on referral with eating difficulties in the form of Anorexia Nervosa, Bulimia Nervosa and EDNOS (Eating Disorder Not Otherwise Specified) up to the age of 18.

The CAMHS Eating Disorder Service has currently no dedicated in-patient provision. Should a young person require a hospital admission this is arranged in joint collaboration with the Lead Consultant and the Eating Disorder Service.

**Western HSC Trust****Adult Services**

In the Western Trust area there is a Trust wide dedicated Eating Disorders Team, within the Psychological Therapies Team, who are specialist trained. There is also sessional input into the Eating Disorder Team from a Consultant in this field.

Where a person is assessed as needing specialist in-patient treatment, an ECR (Extra-Contractual Referral) can be made to Specialist Unit, with follow-up provided upon discharge.

**Child Services**

Any child under the age of 16 years who has an eating disorder will be supported by the CAMHS service. The CAMHS service is currently recruiting to fill two specialist Eating Disorder practitioners and two specialist dietician posts.

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**REGIONAL DEVELOPMENT****M2 Widening Scheme**

**Mr Burns** asked the Minister for Regional Development to confirm if the M2 widening scheme will be completed in March 2009; and to state the completion date scheduled in the original proposals. (AQW 3697/09)

**The Minister for Regional Development (Mr C Murphy):** My Department's Roads Service has advised that the M2 improvement scheme is currently programmed by the contractor for completion in March 2009, some five months ahead of the contractor's original programmed completion date of 28 August 2009.



## Salt Boxes

**Mr Burns** asked the Minister for Regional Development, pursuant to his answer to AQW 3480/09, to detail (i) the total number of salt boxes; and (ii) the plans for additional boxes along with their locations, in Rathenraw. (AQW 3704/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that there are three salt boxes in Rathenraw. These are located at Devon Court, Dorset Close and Somerset Park. However, the salt box at Somerset Park has been removed, due to vandalism, but will be replaced.

There are plans for two additional boxes at Norfolk Square and Sussex Square. It is intended that these will be provided before 9 January 2009.

## SOCIAL DEVELOPMENT

### Maintenance Budget for Craigavon

**Mr O'Dowd** asked the Minister for Social Development in respect of the Craigavon Housing Executive district (i) how much money was allocated for routine maintenance in the financial years, 2006-07 and 2007-08; (ii) why no budget has been provided for routine maintenance since September 2008; (iii) what is the estimated cost of all outstanding repairs; and (iv) what actions her Department is taking to assist the district considering the shortfall in the budget. (AQW 3281/09)

**The Minister for Social Development (Ms M Ritchie):**

- (i) The routine maintenance budget for Craigavon for 2006/07 and 2007/08 was £1,556,000 and £1,296,000 respectively.
- (ii) The routine maintenance budget spend between 1 September 2008 and 30 November 2008 was £434,000.
- (iii) There is approximately £10,000 of reactive maintenance repairs being arranged for the Craigavon area.
- (iv) It is anticipated that there will be no funding shortfall in the response maintenance budget for Craigavon.

### Satisfactory Property Scheme

**Mr Beggs** asked the Minister for Social Development how many properties were purchased by the Northern Ireland Housing Executive under the acquisition of satisfactory houses scheme in each of the last five years, broken down by parliamentary constituency. (AQW 3303/09)

**The Minister for Social Development:** The question cannot be answered in the format requested. The table below details the number of properties purchased under the Acquisition of Satisfactory Houses scheme by the Northern Ireland Housing Executive.

Council Area	2003/2004	2004/2005	2005/2006	2006/2007	2007/2008
West Belfast	1	2	0	0	0
East Belfast	1	0	0	0	0
North Belfast	7	3	0	0	0
Castlereagh	0	0	3	0	0
Antrim	1	0	0	0	0
<b>Totals</b>	<b>10</b>	<b>5</b>	<b>3</b>	<b>0</b>	<b>0</b>



### Satisfactory Property Scheme

**Mr Beggs** asked the Minister for Social Development to provide the total expenditure used to purchase property through the acquisition of satisfactory property scheme, during each of the last five years.

(AQW 3305/09)

**The Minister for Social Development:** The table below details the expenditure used to purchase properties under the Acquisition of Satisfactory Houses scheme, by the Northern Ireland Housing Executive.

Area	2003/2004 Spend - £k	2004/2005 Spend - £k	2005/2006 Spend -£k	2006/2007 Spend -£k	2007/2008 Spend - £k
West Belfast	97	183	0	0	0
East Belfast	175	0	0	0	0
North Belfast	462.9	237	0	0	0
Castlereagh	0	0	569.5	0	0
Antrim	57	0	0	0	0
<b>Totals</b>	<b>791.9</b>	<b>420</b>	<b>569.5</b>	<b>0</b>	<b>0</b>

### Housing Repairs

**Mr McKay** asked the Minister for Social Development how many houses reported to the Housing Executive with (i) damp; and (ii) serious condensation, in each year since 2006, broken down by regional area.

(AQW 3395/09)

**The Minister for Social Development:** The attached table details the number of repair requests made to the Northern Ireland Housing Executive with damp and serious condensation since 2006.

Housing Executive Area	Damp			Condensation		
	2006	2007	2008	2006	2007	2008
Belfast	58	96	36	10	10	32
South East	31	52	78	11	5	48
South	23	26	52	4	2	3
North East	17	24	55	0	20	27
West	22	29	64	8	5	13

### Public-Sector Housing

**Mr Newton** asked the Minister for Social Development what action her Department is taking to identify potential sites for public-sector housing, in the East Belfast constituency.

(AQW 3468/09)

**The Minister for Social Development:** A total of 987 new homes have already been identified across 64 separate sites in East Belfast over the next 5 years. The Northern Ireland Housing Executive continues to work closely with the Housing Association movement to find additional sites where the need is clearly identified and resources are available.

### Housing Build

**Mr Newton** asked the Minister for Social Development if she still intends to deliver the (i) 5,250 houses by 2011; and (ii) 10,000 houses by 2013, as stated in the Assembly on 26 February 2008.

(AQW 3470/09)



**The Minister for Social Development:** I am committed to delivering a New Housing Agenda that can start to address the growing housing need across Northern Ireland. Central to this must be an increased provision in the supply of social and affordable housing and if I am given the resources I will deliver these much needed houses.

### European Charter on Minority Languages

**Mr Butler** asked the Minister for Social Development to demonstrate how his Department and its arms length bodies, have applied, in practice, the European Charter on Minority Languages in relation to the Irish language. (AQW 3518/09)

**The Minister for Social Development:** My Department is represented on the Inter Departmental Charter Implementation Group, which is currently developing a strategy for indigenous languages. The Department is meeting its commitments under the European Charter for Regional or Minority Languages in respect of Irish and Ulster-Scots and has issued guidance to all staff on this subject. A Code of Courtesy has been developed to enable staff to deal with customers wishing to conduct their business in Irish as well as Ulster-Scots. Both the guidance and Code of Courtesy are available on the Department's internet site in English, Irish and Ulster-Scots. Information on the Code of Courtesy is also included as part of the induction package for all staff joining the Department. In addition, as required under the European Charter for Regional or Minority Languages, documents can be made available in Irish upon request where there is an identified need.

### Adaption Grants

**Mr Shannon** asked the Minister for Social Development what is the adaption budget for the Housing Executive in the Strangford constituency. (AQW 3538/09)

**The Minister for Social Development:** The information is not available in the format requested. The Northern Ireland Housing Executive record adaptation grants are based on the local District Council boundaries. The Strangford constituency takes in parts of the District Council areas of Ards, Castlereagh and Down.

The adaptation budget for 2008/2009 for the Ards, Castlereagh and Down Councils is £2,084,000.

### Social Housing

**Mr F McCann** asked the Minister for Social Development (i) how many people have been evicted from social housing; (ii) the reasons for these evictions; and (ii) the areas where they took place, in each of the past five years. (AQW 3549/09)

**The Minister for Social Development:** Details and the reasons for evictions secured by the Northern Ireland Housing Executive and Housing Associations from 2004/2005 onwards are set out in the following 4 tables.

TABLE 1 – HOUSING EXECUTIVE EVICTIONS - NON PAYMENT OF RENT

Housing Executive District	2004/05	2005/06	2006/07	2007/08	2008 (to date)
Antrim	1	0	0	1	3
Armagh	0	0	0	0	0
Ballycastle	0	0	0	0	0
Ballymena	0	0	0	0	0
Ballymoney	0	0	0	0	0
Banbridge	0	0	0	0	2
Bangor	3	4	0	5	3
Belfast (East)	2	0	4	3	1
Belfast (West)	0	1	0	0	1
Belfast (North)	0	4	6	1	4



Housing Executive District	2004/05	2005/06	2006/07	2007/08	2008 (to date)
Belfast (South)	0	0	1	0	3
Belfast (Shankill)	0	6	3	4	3
Carrickfergus	0	1	6	2	5
Castlereagh	0	4	1	1	0
Coleraine	0	0	0	0	3
Collon	0	0	0	0	0
Cookstown	0	0	0	0	0
Down	5	3	4	0	2
Dungannon	2	0	0	2	0
Fermanagh	0	0	0	0	0
Larne	0	0	2	0	0
Limavady	0	0	0	0	0
Lisburn (Poleglass)	5	5	6	3	4
Lisburn (Antrim Street)	1	0	0	0	0
Lurgan/Brown	2	5	0	1	0
Magherafelt	0	0	0	0	0
Newtownabbey 1	4	0	0	3	2
Newtownabbey 2	1	0	0	5	2
Newtownards	2	1	0	0	2
Newry	0	0	0	0	2
Omagh	0	0	0	0	1
Portadown	2	4	1	0	0
Strabane	0	0	0	0	0
Waterloo	0	0	0	0	0
Waterside	0	1	0	0	2
<b>Total</b>	<b>30</b>	<b>39</b>	<b>34</b>	<b>31</b>	<b>45</b>

TABLE 2 – HOUSING EXECUTIVE EVICTIONS - ANTISOCIAL BEHAVIOUR

Housing Executive District	2004/05	2005/06	2006/07	2007/08	2008 (to date)
Armagh	1	0	0	0	0
Bangor	0	0	1	0	0
Belfast (South)	0	0	1	0	0
Down	1	0	0	0	0
Dungannon	0	1	1	1	0
Fermanagh	0	1	0	0	0
Larne	1	0	0	0	0
Lisburn(Antrim Street)	0	1	0	0	2
Lurgan/Brown	0	1	0	0	1
Newtownards	0	1	0	0	0
Omagh	0	0	0	0	1



Housing Executive District	2004/05	2005/06	2006/07	2007/08	2008 (to date)
<b>Total</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>1</b>	<b>4</b>

TABLE 3 – HOUSING ASSOCIATION EVICTIONS - NON PAYMENT OF RENT

	2004/05	2005/06	2006/07	2007/08	2008 (to date)
Armagh	0	1	0	0	0
Bangor	0	0	0	0	2
Belfast	1	1	1	0	2
Carrickfergus	0	0	0	1	0
Dromore	1	0	0	0	0
Glenarm	0	1	0	0	0
Strabane	0	1	0	0	0
<b>Total</b>	<b>2</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>4</b>

TABLE 4 – HOUSING ASSOCIATION EVICTIONS - ANTISOCIAL BEHAVIOUR

	2004/05	2005/06	2006/07	2007/08	2008 (to date)
Ballycastle	0	0	0	1	0
Belfast	0	2	2	1	0
Derry	0	0	0	1	0
Richhill	0	0	1	0	0
<b>Total</b>	<b>0</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>0</b>

In addition, one Housing Association tenant was evicted from Belfast (City Centre area) in 2007/2008 for not using their home as their principle residence.

### Monitoring Rounds

**Mr F McCann** asked the Minister for Social Development has any of the budget allocation over the last two monitoring rounds been redirected to other programmes and if so, (i) what is the amount; (ii) to where was it redirected; and (iii) what the impact on the programmes will be that lost this resource. (AQW 3560/09)

**The Minister for Social Development:** The information requested, as it relates to the June & September monitoring round re-allocations, is in the table below. The implications of the December monitoring round are still being considered by the Department.

#### JUNE & SEPTEMBER 2008 MONITORING ROUNDS

Amount £m	Expenditure Type	Movement		Impact on donor area programmes
June 2008				
50.00	Capital	From Social Security Agency	To Housing	No in-year consequences, as the Jobs & Benefits Office rollout has been re-phased to later years.



Amount £m	Expenditure Type	Movement		Impact on donor area programmes
September 2008				
0.080	Capital	From Social Security Agency	To Child Maintenance & Enforcement Division	No impact, as year end easement still anticipated in Social Security Agency capital programme.
15.499	Capital / Capital Grant	From Urban Regeneration & Community Development Group	To Housing	The funding transferred came from a combination of additional receipts, easements in other areas and re-phasing of certain projects and programmes. As some of the Urban Regeneration work has been re-phased, none of the Programmes will be adversely affected by the transfers to Housing.

### Employment and Support Allowances

**Mr F McCann** asked the Minister for Social Development (i) why people who make a claim for Employment and Support Allowances without a BT phone line have to pay; and (ii) what percentage of claimants have made contact by a BT phone line. (AQW 3563/09)

**The Minister for Social Development:** New claims for Employment and Support Allowance can be made on a BT 0800 provided number. BT do not charge for the call, instead these costs are met by my Department. Customers ringing from a non BT landline or mobile may be charged by their network provider for the connection onto the BT number. However, to minimise the impact of this, customers are alerted to the position at the outset of their call and, on request, my Department will call the customer back in order to take their claim.

The information to determine the percentage of customers making contact by BT landline is not captured by our service provider. To gather this information from other sources would be at disproportionate cost.

### Glenavy Village

**Mr Butler** asked the Minister for Social Development to detail when the social housing scheme proposed by the Housing Executive for Glenavy Village, will commence. (AQW 3606/09)

**The Minister for Social Development:** The Northern Ireland Housing Executive has received a bid from a Housing Association to deliver a new build scheme for 21 units at Pigeontown Road, Glenavy during 2010/11 and this is currently being considered as part of the new draft Social Housing Development Programme 2009/10 – 2013/14.

The new five year Social Housing Development Programme is currently being formulated and subject to approval will be published in February 2009.

### Public-Sector Housing

**Mr Weir** asked the Minister for Social Development what action her Department is taking to identify potential sites for public-sector housing, in the North Down constituency. (AQW 3611/09)

**The Minister for Social Development:** During the next three years, 16 sites with the potential to deliver 328 new homes have already been identified across North Down. The Northern Ireland Housing Executive continues to work closely with the Housing Association movement to find additional sites where the need is clearly identified and resources available.



### Department Restructuring

**Mr F McCann** asked the Minister for Social Development how many jobs will be lost in her Department and how many Social Security offices will close as a result of restructuring; and for her assessment of the impact of these changes on her Department. (AQW 3615/09)

**The Minister for Social Development:** There will be no Social Security Offices closed as a result of restructuring proposals. With regards to jobs, as the recently published consultation documents make clear, no staff will lose their employment.

### Social Housing

**Mr F McCann** asked the Minister for Social Development (i) what social clauses have been included in the social housing procurement strategy to guarantee that local developers and construction workers will benefit; and (ii) what provision has been made for apprentice places in the strategy. (AQW 3616/09)

**The Minister for Social Development:** One of the reasons for the introduction of the Social Housing Development Programme Procurement Strategy is to achieve full compliance with all aspects of public procurement policy such as those set out in the publication 'Equality of Opportunity and Sustainable Development in Public Procurement' relating to long-term unemployed and apprentices. There is a range of possibilities which make it possible to use public procurement to assist in attaining desired social objectives. Whilst it is not possible or legal to guarantee work to local developers and contractors, social clauses (including provision of apprentices) will be introduced into construction contracts for social housing during the implementation of this Strategy.

### Carrickfergus Housing

**Mr Hilditch** asked the Minister for Social Development how many houses and flats the Housing Executive has allocated in the Carrickfergus area, since January 2007. (AQW 3619/09)

**The Minister for Social Development:** Since January 2007 there have been a total of 286 properties allocated in the Carrickfergus area. This is broken down as follows; 116 flats, 95 houses, 73 bungalows, and 2 maisonettes.

### Hospital Lane in Limavady

**Mr G Robinson** asked the Minister for Social Development what consideration she has given to using any underspend in her budget to fund the multi element improvement scheme at Hospital Lane in Limavady. (AQW 3642/09)

**The Minister for Social Development:** There is no underspend in my budget and following the outcome of the December Monitoring round an urgent review of all Improvement Schemes such as this is underway. Whilst the scheme design for the first phase of the strategy has been approved, a revised programme is now being prepared based on the resources available to me and it will be published as soon as possible.

### Pensioner Bungalows Scheme

**Mr Easton** asked the Minister for Social Development if funding is now available for the commencement of the pensioner bungalows scheme at Ballyree Drive, Bangor, scheduled for May 2009. (AQW 3646/09)

**The Minister for Social Development:** An improvement scheme for the Ballyree bungalows is currently planned involving improvement works to 44 dwellings at an estimated cost of £2.4m. However, all Northern Ireland Housing Executive programmes are currently under review. The Northern Ireland Housing Executive will work to formulate a revised programme as a matter of urgency over the coming weeks.



## Economic Downturn

**Mr Craig** asked the Minister for Social Development to outline what plans her Department has to help the most vulnerable in society due to the economic downturn. (AQW 3657/09)

**The Minister for Social Development:** My Department has put in place a range of measures to help people in Northern Ireland to cope with the economic downturn.

From 5th January 2009 a package of measures to support vulnerable home owners will be introduced to alleviate the financial strain on those who may face having their homes repossessed. The measures include shortening the waiting period in Income Support, income-based Jobseeker's Allowance and income-related Employment and Support Allowance for assistance with mortgage interest payments. There will also be an increase in the capital limit on loans from £100,000 to £200,000 for which assistance is available for new working age and certain Pension Credit claims.

These measures should go some way in helping to prevent the rise in repossessions.

On 25 November 2008 I announced a one-off increase in this year's Christmas Bonus payment from £10 to £70. The £60 increase is equivalent to bringing forward the up-rating of the basic State Pension from April to January. The traditional £10 Bonus was paid as usual in December and the remaining £60 will be paid in the New Year.

For 2008/2009 there will be a one-off increased payment of the Winter Fuel Payment from £200 to £250 for those aged 60 or over and from £300 to £400 for those aged 80 and over.

There will be a one-off increased payment of the Cold Weather Payment from £8.50 to £25 for each period of cold weather for the winter of 2008/09.

In May 2008 I launched the 2008/09 Benefit Uptake Programme to increase awareness of social security benefits. This year's Programme will see over 115,000 people contacted about possible benefit entitlement. In addition the Social Security Agency has a comprehensive system of reviews to ensure people are receiving their full entitlement. Since April 2008, over 5,000 cases have been adjusted upwards resulting in extra benefit payments of approximately £12.8m.

## Wood Pellet Boilers

**Mr B Wilson** asked the Minister for Social Development how many wood pellet boilers have been installed by the Housing Executive; and how this compares in cost and efficiency with other forms of heating. (AQW 3663/09)

**The Minister for Social Development:** To date the Northern Ireland Housing Executive has installed 26 wood pellet boilers in pilot schemes. The average cost to install a wood pellet boiler is £720 more expensive than installing a full oil heating system with condensing boiler and oil tank and £1920 more expensive than a full gas heating system with condensing boiler.

With regard to the efficiency of the units, wood pellet boilers are 84.4% efficient, compared to gas condensing boilers which are 90-91.3% efficient and oil condensing boilers which are 92.2% efficient.

## Social Security Social Fund Loans

**Ms J McCann** asked the Minister for Social Development if she will widen the scope of Social Security Social Fund loans so that people can access loans to pay for utilities bills such as gas, electricity and oil. (AQW 3676/09)

**The Minister for Social Development:** The aim of the Budgeting Loan scheme is to enable people, who are most likely to need help with budgeting for one-off expenses, to have access to interest-free credit. The Budgeting Loan scheme has a fixed amount of money and must be prioritised accordingly. There are no plans to widen the scope of the scheme.

Crisis loans are interest-free loans which are intended to help meet an immediate short-term need in an emergency if there is serious damage or risk to health and safety. Crisis loans are decided on individual circumstances and subject to budgetary constraints.



## Energy Performance Certificates

**Mr Shannon** asked the Minister for Social Development if the Housing Executive will sub-contract out the Energy Performance certificate for the Housing Executive Tenancy Re-lets. (AQW 3693/09)

**The Minister for Social Development:** The Northern Ireland Housing Executive provides Energy Performance Certificates using in-house resources and has no plans to sub-contract this work.

## Strategic Business Review

**Mr Doherty** asked the Minister for Social Development if she (i) will ensure that employees in the Income Support section of the Omagh Jobs and Benefits Office will not be relocated to Derry/Londonderry under the ongoing Strategic Business Review; and (ii) will consider the equality impact of proposals to relocate jobs from the Omagh Jobs and Benefits Office to Derry/Londonderry. (AQW 3756/09)

**The Minister for Social Development:** All of the proposals under the Strategic Business Review are currently the subject of a public consultation exercise which started on the 27 November 2008 and is due to end in late April 2009. The consultation process will include the completion of an Equality Impact Assessment. I will not be making any final decisions until the consultation process, including consideration of the equality impact of proposals, has been completed.

In line with this, no decisions have been made for any office as to which individual employees would be relocated or to where. However all of the proposals are based on the principle that any relocation of staff would be within reasonable daily travel provisions contained within their terms and conditions of employment.

## ASSEMBLY COMMISSION

### Assembly Commission Staff Transport

**Mr McKay** asked the Assembly Commission what percentage of its staff (i) take part in car-sharing schemes; (ii) use public transport; and (iii) take single-person car journeys to work every day. (AQW 3449/09)

**The Representative of the Assembly Commission (Rev Dr R Coulter):** Northern Ireland Assembly has been working in partnership with a consortium of other Stormont Estate users (OFMDFM, DFP, DARD, DHSSPS, DETI and NIO) in developing a Workplace Travel Plan (WTP).

The main objective of the WTP is to encourage staff to travel by sustainable modes to and from work as well as for business trips. As part of the WTP a staff travel study was undertaken of Assembly staff to establish workplace travel behaviours. A total of 92% of Assembly staff responded to the survey.

Figures obtained show that 9% of staff take part in a car sharing scheme; 15% use public transport whilst 63% of staff surveyed make single person car journeys. As a consequence of this survey a number of travel plan targets have been set for the whole of the Stormont Estate for a two year period as follows;

- Increase cycle modal share to 2% (2009) and 4% (2010)
- Increase walking from 1.4% to 2.5% (2009) and 3.5% (2010)
- Increase car sharing from 18.5% to 24% (2009) and 30% by (2010)
- Increase bus users to 12% (2009) and 15% (2010).







# NORTHERN IRELAND ASSEMBLY

Friday 16 January 2009

## Written Answers to Questions

### OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

#### European Charter on Minority Languages

**Mr P Butler** asked the Office of the First Minister and deputy First Minister to demonstrate how its Department and its arms length bodies, have applied, in practice, the European Charter on Minority Languages in relation to the Irish language. (AQW 3522/09)

**The First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness):** The Department and its arms length bodies comply with the European Charter for Regional or Minority Languages in respect of the Irish Language and Ulster Scots. The Guidance and Codes of Courtesy for Irish and Ulster Scots, developed by an Inter-Departmental Charter Implementation Group (ICIG), was adopted by OFMDFM in February 2004 to assist staff to apply the principles of the Charter, as may be required by users of the services provided by the Department and its arms length bodies.

OFMDFM has published a number of documents aimed at children and young people which have been translated into Irish to be provided to the Irish medium primary schools and Irish medium units within primary schools.

The Children and Young People's Unit is currently producing, in Irish, awareness raising material, including a document called Spin Wheel, on children's rights under the UNCRC for primary school children which will be distributed to Irish medium primary schools and Irish medium units within primary schools.

As part of the Community Relations Council's overall responsibilities under Section 75 of the Northern Ireland Act, it has made a commitment to make available, on request, translated summaries of its main documents.

The North South Ministerial Council (NSMC) Joint Secretariat (North) deals with written correspondence and telephone queries in line with the guidance on meeting UK Government Commitments in respect of the Irish Language. The NSMC Joint Secretariat Annual Report is available in Irish on the NSMC Website, which has a link from the OFMDFM website.

In the context of a public consultation on the Review of the Civic Forum, OFMDFM received a consultation submission in the Irish language from POBAL, the Irish language umbrella group. The Department has published the submission in full on its Civic Forum review website, together with an English translation commissioned by the Department. The Review Team subsequently met the Director of POBAL.

#### Mortgage Market

**Mr F Brolly** asked the Office of the First Minister and deputy First Minister to detail its efforts to persuade banks and financial institutions to re-introduce liquidity to the mortgage market. (AQO 1734/09)

**The First Minister and deputy First Minister:** We met with the banks in July and December last year to discuss liquidity, lending, interest rates, housing and mortgages.

We urged banks to pass on interest rate cuts and we discussed measures to ease credit to business by considering how we might simplify existing loan guarantee schemes. We were encouraged by the positive attitude taken by the banks towards working with property developers in considering greater use of co-ownership arrangements.



Banking is, of course, a reserved matter and there are limits on what the Executive can do. It is also a complex area, influenced by a great many factors such as interbank lending, capitalisation, margins between loans and deposits, and the need to protect savers and depositors as well as maintain credit to borrowers.

Looking ahead, we will maintain the dialogue we have started with the local banks and financial institutions. We will use our influence to protect and support business and households in Northern Ireland. We remain keen to see the benefits of lower base rates feeding through to lower mortgage payments, lower financing and borrowing costs, and increased credit for local business and people.

## Gender Equality

**Mrs D Kelly** asked the Office of the First Minister and deputy First Minister to set out a timescale for the publication of the Gender Equality Strategy. (AQO 1654/09)

**The First Minister and deputy First Minister:** The Executive adopted the 10-year Gender Equality Strategy in the Programme for Government 2008-2011.

Cross-departmental gender equality action plans, one for men and one for women, will be included in a report to Ministers early this year. This will provide an opportunity for Ministers to consider the continuing relevance of the Strategy.

## Programme for Government

**Mr S Moutray** asked the Office of the First Minister and deputy First Minister how it is delivering against its Programme for Government targets. (AQO 1635/09)

**The First Minister and deputy First Minister:** The Office of the First and deputy First Minister continues to make good progress in the delivery of its Programme for Government, targets and we remain on track for the achievement of our PfG commitments and outcomes.

In the last few months we have achieved the following PfG outcomes:

- An additional 3 Bills have been introduced to the Assembly, including the Financial Assistance Bill introduced this morning.
- In October 2008, the Concluding Observations of the UN Committee on the Rights of the Child were sent to all Ministers, MLAs and the Committee for OFMDFM to raise awareness of these issues. Executive Ministers have been asked to consider how they can address the Concluding Observations in the three year Strategy Action Plan for children and young people currently under development.
- In December 2008, Lifetime Opportunities was formally adopted by the Executive.
- On 1 December 2008, Dame Joan Harbison was appointed as the Advocate for Older People.
- A new honorary consul for Poland has been appointed.

We also continue to make significant progress in delivering the 10-year Investment Strategy to renew our vital infrastructure, and in taking forward a range of cross-cutting issues in conjunction with DSD and DHSSPS in the delivery of our commitments under PSA 7, Making People's Lives Better.

## Executive Meetings

**Mrs N Long** asked the Office of the First Minister and deputy First Minister for its assessment of the timescale required to catch up on work not progressed during the suspension of Executive meetings. (AQO 1744/09)

**The First Minister and deputy First Minister:** Since meetings resumed on 20 November, the Executive has met five times, and once in sub-group format. It has agreed 41 papers dealing with a broad range of issues across all aspects of Government. These bald statistics alone cannot, of course, convey the significant effort which the Ministers of the Executive, both inside and outside its meetings, devoted during this time to preparing its response to the economic downturn, as presented to the Assembly on 15 December.

We must, also, re-emphasise the point made to the Member in our answer to her question of 8 December. Executive business is a continuous process of consultation and agreement on draft papers circulated by individual



Ministers. There will, therefore, always be draft papers at various stages of consideration and awaiting inclusion on the agenda of future Executive meetings.

The length of that consideration is not determined solely by the frequency of Executive meetings, but also by the time needed by Ministers to consider the often complex and sensitive issues and proposals being put forward, before they can be referred to the Executive for its formal agreement.

The Executive will meet again on 15 January and a schedule of future meetings has been agreed. We are now in a position where all agreed papers can proceed routinely to the next appropriate meeting.

## Gender Equality

**Mrs C Hanna** asked the Office of the First Minister and deputy First Minister when action plans to promote gender equality will be agreed and published. (AQO 1655/09)

**The First Minister and deputy First Minister:** Officials are currently finalising cross-departmental gender equality action plans and will shortly report to us on implementing the Gender Equality Strategy. We will, of course, consult the OFMDFM Committee on the actions plans before they are submitted to the Executive for consideration. The intention is that, following agreement by the Executive, cross-departmental gender equality action plans will be published on the OFMDFM website.

## Programme for Government

**Dr S Farry** asked the Office of the First Minister and deputy First Minister to report on plans to revise the Programme for Government in light of the global economic downturn. (AQO 1742/09)

**The First Minister and deputy First Minister:** In recent months the Executive has focused on the challenges presented by the global economic downturn. In this period we have also re-affirmed that improving our economy remains our top priority as set out in the Programme for Government (PfG). In this context we are committed to the ongoing review of the PfG to take account of changing circumstances and ensure we are clearly focused on addressing the key challenges we face.

We recognise that economic conditions have changed remarkably since our programme for government was first set. Notwithstanding this, our decision to prioritise the economy remains valid and it is more important than ever that we deliver on the PfG commitments. We regularly review our targets to ensure they remain relevant and focused on addressing the key challenges we face in the medium to longer term, and we are currently considering the possibility of a more formal stock-take of PfG.

## USA Visit

**Mr A Easton** asked the Office of the First Minister and deputy First Minister for its assessment of the outcomes of the recent visit to the United States of America. (AQO 1628/09)

**The First Minister and deputy First Minister:** The key purpose of our visit last month to Washington, D.C., Annapolis and New York was to promote investment opportunities in Northern Ireland and to support InvestNI in its negotiations with potential investors.

We were received at the highest levels and had meetings with President Bush, the Governor of Maryland, and the Mayor of New York. In Washington we were the keynote speakers at the Fortune 500 Dinner. We were able to use that platform to deliver the Northern Ireland business message to over 250 senior executives from America's top companies.

In New York we met with representatives from the stock exchange and we undertook a separate briefing session on investment opportunities with a group of Wall Street executives.

It was clear from all our discussions that, despite the economic downturn, Northern Ireland continues to attract interest from American companies looking for a foothold in Europe. We were greatly encouraged by ongoing support for Northern Ireland and we intend to build on that support during future visits to the United States.



### Meeting with Bank Representatives

**Mr D O'Loan** asked the Office of the First Minister and deputy First Minister to report on its meeting with Chief Executives of Northern Ireland banks. (AQO 1652/09)

**The First Minister and deputy First Minister:** We had a very informative meeting with the four main local banks on 16 December 2008 to discuss liquidity, lending, interest rates, housing and mortgages. In particular, we urged banks to pass on interest rate cuts to local customers to ensure that the benefits continue to feed through to lower mortgage payments, lower financing and borrowing costs, and increased credit for local business and households.

### European Charter on Minority Languages

**Mr P Butler** asked the Office of the First Minister and deputy First Minister to demonstrate how its Department and its arms length bodies, have applied, in practice, the European Charter on Minority Languages in relation to the Irish language. (AQO 1793/09)

**The First Minister and deputy First Minister:** We refer the Member to our answer to AQW 3522/09 dated 12 January 2009.

### Executive's Financial Package

**Miss M McIlveen** asked the Office of the First Minister and deputy First Minister if any Minister voted against the Executive's financial package announced in December 2008. (AQO 1651/09)

**The First Minister and deputy First Minister:** In accordance with Section 28A (8) of the Northern Ireland Act, it is the duty of the Chairmen of the Executive Committee to seek to secure that decisions of the Executive Committee are reached by consensus wherever possible: If consensus cannot be reached, a vote may be taken.

No vote was required in relation to the Executive's consideration of the financial package announced on 15 December.

### Departmental Underspend

**Mr W Irwin** asked the Office of the First Minister and deputy First Minister to outline the anticipated level of departmental underspend this year. (AQO 1627/09)

**The First Minister and deputy First Minister:** The Office of the First Minister and deputy First Minister is forecasting a year end underspend of 0.9% (£0.649m) for the 2008/09 financial year.

This comprises a forecast administration cost underspend of 1.1% (£0.177m), a forecast resource underspend of 0.9% (£0.472m), and a forecast capital underspend of £nil.

These forecasts are based on outturn data to 30 November 2008.

### Programme for Government

**Mr N McCausland** asked the Office of the First Minister and deputy First Minister what arrangements are in place to monitor the delivery of the Programme for Government. (AQO 1727/09)

**The First Minister and deputy First Minister:** The Programme for Government is framed under five priority areas which set out a range of key goals and commitments for the Executive collectively to deliver. These are in turn supported by a detailed framework of 23 cross-cutting Public Service Agreements (PSAs) which confirm the key actions and targets departments will take forward over the next three years in support of the Executive's priorities.

The Executive is determined to deliver on those targets and key goals. In that context, departments have worked together to develop detailed Delivery Agreements for each PSA. These Delivery Agreements set out in more detail how departments intend to ensure delivery of the targets and actions set out in the Programme



for Government and provide the basis upon which the Executive will monitor delivery of the Programme for Government. At present, that information is provided by departments as part of the in-year monitoring rounds.

### Meeting with Bank Representatives

**Mr D Burnside** asked the Office of the First Minister and deputy First Minister to outline the specific commitments it sought from banks and what guarantees were given by bank representatives, at the meeting on 16 December 2008. (AQO 1646/09)

**The First Minister and deputy First Minister:** We met with the banks in July and December last year to discuss liquidity, lending, interest rates, housing and mortgages.

Banking is, of course, a reserved matter. Nevertheless, we urged the banks to pass on interest rate cuts and discussed how we might improve access to credit for businesses. We were encouraged by the positive attitude taken by the banks towards working with property developers and considering greater use of co-ownership arrangements where possible. We do plan to have further meetings with the banks.

### Ministerial Code

**Mr R Beggs** asked the Office of the First Minister and deputy First Minister to outline the process for assessing a potential breach of the Ministerial Code. (AQO 1705/09)

**The First Minister and deputy First Minister:** The Ministerial Code does not specify any procedure to be followed in relation to the determination of any complaint in relation to its provisions. Section 28A of the Northern Ireland Act 1998 requires Ministers to act in accordance with the provisions of the Ministerial Code and any alleged breach of the Code could be decided as a matter of law.

In addition, questions of confidence in Ministers relating to their observance of the Pledge of Office are specifically a matter for the Assembly under Section 30 of the Northern Ireland Act 1998.

## DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

### Reducing Paperwork

**Dr A McDonnell** asked the Minister of Agriculture and Rural Development what steps she is taking to significantly reduce the amount of paperwork she sends to constituency offices and other organisations throughout 2009. (AQW 3733/09)

**Minister of Agriculture and Rural Development (Ms M Gildernew):** My Department has a statutory responsibility to consult with a range of stakeholders, including political representatives and other interested parties on a range of policy and legislative proposals. In doing so, my Department has an obligation in certain circumstances to provide hard copies of documents. However we are proactive in advising stakeholders and other interested parties about forthcoming consultations, including their availability in electronic media and other formats. We are keen to provide the document in the format requested by any particular organisation or individual, wherever practicable, in keeping with departmental policy.

### Ulster Farm By-Products

**Mr T Burns** asked the Minister of Agriculture and Rural Development, pursuant to the answer to AQW 3197/09, what discussions her officials have had with the Department of the Environment about these complaints; and to outline what action is being taken to address the problem. (AQW 3744/09)

**Minister of Agriculture and Rural Development:** My Department is responsible for implementation of the EU Animal By-Products Regulation No. 1774/2002. The scope of this legislation does not extend to odours.



However, it does require vehicles used to transport animal by-products to be covered, leakproof and clean and dry before use.

My officials conduct regular monthly inspections of rendering plants, including Ulster Farm By-Products, to ensure compliance with the above requirements and this includes a visual inspection of any vehicles present.

My officials also carry out specific exercises on a regular basis to inspect all vehicles delivering animal by-products to rendering plants. A week long exercise was conducted recently to inspect all vehicles arriving at Ulster Farm By-Products. The level of compliance with the above legislation was found to be generally satisfactory, with minor infringements by some transporters noted. These will be followed up in line with normal procedure and corrective action will be taken to ensure compliance.

Individual complaints in relation to any transporter of animal by-products are investigated by my officials with a view to action being taken to ensure compliance.

My officials liaise with Department of Environment officials on such cases as is necessary.

### Woodland Grant Scheme

**Mr T Elliott** asked the Minister of Agriculture and Rural Development for an update of the non-farmer/farmer definition in the Woodland Grant Scheme of the Northern Ireland Rural Development Programme 2007-2013. (AQW 3784/09)

**Minister of Agriculture and Rural Development:** My Department submitted an informal proposal to the European Commission to amend the current definition of a farmer on 6th August 2008. We then made a formal submission to the Commission at the end of September 2008, which contained all the proposed amendments to the Rural Development Programme.

In reply, the Commission advised that it wished to clear the amendment relating to Voluntary Modulation (VM) first and on its own. This meant that all other amendments, including that of the farmer definition, had to be put on hold. The Commission issued their decision on Voluntary Modulation in December 2008.

The farmer definition amendment was then re-submitted to the Commission, along with other changes to the Programme, at the end of December 2008 and we await their decision.

### Contaminated Animal Feed

**Dr A McDonnell** asked the Minister of Agriculture and Rural Development how the recent problem with dioxins in animal feed, pig meat and pig fat was discovered; and if it was a result of the normal surveillance carried out by various local authorities. (AQW 3834/09)

**Minister of Agriculture and Rural Development:** Elevated levels of polychlorinated biphenyls (PCBs) in pig meat indicating a dioxin contamination was discovered by routine monitoring of the food chain for a range of contaminants and was carried out by Southern authorities. When the source of contamination was identified the Southern Authorities advised my Department which Northern businesses had been supplied with potentially contaminated animal feed. On-farm investigations by DARD officials determined the extent of possible contamination in the north.

### Contaminated Animal Feed

**Mr J McCallister** asked the Minister of Agriculture and Rural Development what proposals her Department is considering for recommendation to the Executive, in relation to providing compensation for farmers affected by the dioxin crisis. (AQW 3935/09)

**Minister of Agriculture and Rural Development:** The Executive continues to press for assistance to the industry from schemes in the south to be extended to the industry in the north and, following my initial approaches to the DAFF Minister Brendan Smith, the Minister for Enterprise, Trade and Investment and I issued a joint letter to Minister Smith requesting access to the Southern arrangements. The Deputy First Minister has also spoken and written to the Taoiseach in similar terms. Additionally, all those affected are being encouraged



to pursue all appropriate sources of recompense including insurance, the submission of applications to the DAFF scheme and the consideration of legal action against providers of contaminated animals, product or feed.

I understand the difficulties facing the affected farmers as a result of the restrictions imposed by the Food Standards Agency on cattle potentially exposed to dioxin-contaminated feed. Meat from such cattle cannot enter the food chain. The Executive is considering the need for further action at its meeting on 15 January.

### Contaminated Animal Feed

**Mr T Elliott** asked the Minister of Agriculture and Rural Development what advice has been given to farmers affected by the dioxin crisis on (i) animal welfare: and (ii) compensation. (AQW 3936/09)

**Minister of Agriculture and Rural Development:**

- (i) DARD officials have been in regular contact with those farmers affected by the contaminated animal feed incident. They have emphasised that the farmers are responsible for the welfare of animals under their care, and should seek guidance from their private veterinary practitioner if they are concerned about the condition of an animal. Where welfare issues have arisen, such as a broken leg, DARD officials have given the veterinarian permission to euthanise the animal.
- (ii) Farmers have been advised that DARD does not have the legal powers to require the slaughter of animals in restricted herds or to pay compensation. They have been advised to consider making application under the compensation arrangements introduced by the government in the south and to consider if there is scope for any appropriate actions which can be pursued against third parties.

In addition, they have been advised that I intend to bring their concerns about their financial position to the attention of my Executive colleagues.

### Badger Prevalence Study

**Mr C Boylan** asked the Minister of Agriculture and Rural Development to outline the benefits of conducting a badger prevalence study in establishing a link between the spread of tuberculosis and badgers; and for her assessment of this disease being spread by other forms of wildlife. (AQO 1769/09)

**Minister of Agriculture and Rural Development:** In December, I outlined a new strategic approach to deal with TB in the North. This will be a holistic approach that addresses three key strands together – real partnership between government and industry, controlling the spread of TB cattle to cattle, and addressing the wildlife factor. All three are priority areas for action.

On the badger aspect, the key question we are seeking to address is whether badger intervention would help to achieve a cost-effective reduction in TB incidence in cattle. The issue is that we do not have the evidence to make an informed decision about that at present. Our priority in the first phase of the strategy therefore will be to build the evidence we need to make informed policy decisions about wildlife intervention.

The proposed badger prevalence study is one of the actions that I believe are necessary to inform decisions. The study will provide baseline knowledge of the level and distribution of disease in badgers across the North. It will let us see if there are differences in the prevalence of TB in badgers across the North and allow a broad picture of the disease in badgers to be established. It will help to inform the design of any future intervention in badger populations, and where any intervention may be most effectively targeted.

The other badger-related information gathering actions that I announced for the first phase of the strategy will also help build the evidence we need. For example the case control study in a TB high incidence area, the development of plans for a badger removal trial, and looking at how best we can contribute to the development of a vaccine for badgers.

We will progress these actions, subject to the agreement of the DOE Minister where necessary, and subject to bids for the significant additional funding that will be needed. I will review the evidence the actions produce to inform my decision about what we do to reduce the transmission of TB between wildlife and cattle and to help shape the next phase of the strategy.

As regards the risk of TB being spread by other forms of wildlife, we know that wild deer may become infected with bovine TB. This is of interest because wild deer can live in close proximity to cattle. My Department is



currently undertaking background surveillance to ascertain the prevalence of bovine TB in wild deer. This study will add to our knowledge of the dynamics of TB infection in wild deer and of the role of deer in TB in cattle.

Whilst TB has also been recorded in several other wildlife species, the role of these species in the disease within the cattle population in the North has not been considered a significant risk to date.

### Fishing Industry

**Mr D Bradley** asked the Minister of Agriculture and Rural Development what plans she has to counteract the losses that will occur in the local fishing industry as a result of the EU cutbacks in days at sea and quota reductions in cod and whiting. (AQO 1701/09)

**Minister of Agriculture and Rural Development:** My Department is currently in discussion with the English, Scottish and Welsh administrations and the fishing industry here to agree the detailed implementation of the new fishing effort system, formerly known as “days at sea”. My initial estimate is that on average there will 10% less fishing time available in 2009. However, if vessels adopt management and technical measures that reduce cod mortality, more fishing effort can be made available. We hope to agree appropriate measures for the Irish Sea with our industry by 1 February.

The quota for cod in the Irish Sea was cut by 25% in response to continuing scientific advice that the stock is in a poor state. I am currently exploring all opportunities to secure additional quota through quota swaps but the reality is that cod quota will continue to be in short supply until the stock recovers. It is worth noting that our fleet has landed just under 530 tonnes of cod from the Irish Sea so far this year, compared to almost 8,200 tonnes of Nephrops.

Irish Sea whiting has no commercial importance to our fleet and only 10% of the available quota has been taken this year.

### Labelling of Local Foods

**Mr J Shannon** asked the Minister of Agriculture and Rural Development what steps she is taking to ensure that foods sourced locally are clearly labelled and that a distinction is made between products sourced outside Northern Ireland but packed locally. (AQO 1631/09)

**Minister of Agriculture and Rural Development:** Responsibility for general food labelling rests with the Food Standards Agency. My Department is responsible only for the EU-wide Beef Labelling Regulations which require all operators in the supply chain, down to retail level but excluding food service, to label their beef with traceability and origin information. The legislation in this area is enforced by DARD inspectors in meat plants and by local authority Environmental Health Officers in retail outlets.

### Fuel Poverty

**Mr D Ford** asked the Minister of Agriculture and Rural Development what discussions she has had with the Minister for Social Development regarding support for people in fuel poverty in rural areas. (AQO 1750/09)

**Minister of Agriculture and Rural Development:** I have been very active in ensuring that rural fuel poverty is a priority within the Executive. I met with my colleague Margaret Ritchie on 16 September 2008 to explore opportunities to tackle rural fuel poverty which could arise from DARD's Rural Anti Poverty and Social Inclusion Framework. As a result of these discussions we both agreed to collaborate on DSD's Warm Homes Scheme to ensure that over 600 rural homes earmarked for improvements this Winter received the necessary support. We also agreed that our officials would continue to work together to exploit other joint opportunities for addressing fuel poverty in rural areas.



### Winter Gritting Policy

**Mr B McElduff** asked the Minister of Agriculture and Rural Development if she is involved in any review of winter gritting policy aimed at keeping winter traffic on the move in rural areas and at overcoming rural isolation in icy conditions. (AQO 1766/09)

**Minister of Agriculture and Rural Development:** I have not been involved in any review of winter gritting policy nor have I had any discussions with my colleague Conor Murphy on this subject.

However, this is potentially the type of issue that could be considered in the development of the Rural White Paper.

### Electronic Tagging for Cattle

**Mr D McClarty** asked the Minister of Agriculture and Rural Development what progress has been made on electronic tagging for cattle. (AQO 1718/09)

**Minister of Agriculture and Rural Development:** I warmly welcome the Industry led initiative for the electronic tagging of cattle. My officials sit on the Industry Working Group and continue to provide technical advice and support. The APHIS computer database has been enhanced to facilitate electronic identification of cattle. The Working Group has made a case to my Department seeking financial assistance. As part of the Farm Modernisation Programme, Electronic Tag Readers and other similar equipment are eligible for support. This Programme will open on 28 January 2009.

### Pig Industry

**Mr K McCarthy** asked the Minister of Agriculture and Rural Development to provide an update on her Department's assessment of the pig industry. (AQO 1751/09)

**Minister of Agriculture and Rural Development:** I am pleased to report that prices for finished pigs in the north of Ireland are improving although some producers received lower prices in the week immediately following the discovery of the contaminated feed. I am all too aware of the damage caused to consumer and customer confidence following the initial advice given by the FSA for retailers and caterers to remove our pork products from sale, but the improving prices would seem to indicate that the damage has been short-lived.

I recognise the need to send a clear signal to our customers that the Executive is determined to protect the quality of agri-food products from the North and I am confident that the Private Storage Aid for pigmeat, which I was successful in having introduced here, will also help the industry. Its potential value has been put at around £6m. Defra's Chief Veterinary Officer has also written to the CVOs of all the Member States to remind them that there is no risk from pork derived from pigs born and bred here.

Despite these efforts, I am very much aware of the continuing problems faced by the sector due to the vulnerability of the market and would like to reassure producers and processors that my Department will continue to provide whatever advice and assistance it can. The Minister for Enterprise, Trade and Investment and I have written jointly to Minister Brendan Smyth requesting access to the DAFF arrangements. The Deputy First Minister has also written to the Taoiseach in similar terms. We will continue to press this case strongly with the Southern Government.

Meantime I would encourage all those who have incurred losses due to the dioxin contamination to pursue all appropriate sources of recompense including insurance, to submit applications to the DAFF scheme and to consider taking legal action against providers of contaminated animals, product or feed.

### Dairy Sector

**Mr G Savage** asked the Minister of Agriculture and Rural Development what financial support is available for the dairy sector. (AQO 1719/09)

**Minister of Agriculture and Rural Development:** I can advise that Government provides a considerable amount of financial support to the dairy industry. In particular my Department provides assistance under Axis 1 of the Rural Development Programme which has a budget of £45m. Included in this are Focus Farms and Benchmarking both of which have dairy sector representation; there are a number of items directly targeting



this sector on the list for Farm Modernisation and it also includes the Agricultural and Forestry Processing and Marketing Grant Schemes which are open to the sector to apply. Supply Chain Development and Farm Family Options, which will open in the Spring, will also include this sector.

Grant aid of around £120m under the Farm Nutrient Management Scheme is available to producers including dairy farmers. This scheme closed on 31 December 2008 at which stage around 4,000 farmers had submitted claims.

Under the Regional Food Programme the Dairy Council has received significant financial support. In 2007/08 it was awarded £162,500 for generic promotional and market research activities here and in Britain. Recently the Dairy Council benefitted from EU support of circa £200,000 for a marketing campaign entitled "Morning Milk".

My Department also carries out a wide range of activities aimed at supporting the dairy sector. These include the provision of technical support to producers and processors, the provision of knowledge and technology transfer programmes and benchmarking, services which enables farmers to identify the strengths and weaknesses of their farm business. The industry also receives significant support from Government through AFBI and CAFRE, including dedicated dairy technologists.

### Dairy Sector

**Mrs M O'Neill** asked the Minister of Agriculture and Rural Development what efforts she has made to secure export refunds for the dairy sector following the free fall in milk prices; and for her assessment of the way forward for this sector. (AQO 1735/09)

**Minister of Agriculture and Rural Development:** In recognition of the deteriorating market situation I have been working hard to try and achieve a re-introduction of export refunds for dairy products. Following the sharp drop in prices at the October United Dairy Farmers' milk auction I immediately spoke to the DEFRA Secretary of State to seek his support on the matter. Subsequently the Minister for Enterprise Trade and Investment and I issued a joint letter to Hilary Benn pressing the case for the local dairy industry and making clear our view that Britain should be taking the initiative within the EU by requesting early re-introduction of export refunds. I, along with the First Minister and Deputy First Minister will be meeting with the European Commissioner, Marianne Fischer Boel on 11 February, to ensure that she is aware of the seriousness of the situation. In addition the First Minister and Deputy First Minister, at my request, have written to the Prime Minister to lobby his support on the matter. The Finance Minister, Nigel Dodds, and I subsequently had a meeting with Hilary Benn to impress upon him further the challenges being faced by the sector. This followed a meeting I had with industry representatives when they outlined the case for export refunds to be re-introduced. I will continue to do what I can to support the dairy industry in these difficult times.

We all want to see less volatile prices and this unlikely to be achieved unless industry follows a market led approach. To succeed, the industry needs a higher level of product innovation and to improve the overall levels of efficiency. It must reduce its dependency on commodity-type products such as milk powders and move to the processing of higher added value products. I welcome the steps that have already been taken in this direction.

### Hardship Package

**Mr J O'Dowd** asked the Minister of Agriculture and Rural Development to outline the details of the hardship package for the fishing industry and how it will help this sector. (AQO 1731/09)

**Minister of Agriculture and Rural Development:** The hardship package announced for the fishing industry includes assistance for harbour dues, landing fees, and light dues. These charges vary from vessel to vessel depending on the size of the vessel and in the case of landing fees, the size of the catch. Harbour dues range from £65 per year for vessels under six metres to £150 per year for vessels over 18 metres long. Landing fees are 2.2% of the value of the catch. Light dues apply only to over 10 metre vessels and the annual cost is £190 plus £20 per metre above 10 metres.

As an example, a 17 metre prawn trawler landing fish worth £170,000 per year would save:-

- Harbour dues of £130,
- Landing fees of £3,740; and
- Light dues of £310.



This package will provide valuable assistance that will help to buffer the effects of a difficult year in which the industry has struggled with record fuel costs.

### **Dogs Legislation**

**Mr T Lunn** asked the Minister of Agriculture and Rural Development to provide an update on the review of dangerous dogs legislation. (AQO 1748/09)

**Minister of Agriculture and Rural Development:** Since I announced my Review of dangerous dogs and dog fighting legislation, I have met a number of key stakeholders.

I am pleased to say that my Review is now drawing to a close. I will shortly examine all the evidence presented to me and will then consider how existing legislation and practices might be improved. At that stage I will make a Statement to the Assembly.

With regard to enforcement of current legislation, and the concerns raised during my Review, regarding the safety of Council officials in carrying out their duties, the PSNI/Council/DARD Working Group has completed a draft Memorandum of Understanding (MOU). This will provide a mechanism for co-operation in the enforcement of current legislation. The draft MOU is currently being considered by Local Councils, and I am hopeful that it will be ratified by all Councils shortly.

## **DEPARTMENT OF CULTURE, ARTS AND LEISURE**

### **Foras na Gaeilge**

**Mr N McCausland** asked the Minister of Culture, Arts and Leisure if Foras na Gaeilge provides his Department with an English translation of the minutes of its board meetings. (AQW 3419/09)

**Minister of Culture, Arts and Leisure (Mr G Campbell):** Foras na Gaeilge does not provide my Department with an English translation of the minutes of its board meetings. The Department receives the minutes in Irish and they are translated into English using the Northern Ireland Civil Service Translation Service contract.

### **Centenary of the Ulster Covenant**

**Mr A Bresland** asked the Minister of Culture, Arts and Leisure how he intends to commemorate the centenary of the Ulster Covenant in 2012. (AQW 3599/09)

**Minister of Culture, Arts and Leisure:** Organisations supported by my Department will be planning events to commemorate the centenary of the Ulster Covenant in 2012. At this time, however, it is not possible to provide any specific details.

I personally would support appropriate events to mark this significant anniversary of the Ulster Covenant.

### **Reception for Tyrone GAA**

**Mr D McKay** asked the Minister of Culture, Arts and Leisure (i) how long the request has been under consideration; and (ii) when will he make a final decision about a reception for the All-Ireland winning Tyrone football team. (AQW 3728/09)

**Minister of Culture, Arts and Leisure:** I wrote to the Secretary of the Tyrone County Board on 28 October 2008 offering my congratulations and advising of my intention to host a reception for the Tyrone GAA Senior and Minor Teams to acknowledge their success.

My officials liaised with Tyrone GAA officials in an effort to reach a satisfactory date. Several dates were suggested and none were suitable but following consultation with the GAA Ulster Council and Tyrone GAA, it has been agreed that I will host a reception on Friday 6th February 2009 at 6.30pm in Parliament Buildings.



## Water-Based Tourism

**Mr D Burnside** asked the Minister of Culture, Arts and Leisure what plans he has, in co-operation with the Minister of Enterprise, Trade and Investment, to develop facilities for water-based tourism. (AQO 1639/09)

**Minister of Culture, Arts and Leisure:** Waterways Ireland has invested significantly in water and land based infrastructure in line with its remit to manage, maintain, develop and restore the inland navigable waterways principally for recreational purposes

My Department continues to explore scope for developing the recreational or navigational potential of inland waterways, including the provision of water recreation facilities. We are also committed to providing quality angling facilities in Northern Ireland through provision of the public angling estate which includes a total of 64 fisheries available to local and tourist anglers for all types of angling on payment of a small permit fee.

## Safety at Sports Grounds

**Mr R McCartney** asked the Minister of Culture, Arts and Leisure what action his Department is taking to improve safety at sports grounds. (AQO 1760/09)

**Minister of Culture, Arts and Leisure:** Responsibility for improving safety at sports grounds in Northern Ireland rests, in the first instance, with the owners and operators of those venues. However, the Department of Culture, Arts and Leisure (DCAL) is currently taking forward a safety at sports grounds initiative. The aim of this initiative is to assist owners and operators of major sports facilities to improve public safety at their grounds in the long term.

As part of that process, the Department is currently implementing new legislation on safety at sports grounds, the Safety of Sports Grounds (Northern Ireland) Order 2006. In addition, Sport Northern Ireland, which is responsible for the development of sport including the distribution of funding, has been running a number of funding programmes that are designed to assist owners and operators of venues to improve public safety at their venues. These include a Stadia Safety Programme and a previous Interim Safe Sports Grounds Scheme.

I am aware that in December 2008, the BBC's Newsline programme reported on a letter from me to the CAL Committee in which I said that all grounds within the top two tiers of the Irish League, the six GAA County Grounds and Ravenhill fail, to varying degrees, to meet the safety criteria as set out in the Northern Ireland Guide to Safety at Sports Grounds (the Red Guide). I should like to clarify that defects at some grounds may be minor such as inadequate toilet facilities or a lack of directional signage. My point at the time was to ensure that the owners of these venues and governing bodies were aware that, in order for them to meet the safety standards which will be applied by District Councils in the new safety certification scheme, these minor defects, as well as any major ones, will have to be addressed.

## Financial Assistance for Football Clubs

**Mr M Durkan** asked the Minister of Culture, Arts and Leisure what consideration is being given to providing financial assistance to Institute FC and Derry City FC for capital investment. (AQO 1663/09)

**Minister of Culture, Arts and Leisure:** Sport Northern Ireland (SNI) is responsible for the development of sport in Northern Ireland including the distribution of funding. SNI has received an application from Institute FC under its Stadia Safety Programme for development work at its Riverside Stadium. This will include the provision of seating in the North and South stands, additional toilet facilities, a crowd control point, new dug-outs and new turnstiles. The business case for this project is currently under consideration by SNI.

In the case of Derry City FC, I responded to Members through Written Questions and correspondence cases in June 2008 to advise that DCAL was considering a draft economic appraisal from Brandywell Properties Trust Limited for the re-development of the Brandywell ground. As recently as last week, officials from my Department met with the Trust's consultants to discuss the economic appraisal and consider how this could be progressed to a final draft.



## Public Record Office

**Mr S Neeson** asked the Minister of Culture, Arts and Leisure for an update on the relocation of the Public Record Office. (AQO 1781/09)

**Minister of Culture, Arts and Leisure:** The construction phase of the new Public Record Office for Northern Ireland, which will be located in the Titanic Quarter, Belfast, commenced on 24 November 2008. I on that occasion, accompanied by the Finance Minister, visited the site.

The building which is scheduled to open to the public in late 2010 will provide state of the art, larger and better facilities for the access of PRONI's records.

The preparation of the records for the move to the new building has already commenced. It is intended that PRONI will remain open to the public for as long as possible. New electronic databases are currently being developed for on-line access and I will be launching the on-line version of PRONI's 'records' catalogue on 2 February 2009.

## Multi-Sports Stadium

**Ms C Ní Chuilín** asked the Minister of Culture, Arts and Leisure to detail how he intends to allocate the £70 million in the current budget period of 2008/09 to 2010/11 for the proposed multi-sports stadium. (AQO 1758/09)

**Minister of Culture, Arts and Leisure:** An indicative allocation of £70m was made available in the current budget period of 2008/09 to 2010/11 for the proposed multi-sports stadium. The allocation of £10m in the current financial year has been surrendered to the Department of Finance and Personnel.

## Construction Industry

**Mr B McElduff** asked the Minister of Culture, Arts and Leisure what measures his Department is introducing when implementing the Department's capital programme to mitigate, where possible, the current economic downturn affecting the construction industry. (AQO 1762/09)

**Minister of Culture, Arts and Leisure:** The Department's capital budget is focused on the construction sector and so its various programmes already have a direct effect on that industry.

Work is currently progressing or planned to begin in the near future on a number of key projects with a combined cost of over £90m. Work on the Ulster Museum refurbishment and the Crescent Arts Centre (Botanic area) is already well underway. There are also a number of major projects coming forward later in this financial year: Lyric Players' Theatre, the Metropolitan Arts Centre and redevelopment of Tollymore Mountain Centre near Newcastle. I am also pleased to report that site work on the new PRONI Headquarters building in Titanic quarter commenced on 24 November last: this construction project alone represents a £30m investment.

In addition, my Department has robust systems in place to ensure that its capital programmes proceed on time and according to plan and, where this has not happened, to identify any reduced requirements promptly so that capital funding can be redirected centrally to areas where it can be of more immediate benefit.

In answer to a call from the Executive to identify additional funding which could be immediately directed towards the construction sector, my Department has already released a total of £2.85m from its capital budget.

## Written Responses from Minister

**Mr D McKay** asked the Minister of Culture, Arts and Leisure how long it takes him to respond in writing to an MLA or a member of the public who has written to him. (AQO 1755/09)

**Minister of Culture, Arts and Leisure:** I aim to respond to written correspondence from MLAs, as well as other elected representatives, within 10 working days.

Correspondence from members of the public are dealt with by my private secretary or by officials within 15 working days.

However, where written requests relate to official receptions or my participation in particular events, it is not always possible to respond within those timescales.



### Missing Library Books

**Mr S Gardiner** asked the Minister of Culture, Arts and Leisure what action he proposes to take to tackle the £566,000 lost through missing library books, across all Education and Library Board areas in the last three years. (AQO 1641/09)

**Minister of Culture, Arts and Leisure:** The Education and Library Boards take the issue of stock recovery very seriously and report annually on losses from non-return of borrowed items.

The Boards have a range of measures in place to reduce stock losses. These include a system which prevents users who have not returned library books from borrowing additional books or from using library computers. These measures will remain in place when the Northern Ireland Library Authority (NILA) becomes operational on 1 April 2009. NILA will eventually be able to operate the measures on a regional basis.

The Chief Librarians of the Education and Library Boards have set up a working group to consider what further measures could be put in place to reduce stock losses. A report from this working group is currently being considered by the Association of Chief Librarians and will form the basis of recommendations for NILA.

### Craft Industry

**Mr J Shannon** asked the Minister of Culture, Arts and Leisure what steps are being taken to ensure that the Craft Industry can take advantage of the Creation Innovation Fund. (AQO 1689/09)

**Minister of Culture, Arts and Leisure:** I launched the £5m Creative Industries Innovation Fund on 17 October 2008 to support Northern Ireland's creative sector and am committed to ensuring that all creative businesses, including those within the craft sector, benefit from the Fund.

A number of sectoral bodies, including Craft NI - the lead body for the development of the contemporary craft and applied arts sector in Northern Ireland - have applied for funding through the Innovation Fund. The outcome of the first call will be announced later this month.

In establishing the Fund my Department and the Arts Council have recognised that businesses will need support and advice to apply for and secure funding. Therefore, it has been agreed that sectoral development bodies, including Craft NI, will assist businesses within their sector by offering additional support to apply to the fund for assistance. The second call opened on 5 January and I understand that Craft NI is also promoting this call on its website.

### Events Units

**Mr J Craig** asked the Minister of Culture, Arts and Leisure to outline what events have been supported by the Events Units in the past year. (AQO 1775/09)

**Minister of Culture, Arts and Leisure:** The DCAL Events Unit has made offers of grant to the following organisations under its Events Growth Fund (EGF) and the Major Events Fund (MEF).

Event	Fund	Offered	Letter of Offer Issued
10th Annual Guinness Blues on the Bay Festival 2008	EGF	£5,000	14-03-08
Aquarama Carrickfergus Incorporating Annual Sea Cadet Corps National Sailing Regatta 2008	EGF	£10,000	25-06-08
Garden Show Ireland 2008	EGF	£25,000	04-03-08
Guinness Folk Festival 2008	EGF	£6,100	25-06-08
Hillsborough International Oyster Festival 2008	EGF	£15,000	25-06-08
International Indoor Athletics 2009	EGF	£7,500	25-06-08
Joint British Isles & International Series 2009	EGF	£7,250	03-09-08
Lough Neagh Fest 2008	EGF	£10,000	01-09-08
Magners Big Tickle Comedy Festival 2008	EGF	£6,500	25-06-08



Event	Fund	Offered	Letter of Offer Issued
Northern Ireland Dance Music Awards 2008	EGF	£5,000	27-05-08
Northern Ireland International Airshow 2008	EGF	£18,000	25-06-08
Out to Lunch 2009	EGF	£6,100	25-06-08
Trans / Urban Arts Academy 2008	EGF	£10,000	25-06-08
26th Annual Northern Ireland Milk Cup International Youth Football Tournament 2008	MEF	£50,000	19-03-08
Atlantic Tall Ships Challenge	MEF	£200,000	07-11-08
August Feile – West Belfast Festival 2008	MEF	£50,000	25-06-08
European Round FIM Trials & World Round FIM Trials 2008	MEF	£40,000	14-03-08
Kennedy International North West 200	MEF	£85,000	05-11-08
Northern Ireland International Horse Show 2008	MEF	£50,000	11-10-08
Rally Ireland	MEF	£850,000	03-10-08
Ulster Grand Prix Bike Week 2008	MEF	£40,000	25-06-08
University of Ulster Foyle Cup 2008	MEF	£50,000	27-05-08
World Junior and Cadet Fencing Championships	MEF	£75,000	27-11-08

### Share of Funding to North/South Bodies

**Mr N McCausland** asked the Minister of Culture, Arts and Leisure how the decreasing value of sterling is affecting Northern Ireland's share of funding to North/South bodies. (AQO 1753/09)

**Minister of Culture, Arts and Leisure:** The 2008 budgets for the North/South Bodies funded by my Department are based on approved actions as defined in their respective business plans. The DCAL contribution to the North South Language Body for 2008 was £ 5,955m. The contribution due to exchange rate pressures is expected to increase to £ 6.5m. The comparable figure for Waterways Ireland as agreed in the 2008 Business plan was £8.8m. There was minimal impact from the exchange rate fluctuations as all of this budget is paid out by Waterways Ireland in sterling.

### Public Money Spent on the Arts

**Mr D O'Loan** asked the Minister of Culture, Arts and Leisure for his Department's assessment of the percentage economic return to the economy per pound of public money spent on the arts. (AQO 1665/09)

**Minister of Culture, Arts and Leisure:** There are no current estimates available of the economic return to the economy of public sector funding in the arts. The Arts Council of Northern Ireland has, however, commissioned research which found that every £1 of public money invested by the Arts Council leveraged £3.62 in additional funds available to the Arts sector.

### Departmental Underspend

**Mr P Ramsey** asked the Minister of Culture, Arts and Leisure, given the demands by both the arts and sporting sectors, why the Department has underspent by £8.9m to December 2008; and to outline what measures are in place to ensure that money committed to his Department is fully spent to ensure the maximum benefit for citizens. (AQO 1662/09)

**Minister of Culture, Arts and Leisure:** The reference is to a return of £8.9m from my Department's capital budget for the current financial year following the December monitoring round. There are two main reasons for the return of this amount.



Firstly, despite our best efforts, capital programmes are traditionally difficult to manage against timetables because of the number of variables which exist outside the Department's direct control.

In such cases it makes good business sense to recognise that all of the capital budget will not be needed in the current year and to release amounts which can then be used elsewhere to benefit the citizens of Northern Ireland. The risk otherwise is that unspent capital is lost to us completely.

Secondly, my Department responded positively to the Executive's call for additional funding which could be immediately directed towards the construction sector following the economic downturn. In this instance, projects were identified where there was a risk of underspend in this financial year or where deferral could take place until next year and the related funding was released to the Executive so that jobs in construction could be protected.

Nevertheless, I can assure the Member that my Department and I are determined that capital budgets should be fully spent where this makes sound financial sense and gives us value for money.

## DEPARTMENT OF EDUCATION

### Schools Sited Near Overhead Power Cables

**Mr S Gardiner** asked the Minister of Education, pursuant to her answer to AQW 2828/09, to name the three schools in the Southern Education and Library Board area, that are sited within 200 metres of overhead power cables. (AQW 3682/09)

**Minister of Education (Ms C Ruane):** Is iad na 3 scoil i limistéar Bhord Oideachais agus Leabharlainne an Deiscirt atá suite taobh istigh de 200 méadar ó cháblaí leictreachais lastuas ná:

The 3 schools in the Southern Education and Library Board area sited within 200 metres of overhead power cables are:

- 5011602 Bleary Primary School, Lurgan
- 5032592 St Mary's Primary School, Dungannon
- 5046637 Gaelscoil Uí Néill, Coalisland

### Management of Schools Budgets

**Mrs M Bradley** asked the Minister of Education if staff salary costs will remain as part of the schools' Local Management of Schools budgets and be under the control of the individual Boards of Governors, when the Education and Skills Authority is set up. (AQW 3707/09)

**Minister of Education:** Tá beartaithe agam go mbeidh costais thuarastail na foirne fós mar chuid de bhuiséad LMS na scoile.

It is my intention that staff salary costs will remain part of the schools' LMS budget. The Education Bill will require an amendment to give effect to this intention for all schools. My officials are currently liaising with the Office of Legislative Counsel on this amendment which I will bring to the Education Committee during the Committee Stage of the Bill, and to the Assembly at Consideration Stage.

### Bookstart Programmes

**Dr W McCrea** asked the Minister of Education for her assessment of the benefits that Bookstart Programmes have on improving literacy. (AQW 3711/09)

**Minister of Education:** Tá an Bookstart Programme tairbheach agus aidhm aige dúil sa léamh a spreagadh i measc páistí ó aois óg agus bainteacht tuismitheoirí in oideachas a bpáistí a chothú, rudaí is cúis le leasa soiléire ó thaobh ghnóthachtáil oideachasúil an pháiste de, mar a tháispeántar i dtaighde.



The Bookstart Programme is beneficial as it aims to stimulate a love of reading among children from an early age and encourage parental involvement in their child's education, which research shows to have clear benefits on a child's educational attainment.

Further to the support provided for Bookstart in recent years, in the 2008/09 financial year the Department has allocated £200,000 through the literacy action plan in support of Bookstart across the north. This plan is based on the direction of travel outlined in the revised literacy and numeracy strategy and will cover the transition year prior to the establishment of ESA.

Support for parental involvement in education, including through schemes such as Bookstart, is a key element of the revised literacy and numeracy strategy, which issued for consultation from 23rd June to 30th November. My Department is currently analysing the responses to the consultation to inform the final strategy. We are unable to make any decision on the long term arrangements for the Bookstart programme until the outcomes of the consultation have been fully considered and the way forward agreed.

### Bookstart Programmes

**Dr W McCrea** asked the Minister of Education what consideration has been given to introducing or contributing to a Bookstart Programme. (AQW 3712/09)

**Minister of Education:** Tá an Bookstart Programme tairbheach agus aidhm aige dúil sa léamh a spreagadh i measc páistí ó aois óg agus bainteacht tuismitheoirí in oideachas a bpáistí a chothú, rudaí is cúis le leasa soiléire ó thaobh ghnóthachtáil oideachasúil an pháiste de, mar a tháisceántar i dtaighde.

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### Post-Primary Transfer

**Mr D McKay** asked the Minister of Education if she has received any detailed proposals from the SDLP concerning the ending of academic selection and post-primary transfer. (AQW 3725/09)

**Minister of Education:** Chuir an SDLP an seasamh atá acu i leith ceist an aistrithe iarbhunscóile in iúl dom trí chomhfhreagras a fuair mé ón Choiste Oideachais.

The SDLP have communicated to me their position on the issue of post-primary transfer in correspondence received via the Education Committee. Whilst this cites the Party's opposition to academic selection, it contains no specific proposals.

## DEPARTMENT OF THE ENVIRONMENT

### Active Farming

**Mr P McGlone** asked the Minister of the Environment to define the policy criteria for 'active farming' under CTY10 (Dwellings on Farms) of PPS21. (AQW 3077/09)



**Minister of the Environment (Mr S Wilson):** “Active farming” under CTY 10 of PPS21 refers to the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition. This is in line with EU and DARD legislation.

### Winter Tyres

**Mr D Hilditch** asked the Minister of the Environment would he consider introducing legislation to make the use of winter tyres compulsory. (AQW 3582/09)

**Minister of the Environment:** The levels of snow and ice regularly experienced in Northern Ireland are relatively low compared with other European countries, such as Finland and Norway, where fitment of winter tyres is legally required during winter months. In view of this, and the associated burden, in terms of cost and time, that such mandatory fitment would have on motorists here, it has not been considered appropriate to make winter tyres compulsory in Northern Ireland.

Motorists are nonetheless advised to maintain tyres in good condition and to regularly check them to ensure they are inflated to the correct pressure. They should also take great care in icy and snowy weather and allow more time for their journey.

### Red Grouse

**Mr J Shannon** asked the Minister of the Environment if he would consider contacting the Langholm Buccleuch Estate on the Scottish Borders to gain information on how to increase the stock of Red Grouse. (AQW 3666/09)

**Minister of the Environment:** The Northern Ireland Environment Agency has been aware of the Langholm Moor Demonstration Project in Dumfriesshire since its inception in 2007. The Project is a partnership between the Buccleuch Estate, shooting interests and conservationists who are seeking to establish a productive grouse moor while accommodating species of high nature conservation value. The Project has a budget of over £3 million and will be reviewed after three years.

In 2008 my Department published a Red Grouse Species Action Plan and a workshop has been arranged for 18 March 2009 to progress actions in the plan. A member of the Langholm Moor Project Advisory Group has been invited to attend the workshop and will be available to provide an update on the Project and its successes to date.

### Bokashi Composters

**Mr D McKay** asked the Minister of the Environment if any Councils provide or sell Bokashi Composters to members of the public. (AQW 3672/09)

**Minister of the Environment:** The Northern Ireland Environment Agency does not hold this information as the Department has no regulatory authority over Councils' provision of recycling receptacles to householders.

### GM Food and Farming

**Dr A McDonnell** asked the Minister of the Environment what steps he is taking to ensure that the final ‘coexistence’ regulations in relation to GM food and farming comply with European Union law. (AQW 3708/09)

**Minister of the Environment:** My Department is awaiting receipt of scientific reports, commissioned at UK and EC level, relating to coexistence matters and for an announcement from the European Commission on specific thresholds for labelling adventitious GM presence in conventional seeds before taking our coexistence plans any further.



## DEPARTMENT OF FINANCE AND PERSONNEL

### Civil Service: Early Retirement/Consultancy Services

**Mrs D Kelly** asked the Minister of Finance and Personnel to detail the number of civil servants by (i) age; (ii) gender; and (iii) religious background, who retired or took early retirement and were subsequently contracted to provide consultancy services to the Civil Service; and, how much was paid for these services, in each of the last five years. (AQW 2599/09)

**Minister of Finance and Personnel (Mr N Dodds):** The number of civil servants, by age and gender, who retired or took early retirement and were subsequently contracted to provide consultancy services to the Northern Ireland Civil Service during the last five financial years is set out in Table 1.

The religious background of the individuals has not been provided. The purpose for collecting community background information of these individuals during their employment as civil servants was to enable the Northern Ireland Civil Service to monitor within its workforce the effectiveness of its policies on equality of opportunity. The examination of the provision of consultancy services to the Civil Service by community background is not relevant to this stated purpose. Consequently the further processing of community background data would not be consistent with the data protection principles.

The total costs for the services provided in each of the last five financial years is set out in Table 2.

**TABLE 1: NUMBER OF NORTHERN IRELAND CIVIL SERVANTS CONTRACTED TO PROVIDE CONSULTANCY SERVICES POST-RETIREMENT /EARLY RETIREMENT BY AGE AND GENDER**

Age (at Retirement/ Early Retirement)	Number	Gender	
		Male	Female
55	2	2	
56	2	2	
57	1	1	
58	2	1	1
59	3	3	
60	17	16	1
61	3	2	1
62	1	1	
<b>Total</b>	<b>31</b>	<b>28</b>	<b>3</b>

**TABLE 2: TOTAL COST OF CONSULTANCY SERVICES PROVIDED BY RETIRED CIVIL SERVANTS (LISTED IN TABLE 1) IN EACH OF THE YEARS 2003/04 TO 2007/08**

Year	2003/2004	2004/2005	2005/2006	2006/2007	2007/2008	Total
Cost (Inc VAT)	£70,247	£62,860	£31,079	£147,557	£112,505	<b>£424,248</b>

### Capital Building and Infrastructural Projects

**Mr D McNarry** asked the Minister of Finance and Personnel how many capital building and infrastructural project starts have been postponed from this financial year into the next one. (AQW 3572/09)

**Minister of Finance and Personnel:** I have been advised by Departments that 29 capital building and infrastructural projects have been postponed from this financial year (2008-09) into the next (2009-10) at a total aggregated value of £66.92 million.



Large construction projects have lengthy lead-in times involving careful planning, procurement and management. Delay or postponement may be caused by various factors including the need for revisions to project requirements, business cases, planning applications and/or challenges to the procurement process.

You should note, however, that during 2008-09 it is expected that total capital investment by Government will be £1.5bn.

### Parliamentary Constituencies

**Mr G Adams** asked the Minister of Finance and Personnel to provide the most recent estimates of the number of citizens in each parliamentary constituency, who are eligible to register to vote, as of 1 December 2008.

(AQW 3686/09)

**Minister of Finance and Personnel:** It is not possible to produce a population estimate by Parliamentary Constituency level for 1 December 2008 as population migration estimates up to that period are not yet available.

The attached table gives an estimate of the population eligible to be included on the 2007 electoral register by Parliamentary Constituency as at 30 June 2007.

Population estimates for 2008 will be published later this year.

#### ESTIMATE OF THE POPULATION ELIGIBLE TO BE INCLUDED ON THE 2007 ELECTORAL REGISTER BY PARLIAMENTARY CONSTITUENCY (AS AT 30 JUNE 2007)

Parliamentary Constituency <sup>1</sup>	Population Eligible to Register to Vote <sup>2</sup>
Belfast East	62,700
Belfast North	63,700
Belfast South	74,700
Belfast West	62,700
East Antrim	67,800
East Londonderry	69,700
Fermanagh & South Tyrone	77,200
Foyle	81,200
Lagan Valley	82,600
Mid Ulster	70,600
Newry and Armagh	81,100
North Antrim	84,500
North Down	70,500
South Antrim	80,000
South Down	86,200
Strangford	80,000
Upper Bann	86,400
West Tyrone	68,800
<b>Northern Ireland</b>	<b>1,350,900</b>

<sup>1</sup> The data in the table above relates to the Parliamentary Constituency boundaries in place at the time of the last Assembly Election.

<sup>2</sup> Figures relate to those aged 16 years 7 months or more on 30 June 2007. The figures exclude the Resident Armed Forces personnel and those born outside the UK, Ireland, the Commonwealth or the rest of the EU based on estimates derived from the 2001 Census. However the figures include a small number of others who may be ineligible to register (prisoners and mental health patients).



## Credit Unions and Industrial and Provident Societies

**Mr J Spratt** asked the Minister of Finance and Personnel what the terms of reference were for Her Majesty's Treasury recent review of Credit Unions and Industrial and Provident Societies. (AQW 3764/09)

**Minister of Finance and Personnel:** Both the DFP and DETI Minister have agreed the terms of reference for the Review of the Regulatory Framework for Credit Unions and Industrial and Provident Societies in Northern Ireland with HM Treasury. The key issues to be covered by the Review include depositor protection arrangements; type of services offered; and consumer information.

I understand that HM Treasury will publish the full terms of reference in the coming days.

## Paperwork Reduction

**Dr A McDonnell** asked the Minister of Finance and Personnel what steps he is taking to significantly reduce the amount of paperwork he sends to constituency offices and other organisations throughout 2009. (AQW 3794/09)

**Minister of Finance and Personnel:** My Department adheres to the OFMDFM guidance on Distribution of Department Publications and Consultation Documents.

This guidance outlines that it is a matter of choice for recipients how they receive Government publications. The opportunity to receive publications by electronic means is available if requested.

## Rates Relief Scheme

**Mr J Shannon** asked the Minister of Finance and Personnel if has considered or will consider a rate relief scheme for sub post masters similar to that in place in Scotland and Wales. (AQW 3818/09)

**Minister of Finance and Personnel:** The Member will be aware of my announcement in the Assembly on 15 December 2008 when I said that I would bring forward a small business rate relief scheme. That scheme will draw on elements of the Welsh small business rate relief scheme, including its provision for significantly enhanced relief for post offices, which includes full exemption for the smaller ones. The earliest such a scheme could be in place is April 2010.

## Civil Service Staff

**Mrs D Kelly** asked the Minister of Finance and Personnel to confirm that his Department has received additional finance from the UK Treasury to fund outstanding claims for equal pay for Civil Service staff; and when and how it will be received. (AQW 3864/09)

**Minister of Finance and Personnel:** Following extensive negotiations, in November 2008 the Prime Minister agreed an approach which will provide the Northern Executive with access to £100 million of additional current expenditure.

This approach is aimed at helping to address a range of spending pressures faced by the Executive and provides welcome flexibility to reduce the impact that dealing with those spending pressures will have on the delivery of public services in Northern Ireland, including the impact of the costs associated with the Northern Ireland Civil Service Equal Pay Claim.

However, it is important to stress that the eventual costs of the Equal Pay Claim and other pressures, over and above the amounts made available in the funding package, will fall to the Northern Ireland Executive to be funded. Therefore, it is important that the Executive seeks to further minimise the potential burden on public services.



## DEPARTMENT OF HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Travel Claim Expenses

**Mr A Easton** asked the Minister of Health, Social Services and Public Safety to outline the total costs of travel claim expenses made by Health and Social Care Trust staff, over the last three years. (AQW 3169/09)

**Minister of Health, Social Services and Public Safety (Mr M McGimpsey):** The total costs of travel claim expenses submitted by Trust staff over the last three years were:

2005/06	2006/07	2007/08
£26,024,370	£29,562,263	£32,942,908

The costs include mileage allowances, public transport costs, subsistence and car parking.

### Travel Claim Expenses

**Mr A Easton** asked the Minister of Health, Social Services and Public Safety to outline the total costs of travel claim expenses submitted by department staff, over the last three years. (AQW 3184/09)

**Minister of Health, Social Services and Public Safety:** The total costs of travel claim expenses submitted by department staff over the last three years were:

2005/06	2006/07	2007/08
£439,626	£394,295	£384,278

Travel claim expenses are paid in respect of expenses incurred by staff whilst on essential Departmental business, for example, attendance at meetings, conferences and training courses.

### Travel Claim Expenses

**Mr A Easton** asked the Minister of Health, Social Services and Public Safety to outline the total costs of travel claim expenses submitted by Board staff, over the last three years. (AQW 3185/09)

**Minister of Health, Social Services and Public Safety:** The total costs of travel claim expenses submitted by Board staff over the last three years were:

2005/06	2006/07	2007/08
£710,483	£717,049	£738,089

The costs include mileage allowances, public transport costs, subsistence and car parking.

### Hospital Meals

**Mr D McKay** asked the Minister of Health, Social Services and Public Safety the average amount of money spent on a hospital meal per patient, in each hospital. (AQW 3201/09)

**Minister of Health, Social Services and Public Safety:** Accurate information in the form requested is currently not available as current HSC financial systems do not routinely collect the information required to identify costs per meal. A Strategic Framework for HSC Catering Production is currently being developed together with HSC Trusts for publication in 2009 that includes an objective for HSC Trusts to establish suitable catering management systems to provide greater financial and management control across their catering operations.



## Energy Bills

**Mr A Easton** asked the Minister of Health, Social Services and Public Safety what is the total cost of energy bills, in each Health and Social Care Trust, for the last three years. (AQW 3211/09)

**Minister of Health, Social Services and Public Safety:** The table below details energy costs by Health and Social Services Trust from 2005-06 to 2006-07. Information on expenditure incurred in 2007-08 is not currently available.

### TOTAL ENERGY COSTS BY TRUST AREA, 2004/05 TO 2006/07

HSC Trust	2005/06	2006/07
Belfast HSC Trust	9,341,818	13,204,886
Northern HSC Trust	3,754,560	4,201,675
South Eastern HSC Trust	3,116,832	4,043,101
Southern HSC Trust	3,088,784	3,611,030
Western HSC Trust	3,293,233	3,769,717
Northern Ireland Ambulance Service	71,581	72,021
<b>Total</b>	<b>22,666,807</b>	<b>28,902,430</b>

Source: TFR E&S Returns 04/05 to 06/07

## Consultancy Posts

**Mr T Buchanan** asked the Minister of Health, Social Services and Public Safety how many consultancy posts are vacant in (i) Tyrone County Hospital, Omagh; and (ii) Erne Hospital, Enniskillen; and to outline the nature of all vacancies. (AQW 3380/09)

**Minister of Health, Social Services and Public Safety:** Information on the number and specialty of vacant posts for Consultants in the selected hospitals in the Western Health and Social Care Trust area is given below.

As at 30th September 2008, Tyrone County Hospital, Omagh, had one (1.0 Whole-Time Equivalent) current vacancy for a Consultant in Respiratory Medicine & General Internal Medicine. A current vacancy is defined as an unoccupied post, which at 30th September 2008 was vacant and which the organisation was actively trying to fill. This vacancy was not long-term (i.e. vacant for 3 or more months).

As at 30th September 2008, Erne Hospital, Enniskillen, had no vacancies for Consultants.

The Trust have advised that the process to fill vacant posts commences as soon as it is alerted to retirements/resignations or when developments in services require new posts to be created. When posts are being replaced in exactly the same way this is a straight forward and routine process however, if new posts are being created or existing posts redesigned, this requires further work. In the case of medical posts, approval of the relevant Royal Colleges is required. Advertisements are placed in the relevant publications to invite applications and the Trust's Selection and Appointments Policy is applied.

## Residential and Nursing Homes

**Mr A Easton** asked the Minister of Health, Social Services and Public Safety to name all residential and nursing homes that are under threat of closure from all Health and Social Care Trust efficiency saving plans. (AQW 3401/09)

**Minister of Health, Social Services and Public Safety:** As of 30 September 2008, there were 317 residential care homes and 252 nursing homes in Northern Ireland, including 62 statutory residential homes owned by the HSC. Of these, the HSC is currently consulting on the future of the following 15 residential homes:

**Northern HSC Trust** – Clonmore, Newtownabbey; Greenisland Residential Home; Lisgarel, Larne; Rosedale, Antrim; Rathmoyle, Ballycastle



**Southern HSC Trust** - Skeagh House, Dromore; Slieve Roe House, Kilkeel; Riverside, Gilford

**Western HSC Trust** - Foyleville Home, Londonderry; Gortmore Home, Omagh; Greenfield Home, Strabane; Drumhaw Home, Lisnaskea;

**South Eastern HSC Trust** - Loch Cuan House, Newtownards; Grove House, Ballynahinch; Ravara House, Bangor.

The Belfast Trust has indicated that it will be making proposals in respect of a number of homes in the future, but these have not as yet been identified. All such proposals will be subject to full public consultation.

The HSC also own 2 nursing homes. There are no proposals to close these facilities.

### Mail Costs

**Mr A Easton** asked the Minister of Health, Social Services and Public Safety to outline the cost of mail, broken down by each Health and Social Care Trust, in the last three years. (AQW 3530/09)

**Minister of Health, Social Services and Public Safety:** The table below sets out the cost of mail by Health and Social Services Trust from 2005/06 to 2006/07. Information on costs incurred in 2007/08 is not currently available.

HSC Trust	2005/06	2006/07
Belfast HSC Trust	979,749	1,123,892
Northern HSC Trust	471,240	488,546
Northern Ireland Ambulance Service HSC Trust	15,512	11,733
South Eastern HSC Trust	351,536	377,943
Southern HSC Trust	406,335	376,811
Western HSC Trust	358,037	407,645

A large percentage of the above expenditure is incurred communicating with patients. Each year between 2005 and 2007, an average of 1.8m people accessed health services in Northern Ireland

### Phone Bills Costs

**Mr A Easton** asked the Minister of Health, Social Services and Public Safety to outline the cost of phone bills, broken down by each Health and Social Care Trust, in the last three years. (AQW 3531/09)

**Minister of Health, Social Services and Public Safety:** The table below sets out the cost of phone bills by Health and Social Services Trust from 2005/06 to 2006/07. Information on costs incurred in 2007/08 is not currently available.

HSC Trust	2005/06	2006/07
Belfast HSC Trust	2,307,571	2,630,198
Northern HSC Trust	1,313,739	1,454,605
Northern Ireland Ambulance Service HSC Trust	456,512	771,300
South Eastern HSC Trust	1,202,242	1,397,210
Southern HSC Trust	928,330	918,442
Western HSC Trust	1,160,669	1,147,866

Each year between 2005 and 2007, an average of 1.8m people accessed health services in Northern Ireland, The above costs, which include telephone rental, are a necessary component in the provision of these services.



### Lagan Valley Hospital

**Mr J Craig** asked the Minister of Health, Social Services and Public Safety the number of appointments that have been cancelled by Lagan Valley hospital in the last year; and the reason for these cancellations.

(AQW 3659/09)

**Minister of Health, Social Services and Public Safety:** Information on the number of outpatient appointments cancelled plus the reasons for their cancellation is only available from 1 April 2008.

During the 6-month period 1 April 2008 to 30 September 2008, 17,650 patients attended an outpatient appointment at Lagan Valley Hospital; in that same period, 904 outpatient appointments were cancelled by the hospital. The table below details the reasons for cancellation.

Reason for cancellation	Number of outpatient appointments cancelled by Lagan Valley Hospital (01/04/08 to 30/09/08)
Consultant not available	517
Medical staff not available	52
Patient treated elsewhere	39
Cancelled by consultant as appointment was no longer required	21
Administrative / GP error	88
Transport not available	2
No reason or incorrect reason recorded	185
<b>Total cancelled by hospital</b>	<b>904</b>

**Source:** Departmental Quarterly Outpatient Activity Return

Data are provisional

### Chief Executives of Health and Social Care Trusts

**Mr G Robinson** asked the Minister of Health, Social Services and Public Safety what criteria are used in the decisions to allocate performance related bonus payments for the Chief Executives of Health and Social Care Trusts.

(AQW 3713/09)

**Minister of Health, Social Services and Public Safety:** The Chief Executives' performance related payments must be based on an assessment of performance against the agreed strategic aims and objectives in the Trust's business or development plan. These will reflect all of the key responsibilities of the organisation, including those stemming from the policy priorities and the key commitments being made by the Executive and by my Department.

### Knockbracken Healthcare Park

**Mr J Spratt** asked the Minister of Health, Social Services and Public Safety to make a statement on the future of dementia wards in Knockbracken Healthcare Park, South Belfast.

(AQW 3769/09)

**Minister of Health, Social Services and Public Safety:** The Dementia Wards at Knockbracken are currently being reviewed. The purpose of this review is to ensure that hospital resources are being used effectively to meet the complex needs of people with severe challenging behaviour in line with best practice. This will include consideration of alternative, more appropriate care for some existing patients in discussion with the patients and their families/carers. Proposals will be developed for consideration by the Trust Board in due course.

The number of people admitted to Dementia Wards in Knockbracken in each of the last five years is as follows:

- 2004 : 45 people
- 2005 : 53 people
- 2006 : 48 people
- 2007 : 42 people
- 2008 : 50 people



### Knockbracken Healthcare Park

**Mr J Spratt** asked the Minister of Health, Social Services and Public Safety how many patients were admitted to dementia wards in Knockbracken Healthcare Park, South Belfast, in each of the last five years. (AQW 3770/09)

**Minister of Health, Social Services and Public Safety:** The Dementia Wards at Knockbracken are currently being reviewed. The purpose of this review is to ensure that hospital resources are being used effectively to meet the complex needs of people with severe challenging behaviour in line with best practice. This will include consideration of alternative, more appropriate care for some existing patients in discussion with the patients and their families/carers. Proposals will be developed for consideration by the Trust Board in due course.

The number of people admitted to Dementia Wards in Knockbracken in each of the last five years is as follows:

- 2004 : 45 people
- 2005 : 53 people
- 2006 : 48 people
- 2007 : 42 people
- 2008 : 50 people

### Northern Ireland Fire and Rescue Service

**Mr G Robinson** asked the Minister of Health, Social Services and Public Safety when he will announce the decision on the future of the second NIFRS appliance in Portstewart. (AQW 3835/09)

**Minister of Health, Social Services and Public Safety:** I refer the Member to my response to his question in November 2008 (AQW1001/09).

### Ambulance Station, Knockbracken Healthcare Park

**Mr J Spratt** asked the Minister of Health, Social Services and Public Safety to make a statement about the future of the Northern Ireland Ambulance station at Knockbracken Healthcare Park, South Belfast.

(AQW 3982/09)

**Minister of Health, Social Services and Public Safety:** There are no plans at present to close the ambulance station at Knockbracken Healthcare Park. Ambulance services in the South Belfast area continue to operate from Knockbracken ambulance station and deployment points at Forster Green Hospital and Carryduff.

On 1 October 2008, I announced an investment of some £100 million capital funding over the next 10 years to modernise the ambulance fleet, ambulance estate infrastructure, IT and vital equipment.

### Ambulance Station, Knockbracken Healthcare Park

**Mr J Spratt** asked the Minister of Health, Social Services and Public Safety to how many emergency incidents the Northern Ireland Ambulance Service ambulances based at Knockbracken Healthcare Park have responded, in each of the last five years.

(AQW 3983/09)

**Minister of Health, Social Services and Public Safety:** The table below details the number of emergency calls to which a vehicle based at Knockbracken Healthcare Park responded. It should be noted that the vehicle may not have been at base when the call was received or responded to.

Year	2004	2005	2006	2007	2008
Emergency Calls Attended	4158	4419	2935	3063	3204



### **Ambulance Depots: Carryduff/Ballygowan**

**Mr J Spratt** asked the Minister of Health, Social Services and Public Safety where are the nearest ambulance depots to Carryduff and Ballygowan, excluding the one at Knockbracken Healthcare Park; and the estimated response times to these areas from these depots. (AQW 3984/09)

**Minister of Health, Social Services and Public Safety:** The ambulance service operates from stations or deployment points. A deployment point is located in Carryduff itself. The nearest deployment point to Ballygowan is in Comber; an emergency response vehicle from the Comber deployment point could reach Ballygowan in an estimated 6-8 minutes subject to driving conditions and other factors.

It should be noted that NIAS will dispatch the nearest available vehicle in response to emergency calls.

### **Ambulance Depot: Royal Victoria Hospital**

**Mr J Spratt** asked the Minister of Health, Social Services and Public Safety if the ambulance depot situated at the Royal Victoria Hospital, is under consideration for closure. (AQW 3985/09)

**Minister of Health, Social Services and Public Safety:** There are currently no plans to close the ambulance station situated on the Royal Victoria Hospital site.

## **DEPARTMENT FOR REGIONAL DEVELOPMENT**

### **Traffic-Calming Measures in Dunloy**

**Mr D McKay** asked the Minister for Regional Development to detail the traffic-calming measures that Roads Service is considering for Dunloy. (AQW 3668/09)

**Minister for Regional Development (Mr C Murphy):** My Department's Roads Service has no current plans to introduce traffic-calming measures in Dunloy.

As you may be aware, Roads Service receives many requests for the introduction of traffic calming measures. All requests for schemes are assessed taking into account factors, such as collision history, traffic speeds, traffic volumes and composition, and environmental factors, for example, the presence of schools and playgrounds. However, only those schemes that score highest following the assessment procedure are included in the Traffic Calming Programme.

Roads Service is currently developing its Traffic Calming Programme for the next financial year, and an assessment of Dunloy will be carried out to determine whether a scheme here can be included in the programme. I have asked the Divisional Roads Manager to write to you when this assessment has been completed.

### **Underpass at the Larne Road Roundabout**

**Rev Dr R Coulter** asked the Minister for Regional Development when work will commence on the underpass at the Larne Road roundabout at Ballymena, which will connect the M2 by-pass with the dual carriageway. (AQW 3689/09)

**Minister for Regional Development:** My Department's Roads Service has advised that tenders are currently being sought for a scheme to provide a 2.1 kilometre dual carriageway, which will connect Ballee Road East to the M2 Ballymena Bypass dual carriageway. It is anticipated that construction of this new road will start in April 2009 and take approximately ten months to complete.

### **Roads Service and Northern Ireland Water: Work in South Antrim**

**Mr T Burns** asked the Minister for Regional Development to detail all work being carried out by Roads Service and Northern Ireland Water in the South Antrim constituency, during January 2009. (AQW 3698/09)



**Minister for Regional Development:** My Department's Roads Service has advised that, in addition to the ongoing M2 Improvements Scheme, between Sandyknowes and Greencastle junctions, the following work will be undertaken in the South Antrim Constituency during January 2009:

- upgrade of traffic signals at the Antrim Road / Ballyclare Road junction;
- upgrade of two Pelican Crossings in association with a footway paving scheme at Market Square, Ballyclare;
- collision remedial scheme at Ballymena Road/Dublin Road, Antrim; and
- footway improvements in the Diamond Road area of Crumlin.

Routine maintenance work will also be carried out on roads in the South Antrim constituency, including replacing the bridge joint of the M2 Templepatrick Bridge during January 2009.

Northern Ireland Water has advised that the following work is being carried out in the South Antrim constituency during January 2009:

- Castle Road, Antrim – Laying of watermain to serve Randalstown;
- Clonkeen, Randalstown – Replacement of watermain;
- Rashee Service Reservoir – Reservoir rehabilitation;
- Antrim & Newtownabbey – Service reservoir - enhanced security work at divisional sites;
- Hightown Road, Newtownabbey – Replacement of watermain;
- Hyde Park Service Reservoir – Replacement of joints;
- Ballyvaston Service Reservoir – Reservoir rehabilitation;
- Antrim Road, Aldergrove – Foul sewer upgrade;
- Milltown Wastewater Treatment Works, Antrim – Upgrade of existing works; and
- Various small wastewater treatment works – Priority upgrades.

### **Belfast to Limavady Bus Service**

**Mr G Robinson** asked the Minister for Regional Development if the bus service from Limavady to Belfast will be retained after April 2009. (AQW 3714/09)

**Minister for Regional Development:** This is an operational matter for Translink. However, I have been informed that Translink, as part of an on-going review of patronage on service 246 operating between Limavady and Belfast, intends to replace the morning and afternoon peak hour direct services with services connecting to the Derry / Belfast 212 service. This will mean that journeys from Limavady to Belfast can be completed but with a change of vehicles en route at Dungiven.

### **Travelwise Safer Routes to School Programme**

**Mrs N Long** asked the Minister for Regional Development what plans he has to fund locally based support to ensure children can walk and cycle safely to their school, similar to the Local Authority School Travel Co-ordinators that are appointed by local authorities in the rest of the UK. (AQW 3721/09)

**Minister for Regional Development:** My Department's Roads Service has two School Travel Plan Co-ordinators, who develop the Travelwise Safer Routes to Schools initiative in schools across the North. This initiative aims to tackle the problems associated with the 'School Run' by promoting more sustainable modes of travel, including walking and cycling, for the journey to and from school. The Travelwise Safer Routes to School Programme is assisted by the provision of safety zones outside schools and the installation of cycle shelters.

Since 2004, the Safer Routes to Schools message has been promoted to some 151 schools involving approximately 45,000 pupils and their parents.



### Ballycastle to Rathlin Ferry

**Mr D Ford** asked the Minister for Regional Development for his assessment of whether the timetable for the Ballycastle-Rathlin ferry in September, October, November and December 2008 satisfied the requirements of the tender process; and how it compared to the previous year's timetable. (AQW 3736/09)

**Minister for Regional Development:** I am content that the timetable of services provided by the operator during this period satisfied the requirements of the contract. Timetable variations are permitted subject to prior consultation with Moyle District Council and the Rathlin islanders and the approval of the Department for Regional Development.

When compared to the timetable for the same period in 2007 the operator has delivered an enhanced service with more than twice the number of sailings each day.

### Level Crossing Barriers at Jordanstown

**Mr K Robinson** asked the Minister for Regional Development how long the level crossing barriers at Jordanstown are activated prior to the arrival of a train at the platform travelling from (i) Greenisland; and (ii) Belfast, and to confirm that these barriers are controlled by an operator based in Belfast. (AQW 3761/09)

**Minister for Regional Development:** For a stopping train travelling from the Greenisland direction it takes the train an average of 3.5 minutes to clear the Jordanstown crossing.

For a stopping train travelling from the Belfast direction it takes the train an average of 4 minutes to clear the Jordanstown crossing. This additional time is the result of slower approach speeds as the train passes through Bleach Green Junction and the requirement to stop at Jordanstown station before clearing the crossing.

Non-stopping (Express) trains can pass through the level crossing in less time than stoppers. If two trains approach the level crossing in close proximity to each other the level crossing cannot be opened until both trains have passed through. Depending on where the trains are as they approach the Jordanstown Crossing the road closure times can vary.

The Jordanstown level crossing manually controlled barrier is controlled by a signaller from Belfast Central Signal Cabin.

### Greyabbey Wastewater Station

**Mr J Shannon** asked the Minister for Regional Development why landscaping work at Greyabbey Waste Water Station has not been completed even though it was agreed it would be carried out by Northern Ireland Water. (AQW 3787/09)

**Minister for Regional Development:** I have been advised by Northern Ireland Water that the landscaping at Greyabbey Wastewater Treatment Works was completed in September 2007. The area was planted with a grass and wild flower mix to align with the natural environment.

### Derry/Londonderry to Belfast Rail Line

**Mr T Clarke** asked the Minister for Regional Development what plans his Department has to increase accommodation on the Derry/Londonderry to Belfast rail line, to facilitate passenger growth. (AQW 3801/09)

**Minister for Regional Development:** Funding provision has been made in the investment strategy for the upgrade of the Coleraine to Derry line costing in the region of £64m. Translink is aiming to start work on site in 2011 and to be finished by 2013 which will coincide with the timing of the next batch of new trains entering into passenger service on the railways network. Two additional trains will be deployed on the Derry line to enable increased services and capacity. In the meantime a £12m project to extend the track life of the line between Ballymena and Coleraine has just started and is expected to be completed by 2010. These enhancements will provide a faster, more frequent train service with journey times to Belfast expected to reduce by half an hour. They will also enable a commuter service to reach Derry before 9am for the first time and facilitate passenger growth.



## B18 Whiteside Road Resurfacing

**Mr T Clarke** asked the Minister for Regional Development how much was spent on repairs and resurfacing on the B18 Whiteside Road, in each of the last five years. (AQW 3802/09)

**Minister for Regional Development:** My Department's Roads Service does not record details of the total annual expenditure on individual roads. I am, therefore, unable to provide the requested information.

## Road Traffic Delays

**Mr K Robinson** asked the Minister for Regional Development for his assessment of the road traffic delays on the Jordanstown Road and adjoining roads when the level crossing barriers are activated; and if he will take steps to ensure that, while complying with the safety levels, no unnecessary delays to road traffic occur in the future, (AQW 3836/09)

**Minister for Regional Development:** The safety of the public at level crossings is paramount and is discussed at the regular meetings between my Department's Roads Service and Translink.

Translink has advised that safety is the primary factor affecting the length of time for which the level crossing gates are closed. The level crossing on the Jordanstown Road has been assessed as one with a high risk of user violation, and is therefore, subject to an increased level of protection.

While the operation of the barriers on the level crossing at Jordanstown can lead to considerable traffic delays at peak times, leading to driver frustration, I can assure the Member that delays are kept to the minimum necessary to ensure that safety standards are met.

## Rail Network Halts

**Mr T Burns** asked the Minister for Regional Development for an update on the development of a railway station at Woodbrook Eco-Village in Lisburn; and the implications of such a development for the Knockmore railway line. (AQW 3854/09)

**Minister for Regional Development:** Translink currently have no plans to develop any additional halts or stations on the rail network.

## Northern Ireland Railways: Rolling Stock

**Mr T Burns** asked the Minister for Regional Development to provide an update on the procurement of new rolling stock for Northern Ireland Railways. (AQW 3856/09)

**Minister for Regional Development:** Negotiations with the proposed supplier are nearing completion. Subject to all end stage procurement and economic appraisal requirements being in place NIR hope to be in a position to sign a contract for the purchase of the 20 new trains before the end of March this year.

## Signalmen

**Mr G Robinson** asked the Minister for Regional Development how many signalmen are employed by Northern Ireland Railways in (i) Derry/ Londonderry; (ii) Castlerock; (iii) Coleraine; (iv) Ballymoney; and the length of track each signal box controls. (AQW 3863/09)

**Minister for Regional Development:** The following signal staff are employed at the identified stations. The table also provides the length of track controlled by the signal staff.

Station	Signal staff	Length of track controlled by signal staff
Londonderry/Derry	4	13.5 miles
Castlerock	4	19 miles



Station	Signal staff	Length of track controlled by signal staff
Coleraine	9	37.5 miles

There are no signal staff at Ballymoney.

## DEPARTMENT FOR SOCIAL DEVELOPMENT

### State Pensions

**Ms M Anderson** asked the Minister for Social Development to breakdown by constituency the total number of people (i) in receipt of State pensions; (ii) in receipt of State pensions supplemented by Pension Credit; and (iii) in receipt of State pensions who do not receive Pension Credit because they receive a works pension or possess other assets or savings. (AQW 3673/09)

**Minister for Social Development (Ms M Ritchie):** The table below sets out the information requested for part (i) and (ii) which is based on a data extract at December 2008. Information is not available for part (iii) as data is not held on the specific reasons why recipients of State Pension may not be receiving State Pension Credit.

Parliamentary Constituency	(i) No. of State Pension Recipients	(ii) No. of State Pension Recipients Receiving State Pension Credit
Belfast East	15,882	3,959
Belfast North	15,013	5,831
Belfast South	14,146	3,205
Belfast West	12,203	5,794
East Antrim	15,368	3,374
East Derry	14,718	4,038
Fermanagh and South Tyrone	14,159	4,549
Foyle	13,686	5,029
Lagan Valley	18,207	3,697
Mid Ulster	12,779	4,609
Newry and Armagh	15,721	5,198
North Antrim	19,412	4,993
North Down	18,282	3,220
South Antrim	16,676	3,525
South Down	17,089	4,761
Strangford	18,436	3,919
Upper Bann	17,446	5,309
West Tyrone	12,678	4,601
Unallocated Postcode*	3,455	676
<b>Total</b>	<b>285,356</b>	<b>80,287</b>

\* In producing this analysis, individual records were attributed to Parliamentary Constituency on the basis of their postcode. Not all records can be correctly allocated using this method, and some cannot be allocated at all.



### Housing Benefit Payments

**Mr P Weir** asked the Minister for Social Development to detail the amount of housing benefit payments paid to landlords in the North Down constituency, broken down by electoral district. (AQW 3699/09)

**Minister for Social Development:** The information is not available in the format requested as the Northern Ireland Housing Executive does not record the information by parliamentary constituency and consequently it is also not available for electoral district areas. Housing Benefit payments totalling £7,304,767.17 were made in respect of Housing Benefit claims during 2007/2008, within the area covered by the Northern Ireland Housing Executive's Bangor District Office, which most closely matches the North Down constituency. Payments include those to Housing Associations and private landlords.

### Liquor Licensing Legislation

**Ms A Lo** asked the Minister for Social Development to provide an update on the progress of the review of liquor licensing legislation in relation to opening hours, late extensions and changes to the accounts regulations for private member sports, social and recreational clubs. (AQW 3723/09)

**Minister for Social Development:** Following my review of liquor licensing legislation in Northern Ireland, I submitted in September 2008 a Bid Memorandum for a Bill in the current session which would modernise clubs' accounting requirements. I sent a related Policy Memorandum to the Executive for consideration in October. I await an Executive decision on my legislative proposal. I have no plans to amend current legislation regarding opening hours and late extensions for licensed premises.

### Housing Executive Properties

**Mr A Maskey** asked the Minister for Social Development how many Housing Executive properties in the Short Strand area are unoccupied; and for how long they have been unoccupied. (AQW 3737/09)

**Minister for Social Development:** The Northern Ireland Housing Executive has one vacant property in the Short Strand area. It has been unoccupied since 20 October 2008.



## NORTHERN IRELAND ASSEMBLY

Friday 23 January 2009

### Written Answers to Questions

#### OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

##### Rainbow Project

**Ms C Ní Chuilín** asked the Office of the First Minister and deputy First Minister what funding it has given to the Rainbow Project and to the Lesbian, Gay, Bisexual and Transgender Community; and what plans it has to allocate future funding to this Section 75 group. (AQW 2964/09)

**The First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness):** In July 2006, the then Secretary of State, Peter Hain MP, announced the award of a short-term fund to the Lesbian, Gay, Bisexual and Transgender (LGBT) sector. This has been administered by the Coalition on Sexual Orientation (CoSO). Actual funding to November 2008 amounted to £200,000.00. The remaining budget provision of £30,000.00 will be allocated by March 2009.

The Rainbow Project received £2,000.00 in November 2008 from this fund which contributed to the replacement of computer equipment for the organisation.

Decisions on future funding plans have not yet been taken.

##### Interface Violence

**Mr A Maskey** asked the Office of the First Minister and deputy First Minister to detail (i) the programmes it funds, in relation to direct intervention and prevention of interface violence; and (ii) the cost of these programmes. (AQW 3485/09)

**The First Minister and deputy First Minister:** We remain fully committed to addressing the divisions in our society. Our priority is to build relationships which will be the basis for sustaining the developing peace which people living in interface areas as elsewhere are entitled to expect. We recognise the invaluable work which communities have undertaken to build sustainable relationships which have been the foundation for the relatively peaceful summers over recent years.

Our department works closely with a range of partners to deliver diversionary programmes focusing on young people at risk of becoming involved in interface violence over the summer months.

Our department also operated other initiatives including bonfire initiatives, and we also support a large number of initiatives targeted at challenging sectarian behaviours, youth-based activities targeting issues around sectarianism and racism, and integration of minority ethnic people into host communities. Our department's sponsorship of the Community Relations Council enables it to fund a broad range of regional and local activities and initiatives including the core-funding of interface workers and programmes; small grants for cross-community events; and research on good relations issues. We also fund all 26 District Councils to operate community relations based programmes such as small grants schemes for community groups engaged in cross-community activities.

Funding of £400,000 per annum is provided by OFMDFM to the Department of Education for the provision of a range of Summer Intervention Programmes, which are delivered by the Education and Library Boards. These Programmes are targeted at supporting work at interface areas and challenging those behaviours associated with interface violence. A further £100,000 was specifically used this year to address such issues in North Belfast.



## Social Security Legislation

**Mr R Beggs** asked the Office of the First Minister and deputy First Minister if the Executive's Children's Sub Committee has discussed the need for additional child care services given the impact that new Social Security legislation will have, particularly on lone parents; and if there are proposals to address this issue. (AQW 3715/09)

**The First Minister and deputy First Minister:** Childcare is an issue which cuts across the remit of a number of departments. At the meeting of the Ministerial Sub-Committee on Children and Young People in September, childcare was identified as an urgent priority. The Sub-Committee agreed that a cross- departmental sub group would be established to focus specifically on this issue.

This group is currently undertaking a focused exercise and, on completion, will submit a report, identifying costed options for future provision, to the Ministerial Sub-Committee.

## Fuel Payment

**Ms A Lo** asked the Office of the First Minister and deputy First Minister what plans it has to introduce a one-off fuel payment for persons in receipt of incapacity benefit. (AQW 3722/09)

**The First Minister and deputy First Minister:** On 15 December 2008, we announced that we intended to bring forward a Bill to provide permissive powers to take remedial action in response to any circumstances that the Executive agrees warrants rapid and effective intervention. In line with this commitment, we introduced a Financial Assistance Bill in the Assembly on 12 January 2009. The Bill will give us the necessary powers to determine that either exceptional circumstances, or unsatisfactory funding arrangements for tackling poverty, exist and that financial assistance should be provided. If the Assembly passes the Bill, it will provide the statutory basis to enable a scheme to be developed to provide a one off payment to alleviate fuel poverty.

## Planning Appeals Commission

**Mr T Elliott** asked the Office of the First Minister and deputy First Minister in relation to the Planning Appeals Commission website, (i) how frequently it is updated with information about appeal cases; (ii) are there plans to increase the frequency of updates; (iii) what value the Commission places on the internet as a means of sharing information about appeal cases; and (iv) if the website is currently up to date. (AQW 3785/09)

**The First Minister and deputy First Minister:** The Planning Appeals Commission is a tribunal Non-Departmental Public Body. Given its independent tribunal status, it is appropriate for its Chief Commissioner to provide a response directly to you, and we understand that she has written to you in the following terms:

"I have been asked to provide you with information requested in the above Assembly Question.

- (i) The website for the Planning Appeals Commission is updated on a daily basis, i.e. Monday to Friday with information relating to appeal cases;
- (ii) the Commission does not have any immediate plans to increase the frequency of its updates;
- (iii) the Commission places great value on the importance and usefulness of its website as it provides a wide range of information on issues such as appeals intake and decisions, hearings, allocations, publications, statistics, policies, procedures and the functions of the Planning Appeals Commission as well as a lot more valuable information. The website is a very good tool for the sharing of information to the public on all appeal cases;
- (iv) the information currently displayed on the website is up to date.

I would be happy to provide any further information you require arising out this response or to meet with you to discuss the matter if that would be more suitable."



## Irish Diaspora

**Mr P J Bradley** asked the Office of the First Minister and deputy First Minister if it will make an annual contribution to the registered organisations in the United States of America that provide for the elderly and live-alone members of the Irish Diaspora. (AQW 3813/09)

**The First Minister and deputy First Minister:** There are several organisations in the United States that provide critical care-giving services for the elderly and live-alone members of the Irish Diaspora. Many of these organisations are funded by the Irish Government in conjunction with city and state appropriations in the US.

While we recognise the importance of this work, there is, at present, no funding line in our current budget provided for contributions to these organisations. We acknowledge the humanitarian potential of this type of aid program, and we will, therefore, give this proposal due consideration in evaluating international spending priorities for the next financial year.

## Executive Meetings

**Mr D McKay** asked the Office of the First Minister and deputy First Minister if it will consider holding Executive meetings outside of Belfast, similar to the pattern followed by the Scottish Executive. (AQW 3837/09)

**The First Minister and deputy First Minister:** Arrangements for Executive meetings, including potential venues, are kept under review and do not preclude meetings at locations outside Belfast.

## Christmas Gifts

**Mr T Burns** asked the Office of the First Minister and deputy First Minister to detail all Christmas gifts they sent and received. (AQW 3885/09)

**The First Minister and deputy First Minister:** The First Minister and deputy First Minister did not distribute Christmas gifts. They each received a stationery set.

## Departmental Legislation

**Mr P Weir** asked the Office of the First Minister and deputy First Minister what legislation it will bring forward to the Assembly in 2009. (AQW 3912/09)

**The First Minister and deputy First Minister:** We introduced a Financial Assistance Bill into the Assembly on 12 January. Future legislative requirements are under consideration and will be notified as required to the Assembly in due course.

## Breach of the Ministerial Code

**Mr D Kennedy** asked the Office of the First Minister and deputy First Minister if the comments made by the Minister for Education on the 17th December 2008 about Bobby Sands, were in breach of the Ministerial code. (AQW 3964/09)

**The First Minister and deputy First Minister:** Section 28A of the Northern Ireland Act 1998 requires Ministers to act in accordance with the provisions of the Ministerial Code and any alleged breach of the Code could ultimately be determined as a matter of law.

You will, in addition, be aware that questions of confidence in Ministers relating to their observance of the Pledge of Office are specifically a matter for the Assembly under Section 30 of the Northern Ireland Act 1998.



## DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

### Larne Veterinary Office

**Mr D Hilditch** asked the Minister of Agriculture and Rural Development how many jobs will be lost at the Larne Veterinary Office when DARD Direct is introduced. (AQW 3798/09)

**Minister of Agriculture and Rural Development (Ms M Gildernew):** The DARD Direct service delivery model will offer a wider range of DARD services from a smaller number of locations. In order to provide this enhanced service DARD has already signalled that it intends to reduce the number of offices. This will inevitably mean that a number of offices will close. As a consequence some staff will have to be relocated to other offices.

There are currently around 28 DARD staff located in Larne Divisional Veterinary Office. Under the current proposals these staff would relocate. There are no plans for redundancy.

DARD has a further 19 Veterinary Service Portal Inspection staff located at Redland Road in Larne. These staff are not affected by the DARD Direct initiative due to their need to be located at Larne Harbour and will remain in Larne.

### Departmental Legislation

**Mr P Weir** asked the Minister of Agriculture and Rural Development what legislation will her Department bring forward to the Assembly in 2009. (AQW 3812/09)

**Minister of Agriculture and Rural Development:** The Department has identified its potential legislative requirements for the remainder of this session of the Assembly. However, these proposals are subject to consideration by the Executive and it would therefore not be appropriate or possible to pre-empt this consideration by providing the information you request at this time.

### Seed Potato Industry

**Mr P J Bradley** asked the Minister of Agriculture and Rural Development what funding will be made available for marketing, trials and training programmes associated with the Seed Potato industry. (AQW 3815/09)

**Minister of Agriculture and Rural Development:** DARD is supporting trials through funding from the seed potato levy (until the balance is disbursed) and through the Seed Potato Breeding Programme at AFBI Loughgall. DARD and Cafre will continue to develop and deliver further education, technology transfer and supply chain development programmes. There is also marketing development support available through the Agricultural and Forestry Marketing and Development Grant Scheme of the Rural Development Programme. This scheme will open for applications in February 2009.

### Little Acre Open Farm

**Mrs D Kelly** asked the Minister of Agriculture and Rural Development what actions have been taken following the discovery of possible animal welfare issues at Little Acre Open Farm. (AQW 3861/09)

**Minister of Agriculture and Rural Development:** In May 2008, I commissioned an independent review of the actions taken following the discovery of animal welfare issues on a farm in Katesbridge, County Down. This review is at the final stage of completion. Once I have considered this review I will take its recommendations into account in considering the situation at Little Acre Open Farm.

In addition, I have met a wide range of animal welfare interest groups and considered an earlier DARD consultation exercise on animal welfare. To assess what new legislation is required I asked my officials to bring forward a detailed policy paper. This paper is due to be with me soon.

My Veterinary Service colleagues continue to monitor the situation at Little Acre Farm on a regular basis to ensure animal welfare standards are being maintained.



## Slurry

**Mrs D Kelly** asked the Minister of Agriculture and Rural Development what plans she has to review the restricted period for the spreading of slurry. (AQW 3862/09)

**Minister of Agriculture and Rural Development:** My Department will be reviewing the closed spreading period for slurry in 2010 as part of the 4 year review of the Nitrates Action Programme.

The review will be carried out in conjunction with the Department of the Environment which has joint responsibility for the Nitrates Action Programme Regulations.

The review will evaluate the effectiveness of the Action Programme measures in improving water quality.

Research being carried out by the Agri Food and Biosciences Institute on the environmental impact of slurry spreading in February will be considered in the review.

## Larne Veterinary Office

**Mr D Hilditch** asked the Minister of Agriculture and Rural Development, in relation to the proposed closure of Larne veterinary office, what consideration will be given to the views of (i) clients who depend on the office; (ii) employees in the office; (ii) elected representatives; and (iv) local farmers and residents, before a decision is made. (AQW 3866/09)

**Minister of Agriculture and Rural Development:** The proposal to establish the DARD Direct service delivery model will provide a wider range of DARD services from a smaller number of locations. In order to provide this enhanced service DARD has already signalled that it intends to reduce the number of offices.

An Equality Impact Assessment (EQIA) was carried out on the proposal. As part of the public consultation phase, 110 organisations representing key stakeholders, including customers, staff and Section 75 representative bodies, local councils and political parties were written to and invited to provide their views. A letter was also issued to members of the NI Assembly informing them of the commencement of the public consultation. In addition the EQIA was promoted through an advertisement placed in the north's main daily papers and local farming press and a press release issued. We also made the consultation document available to all staff and invited them to comment. I am content the EQIA is thorough and reflects the views and concerns of the industry, staff, equality groups and general public.

When I have had the opportunity to fully consider the EQIA report, the views expressed at the ARD Committee meeting on 2 December and various correspondences I have received, I will come to a decision on how I will progress the roll out of DARD Direct.

Any decision will be aimed at providing a high quality and accessible range of services to the maximum number of customers.

## Contaminated Animal Feed

**Dr A McDonnell** asked the Minister of Agriculture and Rural Development, in relation to the discovery of dioxins found in animal feed, pig meat and pig fat, to detail (i) how many samples of each type were taken; (ii) who took the samples and supervised the activity; and (iii) the names of the laboratories that completed the analysis. (AQW 3874/09)

**Minister of Agriculture and Rural Development:**

- (i) In relation to the dioxin problem, 22 samples of animal feed were obtained.
- (ii) These samples were taken by trained and experienced DARD feed inspectors, under the direction of their line managers.
- (iii) All samples were tested by the Agri-Food and Biosciences Institute (AFBI) for PCB markers and one sample is being tested by the Central Science Laboratory (CSL) for PCBs and dioxins.

No pigs produced in the north of Ireland received the contaminated feed and therefore no pig meat or pig fat was sampled.



### Contaminated Animal Feed

**Dr A McDonnell** asked the Minister of Agriculture and Rural Development if the samples of dioxins found in animal feed, pig meat and pig fat were split three ways to provide a prosecution, defence and referee sample, as provided for in the Food Safety (Northern Ireland) Order 1991. (AQW 3875/09)

**Minister of Agriculture and Rural Development:** All feed samples for PCB/Dioxin testing were split three ways with one sample sent to the laboratory, one left with the farmer and the third retained by DARD. No samples were taken of pig meat and pig fat.

### Contaminated Animal Feed

**Dr A McDonnell** asked the Minister of Agriculture and Rural Development if (i) adequate programs for risk based sampling and analysis of animal feeds and food are in place; and (ii) sufficient funds are available for this work; (a) on a routine basis, at arms length from government; and (b) when an emergency arises. (AQW 3876/09)

**Minister of Agriculture and Rural Development:** The Food Standards Agency is responsible for policy matters relating to feed and food safety, while DARD is responsible for the enforcement of feed legislation. I am therefore not in a position to comment on sampling and analysis of food.

- (i) DARD operates a risk based programme of inspections of feed businesses and implements a risk based sampling and analysis plan for animal feeds.
- (ii) I am content that there are adequate funds available for routine inspections and sampling and for emergencies.

Implementation of EU Animal feed legislation is subject to audits by the Food and Veterinary Office of the EU and the Food Standards Agency.

### Contaminated Animal Feed

**Dr A McDonnell** asked the Minister of Agriculture and Rural Development what advice and information she sought from the Public Analyst for Northern Ireland, in relation to the problem with dioxins found in animal feed, pig meat and pig fat. (AQW 3877/09)

**Minister of Agriculture and Rural Development:** As the dioxin problem was primarily a food safety issue, associated with contaminated animal feed, advice was provided by the Food Standards Agency. Advice was not sought from the Public Analyst.

### Farm Modernisation Scheme

**Mr A Bresland** asked the Minister of Agriculture and Rural Development when the money for the Farm Modernisation Scheme will be available. (AQW 3894/09)

**Minister of Agriculture and Rural Development:** I announced on the 12th January 2009 that the Farm Modernisation Programme will open on the 28th January 2009.

### Contaminated Animal Feed

**Mr G Savage** asked the Minister of Agriculture and Rural Development if her Department is actively seeking compensation from the Government of the Republic of Ireland as a result of the dioxin scare, and if so, how much compensation is being sought. (AQW 3901/09)

**Minister of Agriculture and Rural Development:** The Executive has agreed to continue to press strongly for the southern Government to accept that producers and processors in the north should have access to the southern Compensation Scheme. Every effort will therefore continue to achieve this and to seek to recover the full costs incurred by producers and processors here as a consequence of the dioxin-contaminated feed incident.

Work to detail the full costs associated with these incidents is ongoing in conjunction with stakeholders and the full amount of compensation being sought from DAFF will only be known when this work is completed



### Animals Due to be Culled

**Mr G Savage** asked the Minister of Agriculture and Rural Development how many animals have been culled or are due to be culled as a result of the dioxin scare; and to outline the typical market value for these animals. (AQW 3902/09)

**Minister of Agriculture and Rural Development:** At present no animals have been culled. In response to the Executive decision to agree a voluntary scheme for the removal and rendering of up to 7,000 cattle on affected farms, the details of such a scheme are being put in place. This scheme will pay for the slaughter and rendering of animals voluntarily surrendered.

Herdowners who relinquished live animals for sampling will receive payment for those animals.

### Sustainable Schools Policy

**Mr G Savage** asked the Minister of Agriculture and Rural Development what contact has taken place between her Department and the Department of Education on the Sustainable Schools Policy and its possible impact on rural schools and the wider rural community. (AQW 3903/09)

**Minister of Agriculture and Rural Development:** My Department has worked with the Department of Education during the development of this policy and I have discussed the issues associated with rural schools several times with the Minister for Education. My Department and the Department of Education co-funded the development of the “Striking the Balance” report produced by the Rural Development Council. This report examined the range of key policy and social factors that influence school provision as well as setting out a range of options to consider with regard to school provision in rural areas. This report was used to inform the development of the Sustainable Schools Policy and I am pleased to see that the final policy is based on a broad range of criteria to be applied when determining the sustainability of schools.

### Satellite Vessel Monitoring System

**Mr G Savage** asked the Minister of Agriculture and Rural Development what plans her Department has to provide financial assistance in the next few years, for the satellite vessel monitoring system. (AQW 4014/09)

**Minister of Agriculture and Rural Development:** My Department has agreed to pay for extended warranties for vessel monitoring systems up to 31st March 2010. I have also agreed that the Department will bear the cost of calls made by these systems for a period of 24 months. This period will end in November 2010.

### DARD Direct Office: Upper Bann

**Mr G Savage** asked the Minister of Agriculture and Rural Development what consideration has been given to establishing a DARD Direct Office in the Upper Bann area. (AQW 4015/09)

**Minister of Agriculture and Rural Development:** The proposed DARD Direct office locations have been selected on the basis of accessibility for customers and staff, minimizing disruption for customers and staff, size of farming sector and potential for animal disease outbreaks in office catchment areas, geographic features, potential availability of suitable accommodation and budgetary considerations. Constituency boundaries did not form part of these criteria.

While there is no DARD Direct office proposed for location in the Upper Bann constituency, almost the entire area is within a 16 miles radius of either the proposed Dungannon, Armagh or Newry offices.

### Cod Stocks

**Mr G Savage** asked the Minister of Agriculture and Rural Development for her Department’s assessment of the effects of climate change on cod stocks in the Irish Sea. (AQW 4017/09)

**Minister of Agriculture and Rural Development:** The Irish Sea cod stock has been fished unsustainably since the late 1980s, with the spawning stock biomass declining tenfold since then. Recruitment of juveniles



to the stock has been below average for the past sixteen years and amongst the lowest on record in the six most recent years.

Whilst the largest reduction in spawning cod since the 1980s was due to fishing, scientists have noted that the major decline the number of cod being recruited to the spawning stock in the 1990s coincides with an overall trend in increased sea surface temperatures (SST) in the Irish Sea.

Cod recruitment varies from year to year and there is a tendency for strong recruitment events to coincide with years of lower sea temperature and weak recruitment with years when sea temperature is higher. This may suggest some link between sea surface temperature and recruitment but more studies are needed to be certain about this.

If raised sea temperature is found to be a cause of poor recruitment the recovery of Cod stocks can still occur but it would happen at a slower rate. This will have implications for the management of the stock and fishing effort on cod would have to remain low for a longer period.

### Assistance for Farmers

**Mr J Dallat** asked the Minister of Agriculture and Rural Development what are her plans to assist farmers to increase the farm gate value of their produce through marketing and packaging; and the promotion of farm co-ops and other kinds of farm collectives. (AQW 4030/09)

**Minister of Agriculture and Rural Development:** My Department will provide assistance and support through the Rural Development Programme and DARD's Supply Chain Development Advisers, to help farmers and growers work collaboratively and market their produce more effectively in order to increase the farm gate value of their produce.

Following a successful pilot in 2007/08, a Supply Chain Development Programme is due to open for applications early in 2009. This programme with a budget of £2m will facilitate co-operation and collaboration in supply chains between producers and processors, and help people develop ideas and initiatives that improve supply chains and create new ones.

A Market Development Scheme with a budget of £2m will open in late January and provide financial support for businesses to improve the marketing of agricultural and horticultural produce. This will include assistance for feasibility studies to identify new markets, and help for producer groups to collaborate and market their produce.

### Pork Crisis

**Mr G Savage** asked the Minister of Agriculture and Rural Development for her assessment of the effectiveness of the co-operation between her Department and the Government of the Republic of Ireland during the dioxin in pork scare in December 2008. (AQW 4039/09)

**Minister of Agriculture and Rural Development:** There has been regular and close communication between the relevant Departments and agencies North and South of Ireland in dealing with the dioxin-contaminated feed incident.

At Ministerial level there has been a number of direct communications between the Executive and the Southern Government which is ongoing.

However as with any significant incident we will be reviewing all aspects including how to improve the effectiveness of co-operation between relevant agencies.

At official level my Department has had regular engagement with DAFF and the Food Standards Agency here has maintained contact with its counterparts in the South to exchange information and update on developments.

### Pork Crisis

**Mr G Savage** asked the Minister of Agriculture and Rural Development for her assessment of the effectiveness of the co-operation between her Department and the Food Standards Agency during the dioxin in pork scare in December 2008. (AQW 4040/09)



**Minister of Agriculture and Rural Development:** Following notification from authorities in the South that potentially infected animal feed material was exported to the North, DARD officials and the Food Standards Agency acted immediately to address the issue. Both parties ensured that each other were kept abreast of the current situation and communication channels were most effective.

I am pleased to say that the co-operation between DARD and the FSA was of a high and professional standard at all times.

However as with any significant incident we will be reviewing all aspects including how to improve the effectiveness of co-operation between relevant agencies.

## DEPARTMENT OF CULTURE, ARTS AND LEISURE

### Sports Grounds: Safety Levels

**Mr J Shannon** asked the Minister of Culture, Arts and Leisure for his assessment of safety levels at sports grounds; and what funds are available to increase these levels. (AQW 3867/09)

**Minister of Culture, Arts and Leisure (Mr G Campbell):** Responsibility for assessing safety levels at sports grounds rests, in the first instance, with the owners and operators of the venues. However, the safety certification scheme being prepared under the Safety of Sports Grounds (Northern Ireland) Order 2006 will give District Councils powers to assess safety levels in any designated sports ground in their area.

Sport Northern Ireland (SNI), which is responsible for the development of sport including the distribution of funding, is currently considering a number of safety projects. Funding for these will be considered in the context of capital allocations for 2009/10 and 2010/11 which have not yet been confirmed.

### Sports Grounds: Grant Aid

**Mr P Ramsey** asked the Minister of Culture, Arts and Leisure what is the maximum amount of grant aid available to sports ground owners; and what percentage of costs can his Department provide to capital projects for Safety at Sports Grounds. (AQW 3925/09)

**Minister of Culture, Arts and Leisure:** Sport Northern Ireland (SNI) is responsible for the development of sport including the distribution of funding. SNI administers a number of funding programmes to which sports ground owners can apply for assistance. The table below details the maximum amount of grant aid available from each programme and the percentage of costs that SNI provide to capital projects for safety at sports grounds:

Programme	Max Award Amount	Max Award %
Building Sport	No upper limit	85% of eligible construction costs & professional fees
Places for Sport – Surfaces	£245k	100% of eligible construction costs only
Stadia Safety Programme	£800k	85% of eligible construction costs & professional fees
Soccer Strategy Playing Facilities	Funding levels: £300k – UEFA £200k – IPL* £75K – PIL*	85% of eligible construction costs & professional fees

\* IPL – Irish Premier League

PIL – Premier Intermediate League



### Multi-Sports Stadium at the Maze Site

**Mr J Shannon** asked the Minister of Culture, Arts and Leisure to outline the views of the relevant sports governing bodies in relation to alterations to the plans for a multi-sports stadium at the Maze site. (AQW 3942/09)

**Minister of Culture, Arts and Leisure:** No decision has been taken on the stadium issue. However I have advised the Assembly through Oral Questions on 12 January 2009 that I have come to my own conclusion on the matter. I also advised that I intend to present my conclusion to the Executive in the very near future.

As part of my consideration of the issue I did meet with the governing bodies of the sports involved. In those discussions the governing bodies indicated that should the project not go ahead at the Maze they would work with government and other stakeholders to find a solution which will provide long-term stability, acceptability and sustainability for their respective sports.

### Ulster-Scots and Gaeltacht Projects

**Mr J Shannon** asked the Minister of Culture, Arts and Leisure if there are sufficient funds set aside for Ulster Scots and Gaeltacht projects for the current calendar year to meet applications that are submitted. (AQW 3970/09)

**Minister of Culture, Arts and Leisure:** Ulster-Scots and Irish language projects are generally funded from the agreed annual financial budgets for the North South Language Body, which comprises the Ulster-Scots Agency and Foras na Gaeilge, based on approved actions as defined in their respective business plans.

The Gaeltacht Quarter in West Belfast is funded directly by DCAL on the basis of an approved business case. The Department has not received any proposals for a similar project relating to Ulster-Scots.

### Sports Grounds: Assessments

**Mr P Ramsey** asked the Minister of Culture, Arts and Leisure when he expects to have all sports grounds assessed and formal certification issued. (AQW 4102/09)

**Minister of Culture, Arts and Leisure:** Responsibility for assessing sports grounds for any purpose rests, in the first instance, with the owners and managers of the grounds. However, under The Safety of Sports Grounds (Northern Ireland) Order 2006 local authorities in Northern Ireland will have power to determine the number of spectators that owners and managers of designated sports grounds may admit into their venues. Under the Order, local authorities will also be responsible for issuing safety certificates to owners and managers of designated grounds. The date on which safety certificates are issued to owners and managers of designated grounds will be a matter for respective local authorities to determine in the first instance.

### Sports Grounds: Spectator Safety Standards

**Mr P Ramsey** asked the Minister of Culture, Arts and Leisure to list the sports grounds identified by his Department or Sport NI that do not have the necessary spectator safety standards. (AQW 4103/09)

**Minister of Culture, Arts and Leisure:** Sport Northern Ireland has identified those sports grounds which, to varying degrees, do not meet the necessary spectator safety standards as set out in the Northern Ireland Guide to Safety at Sports Grounds (the Red Guide) published in 2007. Whilst defects at some grounds may be minor, such as inadequate toilet facilities or a lack of directional signage, these, as well as any major defects, will have to be addressed to satisfy the new certification scheme which will be applied by District Councils. The sports grounds identified by SNI are:

#### GAA – 6 County Grounds

- Antrim (Casement Park)
- Armagh (Athletic Grounds)
- Londonderry (Celtic Park)
- Down (Park Esler)
- Fermanagh (Brewster Park)



- Tyrone (Healy Park)

### Rugby

- Ravenhill

### Soccer

- All grounds within the top two tiers of the Irish League.

## DEPARTMENT OF EDUCATION

### Education and Skills Authority

**Mrs M Bradley** asked the Minister of Education if there is any empirical evidence to suggest that the development of a large unitary authority, such as the Education and Skills Authority, will improve the educational outcomes of young people. (AQW 3705/09)

**Minister of Education (Ms C Ruane):** Is príomh chuid an réasúnaíochta ar Údarás nua Um Oideachas agus Scileanna a bhunú ná an gá d'fhócas soiléir ar chaighdeán a ardú, le freagrachtaí agus dualgais soiléire, le cumhachtaí oiriúnacha, agus tacaíocht riachtanach ar fud an chórais oideachais a sholáthar.

A key part of the rationale for the establishment of the new Education and Skills Authority is the need for a clearer focus on raising standards, with clear responsibilities and duties, appropriate powers, and the provision of necessary support throughout the education system.

There is ample evidence to show that the current fragmented arrangements are not working, for example, the most common measure of a school's performance is the achievement by its pupils of 5 GCSEs at grade A\* - C. The latest figures for non-grammar schools show that 45% (6844) children achieved 5 GCSEs at grade A\* - C. However, within that headline figure, the variation in results across the education system point up the need for change. In Catholic-managed non-grammar schools, almost 49% (3510) of pupils gained 5 GCSEs at Grade A\* - C. In controlled non-grammar schools, the figure was just 41% (3334).

These figures are not quoted to show the difference between the educational provision offered at Catholic managed non-grammar and controlled non-grammar schools, but merely to highlight the deeply unequal system in which our pupils are educated. The current fragmented system sees education administered by the 5 Education and Library Boards, the Council for Catholic Maintained Schools, the Council for Integrated Education and Comhairle na Gaelscolaíochta. A single education authority is the best approach to addressing inequalities such as this, and ensuring a consistent approach.

### Education and Skills Authority

**Mrs M Bradley** asked the Minister of Education for her assessment as to whether the degree of change and disruption associated with the establishment of the Education and Skills Authority will be justified by the benefits that will accrue to pupils, schools and the wider community. (AQW 3709/09)

**Minister of Education:** Bunaíodh an tÚdarás um Oideachas agus Scileanna le go mbeadh córas oideachais níos éifeachtaí ann, agus déantar éifeachtúlacht a thomhas sna téarmaí is tábhachtaí do pháistí agus do thuismitheoirí: gnóthachtáil oideachasúil; agus lánacmhainneacht a chomhlíonadh.

The aim of the establishment of the Education and Skills Authority is to have a more effective education system, with effectiveness measured in the terms that matter most to children and parents: educational attainment; and the fulfilment of potential.

The case for change is emphasised by the current inequalities in the education system.

For example, the most recent statistics available show:

- 47% of young people did not achieve at least a Grade C pass in English and Maths, which equates to 12,000 pupils (2006/07);



- 70% (14391) of children not entitled to free school meals left school with at least 5 GCSEs at A\*-C yet only 38% (1658) of school leavers entitled to free school meals had the same level of achievement (2006/07);
- 92% of Travellers have no GCSE's – compared with 4% of all school leavers (2001);
- 8.6% of minority ethnic pupils leave school with no GCSE's – compared to 3.9% of all pupils (2002-04).

For many of these children, their life chances are being unfairly limited.

The business case for the establishment of the ESA shows that, by the third year, in the first phase of this reform, £20 million per year can be redirected from bureaucracy to front line services. In subsequent phases I believe we can radically improve service delivery in a way which will release even further savings to schools and youth services.

Any disruption associated with the establishment of the ESA will surely be outweighed by the end of inequalities in educational provision across the different sectors.

### New Schools Programme

**Mr B McCrea** asked the Minister of Education what is the impact on the planned new schools programme arising from the recent High Court decision against her intention to establish a framework of builders.

(AQW 3719/09)

**Minister of Education:** De réir rialú na hArd-Chúirte de 19 Nollaig 2008 cuireadh an creat móroibreacha ar ceal. Ní féidir dul chun cinn le aon tionscadal eile tríd an chreat.

The High Court ruling on 19 December 2008 set aside the major works framework. No further projects can be progressed via the framework. Five projects already in contract via the framework shall continue. In the light of the High Court ruling, my Department aims to develop an alternative procurement method to bring projects to the market as quickly as available resources allow. The standard documents for this purpose are now complete and project managers have been instructed to prepare for competitions early in the New Year.

### Paperwork Reduction

**Dr A McDonnell** asked the Minister of Education what steps she is taking to significantly reduce the amount of paperwork she sends to constituency offices and other organisations throughout 2009.

(AQW 3791/09)

**Minister of Education:** Agus doiciméid comhairliúcháin agus foilseacháin á ndáileadh, cloíonn mo Roinn leis na bealaí comhaontaithe dailte chuig ionadaithe polaitiúla, teagmhálaithe parlaiminteacha, daoine aonair agus eagraíochtaí eile, de réir mar atá leagtha síos sna Treoracha OFMDFM um Dhailiúchán na bhFoilseachán Roinne agus na nDoiciméad Comhairliúcháin Roinne.

In distributing consultation documents and other publications, my Department follows the agreed distribution channels to political representatives, parliamentary contacts and other individuals and organisations, specified in the OFMDFM Guidance on the Distribution of Departmental Publications and Consultation Documents.

However, where possible, in order to minimise the number of documents issued, DE encourages other organisations and members of the public to access departmental publications and consultation documents on the Department's website, but will provide hard copies if requested.

To improve access to departmental information, DE's Publication Scheme, which specifies the classes of information provided by DE, was revised on 1 January 2009 in line with guidance from the Information Commissioner. In addition, where possible, the Department routinely issues key education documents to schools by e-mail.

### Telephone Communication Masts

**Mr D Hilditch** asked the Minister of Education what is the total revenue generated by land owned or leased by the five Education and Library Boards to facilitate the erection of telephone communication masts.

(AQW 3803/09)



**Minister of Education:** Is é an t-ioncam iomlán a fhaightear ó thalamh ar leis na cúig Bhord Oideachais agus Leabharlainne é nó ó thalamh atá ar léas acu le tógáil crann cumarsáide gutháin a éascú, ná £1,430 in aghaidh na bliana.

The total revenue generated by land owned or leased by the five Education and Library Boards to facilitate the erection of telephone communication masts is currently £1,430 per annum.

### Departmental Legislation

**Mr P Weir** asked the Minister of Education what legislation will her Department bring forward to the Assembly in 2009. (AQW 3810/09)

**Minister of Education:** Tá na riachtanais fhéideartha reachtacha don chuid eile den seisiún seo den Tionól sainaitheanta ag mo Roinn.

My Department has identified its potential legislative requirements for the remainder of this session of the Assembly. However, these proposals are subject to consideration by the Executive and it would therefore not be appropriate or possible to pre-empt this consideration by providing the information you request at this stage.

### Schools Enrolments: South Antrim

**Mr T Burns** asked the Minister of Education pursuant to her answer to AQW 3625/09, to provide the same data for all schools in the South Antrim constituency. (AQW 3824/09)

**Minister of Education:** Tá an t-eolas a iarradh sna táblaí thíos.

The information requested is contained in the tables below.

#### PRIMARY SCHOOLS IN THE SOUTH ANTRIM CONSTITUENCY – TOTAL ENROLMENT – 2003/04

School Name	Total enrolment
St Joseph's Ps, Crumlin	759
Antrim Ps	602
Mossley Ps	600
Ballyclare Ps	567
St Bernard's Ps, Collinbridge	537
Fairview Ps	467
Templepatrick Ps	416
Mount St Michael's Ps	373
Ashgrove Ps	355
St Comgall's Ps, Massereene	347
Carnmoney Ps	325
St Mary's On The Hill Ps	312
Crumlin Ps	292
Parkhall Ps	280
Greystone Ps	279
Mossgrove Ps	278
St Joseph's Ps, Antrim	249
Randalstown Central Ps	247
Ballyhenry Ps	219



School Name	Total enrolment
Glengormley Integrated Ps	170
Thompson Ps	161
St Macnissi's Ps, Newtownabbey	160
St Oliver Plunkett's Ps, Toome	157
Loanends Ps	155
Earlview Ps	144
Roundtower Integrated Ps	124
Groggan Ps	120
Ballyduff Ps	112
Kilbride Ps	110
Rathenraw Integrated Ps	109
Doagh Ps	108
Ballycraigy Ps	108
Mallusk Ps	102
St Macnisi's Ps, Antrim	96
Straidhavern Ps	87
Creggan Ps	82
Straid Ps	81
Carlane Ps	74
Parkgate Ps	64
Creavery Ps	60
Moneynick Ps	53
Duneane Ps	40
Tír-Na-Nóg Ps	25
Maine Integrated Ps	16

**PRIMARY SCHOOLS IN THE SOUTH ANTRIM CONSTITUENCY – TOTAL ENROLMENT – 2004/05**

School Name	Total enrolment
St Joseph's Ps, Crumlin	772
Mossley Ps	599
Antrim Ps	592
Ballyclare Ps	555
St Bernard's Ps, Collinbridge	529
Fairview Ps	475
Templepatrick Ps	410
Mount St Michael's Ps	381
Ashgrove Ps	360
Carnmoney Ps	349
St Comgall's Ps, Massereene	345
Crumlin Ps	290



School Name	Total enrolment
St Mary's On The Hill Ps, Glengormley	286
Parkhall Ps	281
Mossgrove Ps	272
Greystone Ps	265
St Joseph's Ps, Antrim	249
Randalstown Central Ps	243
Ballyhenry Ps	213
Loanends Ps	169
St Oliver Plunkett's Ps, Toome	159
Thompson Ps	156
St Macnissi's Ps, Newtownabbey	154
Earlview Ps	150
Glengormley Integrated Ps	139
Ballynure Ps	137
Roundtower Integrated Ps	135
Groggan Ps	114
Ballyduff Ps	111
Kilbride Ps	109
Ballycraigy Ps	107
Rathenraw Integrated Ps	106
Mallusk Ps	105
Doagh Ps	96
Creggan Ps	96
Straidhavern Ps	89
St Macnisi's Ps, Antrim	88
Straid Ps	83
Tildarg Ps	72
Carlane Ps	62
Moneynick Ps	62
Parkgate Ps	60
Creavery Ps	59
Duneane Ps	33
Tír-Na-Nóg Ps	30
Maine Integrated Ps	28

**PRIMARY SCHOOLS IN THE SOUTH ANTRIM CONSTITUENCY – TOTAL ENROLMENT – 2005/06**

School Name	Total enrolment
St Joseph's Ps, Crumlin	793
Antrim Ps	599
Mossley Ps	592



School Name	Total enrolment
Ballyclare Ps	534
St Bernard's Ps, Collinbridge	519
Fairview Ps	503
Templepatrick Ps	401
Mount St Michael's Ps	379
Ashgrove Ps	365
St Comgall's Ps, Massereene	342
Carnmoney Ps	341
Crumlin Ps	308
St Mary's On The Hill Ps, Newtownabbey	300
Mossgrove Ps	279
Parkhall Ps	264
St Joseph's Ps, Antrim	260
Greystone Ps	248
Randalstown Central Ps	234
Ballyhenry Ps	206
Loanends Ps	175
St Oliver Plunkett's Ps, Toome	160
Roundtower Integrated Ps	155
Thompson Ps	154
Earlview Ps	149
St Macnissi's Ps, Newtownabbey	147
Glengormley Integrated Ps	134
Kilbride Ps	113
Ballycraigy Ps	111
Mallusk Ps	110
Groggan Ps	107
Straidhavern Ps	106
Doagh Ps	98
Rathenraw Integrated Ps	98
Creggan Ps	97
Straid Ps	85
Ballyduff Ps	83
St Macnisi's Ps, Antrim	73
Tildarg Ps	70
Parkgate Ps	62
Creavery Ps	61
Moneynick Ps	56
Carlane Ps	52



School Name	Total enrolment
Maine Integrated Ps	42
Duneane Ps	31
Tír-Na-Nóg Ps	31

**PRIMARY SCHOOLS IN THE SOUTH ANTRIM CONSTITUENCY – TOTAL ENROLMENT – 2006/07**

School Name	Total enrolment
St Joseph's Ps, Crumlin	831
Mossley Ps	603
Antrim Ps	601
St Bernard's Ps, Collinbridge	517
Fairview Ps	514
Ballyclare Ps	501
Templepatrick Ps	417
Mount St Michael's Ps	385
St Comgall's Ps, Massereene	372
Ashgrove Ps	360
Carnmoney Ps	339
Crumlin Ps	283
St Mary's On The Hill Ps, Glengormley	277
Mossgrove Ps	274
Parkhall Ps	244
Greystone Ps	229
St Joseph's Ps	226
Randalstown Central Ps	222
Ballyhenry Ps	185
Loanends Ps	183
St Oliver Plunkett's Ps, Toome	170
Roundtower Integrated Ps	165
Thompson Ps	154
St Macnissi's Ps, Newtownabbey	153
Earlview Ps	141
Glengormley Integrated Ps	133
Kilbride Ps	117
Ballycraigy Ps	115
Ballynure Ps	112
Groggan Ps	112
Mallusk Ps	104
Creggan Ps	101
Straid Ps	96
Rathenraw Integrated Ps	96



School Name	Total enrolment
Doagh Ps	94
Straidhavern Ps	90
St Macnisius' Ps, Antrim	74
Parkgate Ps	70
Maine Integrated Ps	70
Tildarg Ps	69
Creavery Ps	60
Moneynick Ps	59
Duneane Ps	35
Carlane Ps	35
Tír-Na-Nóg Ps	30
Ballyduff Ps	24

**PRIMARY SCHOOLS IN THE SOUTH ANTRIM CONSTITUENCY – TOTAL ENROLMENT – 2007/08**

School Name	Total enrolment
St Joseph's Ps, Crumlin	833
Mossley Ps	609
Antrim Ps	598
St Bernard's Ps, Collinbridge	522
Fairview Ps	522
Ballyclare Ps	484
Templepatrick Ps	415
Mount St Michael's Ps	409
Ashgrove Ps	361
St Comgall's Ps, Masserene	360
Carnmoney Ps	343
St Mary's On The Hill Ps, Glengormley	286
Mossgrove Ps	259
Parkhall Ps	253
St Joseph's Ps, Farranshane	217
Randalstown Central Ps	212
Greystone Ps	212
Crumlin Ps	202
Roundtower Integrated Ps	195
Loanends Ps	187
Ballyhenry Ps	186
St Oliver Plunkett's Ps, Toome	165
St Macnissi's Ps, Newtownabbey	158
Thompson Ps	156
Earlview Ps	141



School Name	Total enrolment
Glengormley Integrated Ps	129
Ballynure Ps	124
Kilbride Ps	121
Creggan Ps	103
Ballycraigy Ps	98
Groggan Ps	95
Straid Ps	91
Maine Integrated Ps	88
Mallusk Ps	86
Rathenraw Integrated Ps	85
Doagh Ps	84
St Macnisiús' Ps, Antrim	73
Parkgate Ps	70
Tildarg Ps	67
Straidhavern Ps	56
Creavery Ps	56
Moneynick Ps	55
Duneane Ps	36
Tír-Na-Nóg Ps	31
Carlane Ps	31
Gaelscoil Ghleann Darach (1 Class Only)	19
Gaelscoil Éanna (1 Class Only)	12

**Source:** Annual school census

**Note:** Primary includes nursery, reception and year 1 – 7 classes

### School Meals: North Antrim

**Mr D McKay** asked the Minister of Education what percentage of pupils at each secondary school in North Antrim received free school meals, in each of the last five years. (AQW 3838/09)

**Minister of Education:** Tá an t-eolas a iarradh sa tábla thíos.

The information requested is contained in the table below.

#### PERCENTAGE OF PUPILS AT POST PRIMARY SCHOOLS IN THE NORTH ANTRIM CONSTITUENCY WHO WERE ENTITLED TO FREE SCHOOL MEALS 2003/04 – 2007/08

School Name	2003/ 04	2004/ 05	2005/ 06	2006/ 07	2007/ 08
Ballycastle High School	29	28	24	21	21
Ballymoney High School	25	25	27	25	26
Cullybackey High School	15	14	11	13	13
Dunclug College	18	21	19	17	18
Dunluce School	22	21	20	20	18



School Name	2003/ 04	2004/ 05	2005/ 06	2006/ 07	2007/ 08
Ballee Community High School	31	35	35	33	29
St Aloysius High School	35	33	31	34	34
Our Lady Of Lourdes High School	31	30	27	22	23
St Patrick's College, Ballymena	28	30	28	24	23
Cross And Passion College	23	23	21	19	17
Slemish College	13	12	11	13	12
Cambridge House Grammar School	5	5	5	5	4
St Louis Gs	4	5	5	4	4
Ballymena Academy	2	2	2	2	2
Dalriada School	5	4	3	4	3

Source: Annual school census

### Lagan College

**Mr B Wilson** asked the Minister of Education to explain why the building of a new school for Lagan College has been delayed; and when the building contract will be signed. (AQW 3892/09)

**Minister of Education:** Tá Lagan College páirteach i gnuastionscadal Comhpháirtíochta Príobháidí Poiblí (PPP) i dteannta Tor Bank Special School, Dún Dónaill.

Lagan College is in a Public Private Partnerships (PPP) clustered project along with Tor Bank Special School, Dundonald. The PPP project is to extend and refurbish Lagan College and provide a new school for Tor Bank Special School. There are some issues to be resolved before a preferred bidder can be appointed for this building project. The Department is working closely with those involved to allow the procurement process to move ahead.

### Educational Psychologists

**Mr K Robinson** asked the Minister of Education how many children attending schools in East Antrim are on waiting lists to see an educational psychologist (i) for up to one year; (ii) for up to two years; (iii) for up to three years; and (iv) for over three years. (AQW 3896/09)

**Minister of Education:** Tá curtha in iúl ag Príomhfheidhmeannach Bhord Oideachais agus Leabharlainne an Oirthuaiscirt dom gur mar seo a leanas líon na bpáistí atá ag freastal ar scoileanna i dtoghcheantar Aontroim Thoir atá ag fanacht le síceolaí oideachais a fheiceáil laistigh de na hamscálaí a iarradh:-

I have been advised by the Chief Executive of the North-Eastern Education and Library Board that the number of children attending schools in East Antrim who are waiting to see an educational psychologist in the timescales requested is as follows:-

Waiting for up to one year	Waiting for up to two years	Waiting for up to three years	Waiting for over three years
137	26	9	2

These figures include Stage 3 assessments and reviews, Stage 4 assessments, Stage 5 reviews, special testing and examination arrangements and assessments of pre-school children who are attending a nursery school or class, as outlined in the Code of Practice on the Identification and Assessment of Special Educational Needs (COP).

### Teaching Positions

**Mr K Robinson** asked the Minister of Education, pursuant to the answer to AQW 2889/09, why over 50% of recently retired teachers are still being re-employed in temporary teaching positions despite Departmental



guidance stating that employers give preference to newly qualified, unemployed teachers and to experienced non-retired teachers who are seeking employment. (AQW 3899/09)

**Minister of Education:** Although the number of prematurely retired teachers who subsequently became re-employed has fallen by almost 30% since the 2005-06 financial year, I remain disappointed that employers continue to re-employ retired teachers on a temporary or substitute basis. However, the Department is not the employer of teachers, and the decision on whom to appoint to any teaching position in a school rests with the Board of Governors.

In addition to the guidance issued by the Department, a number of measures are in place which help to restrict the level of re-employment:

- The rules of the Northern Ireland Teachers' Pension Scheme militate against the employment of retired teachers, in that such teachers may suffer a reduction in pension as a result of earnings from employment as a teacher.
- Recent amendments to the Teachers' Premature Retirement Compensation Scheme have ensured that, from 2008-09, employers are responsible for the cost of any enhancement to pension awarded to teachers retiring prematurely. This has resulted in a significant reduction in the number of premature retirements and amendments planned for 2009 should bring about a further reduction.
- The level of central reimbursement for the employment of substitute teachers has been capped at point 4 of the main pay scale to encourage schools to employ newly and recently qualified teachers.

De dheasca na mbeart seo, tá mé ag súil le tuilleadh laghduithe bliain ar bhliain i líon na múinteoirí a chuaigh ar luathscor agus a fuair athfhostaíocht ina dhiaidh sin.

As a result of these measures I expect to see further year-on-year reductions in the number of prematurely retired teachers who subsequently become re-employed.

### **Buddy Bear School, Dungannon**

**Mr G Savage** asked the Minister of Education what consideration she has given to seconding staff from the Buddy Bear School in Dungannon to other local schools. (AQW 3904/09)

**Minister of Education:** Bhuaill mé le toscaireacht de thuismitheoirí agus páistí agus d'ionadaithe ón Buddy Bear Trust, a raibh Cathaoirleach an Trust i gceannas uirthi, ar 23 Eanáir 2008, le héisteacht lena gcuid buarthaí agus le plé a dhéanamh ar thograí cistithe maidir le todhchaí na scoile.

I met with a delegation comprising parents and children and representatives from the Buddy Bear Trust, led by the Chairperson of the Trust, on 23 January 2008, to listen to their concerns and to discuss funding proposals in relation to the future of the school.

Following consideration of the proposals I responded on 12 June, setting out the Department of Education's position in relation to the detailed consideration of the options presented by the Buddy Bear Trust and advising that the Department was unable to fund the options presented.

One of the options considered was a partnership with a grant-aided school or using and sharing the expertise built up by the staff in the Buddy Bear School with other special schools throughout the north of Ireland.

While it is a matter for the employing authorities to consider the employment of staff to meet the needs of children with special educational needs, and neither I nor my Department have a role in this process, officials sought the Education and Library Board's views on this type of option. The Boards have advised that if they were to employ a conductive therapist, they would have no means by which they could monitor or evaluate professional standards, since as educational professionals, they have no professional competence in relation to conductive therapy. They, therefore, would be unable to verify good practice and set appropriate professional standards for conductive therapy, which is outside their area of expertise, identify examples of best practice or take appropriate action if professional therapy standards were not met.

In recent correspondence, on 28th November 2008, the Buddy Bear Trust has presented its proposals differently and the Department of Education is currently in the process of considering these and seeking advice from the Department of Health and Social Services and Public Safety.



### Job Evaluation Scheme

**Mr T Lunn** asked the Minister of Education what funding her Department provided to Grant Maintained Integrated Schools to ensure funding was available to meet the requirements of the Job Evaluation Scheme for school caretakers. (AQW 3905/09)

**Minister of Education:** In March 2005 the Department provided additional funds to those schools in the grant-maintained integrated sector who had indicated that they wished to implement Job Evaluation for caretakers on precisely the same basis used by the Education and Library Boards for staff in controlled and maintained schools.

Leithdháileadh £110k san iomlán bunaithe ar an eolas a thug na scoileanna féin.

A total of £110k was allocated based on information supplied by the individual schools.

### Job Evaluation Scheme

**Mr T Lunn** asked the Minister of Education what funding her Department has provided to Grant Maintained Integrated Schools to ensure funding is available to meet the requirements of the Job Evaluation Scheme for school classroom assistants. (AQW 3906/09)

**Minister of Education:** Bhain an comhaontú ar thoradh an Phostmheastóireachta le Cúntóirí Ranga agus is iad na Boird Oideachais agus Leabharlainne atá mar Údaráis Fostaíochta dóibh, agus i gcomhthéacs an eolais seo, ní bhaineann an comhaontú seo le fostaithe Údarás Fostaíochta eile.

The recent agreement on the outcome of the Job Evaluation was for Classroom Assistants for whom the Education and Library Boards are the Employing Authorities, and in this context this agreement does not have a direct read across to employees of other Employing Authorities. Any decision within grant-maintained integrated or voluntary grammar schools to implement rates of pay in line with the outcome of the Job Evaluation process in the Education and Library Boards in respect of particular categories of staff is a matter for individual schools' Boards of Governors as Employing Authorities to consider within the constraints of the total resources available to the school.

Although this is an issue for Boards of Governors as Employing Authorities, I have listened and taken on board the concerns raised by schools about the potential financial implications for grant-maintained integrated and voluntary grammar schools. Therefore, without prejudice I had sought additional resources in both the September and December monitoring rounds to help alleviate the impact on school budgets but in light of the overall constrained financial position at that time these bids were not successful. I will continue to use my best endeavours to secure additional resources.

### Schools Enrolments: North Down

**Mr P Weir** asked the Minister of Education, pursuant to her answer to AQW 3625/09, to provide the same data for all schools in the North Down constituency. (AQW 3913/09)

**Minister of Education:** Tá an t-eolas a iarradh le fáil sna táblaí thíos.

The information requested is contained in the tables below.

#### PRIMARY SCHOOLS IN THE NORTH DOWN CONSTITUENCY – TOTAL ENROLMENT – 2003/04

School Name	Total enrolment
Kilmaine Ps	653
Ballyholme Ps	614
Bangor Central Ps	499
Rathmore Ps	447
Donaghadee Ps	425
Hollywood Ps	405



School Name	Total enrolment
St Malachy's Ps, Clandeboye	404
Ballymagee Ps	396
Towerview Ps	373
Grange Park Ps	342
Bloomfield Road Ps	329
St Comgall's Ps, Bryansburn	300
Clandeboye Ps	287
St Patrick's Ps, Holywood	243
Crawfordsburn Ps	186
Sullivan Upper School	178
Glencraig Ps	172
Kilcooley Ps	145
Millisle Ps	142
Redburn Ps	141
Bangor Grammar School	133
Ballyvester Ps	90
Glenlola Collegiate	78
Conlig Ps	53
St Anne's Ps, Donaghadee	43
Groomsport Ps	27

## PRIMARY SCHOOLS IN THE NORTH DOWN CONSTITUENCY – TOTAL ENROLMENT – 2004/05

School Name	Total enrolment
Kilmaine Ps	648
Ballyholme Ps	593
Bangor Central Ps	532
Rathmore Ps	447
Donaghadee Ps	418
Ballymagee Ps	400
Holywood Ps	382
Towerview Ps	379
St Malachy's Ps, Clandeboye	379
Grange Park Ps	351
Bloomfield Road Ps	331
St Comgall's Ps, Bryansburn	295
Clandeboye Ps	272
St Patrick's Ps, Holywood	254
Glencraig Ps	187
Sullivan Upper School	178
Crawfordsburn Ps	177



School Name	Total enrolment
Kilcooley Ps	146
Redburn Ps	145
Millisle Ps	138
Bangor Grammar School	138
Ballyvester Ps	86
Glenlola Collegiate	86
Conlig Ps	45
St Anne's Ps, Donaghadee	40
Groomsport Ps	21

**PRIMARY SCHOOLS IN THE NORTH DOWN CONSTITUENCY – TOTAL ENROLMENT – 2005/06**

School Name	Total enrolment
Kilmaine Ps	649
Ballyholme Ps	578
Bangor Central Ps	534
Rathmore Ps	461
Donaghadee Ps	405
Ballymagee Ps	403
Towerview Ps	377
St Malachy's Ps, Clondeboy	372
Hollywood Ps	367
Grange Park Ps	361
Bloomfield Road Ps	319
St Comgall's Ps, Bryansburn	289
Clandeboy Ps	253
St Patrick's Ps, Hollywood	250
Crawfordsburn Ps	211
Glencraig Ps	211
Sullivan Upper School Prep. Dept.	180
Millisle Ps	142
Bangor Grammar School Prep. Dept.	136
Redburn Ps	135
Kilcooley Ps	134
Glenlola Collegiate Prep. Dept.	88
Ballyvester Ps	85
Conlig Ps	51
St Anne's Ps, Donaghadee	38
Groomsport Ps	20



**PRIMARY SCHOOLS IN THE NORTH DOWN CONSTITUENCY – TOTAL ENROLMENT – 2006/07**

<b>School Name</b>	<b>Total enrolment</b>
Kilmaine Ps	654
Ballyholme Ps	591
Bangor Central Ps	561
Rathmore Ps	477
Donaghadee Ps	417
Ballymagee Ps	403
Towerview Ps	370
Grange Park Ps	364
St Malachy's Ps, Clandeboye	362
Hollywood Ps	355
Bloomfield Road Ps	314
St Comgall's Ps, Bryansburn	287
St Patrick's Ps, Hollywood	252
Clandeboye Ps	227
Glencraig Ps	226
Crawfordsburn Ps	207
Sullivan Upper School Prep. Dept.	178
Millisle Ps	143
Kilcooley Ps	138
Bangor Grammar School Prep. Dept.	132
Redburn Ps	117
Ballyvester Ps	73
Glenlola Collegiate Prep. Dept.	71
Conlig Ps	46
St Anne's Ps, Donaghadee	34
Groomsport Ps	25

**PRIMARY SCHOOLS IN THE NORTH DOWN CONSTITUENCY – TOTAL ENROLMENT – 2007/08**

<b>School Name</b>	<b>Total enrolment</b>
Kilmaine Ps	654
Ballyholme Ps	600
Bangor Central Ps	562
Rathmore Ps	482
Donaghadee Ps	418
Ballymagee Ps	404
Towerview Ps	385
Grange Park Ps	364
Hollywood Ps	332



School Name	Total enrolment
St Malachy's Ps, Clondeboye	321
Bloomfield Road Ps	307
St Comgall's Ps, Bryansburn	286
St Patrick's Ps, Holywood	237
Glencraig Ps	228
Crawfordsburn Ps	188
Clondeboye Ps	188
Sullivan Upper School Prep. Dept.	184
Millisle Ps	146
Bangor Grammar School Prep. Dept.	137
Kilcooley Ps	127
Redburn Ps	83
Glenlola Collegiate Prep. Dept.	76
Ballyvester Ps	67
Conlig Ps	43
St Anne's Ps, Donaghadee	34

**Source:** Annual school census

**Note:** Primary includes nursery, reception and year 1 – 7 classes.

### Schools Sited Near Overhead Power Cables

**Mr C Boylan** asked the Minister of Education, pursuant to the answer to AQW 2838/09, to name the schools in the Southern Education and Library Board that are within 200 metres of overhead power cables.

(AQW 3918/09)

**Minister of Education:** Is iad na 3 scoil i limistéar Bhord Oideachais agus Leabharlainne an Deiscirt atá suite taobh istigh de 200 méadar ó cháblaí leictreachais lastuas ná:

The 3 schools in the Southern Education and Library Board area sited within 200 metres of overhead power cables are:

- 5011602 Bleary Primary School, Lurgan
- 5032592 St Mary's Primary School, Dungannon
- 5046637 Gaelscoil Uí Néill, Coalisland

I am writing to NIE and requesting a report on what they plan to do about this.

### Schools Sited Near Overhead Power Cables

**Mr C Boylan** asked the Minister of Education, pursuant to the answer to AQW 2838/09, how many schools in the Southern Education and Library Board will be within 200 metres of overhead power cables if the proposed route and construction of the Cavan- Tyrone Interconnector goes ahead as currently proposed by NIE.

(AQW 3919/09)

**Minister of Education:** Tá curtha in iúl ag NIE PLC don Roinn nach bhfuil scoil ar bith taobh istigh de 200 méadar ó bhealach beartaithe Idirnascaire an Chabháin-Thír Eoghain agus tá curtha in iúl acu fosta go bhfuil an scoil is gaire don Idirnascaire níos mó ná 700 méadar ar shiúl uaidh.

NIE PLC have, on request, informed the Department that no schools are within 200 metres of the proposed Cavan-Tyrone Interconnector route and that the nearest school is more than 700 metres away.



## Children with Communication and Interaction Difficulties

**Mr P Ramsey** asked the Minister of Education how many children are registered with speech, language and communication difficulties, in each Education and Library Board. (AQW 3973/09)

**Minister of Education:** Tá an t-eolas a iarradh sa tábla thíos.

The information requested is contained in the table below.

### CHILDREN RECORDED AS HAVING COMMUNICATION AND INTERACTION DIFFICULTIES BY EDUCATION AND LIBRARY BOARD – 2007/08

School level	ELB					Total
	BELB	WELB	NEELB	SEELB	SELB	
Nursery schools	149	129	167	209	57	711
Primary	939	1,334	1,016	1,228	1,240	5,757
Post primary	257	337	287	298	472	1,651
Special	535	492	675	672	349	2,723
<b>Total</b>	<b>1,880</b>	<b>2,292</b>	<b>2,145</b>	<b>2,407</b>	<b>2,118</b>	<b>10,842</b>

**Source:** Annual school census

**Note:**

1. Figures include children at Stage 1 – 5 on the SEN Code of Practice, with speech and language difficulties, autism or Asperger's.

## Pupil Profiling

**Miss M McIlveen** asked the Minister of Education how much has been spent on the development of pupil profiling and any subsequent training and support for teachers. (AQW 3995/09)

**Minister of Education:** The pupil profile was developed to provide a consistent format for the traditional annual report to parents. The cost of developing the pupil profile and of associated training and support for teachers has been some £581,000. It is as a result of this trialling and the associated training that we have been able to identify how best to modify the original proposals to meet the needs of schools and parents. That is why I am currently consulting on draft Education (Pupil Records and Reporting) Regulations (NI) 2009 that propose a standard coverage for reports but do not require a standard reporting format. However, the format will be available for any school that has worked with it and found it beneficial.

Is cuma cé acu a dtugtar próifílí dalta nó tuairiscí bliantúla chuig tuismitheoirí orthu, is é an bunchuspóir atá acu ná a chinntiú go bhfaigheann tuismitheoirí an t-eolas atá de dhíth orthu faoi dhul chun cinn agus faoi ghnóthachtálacha a bpáiste féin sa scoil i gcomhthéacs an churaclaim athbhreithnithe.

Whether we call them pupil profiles or annual reports to parents, the fundamental objective is to make sure parents get the information they need about their child's progress and achievements in school in the context of the revised curriculum. That is my focus and the purpose of the draft Regulations.

## School Pupils Suspended or Excluded

**Mr T Burns** asked the Minister of Education how many school pupils were formally disciplined, suspended or excluded for sexual misconduct or sexual bullying, in each of the last five years. (AQW 4004/09)

**Minister of Education:** Ní choinníonn an Roinn an teolas a iarradh.

The Department does not hold the information requested.

The Department collects statistics annually from each of the Education and Library Boards on suspensions and expulsions. For statistical collection purposes, the reasons for such sanctions are grouped into broad categories for example, physical attack on staff, disruptive behaviour in class and stealing. Sexual misconduct and sexual bullying are not separately identified as reasons for suspension or expulsion.



The Department publishes this information on its website ([www.deni.gov.uk/index/21-pupils\\_parents-pg/pupils\\_parents-suspensions\\_and\\_expulsions\\_pg.htm](http://www.deni.gov.uk/index/21-pupils_parents-pg/pupils_parents-suspensions_and_expulsions_pg.htm)) annually and the full list of reasons and the relevant data can be viewed for the last five school years on this site.

The table below shows the number of suspensions and expulsions in the last five years where bullying behaviour has been the reason.

	Suspensions for 'bullying of a pupil'	Total no. of suspensions	Expulsions for 'bullying of a pupil'	Total no. of expulsions
2003/04	341	9,512	0	71
2004/05	322	8,496	2	63
2005/06	339	8,918	3	54
2006/07	328	8,463	1	45
2007/08	312	8,194	2	25

**Note:** The information on suspension reflects the number of individual suspensions, as opposed to the number of pupils suspended.

### Special Educational Needs Framework

**Mr G Savage** asked the Minister of Education how many children have been (i) placed in the Buddy Bear School; and (ii) financially supported by her Department through the special educational needs framework (AQW 4038/09)

**Minister of Education:** Tá curtha in iúl ag Príomhfheidmeannaigh na mBord Oideachais agus Leabharlainne (ELBanna) dom gur cuireadh páiste amháin chuig an Buddy Bear School sa bhliain acadúil 2008/2009 agus is é an ELB ábhartha a thugann tacaíocht airgeadais, trí tháillí scoile a íoc, le go mbeidh an páiste ábalta freastal ar an scoil.

I have been advised by the Chief Executives of the Education and Library Boards (ELBs) that one child has been placed in the Buddy Bear School in the academic year 2008/2009 and is financially supported, by the payment of school fees, to attend that school by the appropriate ELB.

### Free School Meals

**Miss M McIlveen** asked the Minister of Education what progress has been made by her Department regarding provision of electronic access to the Department of Work and Pensions Customer Information System to facilitate the more efficient processing of free school meals applications and allow Boards to target those who do not apply for entitlement. (AQW 4058/09)

**Minister of Education:** The Department of Education has been working closely with the Department for Social Development and the Department for Work and Pensions (DWP) to gain access to the latter's Customer Information System.

Tá meastachán mionsonraithe ar na costais forbartha ullmhaithe ag an DWP agus tá an Roinn ag breithniú an mheastacháin faoi láthair.

A detailed estimate of the development costs involved has now been prepared by DWP and this is currently being considered by the Department.

### Transport Assistance

**Miss M McIlveen** asked the Minister of Education how many children are in receipt of transport assistance where a road safety hazard has been cited as an exceptional circumstance in each of the Education and Library Boards. (AQW 4059/09)



**Minister of Education:** Tá curtha in iúl ag na Boird Oideachais agus Leabharlainne go bhfaigheann na líonta páistí seo a leanas cúnamh airgid le haghaidh iompair scoile de thairbhe go bhfuil contúirt sábháilteachta bóthair ar a mbealach chuig an scoil:

The Education and Library Boards have advised that the following number of children are in receipt of school transport assistance due to a road safety hazard existing along their route to school:

Belfast Board	North-Eastern Board	South-Eastern Board	Southern Board	Western Board	Total
2	0	62	60	0	124

### Child and Adolescent Psychology

**Miss M McIlveen** asked the Minister of Education how many graduates have enrolled for the doctorate degree in Child & Adolescent Psychology at Queen's University Belfast since 2006. (AQW 4060/09)

**Minister of Education:** Tá 24 céimí cláraithe don Dochtúireacht i Síceolaíocht Oideachais, Páistí agus Ógánach ag Ollscoil na Ríona, Béal Feirste ón bhliain 2006.

24 graduates have enrolled for the Doctorate in Educational, Child and Adolescent Psychology at Queen's University Belfast since 2006. The next entry of 12 students will be in September 2009.

### Child and Adolescent Psychology

**Miss M McIlveen** asked the Minister of Education how many student places are available for a doctorate degree in Child and Adolescent Psychology as a result of his Department's funding. (AQW 4061/09)

**Minister of Education:** Tá 12 áit ar fáil ar an Dochtúireacht i Síceolaíocht Oideachais, Páistí agus Ógánach ag Ollscoil na Ríona Béal Feirste le haghaidh iontrála sa bhliain 2009.

12 places are available on the Doctorate in Educational, Child and Adolescent Psychology at Queen's University Belfast for entry in 2009.

### Child and Adolescent Psychology

**Miss M McIlveen** asked the Minister of Education how much funding has been allocated to support the doctorate degree in Child and Adolescent Psychology. (AQW 4062/09)

**Minister of Education:** Is é an cistiú iomlán a leithdháil an Roinn Oideachais le tacaíocht a thabhairt don Dochtúireacht i Síceolaíocht Oideachais, Páistí agus Ógánach ag Ollscoil na Ríona Béal Feirste sa bhliain airgeadais reatha (2008/2009) ná £600k.

Total funding allocated by the Department of Education in the current financial year (2008/2009) to support the Doctorate in Educational, Child and Adolescent Psychology at Queen's University Belfast is £600k.

### Lagan College

**Ms A Lo** asked the Minister of Education for an update on progress on the building project at Lagan College, Belfast agreed under the Public/Private Partnership Initiative in 2002. (AQW 4128/09)

**Minister of Education:** Tá Lagan College páirteach i gnuastionscadal Comhpháirtíochta Príobháidí Poiblí (PPP) i dteannta Tor Bank Special School, Dún Dónaill.

Lagan College is in a Public Private Partnerships (PPP) clustered project along with Tor Bank Special School, Dundonald. The PPP project is to extend and refurbish Lagan College and provide a new school for Tor Bank Special School. There are some issues to be resolved before a preferred bidder can be appointed for this building project. The Department is working closely with those involved to allow the procurement process to move ahead.



## Lagan College

**Mr A Maskey** asked the Minister of Education (i) what are the reasons for the delay in the improvement and refurbishment of Lagan College, Belfast; and (ii) when her Department expects this work to be completed. (AQW 4170/09)

**Minister of Education:** Tá Lagan College páirteach i gnuastionscadal Comhpháirtíochta Príobháidí Poiblí (PPP) i dteannta Tor Bank Special School, Dún Dónaill.

Lagan College is in a Public Private Partnerships (PPP) clustered project along with Tor Bank Special School, Dundonald. The PPP project is to extend and refurbish Lagan College and provide a new school for Tor Bank Special School. There are some issues to be resolved before a preferred bidder can be appointed for this building project. The Department is working closely with those involved to allow the procurement process to move ahead.

## Teacher:Pupil Ratios

**Dr A McDonnell** asked the Minister of Education what action she is taking to improve teacher to pupil ratios. (AQO 1723/09)

**Minister of Education:** Is é an Cóimheas reatha Daltaí le Múinteoirí (2007/2008) i mbunscoileanna thuaisceart na hÉireann ná 20.7. Tá an cóimheas seo níos airde ná an cóimheas in Albain (16.0), an cóimheas sa Bhreatain Bheag (19.9) agus an cóimheas i ndeisceart na hÉireann ach tá sé níos ísle ná an cóimheas i Sasana (21.6).

The current primary Pupil: Teacher Ratio (2007/08) for the North of Ireland is 20.7, this is higher than Scotland (16.0), Wales (19.9) and the South of Ireland (16.0) but lower than England (21.6).

The current post-primary PTR (2007/08) for the North of Ireland is 14.5, this is higher than Scotland (11.7) and the South of Ireland (12.7 in 2006/07) but lower than England (16.1) and Wales (16.5).

In the North of Ireland the current PTR (2007/08) for all schools is 16.8. This includes a Nursery PTR of 25.1, a Primary PTR of 20.7, a Special PTR of 6.0 and a Post-Primary PTR of 14.5.

PTR has a key role to play, in particular for teachers in schools with significant proportions of disadvantaged pupils to have smaller classes so that they can deal with the barriers to learning; give individual help to pupils; or work in small groups. That is why, for example, schools already receive additional funding via the LMS common funding formula when they have higher than average levels of pupils entitled to free school meals.

Other factors in raising standards and tackling underachievement is the quality of the teaching and leadership in a school. That is why our school improvement strategy, which we are currently finalising following consultation, has a clear focus on these.

In addition to this, I have made available extra funding, outside the formula, to ensure that, from September 2008, classroom assistants are provided for Foundation Stage pupils in all primary schools.

Pupil:Teacher ratios are a consequence of the decisions taken by individual schools on their teaching complements, under the LMS arrangements. School Boards of Governors and Principals are best placed to make decisions on the educational needs of all pupils in their schools and in determining their use of resources – including their most valuable resource, their teaching staff.

The prime determinant is therefore the availability of resources and members should recognise that more resources are needed. I maintain that the PTR is a key part of raising standards and improving schools, alongside leadership and quality teaching and would like to see a reduction in PTRs, should resources become available.

All parties should support my request for increased resources for education, which can be passed directly to schools.

## Academic Selection

**Ms M Anderson** asked the Minister of Education for her assessment of the latest United Nations report on the 'Rights of the Child', and in particular its concerns over the continuation of academic selection in Northern Ireland. (AQO 1837/09)



**Minister of Education:** Cuirim fáilte mór roimh Thuairmí Deiridh Choiste na Náisiúin Aontaithe um Chearta an Linbh.

I very much welcome the Concluding Observations of the United Nations Committee on the Rights of the Child.

I fully agree with their child centred approach and the need to strengthen efforts to tackle social disadvantage. I am also committed to ensuring that children have a voice in all policies that directly affect them.

I especially welcome the UNCRC recommendation that we:-

“put an end to the two tier culture by abolishing the 11+ transfer test and ensure that all children are included in admission arrangements in post primary Schools”

I continue to work for an education system which does not judge 10 and 11 year olds. All our children should have access to the best education we can offer.

I am also working to support vulnerable groups of children including those who belong to minority groups. The North/South Conference on Best Practice in Traveller Education is scheduled to take place in March this year and I am taking action to ensure that additional funding is being provided to schools based on the current reported number of Roma children.

### Breach of the Ministerial Code

**Mr F Cobain** asked the Minister of Education how her statement on 17 December praising Bobby Sands can be reconciled with her Pledge of Office ‘to promote the interests of the whole community represented in the Northern Ireland Assembly towards the goal of a shared future’.

(AQO 1717/09)

**Minister of Education:** Níor sháraigh mé Gealladh na nAirí. Ba chóir mo thuairmí a léamh i gcomhthéacs na hóráide ina hiomláine. Leanfaidh mé orm ag cloí le Gealladh na nAirí.

I have not breached the Ministerial Pledge. My comments should be read in the context of my complete speech. I will continue to adhere to the Ministerial Pledge.

### Breach of the Ministerial Code

**Mr D McNarry** asked the Minister of Education how her statement on 17 December praising Bobby Sands can be reconciled with her Pledge of Office ‘to promote the interests of the whole community represented in the Northern Ireland Assembly towards the goal of a shared future’.

(AQO 1713/09)

**Minister of Education:** Níor sháraigh mé Gealladh na nAirí. Ba chóir mo thuairmí a léamh i gcomhthéacs na hóráide ina hiomláine. Leanfaidh mé orm ag cloí le Gealladh na nAirí.

I have not breached the Ministerial Pledge. My comments should be read in the context of my complete speech. I will continue to adhere to the Ministerial Pledge.

### Review of Irish-Medium Education

**Mr F Brolly** asked the Minister of Education if the Review of Irish-Medium Education will take into account her Department’s statutory obligations on the promotion and facilitation of the Irish language.

(AQO 1815/09)

**Minister of Education:** Is cuid lárnach den chóras oideachais í an Ghaeilge anseo agus ní mór go léirítear é seo i ngach rud a dhéanann muid. Áirítear air seo comhlíonadh an dualgaís reachtúil le forbairt na Gaelscolaíochta a chothú agus a éascú.

The Irish language is a vital part of the total education system and everything that we do, including the delivery of the statutory duty to encourage and facilitate the development of Irish-medium education, must reflect that fact.

The Review had this at its heart. It also recognised and celebrated the fact that Gaelscoileanna are producing confident, capable, productive, dynamic and bi-lingual students every year and this is a wonderful contribution to our society.



The consultation on the Review, which ended on 10 January, was a wide-ranging one, and provided those with an interest in the sector the opportunity to influence how it will develop and grow in the future.

To ensure that as wide a range of views was gathered consultation events were held around the island in Derry, Portadown, Coalisland, Belfast, Downpatrick, Armagh, Ballycastle, Cookstown, Bettystown, Cork, Galway and Dublin.

Also, the Department is consulting with children and young people and this will end on 30 January 2009.

I will ensure that in considering the outcome and implementation of any policies arising from the Review, I and my Department will take full cognisance of the statutory duty.

### Review of Irish-Medium Education

**Mr D Bradley** asked the Minister of Education if she has the resources to implement the Review of Irish-Medium Education and the Early Years Strategy. (AQO 1696/09)

**Minister of Education:** Tá Straitéis na Luathbhlianta á dréachtú sa Roinn faoi láthair agus leagfar amach inti an fhís fhadtéarmach do sheirbhísí luathbhlianta go dtí 2020.

The Early Years Strategy which is currently being drafted by the Department will set out the long term vision for early years services to 2020. The Strategy will ensure that our energies and resources are wisely and coherently applied and funding is more cost effective in targeting priority front-line early years services, however it is too early to determine the resources that will be required to implement the draft proposals. This will be a matter for the action and implementation plan emanating from the Strategy to consider.

The consultation on the Review of Irish Medium Education ended on 10 January 2009. I will need to analyse the outcome of the consultation before announcing any policy decisions as a result of the Review. As with the Early Years Strategy it is therefore too early to determine the resources that will be required to implement the outworking of the Review.

### School Modernisation Programme

**Mrs D Kelly** asked the Minister of Education for her assessment of the implications of the High Court ruling on her Department's Major Capital Works framework; and the subsequent suspension of the framework for the Schools Modernisation Programme. (AQO 1804/09)

**Minister of Education:** De réir rialú na hArd-Chúirte de 19 Nollaig 2008 cuireadh an creat móroibreacha ar ceal. Ní féidir dul chun cinn le aon tionscadal eile tríd an chreat.

The High Court ruling on 19 December 2008 set aside the major works framework. No further projects can be progressed via the framework. The five projects already in contract via the framework shall continue within the framework. In order to minimise the impact on the remainder within the schools programme, my Department is working up an alternative procurement method outside the framework to feed projects to the market as quickly as available resources will allow. The standard documents for this purpose are now complete and project managers have been instructed to prepare for competitions early in the New Year.

### Integrated Schools

**Dr S Farry** asked the Minister of Education to outline the terms of reference for the review of the viability criteria for integrated schools. (AQO 1786/09)

**Minister of Education:** Is tábhachtach liom an dualgas reachtúil atá orm le forbairt an oideachais imeasetha a chothú agus a éascú.

I take my statutory duty to encourage and facilitate the development of integrated education very seriously. It was with this in mind that I agreed to carry out a review of viability criteria for integrated schools in the Department, within the context of existing policy and legislation.

This will be completed later this year.



### Breach of the Ministerial Code

**Mr J McCallister** asked the Minister of Education how her statement on 17 December praising Bobby Sands can be reconciled with her Pledge of Office ‘to promote the interests of the whole community represented in the Northern Ireland Assembly towards the goal of a shared future’. (AQO 1709/09)

**Minister of Education:** Níor sháraigh mé Gealladh na nAirí. Ba chóir mo thuairmí a léamh i gcomhthéacs na hóráide ina hiomláine. Leanfaidh mé orm ag cloí le Gealladh na nAirí.

I have not breached the Ministerial Pledge. My comments should be read in the context of my complete speech. I will continue to adhere to the Ministerial Pledge.

### Breach of the Ministerial Code

**Mr I Paisley Jnr** asked the Minister of Education if she considers her comments on Bobby Sands has breached the pledge she took to ‘serve all the people of Northern Ireland equally, and to act in accordance with the general obligations on government to promote equality and prevent discrimination’. (AQO 1806/09)

**Minister of Education:** Níor sháraigh mé Gealladh na nAirí. Ba chóir mo thuairmí a léamh i gcomhthéacs na hóráide ina hiomláine. Leanfaidh mé orm ag cloí le Gealladh na nAirí.

I have not breached the Ministerial Pledge. My comments should be read in the context of my complete speech. I will continue to adhere to the Ministerial Pledge.

### Pupil Profiling

**Mr M Storey** asked the Minister of Education what advantages the proposed pupil records reporting and assessment arrangements would have over pupil profiling for schools. (AQO 1801/09)

**Minister of Education:** Ceapadh an phróifíl dalta a ndearnadh úsáid aisti mar scéim phiólótach sa bhliain 2007/08 mar fhormáid chaighdeánach do thuairisciú bliantúil chuig tuismitheoirí.

The pupil profile that was piloted in 2007/08 was devised as a standard format for annual reporting to parents. It contained a broad range of information on pupils’ achievements, progress, interests, aptitudes, and participation in enrichment activities such as clubs, societies and sports opportunities.

The good news from the pilot was that the vast majority of parents found it easy to read and understand and thought it informed them of their child’s achievement. But I also received feedback that, by making every school produce its report in exactly the same format, the result was that some schools were providing less information than they used to do.

I have listened to the feedback from parents, teachers and principals on the Pupil Profile pilot, which has been useful in helping me to decide which elements to retain and which to improve. As much of the report was very positively received, I’ll be making very few changes to the detail of what should be covered in the annual school report. I am, however, proposing to go back to calling it an “annual report to parents” and to make sure that there is flexibility for schools to add in extra information that they think parents will find useful. And I’m consulting on these proposals to find out what parents, teachers and young people themselves think of them.

In view of the feedback from the pilot, my proposals do not require schools to use a standard format for reporting. However, the format trialled last summer will continue to be made available for the many schools that have found it beneficial.

Whether we call them pupil profiles or annual reports to parents, my key aim is to make sure parents get the information they need about their child’s progress and achievements in school. That’s my prime concern and that’s the purpose of the proposals contained in the draft reporting Regulations.

### Learning Communities

**Mr P Ramsey** asked the Minister of Education how area based plans and the work of the learning communities will be reconciled. (AQO 1841/09)



**Minister of Education:** Meastar go gcuideoidh an obair a dhéanann na Pobail um Fhoghlaim sa Cheantar (ALCanna) leis an Chleachtadh um Phleanáil Bunaithe sa Cheantar don Iarbhunscolaíocht.

It is anticipated that the work of the Area Learning Communities (ALCs) will inform the Area Based Planning Exercise for Post Primary Education. ALCs comprise schools from all sectors and have evolved across the North to plan collaborative 14-19 provision with a specific focus on delivering the Entitlement Framework (EF). They have already begun to consider and address the issues relating to the local delivery of the EF

The Area Based Planning Exercise for Post Primary Education was commissioned to produce a regional plan for the most efficient and effective arrangements to provide access to the Entitlement Framework for young people, from 2013. It is therefore likely that the ALCs will have a major input to the local area based planning process and should be well placed to make a submission to the Local Area Based Planning Groups.

However the process of making a submission to the Area Based Planning Exercise for Post Primary Education is an open and inclusive one, with submissions welcome from all interested parties and not restricted to ALCs.

### Post-Primary Transfer

**Mr D Ford** asked the Minister of Education when she expects her post-primary transfer proposals to come into force. (AQO 1796/09)

**Minister of Education:** Tharraing mé moltaí anuas i mí Bealtaine 2008 agus é ar intinn agam go dtiocfadh reachtaíocht i bhfeidhm a ndéanfaidh na moltaí a bhunú, in am don phróiseas aistrithe iarbhunscolaíochta agus dóibh siúd a thosóidh iarbhunscóil i mí Bealtaine 2010.

I brought forward my proposals in May 2008 with the intention that legislation establishing these would take effect for the post-primary transfer process for those starting post-primary school in September 2010.

My proposals address a number of inequalities evident in the existing arrangements, in particular the role that disadvantage plays in constraining the life chances of children as they make the transition from primary to post-primary education. It is a damning statistic that while one in four children in our non-grammar schools is entitled to free school meals, the ratio in grammar schools is one in seventeen.

An examination of the areas that children live in as they make this transition also paints a picture of inequality, with children located in areas of disadvantage unable to enjoy equal access to a grammar school education if that should be their preference.

The case for change is also amply illustrated by statistics that record the extent of underachievement in the existing system, with 47% of young people not achieving at least a Grade C pass in English and Maths, which equates to 12,000 pupils (2006/07). Examine the statistics further to see how that underachievement relates to children from different backgrounds – Protestant, Catholic, Traveller, ethnic minority – and a clear picture emerges which strongly links disadvantage to underachievement.

This is the first cohort for whom the existing legislative framework for admissions and transfer will lapse. Despite a paper of May 13, 2008 and a legislative bid for my proposals the Executive has not engaged with them. The operative date for my proposals, of Transfer 2010, is clearly subject to this important engagement.

## DEPARTMENT FOR EMPLOYMENT AND LEARNING

### University of Ulster

**Mr K Robinson** asked the Minister for Employment and Learning given the success of the pilot schemes involving the University of Ulster and young people in parts of Derry/Londonderry and Belfast, will he work in partnership with the University of Ulster to ensure that disadvantaged pupils in South and East Antrim can benefit from an extension of this approach and enhance their prospects of entering third level education. (AQW 3763/09)

**Minister for Employment and Learning (Sir Reg Empey):** The Step-Up programme is one of a number of initiatives for which my Department provides funding to widen participation in higher education by students



from socially disadvantaged backgrounds. Whilst the scope of the programme is essentially for the University itself to determine, my Department will consider any proposals for the further expansion of Step-Up, presented to it by the University. However, this will require the submission of a formal business case by the University which will need to be considered by the Department and formally approved by the Department of Finance and Personnel, in the context of competing budget priorities.

My Department's policies on widening participation should be judged in the round. In the current academic year, my Department is providing approximately £2.45 million to the four Higher Education Institutions in the form of a widening participation premium and funding for special projects such as Step-Up.

I am also continuing to work with Executive colleagues on the development and implementation of an integrated strategy for Widening Participation in higher education in Northern Ireland. This will include the appointment of a Regional Co-ordinator for Northern Ireland, answerable to a cross departmental steering group, who will drive the development and delivery of the strategy. It will also include the co-ordination of existing departmental and stakeholder initiatives to ensure efficiency and better targeting of resources, and the development of new collaborative partnerships to widen participation in higher education. Given the success of the Step-Up programme, it will continue to be an important part of the development of this strategy.

### Telephone Communication Masts

**Mr D Hilditch** asked the Minister for Employment and Learning what is the total revenue generated by land owned or leased by the (i) Northern Region College; (ii) Southern Regional College; (iii) South Eastern Regional College; and (iv) North West Regional College to facilitate the erection of telephone communication masts.

(AQW 3797/09)

**Minister for Employment and Learning:** No revenue is generated by any of the named colleges in relation to leasing land or property to facilitate the erection of telephone communication masts.

### Paperwork Reduction

**Dr A McDonnell** asked the Minister for Employment and Learning what steps he is taking to significantly reduce the amount of paperwork he sends to constituency offices and other organisations throughout 2009.

(AQW 3830/09)

**Minister for Employment and Learning:** My Department's Green Policy states that "Where possible, the use of hard copies for external contacts and customers should be avoided if forms and/or publications can be distributed by email or CD-Rom, or downloaded via the corporate website".

In addition, my officials take full account of the requirements of the NICS-wide "Guidance on Distribution of Departmental Publications and Consultation Documents". This document prescribes who should receive various categories of publications, as well as the format and the number of copies to be issued.

### Departmental Legislation

**Mr P Weir** asked the Minister for Employment and Learning what legislation will his Department bring forward to the Assembly in 2009.

(AQW 3846/09)

**Minister for Employment and Learning:** The Department has identified its potential legislative requirements for the remainder of this session of the Assembly. However, these proposals are subject to consideration by the Executive and it would therefore not be appropriate or possible to pre-empt this consideration by providing the information you request.

### University of Ulster

**Mr M Durkan** asked the Minister for Employment and Learning what courses are available at the Magee campus of the University of Ulster in (i) 2008/9; and (ii) 2009/10, at undergraduate and post-graduate level.

(AQW 3865/09)



**Minister for Employment and Learning:** This information has been placed in the library.

### Redundancies: East Antrim

**Mr K Robinson** asked the Minister for Employment and Learning what steps his Department is taking, or proposing to take, to assist individuals affected by the recent announcement of redundancies in East Antrim.

(AQW 3898/09)

**Minister for Employment and Learning:** The staff in the Jobs and Benefits Office are working with companies which have declared redundancies in East Antrim including Ryobi, FG Wilson and Brett Martin. They have established multi agency partnerships with the relevant Borough Councils in order to ensure that the maximum help and support is given to all who are facing redundancy. A tailored response is being put in place to meet on the individual needs of the company and those facing redundancy.

### Further Education Colleges

**Mr R Newton** asked the Minister for Employment and Learning to breakdown, by age and gender, enrolment in further education colleges for the current academic year and the five previous academic years; and to outline how he plans to address any imbalances, in light of the funding cuts to community education. (AQW 4046/09)

**Minister for Employment and Learning:** Validated Further Education (FE) enrolment statistics for the current year are not available, as the 2008/09 academic year is still in progress. The latest available validated data pertaining to total enrolments in the Northern Ireland FE sector is for the 2006/07 academic year. Enrolment information, by Age Group and Gender, for the 2001/02 to 2006/07 academic years, is detailed in the table below:

Academic year	Gender	Age Group Total				Total
		19 & under	20 to 25	26 to 59	60 & over	
2001/02	Female	35,889	13,530	63,958	22,217	135,594
	Male	37,003	8,399	26,538	8,132	80,072
	<b>Total</b>	<b>72,892</b>	<b>21,929</b>	<b>90,496</b>	<b>30,349</b>	<b>215,666</b>
2002/03	Female	35,624	14,117	62,041	21,432	133,214
	Male	37,662	9,445	27,759	7,670	82,536
	<b>Total</b>	<b>73,286</b>	<b>23,562</b>	<b>89,800</b>	<b>29,102</b>	<b>215,750</b>
2003/04	Female	43,391	15,412	63,042	21,195	143,040
	Male	44,608	11,555	30,967	8,210	95,340
	<b>Total</b>	<b>87,999</b>	<b>26,967</b>	<b>94,009</b>	<b>29,405</b>	<b>238,380</b>
2004/05	Female	42,895	16,251	64,247	22,380	145,773
	Male	44,978	11,786	32,710	8,728	98,202
	<b>Total</b>	<b>87,873</b>	<b>28,037</b>	<b>96,957</b>	<b>31,108</b>	<b>243,975</b>
2005/06	Female	43,030	17,244	61,324	20,950	142,548
	Male	45,485	12,433	31,821	7,995	97,734
	<b>Total</b>	<b>88,515</b>	<b>29,677</b>	<b>93,145</b>	<b>28,945</b>	<b>240,282</b>
2006/07	Female	41,239	16,443	53,970	18,121	129,773
	Male	47,791	12,020	29,031	6,834	95,676
	<b>Total</b>	<b>89,030</b>	<b>28,463</b>	<b>83,001</b>	<b>24,955</b>	<b>225,449</b>

**Source:** Further Education Statistical Record

**Note:** Age is at 1st July at the beginning of the relevant academic year.



In general, any imbalances in the figures presented follow the traditional pattern of enrolment within the FE sector. For example, traditionally in post compulsory education females participate in larger numbers than males. This is the case, consistently, for those over 20 years of age across the period for which validated data is available. The patterns of enrolments, in terms of age and gender, are largely consistent across the five year period, although there has been an increase in the number of enrolments from younger age groups and a slight reduction in the number of learners from older age cohorts.

The majority of community education funded by my Department is delivered by FE Colleges through their network of approximately 750 outreach centres. My Department has made no cuts to the Community Education it funds through the FE Sector, and across the five year period in question the total FE budget increased year on year.

In addition, over the next three years the Department is funding a new £3 million per year Learner Access and Engagement Pilot Programme. Through this programme, which commenced in the current academic year, FE colleges will contract with third party organisations, to provide learner support to 'hard to reach' adults who are economically inactive, are disengaged from the labour market, and have few or no qualifications.

### Repayment Thresholds for Loans

**Ms S Ramsey** asked the Minister for Employment and Learning what discussions he has held with Her Majesty's Revenue and Customs and his Executive colleagues to increase the salary threshold for graduates in relation to the paying back of loans. (AQW 4176/09)

**Minister for Employment and Learning:** Her Majesty's Revenue and Customs, which collects payments on income contingent repayment loans on Government's behalf, has made it clear to my Department (and the other Devolved Administrations) that it cannot operate a UK-wide collection system with different repayment thresholds. My Department could not, therefore, increase the repayment threshold unless the Department for Innovation, Universities and Skills (DIUS) in England and the other Devolved Administrations were to do similar.

I have recently indicated my intention to raise this matter with Ministerial colleagues in the other Administrations and I will inform the House when I receive a response.

### Concessions for Further Education Courses for Over 60s

**Ms S Ramsey** asked the Minister for Employment and Learning if he has sought advice from the Minister for Regional Development on the introduction of concessions for further education courses for those over 60. (AQW 4178/09)

**Minister for Employment and Learning:** I have not asked the Minister for Regional Development for advice on the introduction of concessions for further education courses for those over 60. As incorporated bodies, Further Education Colleges are responsible for setting the level of fees, including concessionary fees, for the courses they provide. In establishing their fees policies, colleges have to take account of relevant legislation. They have to comply with Employment Equality (Age) Regulations which came into operation in October 2006. These Regulations mean that colleges are no longer able to offer concessionary fees to learners solely on the basis of their age.

Goods, facilities and services do not fall within the scope of the Employment Equality (Age) Regulations. This is why pensioners can be offered, for example, access to free transport, while it is not possible to offer college fee concessions on the basis of age.

### Apprentices

**Dr A McDonnell** asked the Minister for Employment and Learning how many apprentices have been made redundant in the (i) construction, (ii) automotive and (iii) engineering sectors since 1 April 2008; and how many in each category have availed of contingency arrangements put in place by the Department as a response to the economic downturn. (AQO 1799/09)

**Minister for Employment and Learning:** Management Information collected by the Department in relation to apprentices who have left training provision is included in a broader "early leaver" destination category. Consequently, the Department cannot say categorically whether these apprentices have left due to redundancy.



Nevertheless, from 1st April 2008, the following numbers of apprentices have been recorded as being “early leavers” in the sectors requested:

- Construction – 266
- Automotive – 54
- Engineering – 97

I would emphasise that the Department’s work in this area is ongoing, and that contingency arrangements were only introduced on 1st December 2008. These arrangements allow for a 3 week period in which the apprentice can look for an alternative employer, before transferring onto the Steps for Work initiative, or continuing training under Training for Success. This 3 week period, coupled with the Christmas holidays, means that a clearer picture on the uptake of contingency arrangements will emerge over the next few weeks.

### **West Belfast Employment Service Board**

**Mr A Attwood** asked the Minister for Employment and Learning for his assessment of the 500 people moved into substantive employment and 4000 referrals and whether this confirms the success of the West Belfast Employment Service Board (ESB); and what plans he has to identify additional funding to enable ESB to develop its work. (AQO 1798/09)

**Minister for Employment and Learning:** I am very encouraged to see that so many people from West Belfast and Greater Shankill have moved into substantive employment as a direct result of my Department’s provision. The Local Employment Intermediary Service programme (LEMIS) and the previous pilot Targeted Initiatives operate in Belfast, Londonderry and Strabane and results have been positive in all areas.

My Department does not core-fund organisations. It purchases services from Providers which are focussed on assisting clients. Additional funding to enable the ESB to fulfil its “Wider Task Force Remit” is a cross Departmental issue and I welcome the fact that the DEL Committee has recently acknowledged this by writing to the other Departments seeking their views on the issue. The ESB’s administration facilitates the LEMIS Belfast Citywide Stakeholders Forum in its monitoring of LEMIS and generally in assisting DEL in the delivery of the service in Belfast. They currently receive £88k per annum for this and are contracted to deliver this service until March 2010.

I appreciate the Employment Services Board’s contribution in this partnership between the Department, local communities and Providers. I also value the local providers on the ground, who actually engage and mentor the participants, and the work of my own officials who develop and oversee the service.

### **STEM Review**

**Mrs D Kelly** asked the Minister for Employment and Learning when the review of STEM will be completed and how quickly he anticipates the Department being able to respond to its recommendations. (AQO 1805/09)

**Minister for Employment and Learning:** The final draft of the STEM review is due to be presented to the Minister of Education and me in the near future. After that my Department, in conjunction with the Department of Education, will make a prompt response to the report subject, of course, to the details of the recommendations and any resource implications it may contain.

### **AVX Redundancies**

**Mr D McClarty** asked the Minister for Employment and Learning what response his Department has made to the recent redundancies at AVX in Coleraine. (AQO 1692/09)

**Minister for Employment and Learning:** Immediate contact was made with the Company when the redundancies were announced offering help and advice on employment, education, training, reskilling, jobsearch, and arranging for benefits advice from the Social Security Agency. Under a multi-agency approach, facilitated by the local Council’s Economic Development Team, we will target directly those in AVX facing redundancy.



### Redundancies in South Down

**Mr J McCallister** asked the Minister for Employment and Learning what response his Department has made to the recent redundancies in South Down. (AQO 1697/09)

**Minister for Employment and Learning:** The Department has provided information and advice to those made redundant in South Down to help them find alternative employment or identify opportunities to retrain under the Department's employment and training programmes. In a number of cases the Jobs & Benefits staff were able to deliver on-site clinics directly to those who had received notices of redundancy.

### STEM Courses at Universities

**Mr E Poots** asked the Minister for Employment and Learning how many additional places will be available for STEM courses at universities in 2009. (AQO 1785/09)

**Minister for Employment and Learning:** The allocation of places for particular courses is a matter for each of the universities in Northern Ireland. I am, however, very keen to work with the universities to determine if any additional places are required in specific subject areas. This will be particularly relevant in the context of the forthcoming STEM review which will contain a range of recommendations, including actions for government.

### Educational Guidance Service for Adults

**Mr J Dallat** asked the Minister for Employment and Learning for his assessment of the importance of the Educational Guidance Service for Adults (EGSA) in the current economic climate. (AQO 1840/09)

**Minister for Employment and Learning:** The Education and Guidance Service for Adults (EGSA) is currently funded to support my Department in providing educational guidance to adults and introducing adults to learning, with particular emphasis on essential skills. I consider this to be an important role particularly in the current economic climate.

### Stranmillis Queen's Merger Business Case

**Mr B McCrea** asked the Minister for Employment and Learning when the consideration of the Stranmillis Queen's merger business case will be complete. (AQO 1695/09)

**Minister for Employment and Learning:** The consideration of the Stranmillis-Queens Merger business case will be complete once a sequence of approval processes have been satisfactorily addressed. The business case is firstly considered by my Departmental economists to determine if it meets Treasury 'Green Book' standards; work has begun already on this. Subsequently, it will be examined by my Department's Finance Division before being submitted to the Permanent Secretary for approval. If my officials are satisfied with the business case, it will then be submitted to the Department of Finance and Personnel (DFP) for scrutiny. If DFP approval is granted, I will at that time give the business case my full consideration.

### Research Assessment Exercise

**Mr F Cobain** asked the Minister for Employment and Learning what assessment his Department has made of the performance of the two universities in the 2008 Research Assessment Exercise. (AQO 1694/09)

**Minister for Employment and Learning:** The results of the 2008 Research Assessment Exercise (RAE) show that in Northern Ireland the proportion of research graded at the highest level has increased since the last RAE in 2001. Half the assessed research in Northern Ireland is either internationally excellent or world-leading with more than 98 per cent of researchers working in disciplines where world leading research is taking place. I am delighted with the performance of our two universities and their improvement in overall placing within the UK.



### Quality of Research at Universities

**Mr B McElduff** asked the Minister for Employment and Learning for his assessment of the quality of research undertaken by Queen's University Belfast and the University of Ulster. (AQO 1794/09)

**Minister for Employment and Learning:** The results of the 2008 Research Assessment Exercise (RAE) show that in Northern Ireland the proportion of research graded at the highest level has increased since the last RAE in 2001. Half the assessed research in Northern Ireland is either internationally excellent or world-leading with more than 98 per cent of researchers working in disciplines where world leading research is taking place. I am delighted with the performance of our two universities and their improvement in overall placings within the UK.

### Educational Guidance Service for Adults

**Mr T Burns** asked the Minister for Employment and Learning what consideration he has given, in addition to the increase in staff at Jobs and Benefits Offices, to guarantee funding for organisations like the Educational Guidance Service for Adults (EGSA) given its proven ability to support persons both facing redundancy and long term unemployment. (AQO 1803/09)

**Minister for Employment and Learning:** My Department provides specific services in redundancy situations and to the long term unemployed, in partnership with other organisations, including EGSA. With the exception of EGSA, all of this work is carried out on a contract basis and funding is guaranteed until the contract end date. EGSA is funded by my Department to provide educational guidance and introduce adults to learning. Funding is agreed on an annual basis. Work is currently progressing in relation to tender action and EGSA will have an opportunity to compete.

### Further Education Facilities

**Mr P Doherty** asked the Minister for Employment and Learning what plans his Department has to increase the provision of further education facilities and courses in the West Tyrone constituency. (AQO 1792/09)

**Minister for Employment and Learning:** South West College's state of the art campus for further education was opened in Omagh in November 2005. A wide range of Further Education and Higher Education provision is available at this campus, including Foundation Degrees. Provision can be enhanced even further, subject to local demand.

North West Regional College is considering proposals to provide a new build facility at its Strabane campus. Work is currently scheduled to begin in 2012 with a completion date in 2014.

North West Regional College expanded the number of full time and part time courses at its Strabane campus at the start of the 2008/09 academic year. The College intends to offer an even wider range of provision in Strabane for the 2009/10 academic year following the completion of refurbishment of the campus' facilities.

### December Monitoring Round

**Mr P Ramsey** asked the Minister for Employment and Learning to provide details of monies returned by his Department in the December Monitoring Round. (AQO 1838/09)

**Minister for Employment and Learning:** My Department declared a total of £25.9 million in reduced requirements in the December 2008 Monitoring Round made up as follows:

	£ millions		
	Admin	Resource	Total
Closure of Training Programmes		-0.3	-0.3
Employment Programmes -Lower Demand		-16.2	-16.2
Employment Rights - Lower Caseload		-0.2	-0.2
Enterprise Ulster - Closure Costs		-0.2	-0.2



	£ millions		
	Admin	Resource	Total
European Social Fund - Slower start to Programme than anticipated		-1.0	-1.0
Foreign Direct Investment Employer Support - Easement		-1.4	-1.4
Delays in Further Education Projects		-2.1	-2.1
Springvale Training Ltd - Easement		-0.3	-0.3
Staff Vacancies	-1.6		-1.6
Student Loans and Grants - Lower Demand		-2.7	-2.7
	-1.6	-24.3	-25.9

## DEPARTMENT OF ENTERPRISE, TRADE AND INVESTMENT

### District Council Projects

**Mr P Doherty** asked the Minister of Enterprise, Trade and Investment to detail (i) the amount of financial assistance toward projects in each district council, in the last two years; and (ii) the amount and percentage of this financial assistance compared to the total amount that was applied for, in each district council. (AQW 3630/09)

#### Minister of Enterprise, Trade and Investment (Mrs A Foster):

- (i) Information for the last two financial years is set out in the attached table.
- (ii) This information is not available as it could only be obtained at disproportionate cost

#### DETI FINANCED PROJECTS

District Council Area	2006-2007 Total amount of financial assistance towards projects in each DC £000's	2007-2008 Total amount of financial assistance towards projects in each DC £000's
Antrim	3,485	3,372
Ards	1,574	889
Armagh	6,971	1,866
Ballymena	3,657	4,144
Ballymoney	504	587
Banbridge	3,229	1,060
Belfast	41,791	38,165
Carrickfergus	255	413
Castlereagh	589	4,023
Coleraine	915	6,243
Cookstown	1,559	2,785
Craigavon	8,555	3,878
Derry	10,646	12,975
Down	526	1,253
Dungannon & S Tyrone	2,865	9,453
Fermanagh	6,685	3,336



District Council Area	2006-2007 Total amount of financial assistance towards projects in each DC £000's	2007-2008 Total amount of financial assistance towards projects in each DC £000's
Larne	605	3,594
Limavady	1,236	571
Lisburn	4,550	4,063
Magherafelt	1,002	2,810
Moyle	298	692
Newry & Mourne	4,583	6,946
Newtownabbey	9,276	2,825
N Down	1,701	2,766
Omagh	1,039	4,030
Strabane	1,775	1,116
Financial Assistance related to more than one DC	3,653	7,407
<b>Totals</b>	<b>123,524</b>	<b>131,262</b>

**Notes:**

- Information requested for part (ii) of the question is not readily available and could only be provided at a disproportionate cost.
- Invest NI offered an additional £7.2m (£2.5m in 2006/07, £4.7m in 2007/08) for which this level of detail is not available.
- In addition, £2.3m (£1.1m in 2006/07, £1.2m in 2007/08) was offered through the Start a Business Programme which is provided by Invest NI in partnership with Enterprise Northern Ireland. This assistance is offered to individuals who are not part of Invest NI's client base but have the potential to become Invest NI clients.
- The figures above include applications for assistance made in earlier years. For example, applications for assistance by District Councils for funding of Local Economic Development action plans under the Building Sustainable Prosperity programme were made in 2002 in respect of the 2000-2006 programme period.
- The figures provided include amounts paid to Derry City Council in relation to claims against the 'Wireless Council' and 'Wireless Walls' Broadband Flagship projects, applications for which were submitted in 2004. The total amounts applied for under each project are £174,353 and £110,209 respectively to which DETI contributed 75%. The full amount due to the Council for both projects had been paid by early December 2007.
- The Figures provided include a wide range of other NITB initiatives to support the development of tourism, initiatives include International Development Fund (primarily in Londonderry), The Tourism Development Scheme - £1.5m per annum and other Signature Project specific initiatives.

## Small and Medium-Sized Enterprises

**Ms M Anderson** asked the Minister of Enterprise, Trade and Investment what support and assistance is available to small and medium-sized enterprises that are struggling to survive as a result of the economic downturn. (AQW 3773/09)

**Minister of Enterprise, Trade and Investment:** There are a number of initiatives underway to assist businesses during the downturn. The Finance Minister and I met representatives of the local banks in December 2008 to discuss their lending policies to businesses, and how they might make more use of the UK wide lending initiatives announced by the Chancellor in his Pre-Budget Report to help small businesses. My Department and Invest NI are also continuing to work with the UK Department for Business, Enterprise and Regulatory Reform (BERR), the banks and businesses to ensure that Northern Ireland takes full advantage of the UK-wide Small Business Finance Scheme which is due to be launched during January.

Invest NI has developed a programme of initiatives designed to enable its clients to tackle the impact of a sustained economic downturn. At the end of September, the £5 million 'Accelerated Support Fund' was launched providing fast track advice and assistance to client companies to help them respond to the effects of the downturn.

The agency has held seven seminars on the theme of "Navigating through Challenging Times". These have attracted over 500 attendees from 440 of Invest NI's Client Companies and feedback to date has been extremely positive. As a follow-up to these events, Invest NI is offering up to five days of free consultancy support on a range of key business areas.



Invest NI has also continued to increase its focus on export support to exploit the current weaknesses in the exchange rate and has initiated additional trade missions to Saudi Arabia, the Gulf States & Europe as well as developing a new export mentoring programme.

For those businesses that are not Invest NI clients, a “Beat the Credit Crunch” section has been added to the nibusinessinfo website which provides practical tools and guides on key business activities such as managing Finances and securing extra sales. Invest NI has also brought together other economic development partners to launch a series of seminars offering practical advice and support to non Invest NI client companies. A pilot seminar was held in Omagh in December 2008 and a further nine seminars will be held across Northern Ireland during January and February 2009.

All Northern Ireland businesses can also access the Carbon Trust’s Interest Free Loan Scheme which aims to maximise energy efficiency. To date 24 applicants have received a total of £3.2m funding under this scheme, and 95 free energy efficiency surveys completed.

Both DETI and Invest NI continue to proactively work with the companies and entrepreneurs whose business strategies and investment decisions are essential to progressing towards the targets contained in the Executive’s Programme for Government.

### Presbyterian Mutual Society

**Mr D Kennedy** asked the Minister of Enterprise, Trade and Investment what regulatory powers and duties does her Department have with regards to the Presbyterian Mutual Society.[R] (AQW 3789/09)

**Minister of Enterprise, Trade and Investment:** The Presbyterian Mutual Society is a registered society under the Industrial and Provident Societies Act (Northern Ireland) 1969. Under that Act, my Department is responsible for the office of the Registrar, who undertakes specified statutory functions in respect of all societies on the current register. These functions relate to the registration status and non-commercial aspects of a society’s operations:

- Registration, name and maximum shareholding
- Provisions as to rules
- Cancellation, suspension or refusal of registration of society or rules
- Membership and special provisions affecting membership
- Accounts, Officers, registers, books
- Amalgamations and transfers of engagements
- Dissolution

All registered societies are also required under section 48 of the Act to submit an annual return within seven months of its respective financial year-end. The annual return must contain the revenue account and balance sheet prepared in accordance with section 37 (provisions as to the accounts and balance sheets of registered societies). The annual return comprises part of the public file on each society held by the Registry.

The Registrar does not have any prudential supervisory role in relation to industrial and provident societies.

### Presbyterian Mutual Society

**Mr D Kennedy** asked the Minister of Enterprise, Trade and Investment what discussions she has had with Her Majesty’s Treasury about guaranteeing investments in the Presbyterian Mutual Society. (AQW 3790/09)

**Minister of Enterprise, Trade and Investment:** I have not had any discussions with the Treasury about guaranteeing investments in the Presbyterian Mutual Society (PMS). However, following the Chancellor’s Pre-Budget Report announcement of the planned review of the Northern Ireland mutuals sector, officials from my Department met with Department for Finance and Personnel and Treasury officials to discuss the scope and timescale for the review which will consider, among other things, how to prevent this situation being repeated in the future, and look at proposals for depositor protection.

At its meeting on 15 January, the Executive also considered the PMS issue and it was agreed that the FM and dFM should seek to raise with the Prime Minister the issue of help to the members of the PMS and to impress



upon him the need for the UK government to provide support to them in terms of depositor protection. This is currently being actioned.

### Paperwork Reduction

**Dr A McDonnell** asked the Minister of Enterprise, Trade and Investment what steps she is taking to significantly reduce the amount of paperwork she sends to constituency offices and other organisations throughout 2009. (AQW 3792/09)

**Minister of Enterprise, Trade and Investment:** The Department of Enterprise, Trade and Investment and its NDPBs have a statutory duty in respect of certain publications, e.g. Annual Reports and Accounts, to provide hard copies of documents. However, whenever possible and acceptable to recipients, publications, including consultations, are made available in electronic format.

### Geothermal Heating

**Mr D McKay** asked the Minister of Enterprise, Trade and Investment what research her Department has done on geothermal heating and how it could be successfully exploited. (AQW 3800/09)

**Minister of Enterprise, Trade and Investment:** The Department of Enterprise, Trade and Investment has carried out research on geothermal energy in Northern Ireland through projects involving Action Renewables and the Geological Survey of Northern Ireland (GSNI). Studies were completed into the potential for both shallow and deep geothermal energy in 2005. A follow-up study, funded by DETI, was carried out in 2008 which matched the best areas of deep geothermal energy potential to planned developments in the domestic, public and commercial sectors throughout Northern Ireland.

These studies have all concluded that there is considerable potential for the exploitation of both deep and shallow geothermal energy to produce low-carbon heat energy in Northern Ireland. GSNI is undertaking further research projects designed to enhance the knowledge of the deep geological and geothermal characteristics in areas of Northern Ireland. The aim of this work is to reduce the risks associated with deep geothermal exploration and thus to encourage private sector investment in this sector.

GSNI is also a partner in the EU-funded GeoThermal Regulation - Heat project (2006-09). The project will use the experience of partner countries with well-developed geothermal energy markets and efficient regulatory frameworks, to propose new legislation for those partner countries, such as Northern Ireland, where these do not yet exist.

### Departmental Legislation

**Mr P Weir** asked the Minister of Enterprise, Trade and Investment what legislation will her Department bring forward to the Assembly in 2009. (AQW 3808/09)

**Minister of Enterprise, Trade and Investment:** DETI has identified its potential legislative requirements for the remainder of this session of the Assembly. However, these proposals are subject to consideration by the Executive and it would therefore not be appropriate or possible to pre-empt this consideration by providing the information you request.

### Global Point Business Park

**Mr T Burns** asked the Minister of Enterprise, Trade and Investment to provide an update on the development of Global Point Business Park, Newtownabbey. (AQW 3858/09)

**Minister of Enterprise, Trade and Investment:** In January 2008, Invest NI received planning approval which enabled it to offer serviced sites for sale to client companies at Global Point Business Park. Work on the latest phase of the internal infrastructure, which is releasing over 30 acres of land suitable for Invest NI clients, is due for completion by end January 2009.



Design for improvements to the Corr's Corner roundabout and an attenuation scheme, both required as a result of the planning approval, are at an advanced stage. Invest NI is actively engaged with Roads Service and Rivers Agency to ensure these designs are acceptable and to ensure that any immediate sales are not delayed pending the implementation of the final solutions to meet the planning conditions.

Invest NI is actively marketing Global Point Business Park to both existing and prospective client companies (there are 6 recorded interests for a total of 29 acres of land) although given current economic conditions, any site sales are likely to be challenging.

Invest NI continues discussion with Newtownabbey Borough Council concerning the transfer of the linear park to its care.

### Northern Ireland Tourist Board

**Mr S Hamilton** asked the Minister of Enterprise, Trade and Investment when a tourism strategy for the Strangford Lough area will be developed by the Northern Ireland Tourist Board. (AQW 3860/09)

**Minister of Enterprise, Trade and Investment:** The Strangford Lough area is recognised as one of Northern Ireland's key tourism assets and the development and promotion of such an asset is already captured at a strategic level within The Northern Ireland Tourist Board's draft corporate plan (2008-2011). As such, an overarching strategy exists.

Within this, NITB has identified key product areas as the focus for product development, management and marketing over the next 2 years. Underpinning these will be Northern Ireland's superb natural assets, its unspoilt landscapes, coastlines and environment which includes Strangford Lough. These product areas will be the key to developing the tourism experience across Northern Ireland and particularly will drive investment and development in regional areas such as Strangford.

In addition, the wider Strangford constituency area will also benefit from the development and promotion of the St Patrick and Christian Heritage Signature Project which stretches from Armagh to Bangor. The trail passes through Downpatrick, linking Inch Abbey and Saul before travelling on down the Ards peninsula where it follows Strangford Lough and visits the impressive Cistercian Abbey at Greyabbey on its way North.

### Rise in Unemployment

**Lord Browne** asked the Minister of Enterprise, Trade and Investment how does the rise in unemployment compare with the remainder of the United Kingdom, in the last six months. (AQW 4002/09)

**Minister of Enterprise, Trade and Investment:** The official measure of unemployment is sourced to the Northern Ireland Labour Force Survey (LFS) and there has been little change in the unemployment rate over the six month period to August-October 2008.

However, the more recent seasonally adjusted claimant count measure of unemployment in Northern Ireland has risen by 9,000 or 35.9% in the last six months to 34,100 in November 2008. In that period the rate as a percentage of the workforce has risen by 1.0 percentage points to 3.9%.

In the same period the level of unemployment in the UK has risen by 30.0%. The unemployment rate has increased by 0.7 percentage points to 3.3%.

Northern Ireland had the third highest percentage increase in unemployment levels (35.9%) with only the South East (41.4%) and the South West (47.5%) showing higher percentage increases.

### Persons of EU and Non EU Nationality Resident in Northern Ireland

**Mr D Simpson** asked the Minister of Enterprise, Trade and Investment how many (i) EU; and (ii) non-EU foreign national have been residents in Northern Ireland, in each of the last five years. (AQW 4034/09)

**Minister of Enterprise, Trade and Investment:** Labour Force Survey estimates for the number of persons of EU and non EU nationality who were resident in Northern Ireland between 2004 and 2008 are shown in the table below.



**RESIDENTS IN NORTHERN IRELAND BY EU AND NON-EU NATIONALITY<sup>1</sup>, 2004-2008.**

Year	EU Nationality	Non-EU Nationality
2004	1,666,000	18,000
2005	1,687,000	11,000
2006	1,691,000	24,000
2007	1,709,000	20,000
2008	1,721,000	25,000

<sup>1</sup> EU Nationality – Figures for 2004-2006 refer to EU25 countries: Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden and the United Kingdom.

Figures for 2007-2008 refer to EU27 countries: EU25 plus Bulgaria and Romania.

Please note that these estimates are subject to sampling error.

**Source:** Labour Force Survey, Quarter 2 (April-June) of each year.

### Programme for Government

**Mr L Cree** asked the Minister of Enterprise, Trade and Investment for her assessment of the targets in the Programme for Government that relate to the value added nature of prospective FDI, with the commitment to create a minimum of 6,500 jobs with 85% or above of these to be in the private sector. (AQO 1859/09)

**Minister of Enterprise, Trade and Investment:** The provisional data for those inward investment projects approved between 1st April and 31st December 2008 indicates that 2,053 new inward investment jobs have been promoted to date, 1,258 of which will have salaries above the 2008 Northern Ireland Private Sector Median. A number of the projects have not yet been announced and might well now be delayed until more favourable economic conditions arise.

Invest NI remains committed to securing high value jobs as measured by salary but as I have stated in response to a previous question, the pipeline for prospective new FDI clients is not favourable, reflecting the general deterioration in business confidence.

The economic situation remains too volatile to predict with any precision how it will look in the future. However, the project sales cycle for inward investment can take 18 to 24 months to complete and Invest NI is confident that, in the medium to longer term, Northern Ireland will benefit from the opportunity that the USNI conference afforded to position the Northern Ireland business

Achieving the FDI targets in the Programme for Government will become increasingly challenging as the economic downturn continues. However I remain cautiously optimistic that new opportunities may emerge and, when they do, Northern Ireland businesses will be well placed to exploit them.

### Review of Electricity Price Increases

**Mr M McLaughlin** asked the Minister of Enterprise, Trade and Investment to detail how her Department intends to respond to the findings of the independent review into electricity prices increases. (AQO 1846/09)

**Minister of Enterprise, Trade and Investment:** I welcome the independent report into the electricity price setting process commissioned by the Northern Ireland Authority for Utility Regulation which was recently completed, and its conclusions that there were no anomalies or shortcomings within the process followed by the Utility Regulator. Wider issues raised in the report will be considered in the context of the Department's ongoing review of the Strategic Energy Framework.



## Review of DETI and Invest NI

**Mr D McNarry** asked the Minister of Enterprise, Trade and Investment if the planned review of her Department and Invest NI will examine the current suitability of the economic targets in the Programme for Government. (AQO 1852/09)

**Minister of Enterprise, Trade and Investment:** To date, performance on operating plan targets for 2008/09 has been generally positive. However, given the global downturn, there are obvious concerns relating to falling demand for locally produced goods and services and for potential investment opportunities. The combination of these factors suggests that targets for 2009/10 and 2010/11 will need to be monitored carefully.

In addition to internal reviews that my officials will be conducting, I have asked the Review Panel to provide an independent assessment of my Department's economic goals and targets. The Terms of Reference have been expanded to reflect this.

## Private Sector

**Mr D Ford** asked the Minister of Enterprise, Trade and Investment what plans she has to help the private sector in light of the global economic downturn. (AQO 1830/09)

**Minister of Enterprise, Trade and Investment:** Members will already be well aware of the £45 million package of assistance announced by the Finance Minister in December, underlining the Executive's commitment to supporting our local businesses during the downturn.

Following on from this, I along with the Finance Minister, met representatives of the local banks last month to discuss their lending policies to businesses, and how they might make more use of the UK wide lending initiatives announced by the Chancellor in his Pre-Budget Report to help small businesses.

In partnership with Enterprise NI, District Councils and the NI Chamber of Commerce we have also now developed a further programme of business information seminars specifically focused at non Invest NI clients. This was piloted in Omagh last month and a further nine events will be rolled out across Northern Ireland during the remainder of January and in February.

In addition, the new "Beat the Credit Crunch" section of the nibusinessinfo website will be particularly helpful as it offers practical tools and guides on a wide range of key business activities.

All Northern Ireland businesses can also access the Carbon Trust's Interest Free Loan Scheme which aims to maximise energy efficiency. To date 24 applicants have received a total of £3.2m funding under this scheme, and 95 free energy efficiency surveys completed.

These initiatives are being undertaken in conjunction with the range of activity developed by Invest NI to assist its clients, including the fast track advice and support available through the £5m Accelerated Support Fund package, an increased on export support to exploit the current weaknesses in the exchange rate.

We therefore continue to work proactively our local companies and entrepreneurs to help minimise the impact of the current economic downturn and we will continue to develop further methods of support and assistance as necessary.

## Review of DETI and Invest NI

**Mr B McCrea** asked the Minister of Enterprise, Trade and Investment what consideration she has given to bringing forward the completion date of the proposed review of her Department and Invest NI in light of the current economic crisis. (AQO 1850/09)

**Minister of Enterprise, Trade and Investment:** As I indicated in my statement to the Assembly on the 1 December 2008, I expect the Independent Review Panel to provide a report to me by early summer 2009.

Members should recognise the scale of work involved in a Review of this nature. Moreover, the focus of the Review is not to provide a response to the current short-term pressures facing local companies as a result of the global economic slowdown. The Executive is already taking measures to help businesses cope with these pressures.

However, we also need to concentrate on the medium to longer term priorities for the economy that are set out in the Programme for Government. That is the focus of the Review. I will continue to ensure that the Panel



has the necessary resources to produce a detailed and evidence based report within the timeframe I have already announced.

### Help for Businesses

**Mrs N Long** asked the Minister of Enterprise, Trade and Investment to outline what help she will provide to businesses that are being hit by the economic downturn. (AQO 1829/09)

**Minister of Enterprise, Trade and Investment:** Members will already be well aware of the £45 million package of assistance announced by the Finance Minister in December, underlining the Executive's commitment to supporting our local businesses during the downturn.

Following on from this, I along with the Finance Minister, met representatives of the local banks last month to discuss their lending policies to businesses, and how they might make more use of the UK wide lending initiatives announced by the Chancellor in his Pre-Budget Report to help small businesses.

In partnership with Enterprise NI, District Councils and the NI Chamber of Commerce we have also now developed a further programme of business information seminars specifically focused at non Invest NI clients. This was piloted in Omagh last month and a further nine events will be rolled out across Northern Ireland during the remainder of January and in February.

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These initiatives are being undertaken in conjunction with the range of activity developed by Invest NI to assist its clients, including the fast track advice and support available through the £5m Accelerated Support Fund package, an increased on export support to exploit the current weaknesses in the exchange rate.

We therefore continue to work proactively our local companies and entrepreneurs to help minimise the impact of the current economic downturn and we will continue to develop further methods of support and assistance as necessary.

### Telecommunications Provision

**Mr B McElduff** asked the Minister of Enterprise, Trade and Investment for her assessment of the Western Economic Strategy Team (WEST) report into telecommunications provision in Tyrone and Fermanagh. (AQO 1847/09)

**Minister of Enterprise, Trade and Investment:** The report highlights a number of issues that are relevant to the WEST region and also to many rural and dispersed communities, not only in Northern Ireland but across Europe. We are already taking steps to address those matters, focusing our efforts on the business sector with the resources available to my Department under the Programme for Government. For instance, an application to our recently launched Broadband Fund resulted in an excellent project that will bring forward a range of broadband services, at the higher speeds businesses demand, to many areas in the WEST region. Furthermore, we have just put in place a new 3 year contract ensuring the continued availability of broadband services across all of Northern Ireland. This is particularly important for those living and working in remote and rural areas.

### Private Sector

**Mr S Neeson** asked the Minister of Enterprise, Trade and Investment to detail her plans to help the private sector in light of the global economic downturn. (AQO 1828/09)

**Minister of Enterprise, Trade and Investment:** Members will already be well aware of the £45 million package of assistance announced by the Finance Minister in December, underlining the Executive's commitment to supporting our local businesses during the downturn.



Following on from this, I along with the Finance Minister, met representatives of the local banks last month to discuss their lending policies to businesses, and how they might make more use of the UK wide lending initiatives announced by the Chancellor in his Pre-Budget Report to help small businesses.

In partnership with Enterprise NI, District Councils and the NI Chamber of Commerce we have also now developed a further programme of business information seminars specifically focused at non Invest NI clients. This was piloted in Omagh last month and a further nine events will be rolled out across Northern Ireland during the remainder of January and in February.

In addition, the new “Beat the Credit Crunch” section of the nibusinessinfo website will be particularly helpful as it offers practical tools and guides on a wide range of key business activities.

All Northern Ireland businesses can also access the Carbon Trust’s Interest Free Loan Scheme which aims to maximise energy efficiency. To date 24 applicants have received a total of £3.2m funding under this scheme, and 95 free energy efficiency surveys completed.

These initiatives are being undertaken in conjunction with the range of activity developed by Invest NI to assist its clients, including the fast track advice and support available through the £5m Accelerated Support Fund package, an increased on export support to exploit the current weaknesses in the exchange rate.

We therefore continue to work proactively our local companies and entrepreneurs to help minimise the impact of the current economic downturn and we will continue to develop further methods of support and assistance as necessary.

### Economic Development Policies

**Mr R Beggs** asked the Minister of Enterprise, Trade and Investment what emphasis will be placed on the green economy in the review of Northern Ireland’s economic development policies written by Professor Richard Barnett. (AQO 1849/09)

**Minister of Enterprise, Trade and Investment:** The Terms of Reference for the Independent Review have already been shared with Members in the context of my statement on 1 December 2008. They have also been placed on a dedicated website that has been developed as part of the Independent Review.

The Terms of Reference are wide ranging and include the need to make recommendations on the policy options to stimulate economic growth & productivity, and to build a larger and more wealth-creating private sector.

I expect that Review will refer to high growth-potential sectors, including the green economy.

### Northern Ireland Tourist Board

**Mrs M O’Neill** asked the Minister of Enterprise, Trade and Investment to detail how the Northern Ireland Tourist Board plans to develop and promote Lough Neagh as a tourism resource. (AQO 1848/09)

**Minister of Enterprise, Trade and Investment:** Lough Neagh’s main tourism strength lies in the range of water-based sports and activities that it has to offer. The Northern Ireland Tourist Board (NITB) is working to develop the Lough as a key element of its Sports Activities and Waterways product.

Partnership is the best way forward for successful tourism development and delivery and the Lough Neagh Partnership has played a leading role in the Lough’s development. NITB actively engages with the Lough Neagh Partnership in developing the tourist and leisure potential of the Lough.

NITB has responsibility for marketing in Northern Ireland and the Irish Republic. It employs websites, publications, targeted campaigns and its Tourism Information Centre and an office in Dublin to promote tourism growth in Northern Ireland as a whole. Lough Neagh and its attractions are included in these marketing formats. Information on Lough Neagh is also available from partner organisations and their websites such as the Regional Tourism Partnerships, the Lough Neagh Partnership and the Countryside Access and Activities Network.

NITB will continue to work with relevant partners to ensure continued progress in the development and promotion of Lough Neagh as a tourist destination.



## Review of DETI and Invest NI

**Mr J McCallister** asked the Minister of Enterprise, Trade and Investment if she can give a definitive completion date for the proposed review of her Department and Invest NI. (AQO 1853/09)

**Minister of Enterprise, Trade and Investment:** As I indicated in my statement to the Assembly on the 1 December 2008, I expect the Independent Review Panel to provide a report to me by early summer 2009.

Members should recognise the scale of work involved in a Review of this nature. Moreover, the focus of the Review is not to provide a response to the current short-term pressures facing local companies as a result of the global economic slowdown. The Executive is already taking measures to help businesses cope with these pressures.

However, we also need to concentrate on the medium to longer term priorities for the economy that are set out in the Programme for Government. That is the focus of the Review. I will continue to ensure that the Panel has the necessary resources to produce a detailed and evidence based report within the timeframe I have already announced.

## Programme for Government

**Mr A McFarland** asked the Minister of Enterprise, Trade and Investment when remedial action will be proposed for at risk targets in the Programme for Government that fall under her remit. (AQO 1851/09)

**Minister of Enterprise, Trade and Investment:** To date, performance on operating plan targets for 2008/09 has been generally positive. However, given the global downturn there are obvious concerns relating to falling demand for locally produced goods and services, and for potential investment opportunities. The combination of these factors suggests that targets for 2009/10 and 2010/11 may need to be monitored carefully.

It should be recognised that the Programme for Government (PfG) and DETI's Corporate Plan indicated that targets were framed in the context of the then predicted economic downturn. Furthermore, they also explained that targets would be continually tracked and monitored against changing markets and, where appropriate, amended over the PfG period.

My Department has developed detailed Delivery Agreements which outline the actions to be taken to deliver on the targets and commitments contained in the PfG. Robust monitoring procedures have also been established to track performance. These will continue to be used to identify areas of concern where remedial action may be required.

## Impact of the Economic Downturn on Agriculture

**Mr T Elliott** asked the Minister of Enterprise, Trade and Investment what discussions she has had with the Minister for Agriculture and Rural Development about the impact of the economic downturn on agriculture. (AQO 1854/09)

**Minister of Enterprise, Trade and Investment:** The Minister for Agriculture and Rural Development and I have met to discuss a wide range of agri food related matters.

We have both met delegations from the Northern Ireland dairy sector and have given our support for the case for the re-introduction of export refunds. My Department also continues to be represented on the Interdepartmental Committee on Rural Policy, which is chaired by the Agriculture Minister, and is committed to working with DARD to achieve the full economic potential of rural Northern Ireland.

In recent months, I have sought to focus on actions that can help alleviate the impact of the economic downturn on Invest NI's clients. These include a number of food processing companies.

In this regard, Invest NI has put in place a number of initiatives including a new £5 million Accelerated Support Fund; a series of Credit Crunch seminars (which 33 food companies have attended since September 2008); guidance on how to increase new sales in export markets; and ongoing promotion of R&D. Invest NI is also proactively seeking out international best practice which could be applicable to the NI food industry and is taking a broad section of the agri-food industry to New Zealand this month.

At the Breakfast Food Branding conference in November, I had the opportunity to hear first-hand from many of the 75 companies that attended of the issues they are currently facing. I have also had meetings with a number



of individual companies and representatives from the food and agriculture sectors, including the Ulster Farmers' Union, the Northern Ireland Meat Exporters Association and Dairy UK (NI) to discuss a wide range of economic issues.

### Renewable Technologies

**Mr A Maginness** asked the Minister of Enterprise, Trade and Investment, given the recent investment of 500m Euro by the Republic of Ireland's government in renewable energy technologies, and the Scottish Executive's aim to become a world leader in marine technologies, to outline what specific large scale policy initiatives are in place to ensure a partnership in the development of renewable technologies with those two regions. (AQO 1858/09)

**Minister of Enterprise, Trade and Investment:** Northern Ireland has an ongoing relationship with the other administrations in the United Kingdom including the Scottish Executive, and proactively seeks to help the UK meet Member State obligations in renewable energy. Northern Ireland also works with the Republic of Ireland on energy matters and has done so for many years. This co-operation is based on delivering practical results that are mutually beneficial for the economies and consumers on both sides of the border. I have met Energy Ministers from both Scotland and the Republic on a number of occasions and renewable energy remains a key part of the shared agenda, particularly in the context of the EU focus on developing regional energy markets.

Two ongoing examples of effective co-operation with both regions are:

- Northern Ireland is a full partner in the Biomara project with both Scotland and the Republic of Ireland. This €6 million project will pioneer innovative research into the production of renewable energy from seaweeds and marine algae from shared seas.
- Northern Ireland, Scotland and the Republic of Ireland are also undertaking a project (the Isles project) to examine the feasibility of constructing an offshore electricity transmission network linking potential offshore sites for the generation of renewable electricity in the coastal waters of Western Scotland, Northern Ireland and Ireland – this will be key in developing offshore resource.

## DEPARTMENT OF THE ENVIRONMENT

### Colin Glen Trust

**Ms J McCann** asked the Minister of the Environment when the land lease issue with Colin Glen Trust in West Belfast will be addressed. (AQW 3675/09)

**Minister of the Environment (Mr S Wilson):** The land lease issue with Colin Glen Trust is already being addressed.

A case for a 99-year lease to Colin Glen Trust of Colin Valley Golf Course and adjacent lands linking the Course to Black's Road was prepared by my Department's Northern Ireland Environment Agency (NIEA) and submitted to the Department of Finance and Personnel (DFP). DFP recently advised NIEA that a 99-year lease would be acceptable in principle, provided it could be justified by a full economic appraisal addressing social, economic and environmental issues. Compiling such appraisals is complex and this one will require input from bodies external to my Department. If the case set out in the appraisal is accepted by DFP, the 99-year lease will be expedited by NIEA, with input from the solicitors of both the Department and Colin Glen Trust. As essential steps in the process are outside the control of my Department, I cannot give a completion date, but NIEA will continue to give high priority to this case.

### Northern Ireland Environment Agency

**Mr R Beggs** asked the Minister of the Environment, pursuant to the answer to AQW 1050/09, what assessment the Northern Ireland Environment Agency has made of the suitability of proposals by Northern Ireland Water



for sewage treatment and disposal at Ballystrudder, Ballycarry and Whitehead, based on details of the marine modelling for the proposed discharge into this environmentally sensitive area. (AQW 3716/09)

**Minister of the Environment:** Following initial marine modeling, Northern Ireland Water (NIW) proposed to discharge untreated screened effluent via an outfall pipe. This modelling however showed that a large section of coastline would be impacted with high bacterial levels by such a discharge and Northern Ireland Environment Agency (NIEA) did not consider this to be acceptable.

NIEA has since asked NIW to model two options namely; the discharge with primary treated effluent and the discharge with secondary treated effluent. The primary treatment model will be available in early February, at which point NIEA will meet with NIW to discuss the results in order to establish if it is necessary to model for the second option of secondary treatment.

### Northern Ireland Environment Agency

**Mr R Beggs** asked the Minister of the Environment, pursuant to the answer to AQW 1050/09, (i) what levels of water and sewage treatment the Northern Ireland Environment Agency deems suitable for the coastal district of Ballystrudder, Ballycarry and Whitehead; and (ii) to list all local and EU regulations on which the Agency bases its consent to discharge standards that it deems appropriate for the area. (AQW 3717/09)

**Minister of the Environment:**

- (i) The Northern Ireland Environment Agency will assess an application/proposal for a discharge consent, taking account of the relevant legislation and guidelines applicable to the area and taking account of issues such as the local population equivalent (p.e.) to establish the appropriate treatment or disposal system.

The proposed discharge location at Cloghfin Bay must comply with the Urban Waste Water Treatment Directive which requires appropriate treatment as there are no designated bathing or shellfish waters in the vicinity. In England and Wales, secondary treatment is a policy requirement for all works discharging to coastal waters serving a p.e. of greater than 2000. In the absence of this policy for Northern Ireland, NIEA produced a guidance document called the Northern Ireland Estuarine and Coastal Waters Classification Scheme. This policy affords protection to all water users and fulfils our requirement to protect public health under the Water (Northern Ireland) Order 1999.

- (ii) The Agency takes account of the following when considering a discharge consent application in this area:-
- The Water (Northern Ireland) Order 1999;
  - The Urban Waste Water Treatment Directive; and
  - The Northern Ireland Estuarine and Coastal Waters Classification Scheme.

### Visitors' Centre at the Giant's Causeway

**Mr D McKay** asked the Minister of the Environment for an update on the planning application for a publicly funded Visitors Centre at the Giants Causeway. (AQW 3726/09)

**Minister of the Environment:** The planning application for a publicly funded visitors centre at the Giants Causeway has been assessed by my officials in the Planning Service and a report and recommendation is currently with me for consideration.

I have had no meetings other than those with planning officials as is normal practice. I have not received any correspondence on either of the planning applications.

### Visitors' Centre at the Giant's Causeway

**Mr D McKay** asked the Minister of the Environment to list (i) all the meetings he has held about both applications for a Visitors Centre at the Giants Causeway; and (ii) all those who have corresponded with him regarding the applications. (AQW 3727/09)



**Minister of the Environment:** The planning application for a publicly funded visitors centre at the Giants Causeway has been assessed by my officials in the Planning Service and a report and recommendation is currently with me for consideration.

I have had no meetings other than those with planning officials as is normal practice. I have not received any correspondence on either of the planning applications.

### Kitchen Waste

**Mr D McKay** asked the Minister of the Environment (i) to list which Councils recycle some kitchen waste; and (ii) which Councils recycle all kitchen waste including meat, fish and vegetables. (AQW 3729/09)

**Minister of the Environment:** I understand that:

- (i) Omagh District Council recycles some kitchen waste; and
- (ii) Armagh City & District Council, Banbridge District Council, Dungannon & South Tyrone Borough Council, Magherafelt District Council and Newry & Mourne District Council recycle all kitchen waste including meat, fish and vegetables.

### Planning Service

**Mr A Bresland** asked the Minister of the Environment how much it has cost the Planning Service to send out invalid planning applications. (AQW 3735/09)

**Minister of the Environment:** The cost of returned applications cannot be identified as no separate postal costs are kept for invalid applications. However, we can advise that since April 2007 to date a total of 18572 applications have been returned as invalid.

### River Pollution

**Mr T Burns** asked the Minister of the Environment how many river pollution incidents occurred in (i) the South Antrim constituency; and (ii) all of Northern Ireland, in the calendar year 2008. (AQW 3745/09)

**Minister of the Environment:** Water pollution statistics compiled by the Northern Ireland Environment Agency (NIEA) are not recorded by parliamentary constituencies. However, statistics recorded in respect of river basins in South Antrim for 2008 show that:

- 216 separate pollution investigations were carried out, and
  - 106 of those incidents have, to date, been verified.
- (ii) During 2008, for all of Northern Ireland, pollution statistics compiled by NIEA show that :
- a total of 2164 pollution investigations were carried out, and
  - 1111 of those incidents have, to date, been verified.

The investigation of a number of incidents which occurred in the latter part of 2008 is still continuing during the initial part of 2009. In some cases this includes awaiting the results of scientific analysis of samples which may prove or disprove the occurrence of pollution in specific instances. Therefore, while the total number of incidents investigated during 2008 will not change, the number of confirmed incidents of pollution quoted must at this stage be regarded as 'interim'.

### Road Safety Council

**Mr T Lunn** asked the Minister of the Environment how much the 2008 review of the Road Safety Council cost. (AQW 3767/09)

**Minister of the Environment:** Following a tendering process, the Department commissioned PA Consulting Group, a major international organisation with extensive experience in the field, to carry out a review of the Road Safety Council. The cost of the contract was £22,500 (excluding VAT).



### Kitchen Waste

**Mr D McKay** asked the Minister of the Environment what his Department (i) has done and (ii) plans to do to promote Bokashi Composting, to give householders the opportunity to compost all of their kitchen waste and significantly reduce the amount of kitchen waste going to landfills. (AQW 3788/09)

**Minister of the Environment:** District councils play a key role in encouraging householders to recycle and compost their waste and through membership of the Waste and Resources Action Programme (WRAP), my Department will continue to provide technical support and advice to the councils in the provision of improved services to householders on all aspects of recycling and composting. However, my Department currently has no plans to promote Bokashi composting as a means of recycling kitchen waste.

### Paperwork Reduction

**Dr A McDonnell** asked the Minister of the Environment what steps he is taking to significantly reduce the amount of paperwork he sends to constituency offices and other organisations throughout 2009. (AQW 3793/09)

**Minister of the Environment:** My Department follows the statutory requirement to provide hard copies of documents to certain organisations, including political representatives, parliamentary contacts and Legal Deposit and other libraries. Where there is no statutory requirement in place, my Department seeks to reduce the amount of paperwork sent to constituency offices and other organisations by following guidance issued by the Office of the First Minister and deputy First Minister. This states that departments may write to recipients and stakeholders advising that a document is to be launched or is about to be published and is available in electronic format. Such correspondence also provides the option for a hard copy to be made available if this is requested by the recipient, but normal practice is to use electronic versions where possible. My Department will continue to follow this guidance during 2009 or until it is superseded.

### Divisional Planning Enquiries

**Lord Morrow** asked the Minister of the Environment for his assessment of the effectiveness of the NI Direct telephone call handling arrangements for divisional planning enquiries made by elected representatives. (AQW 3804/09)

**Minister of the Environment:** In order to improve its responsiveness to customers, the Planning Service, through NI Direct, introduced revised telephone call handling procedures for divisional planning offices with effect from 31 October 2008.

When designing the revised procedures it was recognised that the revised arrangements would not be appropriate for all callers and arrangements were put in place for calls from elected representatives to be offered the option of assistance by the NI Direct agents or for the call to be put through to the relevant case officer.

Unfortunately, there were initial technical telephony and process problems experienced by NI Direct which resulted in elected representatives and others being delayed in getting through to Planning Service. However, these initial problems have been resolved and I understand the revised system is now functioning effectively for all callers, including elected representatives.

### Hydro-Electric Turbines

**Lord Morrow** asked the Minister of the Environment (i) how many planning applications were received by his Department for the installation of hydro-electric turbines in rivers including the number (a) granted approval; (b) refused; and (c) pending; and (ii) if his Department has any plans to review the present policy. (AQW 3807/09)

**Minister of the Environment:** My Department has received 7 planning applications for hydro-electric turbines between 1st April 2002 and 30th September 2008. 5 approvals have been issued and 2 planning applications are under consideration. The breakdown of applications is as follows:



Reference No	Proposal	Status
X/2005/0786/F	Installation of a micro-hydro generator house lake intake and penstock and a revised route for the outflow	Approved 7th November 2005
E/2006/0396/F	Hydro-electric scheme – installation of water turbine	Approved 10th July 2007
R/2006/0705/F	Micro hydro-electric turbine generation chamber with feed pipe through Donard Forest	Approved 15th January 2008
J/2007/0072/F	Hydro-electric turbine, housed in a replica flax mill building	Approved 9th May 2007
K/2007/0035/F	Hydro-electric generation station to provide power for Omagh College	Approved 14th November 2007
Q/2007/0758/F	Rebuilding of traditional mill water turbine house with 2No 55Kw water turbines	Pending
B/2008/0324/F	Construction of a hydro-electric renewable energy system on Tircreven Burn	Pending

The current policy for assessing hydro-electricity development is Policy PSU 12 of the Planning Strategy for Rural Northern Ireland published in September 1993.

Draft Planning Policy Statement 18 ‘Renewable Energy’ (PPS 18), was published for public consultation in November 2007. Draft PPS 18 provides updated policy on the provision and siting of all forms of renewable energy. In addition, it also contains technical information and best practice guidance specific to hydro electricity schemes. My Department aims to publish PPS18 in final form before the end of March 2009.

These figures have been extracted from a live database which is continuously updated and validated. They should therefore be regarded as indicative only at this point in time and should not be compared with any previous figures published by the Agency.

### Departmental Legislation

**Mr P Weir** asked the Minister of the Environment what legislation will his Department bring forward to the Assembly in 2009. (AQW 3809/09)

**Minister of the Environment:** My Department has identified its potential legislative requirements for the remainder of this session of the Assembly. However, these proposals are subject to consideration by the Executive and it would therefore not be appropriate or possible to pre-empt this consideration by providing the information you request.

### Recycling Materials

**Mr P J Bradley** asked the Minister of the Environment for his assessment of the markets relating to recycling materials and to confirm that there is adequate storage space available to deal with the amounts of recycling material being collected. (AQW 3816/09)

**Minister of the Environment:** My officials have advised me that they believe the current very low prices internationally for recyclable materials will be temporary and the market will recover. In Northern Ireland, a slowdown and difficulties in obtaining revenue for recyclates are being reported. However, goods are currently still moving albeit at a reduced rate for some materials and the things which householders here are being asked to identify, separate and place in the recycling bins and boxes are still being sent for recycling.

The 3 Northern Ireland Waste Management groups are in regular contact with their contractors in respect of the prevailing situation and are keeping it under constant review. The Groups currently have no plans to stockpile material or send it to other alternative disposal routes such as landfill.



### Climate Change Act

**Mr B Wilson** asked the Minister of the Environment if he has had any meetings with Environment Ministers from Scotland, Wales and Westminster about the Climate Change Act and if so, what were the issues discussed. (AQW 3822/09)

**Minister of the Environment:** There have been no such meetings of Ministers since my appointment.

### Ulster Farm By-Products

**Mr T Burns** asked the Minister of the Environment to detail how much money was budgeted by his Department for monitoring the Ulster Farm By-products operation and enforcing his Department's duty under the Pollution Prevention and Control Regulations (Northern Ireland) 2003, each year since 2003. (AQW 3825/09)

**Minister of the Environment:** The Northern Ireland Environment Agency has regulated Ulster Farm By-Products under the Pollution Prevention and Control (NI) Regulations 2003 since November 2005. Under these Regulations, the costs of enforcing authorities are recovered through a charging scheme which includes an annual subsistence charge designed to cover the costs of monitoring compliance with permits and taking appropriate enforcement action. The subsistence charges for the Ulster Farm By-Products operation since November 2005 are set out below:

Year	Subsistence Charge
November 05 – March 06	£ 451.67
April 06 – March 07	£1,355
April 07 – March 08	£1,424
April 08 – March 09	£4,575

### Ulster Farm By-Products

**Mr T Burns** asked the Minister of the Environment to detail the extent to which the costs incurred by the Northern Ireland Environment Agency in its monitoring and enforcement of the Ulster Farm By-products operation under the Pollution Prevention and Control Regulations (Northern Ireland) 2003 are met by the annual financial charges levied upon Ulster Farm By-products as part of its PPC permit. (AQW 3826/09)

**Minister of the Environment:** Charges levied upon Ulster Farm By-Products were listed in AQW 3825/09.

The costs incurred in regulating the company (and other rendering operations) were not differentiated from the total cost of regulating all companies prescribed for control under the Regulations until 1 September 2008. Consequently the cost of regulating the company prior to that date cannot be calculated separately.

Between 1 September 2008 and 31 December 2008, the Northern Ireland Environment Agency estimates that regulation of the company has cost approximately £15,000. The annual subsistence fee charged for the period April 2008 to March 2009 was £4,575.

### Climate Change Act

**Mr B Wilson** asked the Minister of the Environment if he proposes to meet with Environment Ministers from Scotland, Wales and Westminster to discuss the implementation of the Climate Change Act and what position will he take at those meetings. (AQW 3827/09)

**Minister of the Environment:** No meeting has been proposed at this stage. Implementation of the Climate Change Act is being taken forward by a number of working groups drawn from Whitehall and the Devolved Administrations, at which my department is represented.



## Northern Ireland Environment Agency

**Mr T Burns** asked the Minister of the Environment to detail (i) how many working hours officials from the Northern Ireland Environment Agency have spent monitoring and enforcing their duty to oversee the operations of Ulster Farm By-products under the Pollution and Prevention Control Regulations (Northern Ireland) 2003, each year since 2003 and (ii) the total cost of these monitoring and enforcement operations, each year since 2003. (AQW 3828/09)

**Minister of the Environment:** Pursuant to my answers to AQW 3825/09 and 3826/09,

- (i) The hours spent regulating the company (and other rendering operations) were not differentiated from the total hours spent regulating all companies prescribed for control under the Regulations until 1 September 2008. From 1 September to 31 December 2008, NIEA spent 195 hours on regulating the company.
- (ii) For the reasons given above, the historical costs of regulating Ulster Farm By-Products cannot be calculated separately.

## PPS 21

**Mr J Shannon** asked the Minister of the Environment when will PPS 21 be in place so that applications in process may be lodged. (AQW 3850/09)

**Minister of the Environment:** I issued Draft PPS 21 for consultation and with immediate effect on 25 November 2008. It is therefore to be accorded substantial weight in the determination of any planning application received after 16 March 2006.

## PPS 21

**Mr J Shannon** asked the Minister of the Environment if planning applications under PPS 21 will be processed more quickly for new houses now that there are extra staff and a 20% reduction in applications. (AQW 3869/09)

**Minister of the Environment:** My Department has given priority to reassessing planning applications currently deferred under draft PPS 14. It is hoped this would be substantively complete by June 2009.

New applications under PPS 21 will be processed as quickly as possible. The council will be consulted in the normal manner with the Department's opinion on the proposal. Rural houses fall within the intermediate category of applications and performance to date this business year indicates that 65% of these applications were processed within the PS target of 31 weeks with 70% achieved in the month of November.

There are no extra staff in Planning Service which continues to have a number of vacancies at Professional and Technical and Administrative grades.

## Carbon Dioxide Emissions

**Mr D McKay** asked the Minister of the Environment to provide the most up-to-date level of carbon dioxide emissions; and what percentage reduction this is compared to levels in 1990. (AQW 3917/09)

**Minister of the Environment:** The latest Greenhouse Gas Inventories for England, Scotland, Wales and Northern Ireland (1990-2006) was published on 18th September 2008. It indicates that carbon dioxide emissions in Northern Ireland have reduced by 1.5% from 1990 levels to 2006. The same report indicates that there has been a 6.0% decrease in overall greenhouse gas emissions.

## Councillor Training

**Mr A Ross** asked the Minister of the Environment what training will he be offering councillors in advance of planning powers being transferred to local councils. (AQW 3922/09)

**Minister of the Environment:** The transfer of the majority of planning functions to district councils, along with the major planning reform programme that is underway, will represent a significant change for all involved



in the planning system. The Department is working with local government, through the RPA implementation structures, to explore issues such as capacity building, with a view to ensuring readiness for the changes that will arise. The Capacity Building Working Group, which is part of Policy Development Panel C, is considering training and capacity issues for all aspects of RPA, and this will include those relating to planning. Planning Service officials also continue to engage with councillors on a range of issues, including capacity building, through the joint NILGA Planning Working Group.

### National Parks

**Mr J Dallat** asked the Minister of the Environment what are his plans for the establishment of one or more national parks; and if the Causeway Coast is being considered for one. (AQW 4032/09)

**Minister of the Environment:** I am considering National Parks very seriously and will wish to discuss the issue with my Executive colleagues. If it is decided to proceed with National Parks the first step would be new enabling legislation. At this stage I have no plans for any specific area.

## DEPARTMENT OF FINANCE AND PERSONNEL

### Rate Rebate Applications

**Mr P McGlone** asked the Minister of Finance and Personnel to detail the number of rate rebate applications remaining to be processed, broken down by the month in which the claims were made, in this financial year. (AQW 2512/09)

**Minister of Finance and Personnel (Mr N Dodds):** As shown in the following table, a total of 29,633 applications for Rate Rebate were processed by Land & Property Services between 1 April and 31 December 2008, leaving some 1,577 applications outstanding as of 31 December. This number includes 69 applications for Lone Pensioner Allowance (LPA) for which further information is required from applicants, and 86 applications for Disabled Persons Allowance for which further information is required from applicants/ medical practitioners before the claims can be finalised. Land & Property Services has increased the staff allocated to Housing Benefit/Rate Relief applications so that all outstanding cases for which full information has been provided are fully cleared by 31 March 2009.

TABLE SHOWING APPLICATIONS FOR RATE REBATE COMPLETED, AND APPLICATIONS STILL OUTSTANDING (O/S) FROM APRIL 2008 TO DECEMBER 2008

Month	Housing Benefit/Rate Relief		Lone Pensioner Allowance		Disabled Persons Allowance		Total	
	Complete	O/S	Complete	O/S	Complete	O/S	Complete	O/S
April	1,083	23	0	7	84	0	1,167	30
May	1,047	42	0	12	210	0	1,257	54
June	170	66	150	6	271	0	591	72
July	173	87	696	7	255	1	1,124	95
August	797	101	5,246	5	166	1	6,209	107
September	1,100	141	6,190	4	159	0	7,449	145
October	1,463	186	2,910	4	129	6	4,502	196
November	1,831	292	1,213	9	133	24	3,177	325
December	3,182	484	936	15	69	54	4,187	553
<b>Total</b>	<b>10,846</b>	<b>1,422</b>	<b>17,341</b>	<b>69</b>	<b>1,476</b>	<b>86</b>	<b>29,663</b>	<b>1,577</b>

**Note 1:** Processing of Lone Pensioner Allowance did not begin until the end of June 2008 because of the need to develop, implement and test the new IT functionality required for this new allowance.



**Note 2:** Housing Benefit/Rate Relief processing decreased in June, July and August because of the need to prepare for a changeover to a new module of the IT system.

### Government Buildings in Larne and Carrickfergus

**Mr R Beggs** asked the Minister of Finance and Personnel, in the event that the Department of Agriculture and Rural Development and the Department for Social Development relocate staff from Government buildings in Larne and Carrickfergus, (i) which Department will have to pay for the maintenance of the vacant offices; (ii) the amount of funding that has been spent on each of these offices, in the past five years; and (iii) his assessment of the quality of accommodation of these offices currently. (AQW 3718/09)

**Minister of Finance and Personnel:** DARD and DSD currently occupy three buildings in Larne and Carrickfergus:

**1. Portal Inspection Office -Redlands Road, LARNE,**

BT40 1AH (occupied solely by DARD)

**2. Crown Buildings, 59 Pound Street, LARNE BT40 1SH**

(DARD share this accommodation with DSD – it is both a Jobs & Benefits Office and a Divisional Veterinary Office)

**3. Carrickfergus Jobs & Benefits Office, 1 Davy Street,**

Carrickfergus, Co Antrim, BT38 8TJ.

(occupied solely by DSD)

In the event that any Department decides to vacate a property then the vacating department must meet the accommodation costs of the property until it can be re-occupied or disposed off.

The amount of funding that has been spent on each of these offices, in the last five years is as follows:-

	Resource	Capital
Carrickfergus JBO	£213,011	£1,704,000
Larne JBO/DVO	£ 358,040	£2,035,000
Larne Portal Office	£ 137,000	£31,000

The three buildings are considered to be in good repair.

### Workplace 2010

**Mr B Armstrong** asked the Minister of Finance and Personnel what assessment has been made of the (i) number of jobs that could be safeguarded or created in the construction and support services sectors if the proposed Workplace 2010 procurement were to be accelerated; and (ii) extra infrastructure investment and employment opportunities that could be financed from the expected capital receipt from Workplace 2010.

(AQW 3771/09)

**Minister of Finance and Personnel:** Under Workplace 2010, construction and support services would be delivered by the successful contractor or their service partners. It is unlikely that additional jobs would be created in support services as these services are currently being provided through different means.

Although, it is likely that additional jobs would be created in the construction industry in the early years of the contract, I am not in a position to quantify the extent of these additional jobs as this would be a matter for the winning contractor.

The expenditure of any capital receipt generated through the Workplace 2010 contract is a matter for the NI Executive to consider within the context of the Investment Strategy for Northern Ireland.



## Departmental Legislation

**Mr P Weir** asked the Minister of Finance and Personnel what legislation will his Department bring forward to the Assembly in 2009. (AQW 3844/09)

**Minister of Finance and Personnel:** In addition to the annual Budget Bills my Department intends to bring forward a Financial Provisions Bill during the present session. A Rates Amendment Bill will also be brought forward to the Assembly subject to consideration by the Executive.

## Energy Performance Certificates

**Mr B Wilson** asked the Minister of Finance and Personnel how many fines have been issued to house vendors for failure to provide an energy performance certificate. (AQW 3890/09)

**Minister of Finance and Personnel:** There have been no fines issued to house vendors for failure to provide an energy performance certificate.

## Energy Performance Certificates

**Mr B Wilson** asked the Minister of Finance and Personnel what measures are taken by his Department to ensure the vendor of a premises provides an energy performance certificate prior to the purchase of a property. (AQW 3891/09)

**Minister of Finance and Personnel:** Since making the regulations requiring energy performance certificates, officials have been proactive in bringing the requirements to the attention of property professionals, the legal profession and the general public. In turn the professional bodies have advised their members of the requirements. Officials have promoted the requirements in a number of ways including:

- press releases, adverts, radio and television interviews and a series of public information seminars attended by approximately 1700 people, mainly property professionals and members of professional organisations such as the Construction Employers Federation, the Law Society etc.;
- mailshots and follow-up visits to estate agents and letting agents;
- distribution of information leaflets on the requirements for dwellings to all MLAs and to district councils for onward transmission to libraries, Citizens Advice Bureaux, Consumer Council offices etc.; and
- a dedicated website at [www.epb.dfpni.gov.uk](http://www.epb.dfpni.gov.uk) where detailed information and further guidance may be accessed online.

Officials will continue to promote awareness by means of a poster campaign in estate agents, letting agents and solicitors' offices, targeted classified advertising and editorials in the press, features in forthcoming local council magazines and follow-up visits with property agents.

In addition, any specific complaints from a prospective buyer or tenant that an energy performance certificate has not been made available will be investigated fully by officials and enforcement action, including the issue of a penalty charge notice, taken as appropriate

## Workplace 2010

**Mr A Bresland** asked the Minister of Finance and Personnel for an update on the Workplace 2010 Programme. (AQW 3921/09)

**Minister of Finance and Personnel:** Procurement activity for the Workplace 2010 contract was suspended on 31st October 2008 as a result of continuing speculation that both Workplace 2010 Bidders could come under common ownership. This was confirmed on 8th January 2009, when Land Securities announced that agreement had been reached for the sale of their Trillium business to Telereal. The Department is now considering this latest development before making recommendations on how best to proceed.



### Civil Service: SO Grade Appointments

**Mr P Maskey** asked the Minister of Finance and Personnel have there been any appointments at Staff Officer grade in the Civil Service in the greater Newry area in the last eight years; and to provide the location of each of these appointments. (AQW 3929/09)

**Minister of Finance and Personnel:** The attached table shows appointments made at the Staff Officer grade in the Newry and Mourne District Council area during the last 8 years. Appointments made in the complete calendar year 2008 are not yet available.

Year	Number of appointments during the year	Location of each appointment
2001	3	Glenree House, Springhill Road, Newry
2002	1	Glenree House, Springhill Road, Newry
2003	3	Glenree House, Springhill Road, Newry
2004	3	2 at Glenree House, Springhill Road, Newry 1 at Crown Buildings, Newry Street, Kilkeel
2005	1	Phoenix House, Bridge Street, Newry
2006	0	
2007	1	Glenree House, Springhill Road, Newry
2008	0	

### Civil Servants: Rental Assistance

**Mr G Savage** asked the Minister of Finance and Personnel how many Civil Servants are getting tax payer funded assistance with their rent; and what the total cost is for this initiative, per year. (AQW 4016/09)

**Minister of Finance and Personnel:** There is no initiative to provide Northern Ireland Civil Servants with tax payer funded assistance with their rent.

There are circumstances in which a number of allowances are payable to Northern Ireland Civil Servants who are required to carry out official business away from their homes. Reimbursement is only appropriate when an additional expense has incurred.

### Salary Sacrifice Childcare Vouchers Scheme

**Mr J Dallat** asked the Minister of Finance and Personnel will he make a statement detailing when the Salary Sacrifice Childcare Vouchers Scheme will be implemented for Northern Ireland Civil Service employees. (AQW 4029/09)

**Minister of Finance and Personnel:** The scheme was launched on Monday 19 January and those staff who are eligible and wish to do so may now avail of it. The first vouchers will be available along with the February pay.

### Deaths Due to Drug Poisoning

**Mr D McKay** asked the Minister of Finance and Personnel how many deaths there have been as a result of heroin overdoses in (i) 2005; (ii) 2006; (iii) 2007; and (iv) 2008, broken down by (a) individual totals; and (b) Health and Social Care Trust. (AQW 4079/09)

**Minister of Finance and Personnel:** The attached table gives the number of deaths registered in Northern Ireland by year, 2005 to 2007, due to drug poisoning<sup>1</sup> where heroin or morphine<sup>2</sup> was mentioned on the death certificate by Health and Social Care Trust. Data for 2008 will not be available until late Spring 2009.

1. International Classification of Diseases, Tenth Revision codes:



F11-F16, F18-F19 - Mental and behavioural disorders related to drug use.

X60-X64 - Intentional self-poisoning by drugs.

X40-X44 - Accidental poisoning by drugs.

X85 – Assault by drugs.

Y10-Y14 - Undetermined and other poisoning by drugs.#

2. As heroin (diamorphine) breaks down in the body into morphine, the latter may be detected at post mortem and recorded on the death certificate. Therefore a combined figure for deaths where heroin or morphine was mentioned on the death certificate have been included.

**TABLE: NUMBER OF DEATHS DUE TO DRUG POISONING WHERE HEROIN OR MORPHINE WAS MENTIONED ON THE DEATH CERTIFICATE BY HEALTH AND SOCIAL CARE TRUST, 2005-2007**

Health and Social Care Trust	Registration Year		
	2005	2006	2007
Belfast	3	4	1
Northern	2	2	5
South Eastern	3	1	1
Southern	1	1	1
Western	-	4	2
Northern Ireland	9	12	10

### Clostridium Difficile

**Mr T Buchanan** asked the Minister of Finance and Personnel how many people died in 2008 as a result of Clostridium difficile, broken down by Health and Social Care Trust. (AQW 4116/09)

**Minister of Finance and Personnel:** The attached table gives the number of deaths registered in Northern Ireland between 1 January 2008 and 30 September 2008, with Clostridium difficile mentioned on the death certificates by the Health and Social Care Trust area the deceased died in. The figures relate to all deaths where Clostridium difficile was mentioned on the certificate, regardless of whether it was recorded as the primary or secondary cause of death. Data for the final quarter of 2008 will be available in March 2009.

**TABLE: NUMBER OF DEATHS REGISTERED WITH CLOSTRIDIUM DIFFICILE MENTIONED ON THE DEATH CERTIFICATE BY HEALTH AND SOCIAL CARE TRUST, 1 JANUARY 2008 - 30 SEPTEMBER 2008<sup>P</sup>**

Health and Social Care Trust (Place of Death)	2008 <sup>P</sup> (Jan - Sept)
Belfast HSC Trust	45
Northern HSC Trust	50
Southern Eastern HSC Trust	27
Southern HSC Trust	15
Western HSC Trust	8
<b>Total</b>	<b>145</b>

<sup>P</sup> Provisional Data.



**DEPARTMENT OF HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY****Fire Stations**

**Mr D McKay** asked the Minister of Health, Social Services and Public Safety for his assessment of the general condition of the fire stations. (AQW 3671/09)

**Minister of Health, Social Services and Public Safety (Mr M McGimpsey):** The condition of fire stations is a matter for the Chief Fire Officer and the Northern Ireland Fire and Rescue Service Board. The Chief Fire Officer's assessment of the condition of Northern Ireland fire and rescue stations is that they are adequate for the immediate needs of the Fire & Rescue Service. However, within its business case for strategic infrastructure development, which is currently being considered by my Department, the Fire and Rescue Service has identified the need to replace or refurbish a total of 26 fire stations across Northern Ireland over the next 10 years to meet the needs of a modern fire and rescue service.

**Neurology Unit at Forster Green Hospital**

**Mrs C Hanna** asked the Minister of Health, Social Services and Public Safety if the Neurology Unit at Forster Green Hospital will be moved to a new facility at Musgrave Park Hospital in June 2009. (AQW 3685/09)

**Minister of Health, Social Services and Public Safety:** It is intended that the neurology services will move from Forster Green Hospital to new facilities at the Musgrave Park Hospital site.

However, due to unforeseen circumstances further design work has proven necessary and therefore it is anticipated that it will be 2010 before the move may take place.

**Assembly Questions**

**Mr J McCallister** asked the Minister of Health, Social Services and Public Safety how many (i) written; (ii) oral; and (iii) part input questions he has answered since taking up office. (AQW 3687/09)

**Minister of Health, Social Services and Public Safety:**

From May 2007 to 31 December 2008 I have answered:

- (i) 2649 written Assembly Questions (of which 525 were Priority Written questions);
- (ii) 259 Oral questions (including 3 Private Notice questions) and;
- (iii) 69 Part Input questions.

This amounts to a total of 2977 questions answered in this period.

**Rights of a Patient**

**Lord Morrow** asked the Minister of Health, Social Services and Public Safety (i) to detail the rights of a patient to obtain a second opinion on a diagnosis or treatment plan made by their GP and provide the correct procedure for same; and (ii) to clarify if a second opinion requires to be financed by the patient in a private capacity. (AQW 3694/09)

**Minister of Health, Social Services and Public Safety:** If a patient is dissatisfied with the diagnosis or treatment plan proposed by a particular GP in the GP Practice that they are registered with, they can ask for an appointment with any other GP in the same practice. Alternatively the patient has a choice of de-registering with their current GP Practice and registering with a different GP Practice.

If a patient wishes to remain with their current GP Practice and does not wish to consult a partner in the same practice then they may seek an appointment with another GP Practice on a private fee paying basis.



### Clostridium Difficile: Isolation Wards

**Lord Morrow** asked the Minister of Health, Social Services and Public Safety to detail which hospitals have Clostridium Difficile isolation wards; and to identify the ward name or number, in each hospital. (AQW 3695/09)

**Minister of Health, Social Services and Public Safety:** All patients who are identified as having Clostridium difficile associated diarrhoea are managed in isolation rooms. In the event that side room capacity is exceeded, an isolation unit or ward is designated to manage these patients. All Trusts have escalation plans for such an event.

#### ISOLATION WARDS PER TRUST.

Trust	Hospital	Ward
Belfast	Belfast City Hospital	Ward 6 South
	Mater Hospital	Ward F
Northern	Antrim Area Hospital	Ward A1
South Eastern	Ulster Hospital	Ward 12 New dedicated cohort area is under construction (Ward 4)
Southern	Craigavon Area Hospital	Ward 2 ( Medical)
Western	Tyrone County Hospital	Wards 1 & 2
	Erne Hospital	Ward 10
	Altnagelvin Area Hospital	Ward 7

### Alcohol Consumption

**Mr T Burns** asked the Minister of Health, Social Services and Public Safety to detail (i) the total number of alcohol consumption related incidents where ambulances were called to attend; and (ii) the number of persons admitted to hospital because of excessive alcohol consumption, on 24, 25, 31 December 2008 and 1 January 2009. (AQW 3696/09)

**Minister of Health, Social Services and Public Safety:** The Northern Ireland Ambulance Service does not record data about possible consumption of alcohol by patients when responding to emergency incidents.

Admissions to Health and Social Care Hospitals with an alcohol related diagnosis on 24, 25, 31 December 2008 and 1 January 2009 are as follows:

Date of Admission*	Number of Admissions
24 December 2008	12
25 December 2008	9
31 December 2008	<5
1 January 2009	7

**Source:** Hospital Inpatient System

**\*Note:** As these dates are recent, all data may not yet be available. The table may not, therefore, include all admissions due to alcohol related illness.

### Residential Homes

**Mr P Weir** asked the Minister of Health, Social Services and Public Safety to detail the residential homes for the elderly that are currently proposed for closure, by the Southern Health and Social Care Trust. (AQW 3701/09)

**Minister of Health, Social Services and Public Safety:** I refer the Member to the answer I gave to AQW 3401/09.



### Residential Homes

**Mr P Weir** asked the Minister of Health, Social Services and Public Safety to detail the residential homes for the elderly that are currently proposed for closure, by the Western Health and Social Care Trust. (AQW 3702/09)

**Minister of Health, Social Services and Public Safety:** I refer the Member to the answer I gave to AQW 3401/09.

### Residential Homes

**Mr P Weir** asked the Minister of Health, Social Services and Public Safety to detail the residential homes for the elderly that are currently proposed for closure, by the Belfast Health and Social Care Trust. (AQW 3703/09)

**Minister of Health, Social Services and Public Safety:** I refer the Member to the answer I gave to AQW 3401/09.

### Residential Homes

**Mr P Weir** asked the Minister of Health, Social Services and Public Safety how many residential homes for the elderly are proposed for closure by the Northern Health and Social Care Trust. (AQW 3710/09)

**Minister of Health, Social Services and Public Safety:** I refer the Member to the answer I gave to AQW 3401/09.

### Fire Health and Safety Regulations

**Dr A McDonnell** asked the Minister of Health, Social Services and Public Safety, in light of the recent New Year's Eve nightclub fire in Bangkok, to detail what steps his Department is taking to ensure all premises with an entertainment licence meet all fire health and safety regulations. (AQW 3730/09)

**Minister of Health, Social Services and Public Safety:** All premises with an entertainment licence in Northern Ireland are regulated through a system of inspection and certification under the Fire Services (Northern Ireland) Order 1984. The Order requires the owners or occupiers of places of entertainment to obtain a fire certificate issued by the Northern Ireland Fire and Rescue Service Board following an initial inspection of the premises.

I shall shortly be announcing a public consultation on regulations relating to improved fire safety, which will bring Northern Ireland into line with the rest of the UK and ensure full compliance with EU directives on fire safety.

### Doctors Disciplined for Misconduct

**Mr T Burns** asked the Minister of Health, Social Services and Public Safety how many (i) nurses; and (ii) doctors were disciplined for misconduct, broken down by type and frequency; and what disciplinary action was taken, in each of the last five years. (AQW 3743/09)

**Minister of Health, Social Services and Public Safety:** The information sought is not collected routinely by my Department. Current Trusts have been able to provide full information for the last financial year only. In the 2007/08 year there were 27 nurses and 2 doctors employed in six health and social care organisations disciplined for various levels of misconduct. Each of these cases were robustly dealt with under the organisation's disciplinary procedures but given the sensitive nature of disciplinary cases I am not in a position to provide more detail.

### Staff Sickness Levels

**Mr A Easton** asked the Minister of Health, Social Services and Public Safety to outline the cost to the South Eastern Health and Social Care Trust of staff sickness levels, for the last financial year. (AQW 3746/09)

**Minister of Health, Social Services and Public Safety:** The information requested is not held centrally and could only be provided at disproportionate cost.



### Staff Sickness Levels

**Mr A Easton** asked the Minister of Health, Social Services and Public Safety to outline the cost to the Southern Health and Social Care Trust of staff sickness levels, for the last financial year. (AQW 3747/09)

**Minister of Health, Social Services and Public Safety:** The information requested is not held centrally and could only be provided at disproportionate cost.

### Staff Sickness Levels

**Mr A Easton** asked the Minister of Health, Social Services and Public Safety to outline the cost to the Belfast Health and Social Care Trust of staff sickness levels, for the last financial year. (AQW 3748/09)

**Minister of Health, Social Services and Public Safety:** The information requested is not held centrally and could only be provided at disproportionate cost.

### Staff Sickness Levels

**Mr A Easton** asked the Minister of Health, Social Services and Public Safety to outline the cost to the Northern Health and Social Care Trust of staff sickness levels, for the last financial year. (AQW 3749/09)

**Minister of Health, Social Services and Public Safety:** The information requested is not held centrally and could only be provided at disproportionate cost.

### Staff Sickness Levels

**Mr A Easton** asked the Minister of Health, Social Services and Public Safety to outline the cost to the Western Health and Social Care Trust of staff sickness levels, for the last financial year. (AQW 3750/09)

**Minister of Health, Social Services and Public Safety:** The information requested is not held centrally and could only be provided at disproportionate cost.

### Residential Homes

**Mr P Weir** asked the Minister of Health, Social Services and Public Safety how many (i) residential homes for the elderly; and (ii) nursing homes, are run by the South Eastern Health and Social Care Trust. (AQW 3751/09)

**Minister of Health, Social Services and Public Safety:** As of 30 September 2008, there were 317 residential care homes and 252 nursing homes in Northern Ireland, including 42 statutory residential care homes for the elderly. The following table gives a breakdown of these homes by Trust:

Health and Social Care Trust	Number of statutory Residential Homes
Northern	11
Southern	5
Western	8
South Eastern	11
Belfast	9
<b>Total</b>	<b>42</b>

In addition the Belfast and Southern Trusts operate one nursing home each, although these are not for the elderly.



### Residential Homes

**Mr P Weir** asked the Minister of Health, Social Services and Public Safety how many (i) residential homes for the elderly; and (ii) nursing homes, are run by the Western Health and Social Care Trust. (AQW 3752/09)

**Minister of Health, Social Services and Public Safety:** As of 30 September 2008, there were 317 residential care homes and 252 nursing homes in Northern Ireland, including 42 statutory residential care homes for the elderly. The following table gives a breakdown of these homes by Trust:

Health and Social Care Trust	Number of statutory Residential Homes
Northern	11
Southern	5
Western	8
South Eastern	11
Belfast	9
<b>Total</b>	<b>42</b>

In addition the Belfast and Southern Trusts operate one nursing home each, although these are not for the elderly.

### Residential Homes

**Mr P Weir** asked the Minister of Health, Social Services and Public Safety how many (i) residential homes for the elderly; and (ii) nursing homes, are run by the Belfast Health and Social Care Trust. (AQW 3753/09)

**Minister of Health, Social Services and Public Safety:** As of 30 September 2008, there were 317 residential care homes and 252 nursing homes in Northern Ireland, including 42 statutory residential care homes for the elderly. The following table gives a breakdown of these homes by Trust:

Health and Social Care Trust	Number of statutory Residential Homes
Northern	11
Southern	5
Western	8
South Eastern	11
Belfast	9
<b>Total</b>	<b>42</b>

In addition the Belfast and Southern Trusts operate one nursing home each, although these are not for the elderly.

### Residential Homes

**Mr P Weir** asked the Minister of Health, Social Services and Public Safety how many (i) residential homes for the elderly; and (ii) nursing homes, are run by the Northern Health and Social Care Trust. (AQW 3754/09)

**Minister of Health, Social Services and Public Safety:** As of 30 September 2008, there were 317 residential care homes and 252 nursing homes in Northern Ireland, including 42 statutory residential care homes for the elderly. The following table gives a breakdown of these homes by Trust:

Health and Social Care Trust	Number of statutory Residential Homes
Northern	11
Southern	5
Western	8



Health and Social Care Trust	Number of statutory Residential Homes
South Eastern	11
Belfast	9
<b>Total</b>	<b>42</b>

In addition the Belfast and Southern Trusts operate one nursing home each, although these are not for the elderly.

### Residential Homes

**Mr P Weir** asked the Minister of Health, Social Services and Public Safety the names of the (i) residential homes for the elderly; and (ii) nursing homes, that are run by the Southern Health and Social Care Trust.

(AQW 3755/09)

**Minister of Health, Social Services and Public Safety:** As of 30 September 2008, there were 317 residential care homes and 252 nursing homes in Northern Ireland, including 42 statutory residential care homes for the elderly. The following table gives a breakdown of these homes by Trust:

Health and Social Care Trust	Number of statutory Residential Homes
Northern	11
Southern	5
Western	8
South Eastern	11
Belfast	9
<b>Total</b>	<b>42</b>

In addition the Belfast and Southern Trusts operate one nursing home each, although these are not for the elderly.

### Memory Clinics

**Mr K Robinson** asked the Minister of Health, Social Services and Public Safety will he, in line with the NHS in England and Wales, introduce memory clinics so that patients displaying early signs of dementia might be able to remain in familiar surroundings for as long as possible.

(AQW 3759/09)

**Minister of Health, Social Services and Public Safety:** Health and Social Care Trusts currently provide a number of services for patients with memory problems:

Belfast Health and Social Care Trust provide a Memory Service across the Trust area that includes clinics being provided by Older Peoples Services in all Trust localities.

The South Eastern Trust four teams deliver a general psychiatric outpatient service where patients with memory disorders, functional disorders and psychotic disorders etc. are cared for together.

The Southern Trust currently provide three Memory Clinics, one in each Legacy Trust.

The Northern Trust holds memory clinics in Causeway Hospital, Antrim/Ballyclare, Cookstown, Carrick/Larne, Newtownabbey and Ballymena.

The Western Trust has a dedicated memory clinic provided for patients in the northern sector of the Trust. Home visits are also provided for clients with memory impairment throughout the Trust and these are carried out by the Community Psychiatric Nurse / Consultant Psychiatrist.

My Department is currently developing a dementia strategy, which will be completed during 2009. This will take account of service developments and best practice throughout the UK and elsewhere.



## GP Training

**Mr K Robinson** asked the Minister of Health, Social Services and Public Safety if he will provide GP's with the same levels of training that their colleagues in England and Wales will be receiving to enable them to detect, assess and work with patients who are exhibiting early signs of dementia. (AQW 3760/09)

**Minister of Health, Social Services and Public Safety:** My Department is currently developing a Dementia Strategy for NI, due for completion in 2009. We will be looking into the training provided to GP's throughout the UK during the development of the Dementia Strategy in order to follow best practice for further developing our dementia services in NI.

## Auxiliary Nurses

**Mr J Shannon** asked the Minister of Health, Social Services and Public Safety if auxiliary nurses are now responsible for personal care, will this be reflected in a name change to more clearly identify their role. (AQW 3786/09)

**Minister of Health, Social Services and Public Safety:** The job title used by staff employed in the Health and Social Care is a matter for the employer to decide. Under Agenda for Change roles are identified and paid according to the responsibilities of the job.

## Paperwork Reduction

**Dr A McDonnell** asked the Minister of Health, Social Services and Public Safety what steps he is taking to significantly reduce the amount of paperwork he sends to constituency offices and other organisations throughout 2009. (AQW 3795/09)

**Minister of Health, Social Services and Public Safety:** There is a requirement to provide hard copies of documents such as Annual Reports, Departmental Publications and Consultation Documents to certain recipients including political representatives, parliamentary contacts and Legal Deposit and other libraries.

Other recipients/stakeholders can be advised in writing when a Departmental document is being launched or published making them aware that it is available in electronic format. It is then a matter of choice for the organisation as to whether their preference is to receive a hard copy document or to access the electronic version.

With the onset of RPA, I anticipate that the number of bodies, and therefore the number of copies to be issued, will be greatly reduced.

## Telephone Communication Masts

**Mr D Hilditch** asked the Minister of Health, Social Services and Public Safety what is the total revenue generated by land owned or leased by the (i) Eastern; (ii) Northern; (iii) Western; and (iv) Southern Health and Social Services Boards to facilitate the erection of telephone communication masts. (AQW 3796/09)

**Minister of Health, Social Services and Public Safety:** None

No revenue income is generated by any Health and Social Services Boards to facilitate the erection of telephone communications masts as Health and Social Services Boards do not have legal powers to own or lease land.

## Nursing Home Care

**Mr J Shannon** asked the Minister of Health, Social Services and Public Safety if he monitors fee increases that have been or will be introduced in nursing home care; and what discussions he has had with their governing bodies considering that some nursing homes intend to increase fees by 8.9%. (AQW 3829/09)

**Minister of Health, Social Services and Public Safety:** Officials from my Department and the HSC meet periodically with representatives of the care home sector, including the Independent Health and Care Providers, to discuss a range of issues including rates for care. In addition, the HSC, in fulfilling its duty to procure care on the basis of quality and value for money, routinely monitors the level of fees for both residential and



nursing homes. However, my Department has no legal authority to compel nursing home providers, which are independent businesses, to restrict the fees charged for care.

### Staff Sickness Levels

**Mr A Easton** asked the Minister of Health, Social Services and Public Safety how much staff sickness at all levels cost his Department in the last financial year. (AQW 3839/09)

**Minister of Health, Social Services and Public Safety:** The cost of absences in 2007/08 (£1,100,000) was less than that for the 2006/07 year (£1,200,000).

In 2007/08 staff in DHSSPS lost fewer days (10.2 days per member of staff) due to sickness absence than staff in the rest of the NICS (13 days per member of staff).

### Staff Sickness Levels

**Mr A Easton** asked the Minister of Health, Social Services and Public Safety how much staff sickness cost all Health and Social Services Boards in the last financial year. (AQW 3840/09)

**Minister of Health, Social Services and Public Safety:** The information requested is not held centrally and could only be provided at disproportionate cost.

### Efficiency Savings

**Mr A Easton** asked the Minister of Health, Social Services and Public Safety to outline efficiency savings plans and costs for the South Eastern Health and Social Care Trust. (AQW 3841/09)

**Minister of Health, Social Services and Public Safety:** My Health Committee paper in October included an indicative split of South Eastern Health and Social Care Trust proposals between different types of efficiencies, to be obtained by 2010/11, as follows:

	2010/11 £m
(1) RPA	6.0
(2) Pharmacy and regional procurement	2.1
(3) Income generation	0.3
(4) Productivity and general efficiency	23.4
(5) Service redesign	5.1
<b>Total</b>	<b>36.9</b>

A range of these proposals are subject to consultation at the current time.

### Care in the Community

**Mr A Easton** asked the Minister of Health, Social Services and Public Safety to outline his Department's long term plans for care in the community for elderly people in North Down. (AQW 3842/09)

**Minister of Health, Social Services and Public Safety:** The HSC is responsible for commissioning services in response to local need. The South Eastern Trust has advised that it will develop services in the North Down area in line with the Eastern Health and Social Services Board's Health and Wellbeing Strategy for Older People. This will see the development of a broad range of services linked to four key themes: Promotion of Health and Wellbeing, Helping Older People Retain or Regain their Independence; Development of Long Term Living Options and Developing Dementia and Mental Health Services. Examples of these services include expanded domiciliary and intermediate care, investment in Assistive Technologies to maintain older people in their own



home, increases in day care and respite provision, and partnership working with the Housing Executive to develop alternatives to traditional residential and nursing home care.

### Departmental Legislation

**Mr P Weir** asked the Minister of Health, Social Services and Public Safety what legislation will his Department bring forward to the Assembly in 2009. (AQW 3845/09)

**Minister of Health, Social Services and Public Safety:** The Department has identified its potential legislative requirements for the remainder of this session of the Assembly. However, these proposals are subject to consideration by the Executive and it would therefore not be appropriate or possible to pre-empt this consideration by providing the information you request.

### Musgrave Park Hospital

**Mr J Shannon** asked the Minister of Health, Social Services and Public Safety if respite care at the new Musgrave Park Hospital site will be available before the closure of the Forster Green Hospital unit. (AQW 3851/09)

**Minister of Health, Social Services and Public Safety:** Belfast Health and Social Care Trust has confirmed that respite care for patients with neurological conditions will continue to be provided at the Forster Green Hospital site until this service has been transferred.

### Nursing Homes

**Mr J Shannon** asked the Minister of Health, Social Services and Public Safety if he would issue a statement that nursing homes should ensure that any increases in fees are level with inflation and not at a rate significantly above this figure. (AQW 3852/09)

**Minister of Health, Social Services and Public Safety:** Officials from my Department and the HSC meet periodically with representatives of the care home sector, including the Independent Health and Care Providers, to discuss a range of issues including rates for care. In addition, the HSC, in fulfilling its duty to procure care on the basis of quality and value for money, routinely monitors the level of fees for both residential and nursing homes. However, my Department has no legal authority to compel nursing home providers, which are independent businesses, to restrict the fees charged for care.

### Security Facilities for People with Mental Illness

**Mr J Shannon** asked the Minister of Health, Social Services and Public Safety what facilities are available for people who require a high level of security because they have severe mental health conditions. (AQW 3868/09)

**Minister of Health, Social Services and Public Safety:** There is no high secure hospital in Northern Ireland. The State Hospital, Carstairs, Scotland, has provided most of the care and treatment in conditions of high security for adults from Northern Ireland with mental illness or severe mental impairment who, because of their dangerous, violent or criminal propensities, cannot be cared for in any other setting locally.

### Residential Homes

**Mr E Poots** asked the Minister of Health, Social Services and Public Safety to list the (i) name; (ii) location; (iii) size; and (iv) occupancy levels of residential homes for older people in the 15 mile radius surrounding Dromore, to include Banbridge, Lurgan, Lisburn and Ballynahinch. (AQW 3870/09)

**Minister of Health, Social Services and Public Safety:** The information is not available in the format requested, and could only be provided at disproportionate cost.



### Statutory Homes

**Mr E Poots** asked the Minister of Health, Social Services and Public Safety how many statutory homes in the 15 mile radius surrounding Dromore are (i) closing; or (ii) have closed, and how many bed places have been lost, in the last five years. (AQW 3871/09)

**Minister of Health, Social Services and Public Safety:** The information is not available in the format requested, and could only be provided at disproportionate cost.

### Residential Homes

**Mr E Poots** asked the Minister of Health, Social Services and Public Safety how many elderly people from Dromore were placed in residential homes outside the Dromore area. (AQW 3872/09)

**Minister of Health, Social Services and Public Safety:** The information is not available in the format requested, and could only be provided at disproportionate cost.

### Residential Homes

**Mr E Poots** asked the Minister of Health, Social Services and Public Safety to give a breakdown of (i) the £2.9m expenditure on the five residential homes in the Dromore area; and (ii) the total cost for Skeagh House. (AQW 3873/09)

**Minister of Health, Social Services and Public Safety:** There are five statutory residential homes for the elderly within the Southern Trust area. The table below shows the direct cost budget for each of these 5 statutory residential care homes including Skeagh House for 2007/08.

2007/08	
Home	Direct Cost Budget
Cloughreagh Bessbrook	£607,968
Slieve Roe Kilkeel	£493,610
Roxborough Moy	£675,111
Crozier Banbridge	£563,527
Skeagh Dromore	£623,434
<b>Total</b>	<b>£2,963,650</b>

The direct budget cost for Skeagh House for 2007/08 was £623,434. This budget covers staffing and the running cost of the home. In addition, a further £23,776 was spent on minor works such as resurfacing in 2007/8.

### Nursing Staff

**Mr R Beggs** asked the Minister of Health, Social Services and Public Safety if his Department has, or Health and Social Care Trusts have, considered establishing a pool of nursing staff willing to work at short notice thereby avoiding the additional cost of engaging agency staff. (AQW 3878/09)

**Minister of Health, Social Services and Public Safety:** I can confirm that all Trusts have 'nursing bank' arrangements in place. Bank staff can be a mixture of nurses employed by their Trust and staff from other organisations who provide additional shifts. I have asked Trusts to examine their reliance on agency staff and I am assured that they are making every effort to address this.

Information on the average number of agency nurses employed daily is not held centrally and could only be provided at disproportionate cost.



### Nursing Staff

**Mr R Beggs** asked the Minister of Health, Social Services and Public Safety what is the average number of agency nurses that are employed each day, broken down by each acute hospital; and what consideration has been given to minimising the dependency on agencies for the provision of additional staff. (AQW 3879/09)

**Minister of Health, Social Services and Public Safety:** I can confirm that all Trusts have 'nursing bank' arrangements in place. Bank staff can be a mixture of nurses employed by their Trust and staff from other organisations who provide additional shifts. I have asked Trusts to examine their reliance on agency staff and I am assured that they are making every effort to address this.

Information on the average number of agency nurses employed daily is not held centrally and could only be provided at disproportionate cost.

### Nursing Staff

**Mr R Beggs** asked the Minister of Health, Social Services and Public Safety to list all hospital wards that are, or have been, closed due to shortages of nursing staff, during this financial year (AQW 3880/09)

**Minister of Health, Social Services and Public Safety:**

There has been no hospital wards closed due to shortages of nursing staff, in Health and Social Care hospitals in Northern Ireland, during this financial year.

### Contact Youth

**Mr M Durkan** asked the Minister of Health, Social Services and Public Safety to detail (i) the services provided by Contact Youth under contract to his Department in the Foyle constituency; (ii) the time period of the contract; and (iii) the financial value of that contract. (AQW 3887/09)

**Minister of Health, Social Services and Public Safety:**

- (i) Contact Youth are contracted by my Department to provide a regional 24/7 crisis response telephone helpline service. This includes dealing with calls from people in crisis and helping to de-escalate the crisis situation and, where appropriate, referral of callers to associated statutory sector, community sector or Contact Youth support services. Support services provided under the contract include counselling, mentoring, and befriending. These services are available across Northern Ireland.
- (ii) The contract will run initially for a period of 1 year and 3 months, with options to extend for a further three one-year periods subject to agreement by both parties.
- (iii) It is estimated that the service will cost in the region of £3.5 million per annum.

### Contact Youth

**Mr M Durkan** asked the Minister of Health, Social Services and Public Safety (i) what partnerships exist between Contact Youth and other counselling providers to deliver services in the Foyle constituency; (ii) what process was used to establish these partnerships; and (iii) how long these partnerships are due to remain in place. (AQW 3888/09)

**Minister of Health, Social Services and Public Safety:** Contact Youth have been contracted by my Department to deliver a regional 24/7 crisis response helpline service. In doing so, Contact Youth has developed partnerships with a number of organisations which provide counselling, mentoring, befriending, and complementary services in the Western Health & Social Care Trust (WH SCT) area. With regard the specific information requested, I can confirm that:

- (i) Information on partnerships is not held by parliamentary constituency; however, this information is available at Trust level. The partner organisations providing support services in the WH SCT area are:- Aisling Centre, Zest- Healing the Hurt, Northwest Counselling, Cunamh, Carecall, Community Action for Locally Managing Stress, and Feel Great Therapies.



- (ii) Contact Youth held Information “open days” for potential partner organisations in the first instance, and advertisements inviting tenders were subsequently placed in the local press.
- (iii) In line with the regional contract, the partnerships are initially due to run to 31 March 2009, with options to extend for a further three periods of one year subject to agreement by both parties.

### Dental Technicians

**Mr B Wilson** asked the Minister of Health, Social Services and Public Safety if he will provide funding for a part-time course to enable dental technicians to obtain a recognised qualification and Continuous Professional Development credit in order to obtain full registration with the General Dental Council. (AQW 3889/09)

**Minister of Health, Social Services and Public Safety:** My department already provides funding for a full time course for dental technicians at the Royal Victoria Hospital School of Dentistry. My department has also made available £120K per year for Continuous Professional Development for Dental Care Practitioners, which includes dental technicians. In addition, my department is working with DEL to facilitate part-time training for dental technicians. It is not within the remit of the DHSSPS to fund training for the commercial sector.

### Hip Arthroscopic Surgery

**Mr T Buchanan** asked the Minister of Health, Social Services and Public Safety which hospitals perform hip arthroscopic surgery. (AQW 3960/09)

**Minister of Health, Social Services and Public Safety:** Hip arthroscopic surgery has been recorded in two hospitals, Musgrave Park Hospital and Craigavon Hospital, in the period since April 2007 to November 2008 (the latest date for which information is available).

### Antrim Area Hospital

**Mr P McGlone** asked the Minister of Health, Social Services and Public Safety how many trolley waits there were in the Accident and Emergency Department at the Antrim Area Hospital on the evening of Saturday 10th January, 2009. (AQW 3987/09)

**Minister of Health, Social Services and Public Safety:** The information is not available in the form requested.

### St John Ambulance Service

**Mr D McKay** asked the Minister of Health, Social Services and Public Safety for his assessment of whether St John Ambulance Service is equipped to deal with patients who are suffering from cardiac problems; and if it is an adequate back-up to the emergency ambulance fleet. (AQW 3990/09)

**Minister of Health, Social Services and Public Safety:** St John Ambulance is a voluntary organisation and my Department has not made any assessment of its capacity to deal with patients suffering from cardiac problems. Emergency 999 calls involving patients suffering from cardiac problems will receive a response from the Northern Ireland Ambulance Service (NIAS).

I understand that as part of its contingency planning, for example in the event of a major incident, NIAS would request assistance from the voluntary ambulance services, including St John Ambulance. The voluntary ambulance services also provide valuable support to the Health and Social Care sector by providing routine non-emergency patient transport services.

### St John Ambulance Service

**Mr D McKay** asked the Minister of Health, Social Services and Public Safety how many times has St John Ambulance been used in place of emergency ambulances by the Northern Health and Social Services Board



when transferring patients receiving emergency treatment in Causeway Hospital, Coleraine, to hospitals in Belfast, from January 2008 to January 2009. (AQW 3991/09)

**Minister of Health, Social Services and Public Safety:** There have been no instances when St John Ambulance vehicles have been used in place of an emergency ambulance to transfer patients from Causeway Hospital to Belfast hospitals.

### Nursing Posts

**Lord Browne** asked the Minister of Health, Social Services and Public Safety what percentage of nurses who graduated from universities in Northern Ireland during the past year, have obtained nursing posts. (AQW 4001/09)

**Minister of Health, Social Services and Public Safety:** From information provided by Queen's University, Belfast, out of 394 students who graduated in 2008, 332 returned destination survey questionnaires. Of these, 281 or 85% have obtained nursing posts, with a further 31 or 9% on HSC Trust employment waiting lists.

The remaining 20 students who returned questionnaires have opted to travel.

At the University of Ulster, destination statistics for nursing students who completed their course in September 2008 are not yet available. However for the 137 students who completed in September 2007, 117 returned destination surveys. Of these 113 or 96% have obtained nursing posts.

### Gortmore Nursing Home, Omagh

**Mr T Buchanan** asked the Minister of Health, Social Services and Public Safety what savings would be made by the proposed closure of Gortmore Nursing Home in Omagh. (AQW 4020/09)

**Minister of Health, Social Services and Public Safety:** It is difficult to make a reliable estimate of such a figure at this stage given that such proposals are subject to the outcome of consultation. The Trust has provided estimates that the potential savings are in the region of £370k.

### Gynaecological Ward at the Erne Hospital

**Mr T Buchanan** asked the Minister of Health, Social Services and Public Safety what is the future of the gynaecological ward at the Erne Hospital Enniskillen; and what attempts are being made by the Western Health and Social Care Trust to amalgamate gynaecological services with surgical services that are already overstretched. (AQW 4022/09)

**Minister of Health, Social Services and Public Safety:** The gynaecological ward at the Erne Hospital is not closing. The ward will relocate on 1 February to the present female surgical ward and will comprise of 2 four-bedded wards and one single room. The beds will be protected for gynaecological use.

It is for the Western Health and Social Care Trust to configure its services to best meet the needs of the local population. The Trust advises that this adjustment brings the service into line with the model planned for the new south west acute hospital.

### Closure of Community Stores at Omagh and Enniskillen

**Mr T Buchanan** asked the Minister of Health, Social Services and Public Safety what plans his Department or the Western Health and Social Care Trust has to close the community stores at Omagh and Enniskillen and centralise them in Derry/Londonderry by April 2010. (AQW 4023/09)

**Minister of Health, Social Services and Public Safety:** Following a recent review, the Western Health and Social Care Trust is now considering a number of options in relation to how to best provide a stores service for its resident population. There are no plans at present to close the community stores at Omagh and Enniskillen, and no decision has been taken on whether or where stores might be centralised.

The Western Health and Social Care Trust has stated that its staff will be kept fully informed throughout the process.



### Hip Arthroscopic Surgery

**Mr T Buchanan** asked the Minister of Health, Social Services and Public Safety how many patients are currently on a waiting list for hip arthroscopic surgery, in each Health and Social Care Trust. (AQW 4024/09)

**Minister of Health, Social Services and Public Safety:** There was one patient waiting for hip arthroscopic surgery at the Southern Health and Social Care Trust in Northern Ireland at 30th September 2008, the last quarter for which official waiting time data are available.

There were no patients waiting for hip arthroscopic surgery at any of the other four Health and Social Care Trusts at 30th September 2008.

### Tyrone County Hospital

**Mr T Buchanan** asked the Minister of Health, Social Services and Public Safety (i) the cost of refurbishing wards 5-6 at Tyrone County Hospital, Omagh in 2008; and (ii) if wards 5-6 will remain open until the new hospital is built in Omagh. (AQW 4068/09)

**Minister of Health, Social Services and Public Safety:**

(i) The cost of the refurbishment of wards 5 and 6 at Tyrone County Hospital was some £480,000.

(ii) Wards 5 and 6 will remain open until the new Omagh Hospital is operational.

### Emergency Services Employees

**Lord Browne** asked the Minister of Health, Social Services and Public Safety to breakdown by gender, employees of (i) the Northern Ireland Fire Service; and (ii) the Northern Ireland Ambulance Service. (AQW 4075/09)

**Minister of Health, Social Services and Public Safety:** The table below details the breakdown, by gender, of employees of the Northern Ireland Fire and Rescue Service and the Northern Ireland Ambulance Service:

	Male	Female	Total
Northern Ireland Fire and Rescue Service Employees	1,927	224	2,151
Northern Ireland Ambulance Service Employees	838	294	1,132

### Western Health and Social Care Trust

**Mr A Easton** asked the Minister of Health, Social Services and Public Safety what is the organisational structure of the Western Health and Social Care Trust. (AQW 4096/09)

**Minister of Health, Social Services and Public Safety:** My Department is currently developing programmes of activity to address rural poverty, social exclusion and community development, and therefore I cannot confirm that in-kind contributions by Community and Voluntary Groups will be treated as regards eligibility for match funding. The appropriateness of treating in-kind contributions as potential match funding will be considered within the economic appraisal process of each proposed programme. However under all but the farm diversification measure of Axis 3 of the Rural Development Programme 2007 – 13, social economy enterprises may provide match funding towards eligible costs in the form of contributions-in-kind in line with the programme operating rules.

### Health Centre at Ballygawley, Co Tyrone

**Mr T Gallagher** asked the Minister of Health, Social Services and Public Safety if (i) the Primacare plans for a new Health Centre at Ballygawley, County Tyrone have been approved by any of the Health authorities; (ii) he will confirm that his Department has approved this plan; and (iii) it will be taken forward as a Private Finance Initiative. (AQW 4183/09)



**Minister of Health, Social Services and Public Safety:** The development planned by Primacure is an independent healthcare facility. Consequently it has no connections whatsoever with the plans I have announced for investment in the health and social care infrastructure across Northern Ireland.

The Southern Board and Trust who are responsible for the commissioning and delivery of services in the Ballygawley area have indicated that this proposal has not been discussed with either of them.

My Department has had no discussions with Primacure and as such there is no plan to enter into any project or contracts with Primacure.

A statement was issued to the local Tyrone Times on 16 December 2008 confirming that neither my Department nor the Southern Board and Trust had any connection with the article published by Primacure.

### Mid Ulster Hospital

**Mr F Molloy** asked the Minister of Health, Social Services and Public Safety what changes have been made to the Strategic Spending Review Consultation document with regard to Mid Ulster Hospital, following the end of phase 1 of the consultation process. (AQW 4199/09)

**Minister of Health, Social Services and Public Safety:** The Trust published its Engagement and Consultation Programme document in late 2008. This indicated briefly the proposals that the Trust intended to consult formally on. More detailed but identical Mid Ulster proposals are the subject of a specific formal consultation which is currently underway. The consultation document is available on the Trust's website and responses can be received by the Trust up to 6 March 2009.

## DEPARTMENT FOR REGIONAL DEVELOPMENT

### Road Gritting

**Mr A Bresland** asked the Minister for Regional Development to detail the annual spend for road gritting, broken down by district council area, in each of the last three years. (AQW 3600/09)

**Minister for Regional Development (Mr C Murphy):** My Department's Roads Service does not maintain the information that you have requested by council area. However, the table below details the winter maintenance expenditure to treat snow and frost at Roads Service Divisional level.

Roads Service	Winter Maintenance Expenditure		
	2005/06	2006/07	2007/08
Eastern Division	£1,051,000	£810,000	£829,000
Northern Division	£1,737,000	£1,423,000	£1,494,000
Southern Division	£1,282,000	£1,194,000	£1,298,000
Western Division	£802,000	£745,000	£790,000
Roads Service Headquarters*	£388,000	£272,000	£272,000
<b>Total</b>	<b>£5,260,000</b>	<b>£4,444,000</b>	<b>£4,683,000</b>

\* Roads Service Headquarters costs include forecast information from the Met Office, calibration / maintenance of sensor sites and other associated costs.

### Dunmurry Wastewater Treatment Works

**Mr P Butler** asked the Minister for Regional Development to provide an update into the problems associated with Dunmurry waste water treatment works and new developments in the Dunmurry area. (AQW 3604/09)

**Minister for Regional Development:** I have been advised by Northern Ireland Water that connections to the public sewerage system from new development in the Dunmurry area continue to be controlled and limited. Work



commenced recently to address specific issues with the local sewerage network in advance of the main sewer improvements required under the Drainage Area Study. In addition, a detailed catchment survey is underway to establish the design requirements for the upgrade of Dunmurry Wastewater Treatment Works. The upgrade of the Works and the sewerage network in the area is scheduled to commence in 2010 subject to funding being available.

### Liability Claims

**Mr P Ramsey** asked the Minister for Regional Development how many liability claims have been made against the Stormont estate due to accidents occurring on the pavements. (AQW 3620/09)

**Minister for Regional Development:** There have been 20 public liability compensation claims received involving accidents occurring on the Stormont Estate pavements since the Department's Central Claims Unit was set up in 1989.

### A25/Burrenbridge Road

**Mr J Wells** asked the Minister for Regional Development, pursuant to the answer to AQW 3059/09 to detail the estimated costs of the proposed improvement scheme at the junction of the A25/Burrenbridge Road. (AQW 3637/09)

**Minister for Regional Development:** My Department's Roads Service has advised that an improvement scheme at the junction of the A25/Burrenbridge Road is likely to cost in the region of £600,000.

### Metro Bus Drivers

**Mr J Wells** asked the Minister for Regional Development, pursuant to the answer to AQW 2872/09, for his assessment of the sufficiency of a 30 minute break for Metro Bus drivers given the workload and responsibilities of these posts. (AQW 3644/09)

**Minister for Regional Development:** Arrangements for rest breaks are an operational matter for Translink. Translink has informed me that the rules on working time and rest periods for bus drivers are set out in a number of transport regulations with which Translink fully complies. These regulations set a minimum rest period of 30 minutes.

### Disabled Parking

**Mr T Elliott** asked the Minister for Regional Development what recent action his Department has taken to reduce the abuse of blue badges for disabled parking. (AQW 3652/09)

**Minister for Regional Development:** My Department is currently in the process of making a statutory rule, which amends the 1993 Regulations, to prescribe a revised form of the Blue Badge. The revised badges will incorporate a hologram on the front to improve security and help prevent the use of forgeries. It is expected that this amendment will come into operation on 1 April 2009.

In addition, Roads Service's Parking Enforcement Unit, in conjunction with NCP Services Ltd, is effectively enforcing parking violations, where information gathered points to the misuse of Blue Badges. This has resulted in a number of Penalty Charge Notices being issued to vehicles parked in contravention of parking concessions falsely claimed under the scheme. NCP Services Ltd and Roads Service will continue to gather information to substantiate the legitimacy of vehicles displaying Blue Badges and enforce parking legislation accordingly.

### Walking to School and Cycling Initiatives

**Mr B Wilson** asked the Minister for Regional Development what consideration he has given to walking to school and cycling initiatives as part of his Department's strategy to reduce traffic congestion. (AQW 3661/09)



**Minister for Regional Development:** My Department's Roads Service is involved in promoting walking and cycling to school through its Travelwise Safer Routes to Schools programme. This programme has been developed to support the objectives of the Regional Transportation Strategy. The aim of this strategy is to provide a safe, modern and sustainable transportation network, for the north, by raising awareness of the major issues related to traffic congestion, including the detrimental impact on road safety, health and the environment.

More information on the Travelwise initiative can be found at the following web address:

<http://www.travelwise.org.uk/>

### Schools with Flashing Warning Lights

**Mr J Shannon** asked the Minister for Regional Development which schools have flashing warning lights.

(AQW 3740/09)

**Minister for Regional Development:** My Department's Roads Service has provided road safety schemes incorporating flashing warning lights outside 187 schools detailed in the table below.

School	Location
Ashfield Girl's High School	Belfast
Ballinderry Primary School	Lisburn
Ballymacward Primary School	Lisburn
Ben Madigan Primary School	Belfast
Braniel Primary School	Castlereagh
Carr Primary School	Lisburn
Carrickfergus College	Carrickfergus
Carrickfergus Grammar	Carrickfergus
Cavehill Primary School	Belfast
Christian Brothers Secondary School	Belfast
Currie Primary School	Belfast
Derriaghy Primary School	Lisburn
Friends School	Lisburn
Gilnahirk Primary School	Castlereagh
Glengola Collegiate School	Bangor
Glengormley High School	Glengormley
Holy Rosary Primary School	Belfast
Holy Trinity Primary School	Belfast
Kilbride Central Primary School	Kilbride
La Salle Boys Secondary School	Belfast
Lagan College	Castlereagh
Leadhill Primary School	Castlereagh
Loughview Integrated Primary School	Castlereagh
Mallusk Primary School	Mallusk
Moir Primary School	Moir
Moneyreagh Primary School	Castlereagh
Newtownbreda High School	Castlereagh



School	Location
Oakwood Integrated Primary School	Derriaghy, Lisburn
Our Lady Of Lourdes Primary School	Belfast
Redburn Primary School	Holywood
Riverdale Primary School	Lisburn
St Comgalls Primary School	Bangor
St Joseph's College	Belfast
St Kevin's Primary School	Belfast
St Louise's Comprehensive College	Belfast
St Mary's Christian Brothers Grammar School	Belfast
St Teresa's Primary School	Belfast
Stranmillis Primary School	Belfast
Sullivan Upper School	Holywood
Wallace High School	Lisburn
Whitehead Primary School	Whitehead
Armagh Christian Brothers Primary School	Armagh
Ballydown Primary School	Banbridge
Bocombra Primary School	Portadown
Bridge Integrated Primary School	Banbridge
Bronte Primary School	Banbridge
Brownlow College	Craigavon
Clea Primary School	Keady
Drumsallen Primary School	Killylea
Killylea Primary School	Killylea
Kings Park Primary School	Lurgan
Lisnadill Primary School	Armagh
Moyallon Primary School	Portadown
Mullavilly Primary School	Portadown
Rathfriland High School	Rathfriland
Richmount Primary School	Portadown
St Coleman's Primary School	Annacloy
St Coleman's Primary School	Lawrencetown
St Paul's Junior High School	Lurgan
St Peter's Primary School	Charlemont
St. Anthony's Primary School	Craigavon
St. Francis Primary School	Lurgan
St. Jarlath's Primary School	Blackwatertown
St. Marys Primary School	Derrytrasna
St. Mary's Primary School	Granemore
St. Mary's Primary School	Aghagallon



School	Location
St. Teresa's Primary School	Lurgan
Ballynahinch Primary School	Ballyhinch
Carrickmannon Primary School	Ballygowan
Cortamlet Primary School	Altamackin
St Joseph's Primary School (Ballymartin)	Kilkeel
Abbey Primary School	Newtownards
St Macartan's Primary School	Loughinisland
Carrick Primary School	Warrenpoint
Sacred Heart Primary School	Dundrum
Saintfield High School	Saintfield
Castle Gardens Primary School	Newtownards
Andrews Memorial Primary School	Comber
Dromintee Primary School	Drumintee
St Mary's High School (to be installed Jan 09)	Downpatrick
St. Patrick's Primary School	Ballynahinch,
St Michael's Primary School	Newtownhamilton
St Mary's Primary School	Mullaghbawn
St Joseph's (Bessbrook)	Bessbrook
Killyleagh Primary School	Killyleagh
Balloughry Primary School	Derry
Culmore Primary School	Derry
St Brigid's College	Derry
St Patrick's Primary School	Derry
St. Cecilia's Secondary School	Derry
St John's Primary School	Derry
Bligh's Lane Nursery School	Derry
Glendermott Primary School	Derry
St. Peters Secondary School	Derry
Broadbridge Primary School	Eglinton
St Colmcille's Primary School	Claudy
Groarty Primary School	Derry
Irish Society Primary School	Coleraine
Culcrow Primary School	Aghadowey, Coleraine
Damhead Primary School	Coleraine
St. Paul's Secondary School	Kilrea
Central Primary School	Limavady
St. Columba's Primary School	Boleran, Garvagh
St. Columba's Primary School	Kilrea
Ballytober Primary School	Bushmills



School	Location
Carnalridge Primary School	Portrush
St. Mary's Primary School	Cushendall
St. Patrick's Primary School	Waterfoot
Culycapple Primary School	Aghadowey, Coleraine
St. Anthony's Primary School	Limavady
Hezlett Primary School	Articlave, Coleraine
Gracehill Primary School	Ballymena
Corran Integrated Primary School	Larne
Bushvalley Primary School	Ballymoney
Eden Primary School	Ballymoney
Longstone Primary School	Ballymoney
Ballyboley Primary School	Larne
Templepatrick Primary School	Antrim
St Joseph's Primary School	Antrim
Moorfields Primary School	Ballymena
Braid Primary School	Ballymena
Knockahollet Primary School	Ballymoney
Cloughmills Primary School	Ballymoney
Parkhall/Antrim Grammar	Antrim
Loanends Primary School	Antrim
Garryduff Primary School	Ballymoney
Kilmoyle Primary School	Ballymoney
Diamond Primary School	Ballymena
Carrowreagh Primary School	Ballymoney
Larne Grammar	Larne
Groggan Primary School	Antrim
Moneynick Primary School	Antrim
Altayeskey Primary School	Draperstown
Amptertaine Controlled Primary School	Maghera
Anahorish Primary School	Toomebridge
Artigarvan Primary School	Artigarvan
Aughnacloy Regional Primary School	Aughnacloy
Ballinamallard Primary School	Ballinamallard
Ballylifford Primary School	Cookstown
Bush Primary School	Dungannon
Churchill Primary School	Caledon
Clogher Regional Primary School	Clogher
Coagh Primary School	Coagh
Crossroads Primary School	Upperlands



School	Location
Derryerin Primary School	Cookstown
Donaghey Primary School	Donaghey, Cookstown
Drumlish Primary School	Dromore, Co Tyrone
Dungannon Primary School	Dungannon
Fivemiletown High School	Fivemiletown
Florencecourt Primary School	Florencecourt
Gillygooley Primary School	Omagh
Loup Primary School	Loup
Moneymore Primary School	Moneymore
New Row Primary School	Castledawson
Our Lady of Lourdes Primary School	Greencastle
Primate Dixon Primary School	Coalisland
Roan St Patricks Primary School	Eglis
Royal School Grammar School	Dungannon
Spires Integrated Primary School	Magherafelt
St Bridgid's Primary School	Magherafelt
St Columban's Primary School	Belcoo
St Comghall's High School	Lisnaskea
St Dympna's Primary School	Dromore, Co Tyrone
St Eoghan's Primary School	Draperstown
St Eugene's Primary School	Lisnaskea
St John's Business & Enterprise College	Dromore, Co Tyrone
St John's Primary School	Swatragh
St Josephs Primary School	Drumquin
St Joseph's Primary School	Dungannon
St Malachy's Primary School	Ballygawley
St Mary's Primary School	Maguiresbridge
St Mary's Primary School	Bellenaleck
St Mary's Primary School	Fivemiletown
St Mary's Secondary School	Belleek
St McCartan's Primary School	Clogher
St Patrick's Maintained Primary School	Coalisland
St Patrick's Maintained Primary School	Ardboe
St Patrick's Maintained Primary School	Moneymore
St Patrick's Primary School	Eskra
St Patrick's Primary School	Castlederg
St Patrick's Primary School	Derrygonnelly
St Patrick's Primary School	Donaghmore
St Paul's Primary School	Irvinstown



School	Location
St Ronan's Primary School	Lisnaskea
St Treas Primary School	Ballyronan
Strabane Grammar School	Strabane
Tobermore Primary School	Tobermore

### Translink

**Mr T Burns** asked the Minister for Regional Development how much was spent by Translink on fuel for (i) buses; and (ii) trains by each month in 2008. (AQW 3742/09)

**Minister for Regional Development:** I enclose a table showing how much was spent by Translink on fuel for buses by Metro and Ulsterbus and on trains by NIR for each month in 2008.

Translink Fuel Costs 2008 (£)				
Month	Ulsterbus	Metro	NIR	Total
Jan	1,116,935	363,579	322,564	1,803,078
Feb	1,512,201	444,906	358,507	2,315,615
Mar	2,041,830	598,762	589,081	3,229,674
Apr	1,701,277	507,592	439,223	2,648,092
May	1,624,874	483,947	439,813	2,548,634
Jun	2,143,896	682,104	558,572	3,384,572
Jul	1,237,996	428,161	406,894	2,073,051
Aug	1,391,795	511,441	482,638	2,385,874
Sep	1,884,938	588,379	491,789	2,965,105
Oct	1,891,400	584,058	527,441	3,002,900
Nov	1,790,200	618,611	571,832	2,980,642
Dec	2,301,000	751,668	687,046	3,739,714
	<b>20,638,343</b>	<b>6,563,209</b>	<b>5,875,399</b>	<b>33,076,951</b>

Note that Translink report that the December fuel figures are not yet finalised.

### B47 Glenelly Road

**Mr M Durkan** asked the Minister for Regional Development (i) what gritting arrangements are in place for the B47 Glenelly Road between Plumbridge and Draperstown; and (ii) if he has any plans to revise these arrangements. (AQW 3757/09)

**Minister for Regional Development:** My Department's Roads Service has advised that the B47 Glenelly Road runs from Plumbridge to its junction with the B41 Sixtowns Road. The route to Draperstown then extends along the B41.

The B47 Glenelly Road from Plumbridge to the eastern boundary of Cranagh, and the section of the B41 Sixtowns Road from Draperstown to its junction with the Disert Road, are included within the salting schedule. Previously, the 13 mile gap between these locations did not meet the criteria for inclusion in the salting schedule. This stretch was serviced with approximately 50 grit piles.

However, following a recent Roads Service assessment of this route, a one mile section of the B41 between its junctions with the Disert Road and the B47 Glenelly Road, has been added to the salting schedule, for inclusion from the end of January 2009.



## Traffic Census Figures

**Mr K Robinson** asked the Minister for Regional Development what are the most up to date traffic census figures for the following roads and locations; (i) Jordanstown Road (Shore Road Junction to Monkstown Road Junction); (ii) Monkstown Road (Doagh Road Junction to Old Carrick Road B90 Junction); (iii) Doagh Road (Cloughfern Corner to Shore Road Junction); (iv) Doagh Road (Cloughfern Corner to Monkstown Road Junction); (v) Shore road (M5 Roundabout to Whiteabbey Station Road Junction); (vi) Shore Road (Whiteabbey Station Road to Jordanstown Road Junction); (vii) Shore Road (Jordanstown Road to Greenisland Station Road Junction) (AQW 3762/09)

**Minister for Regional Development:** My Department's Roads Service has advised that while none of the roads detailed in your question are included in its automatic traffic counting sites, temporary traffic counts will be carried out on a number of these roads as part of the proposed works on the A2 Shore Road. I have asked the Divisional Road Manager for Eastern Division to write to you when these surveys have been completed.

## Roads Service

**Lord Morrow** asked the Minister for Regional Development how much Roads Service has spent on roads, in each of the last five financial years, broken down by division. (AQW 3805/09)

**Minister for Regional Development:** The table below sets out the total capital and maintenance spend on roads by Roads Service over the last five financial years, broken down by Division.

All figures are in £ million's

Division	03-04	04-05	05-06	06-07	07-08
North	54.002	50.934	52.387	39.473	51.135
East	50.251	64.614	59.465	68.243	54.713
South	49.373	65.257	62.291	99.324	55.860
West	39.748	48.364	50.878	53.064	58.168
<b>Total</b>	<b>193.374</b>	<b>229.169</b>	<b>225.021</b>	<b>260.104</b>	<b>219.876</b>

## Roads Service

**Lord Morrow** asked the Minister for Regional Development how (i) many compensation claims were made; and (ii) much was paid out by Roads Service for vehicle damage on County Fermanagh roads, in each of the last five financial years. (AQW 3806/09)

**Minister for Regional Development:** The number of compensation claims made against the Department for Regional Development and the amount of compensation paid in each of the last five financial years in respect to damage to vehicles on roads in County Fermanagh is as follows:-

	Number of Claims	Total Compensation Paid
2003/04	72	£7,752.52
2004/05	75	£6,357.17
2005/06	68	£4,814.15
2006/07	72	£5,351.55
2007/08	88	£7,129.00



## CCTV Cameras

**Mr J Shannon** asked the Minister for Regional Development if he would consider a change in the rules and legislation so that CCTV cameras could be mounted on street lights. (AQW 3819/09)

**Minister for Regional Development:** My Department's Roads Service has advised that they do not have the powers to allow the mounting of CCTV cameras by third parties on to their street lighting equipment.

Roads Service refuses such requests on the grounds of Health and Safety, third party liability and the implications concerning the violation of Human Rights legislation, including the Data Protection Act. The Health and Safety grounds for refusal include the risks to Roads Service staff carrying out maintenance operations, with the presence of multiple power supplies.

Therefore, I cannot agree to any change to Roads Service's current practice that would allow the mounting of third party CCTV cameras on to their street lighting equipment.

## Road Resurfacing Projects

**Mr A Easton** asked the Minister for Regional Development to detail any cuts to road resurfacing projects in the North Down area, in the next two years. (AQW 3843/09)

**Minister for Regional Development:** My Department's Roads Service has advised that, although budgets have not been finalised, it is anticipated that the road resurfacing programme in the North Down area will remain broadly at its current level for the next two years.

However, as always, all proposed projects are subject to the availability of funding.

## Level Crossings

**Mr T Burns** asked the Minister for Regional Development how many recorded incidents there were where (i) vehicles; and (ii) pedestrians, violated barriers at level crossings, in each of the last five years. (AQW 3855/09)

**Minister for Regional Development:** The following table provides the number of recorded incidents at level crossings in each of the last five years.

Year	Incidents Involving Vehicles	Incidents Involving Pedestrians
2004	48	9
2005	35	20
2006	47	27
2007	37	44
2008	71	41

## Unpaid Parking Fines

**Mr S Hamilton** asked the Minister for Regional Development how many unpaid parking fines, issued to Republic of Ireland registered vehicles, remain outstanding since the start of the NCP contract. (AQW 3859/09)

**Minister for Regional Development:** My Department's Roads Service has advised that from commencement of the current parking enforcement contract, at the end of October 2006, up to 11 January 2009, the number of Penalty Charge Notices (PCNs) issued to vehicles registered in the south, which remain unpaid, is 18,898.

## Nutts Corner Roundabout

**Mr T Burns** asked the Minister for Regional Development what road safety issues his Department has identified at Nutts Corner Roundabout; and when this traffic flow was last reviewed. (AQW 3886/09)



**Minister for Regional Development:** My Department's Roads Service, in conjunction with the PSNI, continues to monitor the safety performance of all roads across the North. I am advised that the majority of collisions occurring in the vicinity of the Nutts Corner Roundabout, over the most recent three-year period for which collision data is available, tend to be minor. The collisions relate mainly to rear end shunts on the approaches to the roundabout, or poor lane discipline of vehicles circulating the roundabout. There is no discernable pattern of collisions that would be amenable to treatment under the programme of collision remedial measures carried out by Roads Service.

Recently it has been identified that the landscape planting, on the islands on the approaches to the roundabout, has reduced visibility. This issue has been raised with Antrim Borough Council, who provided the landscaping and has responsibility for its maintenance.

I can also advise the Member that a few years ago, planning approval had been granted for warehousing in the vicinity of the roundabout. As a condition of the approval, the developer agreed to improve the junction by widening the circulatory carriageway and introducing spiral road markings. I am advised that the warehousing development has not yet commenced. Therefore, Roads Service has no plans at present to carry out any further work to the roundabout junction.

In regard to traffic flow, the Member will be aware that a number of important routes, including the A26, A52 and B101, converge at the Nutt's Corner Roundabout. Roads Service recently published the Annual Traffic Census 'Traffic and Travel Information 2007' report, which details the volume of traffic using the A26 at two locations, one on either side of the Nutt's Corner roundabout. The report shows 19,450 vehicles per day using the A26 Tully Road, and 13,270 vehicles per day using the A26 Moira Road.

### Dungiven Bypass

**Mr G Robinson** asked the Minister for Regional Development if there will be any delay in the Dungiven bypass project as a result of the current economic climate. (AQW 3895/09)

**Minister for Regional Development:** At present, the economic climate has had no impact on the delivery of the A6 Derry to Dungiven scheme, including the Dungiven Bypass. My Department's Roads Service has advised that its programme of development work is making good progress, and it is anticipated that the preferred route will be announced in spring 2009.

### Gritting Schedule

**Mr P Weir** asked the Minister for Regional Development what changes have been made to the gritting routes maintained by Roads Service in North Down, in the past five years. (AQW 3909/09)

**Minister for Regional Development:** My Department's Roads Service salts main through routes carrying more than 1,500 vehicles per day and, in exceptional circumstances, roads with difficult topography carrying between 1,000 and 1,500 vehicles per day. The application of this policy ensures that 28% of the total road network, which carries around 80% of traffic, is salted, at an annual cost of approximately £5 million.

Roads Service does not maintain a record of specific changes made to its schedule of salted routes over the past five years. However, arising from a review carried out in 2001, the salting schedule was increased by about 4% across the North. The additional routes were determined by an increased weighting for buses. In addition, small settlements containing 100 dwellings or more now have salted links to roads on the main salted network. Also, as new sections of road were constructed, they were included onto the salting schedule, if the above criteria were met.

### Gritting Schedule

**Mr P Weir** asked the Minister for Regional Development to provide a list of all the roads on the gritting schedule, in the North Down Constituency. (AQW 3910/09)

**Minister for Regional Development:** The table below lists the roads within the North Down Constituency that are included in the salting schedule.



Roads Service Gritting Schedule – North Down Constituency	
Road	
Abbey Street	Dufferin Avenue
Airport Road West Mini Roundabout	Dunlady Road
Airport Road West Roundabout	East Circular Road
Airport Road West Slip Roads	Gransha Road Roundabout
Ashbury Avenue (Silverbirch Road to Bexley Road)	Gransha Road
Ashley Drive	Gray's Hill
Ashley Gardens	Green Road (Newtownards Road to Six Road Ends)
Balloo Road Roundabout	Groomsport By Pass
Balloo Road	Groomsport Road Roundabout
Ballycrochan Road	Groomsport Road
Ballyholme Esplanade (Sandringham Drive to Ballyholme Road)	Hamilton Road Roundabout
Ballyholme Road	Hamilton Road
Ballymenoch Road	High Donaghadee Road
Ballymiscaw Road	High Street, Bangor
Ballyree Drive	High Street, Holywood
Ballyrobert Road	Holywood By Pass
Ballysallagh Road	Holywood Road
Bangor Road, Conlig	Innisfayle Drive
Bangor Road A2	Jacksons Road
Bangor Road, Groomsport	Kilmaine Road
Bangor Road, Holywood	Lisnabreen Crescent (South Circular Road to Skipperstone Road)
Belfast Road slip roads (at Springhill flyover)	Main Street, Bangor
Belfast Road A2 (dual carriageway)	Main Street, Conlig
Belfast Road, Bangor	Main Street, Crawfordsburn
Belfast Road, Holywood	Main Street, Groomsport
Bexley Road	Mills Road Roundabout
Bingham Street	Mills Road
Bloomfield Road Roundabout	My Lady's Mile
Bloomfield Road	Newtownards Road Roundabout
Bloomfield Road South	Newtownards Road
Bridge Road	Old Belfast Road
Bridge Road South	Old Holywood Road
Bridge Street	Owenroe Drive
Brunswick Road	Quay Street
Bryansburn Road Roundabout	Queens Parade
Bryansburn Road	Rathgael Road
Castle Park Avenue	Rathmore Road
Castle Park Road	Rhanbuoy Park (Seahill Road to Craigdarraigh Park)



Roads Service Gritting Schedule – North Down Constituency	
Road	
Castle Street	Robinson Road
Church Road	Sandringham Drive
Church Street	Seahill Road
Clandeboyne Road	Shore Road
Clifton Road (High Street to Victoria Road)	Silverbirch Road (Ballycrochan Road to Ashbury Avenue)
Cootehall Road	Skipperstone Road
Craiganlet Road	South Circular Road
Craigdarraigh Park (Seahill Road to Rhanbuoy Park)	Springhill Road
Craigdarraigh Road	Sullivan Place
Crawfordsburn Road, Bangor	Victoria Road, Bangor
Crawfordsburn Road, Newtownards	West Circular Road
Croft Road	Whinney Hill
Demesne Road	Windmill Road (Donaghadee Road to Ashley Drive)
Donaghadee Road Roundabout	A2 Warren Road
Donaghadee Road, Bangor	A2 Millisle Road
Donaghadee Road, Groomsport	B21 High Donaghadee Road
Downshire Road, Holywood	A48 Donaghadee Road
Drumhirk Drive	B172 Movilla / Killaughey Road
Dufferin Avenue Roundabout	

### Steria Contract

**Mr T Elliott** asked the Minister for Regional Development for his assessment (i) of a statement released by Northern Ireland Water about an alteration to a contract with Steria that will cost approximately £3m pounds to implement; (ii) of what the alteration entails; (iii) of the operational and financial benefits he would envisage as a result of this alteration; and (iv) to any figures relevant to this matter. (AQW 3939/09)

**Minister for Regional Development:** I have been advised by Northern Ireland Water (NIW) that, as part of an increasing focus on value for money and in view of the continuing deferral of domestic charging, it plans to change the contractual arrangements with the Crystal Alliance consortium led by Steria Ltd that provides customer contact and billing services and a mobile work management system. Any costs associated with the change will only be determined following commercial negotiations with Steria Ltd over the next 12 months, but there is a provision in the contract for payment up to a maximum of £3 million.

The change to the contractual arrangements involves the termination of the contract with Steria Ltd with NIW taking over direct management of the sub-contractors. Steria Ltd will continue to provide business to NIW's Customer Billing and Contact Service alongside the existing sub-contractors.

NIW is confident that in overall terms, this development will achieve significant benefits in cost efficiency, value for money and continuing customer service improvements through more direct relationships with its core service providers and customers. However, it would not be appropriate to speculate on costs or savings, both of which will depend on the outcome of commercial negotiations with Steria Ltd.

### Budget for Roads Service Southern Division

**Mrs D Kelly** asked the Minister for Regional Development if the budget for roads in the Southern Division has been cut by over £50m; and what is his assessment of the impact of this reduction (AQW 4009/09)



**Minister for Regional Development:** My Department's Roads Service has advised that the budget for Roads Service Southern Division has not been cut from the £38.1 million allocated at the start of this financial year. I should explain that this is not necessarily the total spend that will be achieved this financial year, as Cross Divisional schemes and expenditure by Roads Service's in-house contractor, Roads Service Direct, will also benefit Southern Division.

### Cycle Lane

**Mr R Newton** asked the Minister for Regional Development if Roads Service carried out consultation with the residents of Grand Parade before commencing work to create a cycle lane on 12th January 2009; and what was the extent of these consultations. (AQW 4047/09)

**Minister for Regional Development:** My Department's Roads Service has advised that the cycle lane at Grand Parade forms part of a larger scheme for the area that includes a pelican crossing, an upgrade to the existing zebra crossings, pedestrian refuge islands and road markings for right turning vehicles. The scheme has been designed to enhance road safety, provide safer crossing facilities for pedestrians and to assist cyclists.

I can advise the Member that consultation with residents has included;

- a letter drop with plans and details of the scheme was made on 23 September 2008;
- a letter to all of the residents who signed a petition expressing concerns about the scheme. Several amendments were made as a result of the points raised;
- a letter drop notifying residents of the proposed start date, and outlining changes to proposals as a result of feedback from residents, was made on the 7 January 2009; and
- Roads Service officials have corresponded directly with any residents who have contacted them about the scheme.

### Unlawful Advertising Signage

**Mr J Dallat** asked the Minister for Regional Development to detail the number of rural businesses which have incurred Roads Service (i) enforcements; and (ii) penalties for infringements, in relation to signposting of businesses. (AQW 4188/09)

**Minister for Regional Development:** My Department's Roads Service does not distinguish between rural and urban businesses in respect of action taken against the erection of unlawful advertising signage. Roads Service, therefore, does not maintain such records to answer the Member's question.

## DEPARTMENT FOR SOCIAL DEVELOPMENT

### Pensioners Living Below the Poverty Threshold

**Ms M Anderson** asked the Minister for Social Development for her assessment of the number of pensioners living below the poverty threshold because their income is marginally above the threshold receiving Pension Credit. (AQW 3674/09)

**Minister for Social Development (Ms M Ritchie):** The assessment of the number of pensioners living below the poverty threshold because either income is marginally above the threshold receiving Pension credit necessitates a range of complex analysis. The information required could only be obtained at a disproportionate cost.

### Housing Executive

**Mr J Spratt** asked the Minister for Social Development if all non-emergency repairs to Housing Executive stock in Belfast have been suspended and, if so, when that suspension is expected to be lifted. (AQW 3768/09)



**Minister for Social Development:** All non-emergency repairs across Northern Ireland have been suspended and that suspension will not be lifted until 1 April 2009.

### Paperwork Reduction

**Dr A McDonnell** asked the Minister for Social Development what steps she is taking to significantly reduce the amount of paperwork she sends to constituency offices and other organisations throughout 2009. (AQW 3832/09)

**Minister for Social Development:** My Department's arrangements for the distribution of publications and consultations are governed by guidance issued by the Office of the First Minister and deputy First Minister. This guidance stipulates that certain recipients, such as political representatives, must be provided with hardcopies of documents but that other recipients can be offered the option of obtaining documents electronically.

### Departmental Legislation

**Mr P Weir** asked the Minister for Social Development what legislation her Department will bring forward to the Assembly in 2009. (AQW 3847/09)

**Minister for Social Development:** My Department has identified its potential legislative requirements for the remainder of this session of the Assembly. However, as these proposals are subject to consideration by the Executive, it is therefore difficult to forecast which legislation will be agreed by the Executive for introduction in the Assembly before summer recess.

### Strategic Business Review

**Mr W Irwin** asked the Minister for Social Development for her assessment of the proposals under the Strategic Business Review, to relocate staff and services from the Armagh Social Security Office to Newry and Dungannon, given the possible increase in the use of these services in Armagh in light of the economic downturn. (AQW 3881/09)

**Minister for Social Development:** Public consultation on the Strategic Business Review proposals was launched on the 27 November 2008 and is planned to run in two phases until late April 2009. Final decisions on the proposals, including the potential relocation of staff, will not be made until consultation has been completed. I will make my assessment of the impacts once the consultation responses have been considered.

### Strategic Business Review

**Mr G Savage** asked the Minister for Social Development what implications the Strategic Business Review Plan will have on Benefits Offices in Banbridge, Lurgan and Portadown. (AQW 3900/09)

**Minister for Social Development:** The proposals set out in the Strategic Business Review of the Social Security Agency are currently subject to ongoing public consultation which will run until late April 2009. Final decisions on the proposals, including any relocation of functions or staff, will not be made until consultation has been completed and responses considered.

### Housing Executive

**Mr B Armstrong** asked the Minister for Social Development what assessment has been made of the number of jobs at risk due to the decision by the Northern Ireland Housing Executive to implement cuts to its programme of routine maintenance repairs, changes of tenancy repairs, and other similar works. (AQW 3914/09)

**Minister for Social Development:** The Construction Employers Federation estimates that for every £1 million the Northern Ireland Housing Executive invests, 18 jobs are created in the construction industry. The lack of resources to deliver the Northern Ireland Housing Executive planned programme of work will ultimately result in further job losses across the industry.



A request for a further £10.5 million funding to be reallocated to the Housing Executive in February has been made. This financial support will allow the Housing Executive to release all change of tenancy repair work to contractors between now and the end of March.

### Housing Executive

**Mr B Armstrong** asked the Minister for Social Development what efforts are being made to increase the funding available to the Northern Ireland Housing Executive so that it has sufficient resources to carry out its programme of routine maintenance repairs, changes of tenancy repairs, and other similar works. (AQW 3915/09)

**Minister for Social Development:** Following discussions with the Finance Minister Nigel Dodds, I have requested that the additional £10.5m is re-allocated to the Northern Ireland Housing Executive, subject to approval in the February Monitoring Round. This will allow the NIHE to release a number of maintenance, change of tenancy repairs and other similar works.

Requests for additional resources will also be made in February to increase funding for housing to carry out programmes which would otherwise not be started until the next financial year. It will also support the building industry at a time when it is facing job losses.

### Housing Executive

**Mr D McKay** asked the Minister for Social Development to list how many Housing Executive properties in each estate in the Ballymoney, Ballymena and Ballycastle areas are unoccupied; and for how long they have been unoccupied. (AQW 3916/09)

**Minister for Social Development:** The tables below detail the required information:-

#### BALLYMONEY

Housing Executive Estate	Properties unoccupied	Length of time unoccupied
Knock Road	1	182 weeks.
Carnany Drive	1	3 months
Garry Drive	1	1 month
Carnany Drive	1	1 month
Carness Drive	1	1 month
Travers Place	1	1 month
Cloneen Drive	1	1 month
Carnany Park	1	3 weeks
Carnany Avenue	1	1 month
Travers Place	1	3 weeks
McArthur Avenue	1	3 weeks
Belford Park	1	2 weeks
Newhill Park	1	2 weeks
Carnany Park	1	2 weeks
Trinity Drive	1	2 weeks
Garry Drive	1	1 month
Trinity Drive	1	3 days



**BALLYMENA**

Housing Executive Estate	Properties unoccupied	Length of time unoccupied
Adair	1	9 weeks
Ahoghill	4	Between 1 and 17 weeks
Ballee	19	Between 1 week and 8 years.
Ballykeel	1	6 weeks
Doury Road	5	Between 1 week and 7 years.
Duke Street	1	345 weeks.
Dunclug	11	Between 3 weeks and 4 ½ years.
Kells	3	183 weeks
Rectory	2	45 weeks

**BALLYCASTLE**

Housing Executive Estate	Properties unoccupied	Length of time unoccupied
Armoy	1	6 weeks
Ballycastle	2	1 - 3 weeks 1 - 11 weeks
Mosside	2	1 - 1 week 1 - 2 weeks

**Heating Installations**

**Mr B Wilson** asked the Minister for Social Development (i) if she considers the Egan form of contract to be a saving to the taxpayer in terms of heating installations; and (ii) what the spend is on an average oil heating and gas installation since the conversion in 2001 from solid fuel to oil and gas. (AQW 3943/09)

**Minister for Social Development:** It is estimated that the Egan form of contract has resulted in savings of 8% per annum, plus further savings of £0.5 million in administration costs per annum. The average cost of all heating installations is set out in the table below:-

Year	Total amount
2001/02	£ 8,773,930.00
2002/03	£12,854,810.00
2003/04	£13,636,989.00
2004/05	£15,807,631.00
2005/06	£16,733,624.00
2006/07	£13,536,602.00
2007/08	£11,232,444.00

**Heating Installations**

**Mr B Wilson** asked the Minister for Social Development for her assessment of whether (i) the rising cost of oil heating and gas installations has been good value for money; and (ii) this rising cost can be justified beyond the inflation rate. (AQW 3946/09)



**Minister for Social Development:** The cost of heating installations has risen above the level of inflation as a result of legislative changes in building regulations and rising costs in materials. Whilst costs have increased my Department and its partners have introduced several technical innovations to bear down on the cost of heating installations. New oil and gas heating systems can generate significant energy efficiency savings over their lifetime and continue to provide good value for money.

### Benefits Not Claimed by the Elderly

**Mr J Shannon** asked the Minister for Social Development what steps she is taking to ensure that the £1.2 million in benefits, not claimed by the elderly, will be claimed by those who are entitled to it. (AQW 3947/09)

**Minister for Social Development:** The £1.2 million quoted, was published in Help the Aged's SeniorLine Benchmark Report 2008. It is an estimate of benefit potentially available to older people who contacted SeniorLine with a benefit enquiry. The report acknowledges that the majority of unclaimed benefits recorded were as a result of their participation in the Social Security Agency's 2007/08 Benefit Uptake Programme. This Programme aimed to increase awareness of social security benefits for customers identified by the Agency as having potential entitlement for additional benefit. I can report that the 2007/08 Programme generated over £8 million of additional benefit.

The Housing Executive and the Social Security Agency provide a range of services on a daily basis to ensure that people are advised of their potential entitlement to benefits, including outreach services, joint working and promotional campaigns. Both organisations participate in the recently established Interdepartmental Group on Benefit Uptake, the aim of which is to coordinate efforts to increase benefit take-up.

I launched the 2008/09 Benefit Uptake Programme in May 2008 to increase awareness of social security benefits. This builds on the previous successful uptake programmes which have been in place since 2005 and resulted in £15 million of additional benefit paid to the most vulnerable in our society, £11 million to older people. This year's Programme will see over 115,000 people contacted about possible benefit entitlement, over 108,000 are older people. I can report that £2.2 million in additional benefit has already been generated for older people.

In addition, an improved way to process new claims for State Retirement Pension was introduced in 2008. This has resulted in a more joined-up service for customers who are claiming State Retirement Pension but may also be entitled to State Pension Credit. This new service increases the Agency's ability to ensure that older people are receiving the full range of benefits to which they are entitled.

Overall, the Agency has a comprehensive system of reviews to ensure people are receiving their full entitlement. Since April 2008, over 5,000 cases have been adjusted upwards resulting in extra benefit payments of approximately £12.8m.

### Child Maintenance and Enforcement Division

**Mr J Shannon** asked the Minister for Social Development, pursuant to the answer to AQW 862/09, what steps she is taking to ensure that those applications that have not yet been processed are cleared, particularly those applications received more than 48 months ago. (AQW 3949/09)

**Minister for Social Development:** Since the answer to AQW No 862 was given, the number of applications received over 12 months ago and not yet cleared has been reduced by approximately 16%. Specifically, in relation to those applications received over 48 months ago, the number uncleared has been reduced by 10%. There are a number of reasons why applications can go uncleared for this period of time. Amongst these is the inability to trace a secure address for Non Resident Parents, which would allow the Child Maintenance and Enforcement Division to obtain the relevant information to calculate a liability. Each of these failures to obtain a confident address is reviewed on a regular basis with the aim of identifying fresh information to allow the application to be progressed. The Division has dedicated resources focused entirely on the clearance of the older outstanding applications.

### Housing Executive

**Mr W Clarke** asked the Minister for Social Development how much funding was requested for maintenance by each area office of the Housing Executive, in each of the last five years. (AQW 3950/09)



**Minister for Social Development:** The information on how much maintenance funding was requested by each of the Northern Ireland Housing Executive's area offices in each of the last five years is not available.

### Housing Executive

**Mr W Clarke** asked the Minister for Social Development how much funding was allocated for maintenance to each area office of the Housing Executive, in each of the last five years. (AQW 3951/09)

**Minister for Social Development:** The revenue maintenance budget which excludes capital improvement works for each area office of the Northern Ireland Housing Executive, in each of the last five years, is contained in the table below:-

#### BUDGET £K

Area Office	2003/04	2004/05	2005/06	2006/07	2007/08
Belfast	29042	27048	26873	32513	31554
South East	19061	20016	18489	19065	18173
South	16261	15888	16183	16829	17625
North East	22413	19813	19865	22175	22393
West	14919	15381	16054	17135	16083
<b>Total</b>	<b>101696</b>	<b>98146</b>	<b>97464</b>	<b>107717</b>	<b>105828</b>

### Housing Executive

**Mr W Clarke** asked the Minister for Social Development (i) how much of the maintenance budget for each area office of the Housing Executive was spent on maintenance; and (ii) was the underspend returned to her Department or diverted to other sections of the Housing Executive, in each of the last five years. (AQW 3952/09)

**Minister for Social Development:** The total amount of the revenue maintenance budget, which excludes capital improvement works, spent in each area office of the Housing Executive, in each of the last five years, is contained in the table below. There were no underspends.

Area Office	2003/04		2004/05		2005/06	
	Budget	Actual	Budget	Actual	Budget	Actual
Belfast	29042	28821	27048	26453	26873	27952
South East	19061	19293	20016	21301	18489	18895
South	16261	16270	15888	16234	16183	16242
North East	22413	22114	19813	20218	19865	19442
West	14919	15389	15381	15650	16054	16840
<b>Total</b>	<b>101696</b>	<b>101887</b>	<b>98146</b>	<b>99856</b>	<b>97464</b>	<b>99371</b>

Area Office	2006/07		2007/08	
	Budget	Actual	Budget	Actual
Belfast	32513	32638	31554	31736
South East	19065	18934	18173	18292
South	16829	17062	17625	17288
North East	22175	21957	22393	22129
West	17135	17728	16083	17302



Area Office	2006/07		2007/08	
	Budget	Actual	Budget	Actual
<b>Total</b>	<b>107717</b>	<b>108319</b>	<b>105828</b>	<b>106747</b>

### Shared Future Housing Programmes

**Ms C Ní Chuilín** asked the Minister for Social Development to list the proposed locations of schemes for 'Shared Future' housing programmes and to provide these proposed schemes by Electoral Ward or the smallest geographical unit available. (AQW 3954/09)

**Minister for Social Development:** A twin track approach to developing shared areas has been adopted, firstly through the social new build programme and secondly through existing housing areas.

All new developments on the Social Housing Development Programme are now considered for Shared Future status and later this week I will launch our latest Scheme in Lisburn. Others will follow. However, given the sensitivity attached to community consultation to bring these schemes forward, I would prefer not to jeopardise that process by revealing any further details of these at present.

In respect of existing estates, a total of 30 neighbourhoods will be identified to participate in the Shared Neighbourhood Programme. In August 2008, I launched the first five estates to participate in this Programme; Springfarm in Antrim, Lissize in Rathfriland, Knockmore/Tonagh in Lisburn, Gortview/Killybrack Close in Omagh and Ballynafeigh in Belfast. Details of the next ten neighbourhoods will be announced shortly.

### Housing Waiting List

**Ms C Ní Chuilín** asked the Minister for Social Development how many people are on the housing waiting list for North Belfast broken down by; (i) electoral ward; (ii) religion; (iii) with/without dependants; and (iv) with/without disabilities, in each of the last two years. (AQW 3956/09)

**Minister for Social Development:** The following table details the total number of people on the Social Housing waiting list for North Belfast broken down by electoral ward at 31 March 2007 and 31 March 2008.

		Total on waiting list at 31/03/2007	Total on waiting list at 31/03/2008
Belfast 4	Carlisle/New Lodge	246	283
	Duncairn Gardens	40	46
	Fairhill	31	36
	Gainsborough	78	73
	Glandore & Dunmore	10	10
	Grove Area	57	46
	M/S Flats - Carlisle	28	38
	Mount Vernon Estate	19	26
	Newington/Limestone	35	25
	Ross House Flats/Mountvernon Flats	5	11
	Shore Road	72	74
	Skegoneill/Ashfield/Fortwilliam	105	122



		Total on waiting list at 31/03/2007	Total on waiting list at 31/03/2008
	Somerton Rd (Sheltered)	62	54
	Unity Flats	51	39
	Upper & Lower Duncairn	40	52
	Whitewell/Lwr Whitewell Rd. Fairryknowe	87	112
	Whitewell/White City	16	13
Belfast 6	Alliance	16	13
	Ardoyne	233	263
	Ballysillan	120	146
	Cavehill	328	342
	Cliftondene	8	8
	Cliftonville	260	270
	Lower Ligoniel/Glenbank	31	40
	Lower Oldpark	33	25
	Oldpark	106	107
	Rosewood/Crumlin RDA	1	2
	Sunningale	25	30
	Torrens	71	61
	Upper Ligoniel	91	94
	Westland	21	13
	Wheatfield	28	27
	<b>North Belfast Total</b>	<b>2354</b>	<b>2501</b>

The following table gives the religious breakdown for North Belfast as a whole:-

	Total on waiting list 2007	Total on waiting list 2008
Catholic applicants	1376	1392
Protestant applicants	650	606
Other applicants	114	143
Undisclosed applicants	214	360

The following table gives the breakdown of people on the waiting list with and without dependants.

	Total on waiting list 2007	Total on waiting list 2008
Applicants with Dependants	752	823
Applicants without Dependants	1602	1678

The information for households with or without disabilities is not available.



### North Belfast Housing Strategy

**Ms C Ní Chuilín** asked the Minister for Social Development to detail (i) the number of new social housing units completed under the North Belfast Housing Strategy between 2007 and 2008; (ii) the number of completed units by electoral wards; and (iii) the type of housing unit provided. (AQW 3957/09)

**Minister for Social Development:** During 2007/2008 there were 283 social housing units completed under the North Belfast Housing Strategy.

The electoral ward breakdown is as follows:

Duncairn	Waterworks	Chichester	Ardoyne
68 units	34 units	77 units	104 units

The housing types are as follows:-

1 bedroomed flats	2 bedroomed flats	2/3 bedroomed flats
29 units	98 units	156 units

### Warm Homes Scheme

**Mr T Buchanan** asked the Minister for Social Development how much financial assistance her Department allocated to the Warm Homes Scheme in the 2008/9 financial year; and how much is proposed for 2009/10. (AQW 3959/09)

**Minister for Social Development:** The budget for the Warm Homes Scheme for 2008/09 was £20 million and this money has all been committed. The detail of the Budget allocations for 2009/10 will not be determined until March 2008.

### Warm Homes Scheme

**Mr T Buchanan** asked the Minister for Social Development how many people are on the waiting list for (i) loft and wall insulation; and (ii) oil heating, under the Warm Homes Scheme. (AQW 3961/09)

**Minister for Social Development:** At 9 January 2009, there were:

- (i) 3,167 applications for insulation waiting to be surveyed; and
- (ii) 2,812 applications for heating and insulation waiting to be surveyed.

### Warm Homes Scheme

**Mr T Buchanan** asked the Minister for Social Development how many people benefited from the Warm Homes Scheme in 2008. (AQW 3962/09)

**Minister for Social Development:** My Department is on track to meet its 2008/09 Public Service Agreement target to alleviate fuel poverty in 9,000 households through implementing energy efficiency measures. This will mean that over 69,000 households will have benefited from increased energy efficiency through the Warm Homes Scheme since its inception in 2001.

### Warm Homes Scheme

**Mr T Buchanan** asked the Minister for Social Development when new applications will be accepted for the Warm Homes Scheme. (AQW 3963/09)

**Minister for Social Development:** The budget available for the Warm Homes Scheme has been fully committed for the financial year 2008/09 and the Department is on track to meet its Public Service Agreement



target to alleviate fuel poverty in 9,000 households through implementing energy efficiency measures. It is not possible, therefore, to take any new applications for the current scheme. My Department has just completed a public consultation on proposed changes to the Warm Homes Scheme following a report by the Northern Ireland Audit Office and subsequent Public Accounts Committee hearing. I expect the new Scheme to be operational in the spring.

### Housing Executive

**Mr G Savage** asked the Minister for Social Development in relation to the £25m shortfall in the Housing Executive's budget to detail (i) how this situation came about; (ii) what schemes, projects and maintenance works will not be undertaken; and (iii) what Council areas are affected. (AQW 4041/09)

**Minister for Social Development:** The approved budget for the Housing Executive voted by the Assembly included £80m of capital receipts as it was based on historical and property receipts. The shortfall is a consequence of the collapse of the housing market, combined with the credit crunch. Housing Officials have been aware of this and have tried to mitigate the impact by bidding for the shortfall in each monitoring round. While there was some success in securing additional resources it was insufficient to meet the deficit. A proposal to reallocate £10.5 million from existing Departmental resources to the Housing Executive has been made; this is subject to Executive agreement which will be sought as part of February monitoring. This would allow a significant amount of work to be undertaken this year that would otherwise not be possible.

Approximately 85 Planned Maintenance, Kitchen replacements, Heating replacement and Multi Element improvement schemes have been held back this year and there are now only funds to allow 16 of these to proceed. There will also be a delay in up to 400 new starts. It is too early in the review of the Housing Executive's programmes to state the specific locations that may be affected, however, the Housing Executive aims to undertake its full schedule of work and to commence all schemes in its programmes at the earliest opportunity.

### Housing Executive

**Mr G Savage** asked the Minister for Social Development to give an assessment of the impact of Northern Ireland Housing Executive's £25m shortfall on the Upper Bann constituency. (AQW 4042/09)

**Minister for Social Development:** The Housing Executive has been working alongside my Department to minimise the impact of the shortfall. A proposal to reallocate £10.5 million from existing Departmental resources to the Housing Executive has been made; this is subject to Executive agreement which will be sought as part of February monitoring. This would allow a significant amount of work to be undertaken this year that would otherwise not be possible. It is too early in the review of the Northern Ireland Housing Executive's programmes to state the specific locations that might be affected by the shortfall in funding, however, the Housing Executive aims to undertake its full schedule of work and to commence all schemes in its programmes as soon as possible.

### 'Christmas Bonus' Received by Pensioners

**Mr T Burns** asked the Minister for Social Development regarding the 'Christmas Bonus' received by pensioners in 2008, (i) who was eligible for the bonus; (ii) how a payment was made; (iii) when a payment was made; (iv) how many people received the payment; (v) the cost of providing the bonus; and (vi) if the same payment was made to pensioners in the rest of the United Kingdom. (AQW 4063/09)

**Minister for Social Development:** The 2008 Christmas Bonus includes an additional one off amount of £60 on top of the normal £10 Christmas Bonus making a total payment of £70. The information requested, where available, is set out below.

(i) A person is eligible for the 2008 Christmas Bonus if they are living or normally resident in the United Kingdom, the Channel Islands, the Isle of Man, Gibraltar, another European Economic Area Member State or Switzerland and are entitled to one of the qualifying benefits in week commencing 22nd December 2008. The qualifying benefits are: Retirement Pension, State Pension Credit, Disability Living Allowance, Attendance Allowance, Constant Attendance Allowance, Carer's Allowance, long-term Incapacity Benefit, qualifying Employment and Support Allowance, Widowed Mother's Allowance, Widowed Parent's Allowance, Widow's Pension, Severe Disablement Allowance, Industrial Death Benefit, an Unemployability Supplement or Allowance, a War Disablement Pension, a War Widow's Pension, and a Mobility Supplement.



- (ii) The payments are made automatically using the customer's normal method of benefit payment
- (iii) The 2008 Christmas Bonus is being paid in two instalments- all eligible recipients received their normal £10 bonus in December 2008 and will receive the additional £60 payment by the end of March 2009.
- (iv) & (v)  
Final figures in relation to the number of recipients and the total cost of the 2008 Christmas Bonus are not yet available as payments will continue to be made up to the end of March 2009.
- (vi) Social Security benefits in Northern Ireland are maintained in parity with those in Britain. This means that benefits, including the 2008 Christmas Bonus payment are paid at the same rates and are subject to the same conditions of entitlement across Northern Ireland and Britain.

### Castlemara Housing Scheme, Carrickfergus

**Mr D Hilditch** asked the Minister for Social Development when the Castlemara housing scheme in Carrickfergus will be completed. (AQW 4083/09)

**Minister for Social Development:** Phase 3 of the Castlemara Multi Element Improvement scheme was programmed to start in March 2009. However, due to the current funding position this date will not be achieved. At this stage it is not possible to give a completion date for this scheme.

### Winter Fuel Costs

**Mr T Buchanan** asked the Minister for Social Development how many households in the West Tyrone constituency will benefit from the proposed payment of £150 to assist with winter fuel costs. (AQW 4114/09)

**Minister for Social Development:** I expect the Financial Assistance Bill to come into effect by the end of January. OFMdFM will then designate a department to deliver a fuel credit/payment. I am unable to confirm when a credit/payment will be made as there are still a number of key decisions to be made in terms of who will get the payment and whether it will be a credit or a payment. These decisions will not be made until OFMdFM have designated a department to deliver the credit/payment.

### Housing Executive

**Mr T Buchanan** asked the Minister for Social Development what effect the £25m shortfall in the Housing Executive budget will have for the West Tyrone constituency. (AQW 4115/09)

**Minister for Social Development:** The Housing Executive has been working alongside my Department to minimise the impact of the shortfall. A proposal to reallocate £10.5 million from existing Departmental resources to the Housing Executive has been made; this is subject to Executive agreement which will be sought as part of February monitoring. This would allow a significant amount of work to be undertaken this year that would otherwise not be possible. It is too early in the review of the Northern Ireland Housing Executive's programmes to state the specific locations that might be affected by the shortfall in funding, however, the Housing Executive aims to undertake its full schedule of work and to commence all schemes in its programmes as soon as possible.

### Multi-Element Improvement Scheme at Annadale Flats

**Mr J Spratt** asked the Minister for Social Development to give an update on the planned multi-element improvement scheme at Annadale Flats, South Belfast. (AQW 4120/09)

**Minister for Social Development:** Phase 1 of this Multi Element Improvement scheme currently going through the European Procurement process is planned, subject to budget provision, for 2009/2010.



### Winter Fuel Costs

**Mr I McCrea** asked the Minister for Social Development how many households in the Mid-Ulster constituency will benefit from the proposed payment of £150 to assist winter fuel costs. (AQW 4157/09)

**Minister for Social Development:** I expect the Financial Assistance Bill to come into effect by the end of January. OFMdFM will then designate a department to deliver a fuel credit/payment. I am unable to confirm when a credit/payment will be made as there are still a number of key decisions to be made in terms of who will get the payment and whether it will be a credit or a payment. These decisions will not be made until OFMdFM have designated a department to deliver the credit/payment.

### Liquor Licensing Laws

**Ms S Ramsey** asked the Minister for Social Development to outline the timeframe for her proposal to introduce a system of penalty points for premises that break liquor licensing laws. (AQW 4173/09)

**Minister for Social Development:** Following my review of liquor licensing and registered clubs' legislation in Northern Ireland, I submitted in October 2008 a Policy Memorandum seeking Executive approval for a Bill in the current session which would amend the Licensing (NI) Order 1996 and the Registration of Clubs (NI) Order 1996 to provide for a system of penalty points for premises contravening those laws. I await an Executive decision on my legislative proposals. In the absence of such a decision I cannot confirm the timescale for bringing the Bill into effect.

### Registration of Clubs (NI) Order 1996

**Ms S Ramsey** asked the Minister for Social Development when she proposes to bring forward her amendment to the Registration of Clubs (NI) Order 1996. (AQW 4175/09)

**Minister for Social Development:** Following my review of liquor licensing and registered clubs' legislation in Northern Ireland, I submitted in October 2008 a Policy Memorandum seeking Executive approval for a Bill in the current session which would amend the Licensing (NI) Order 1996 and the Registration of Clubs (NI) Order 1996 to provide for a system of penalty points for premises contravening those laws. I await an Executive decision on my legislative proposals. In the absence of such a decision I cannot confirm the timescale for bringing the Bill into effect.

### Strategic Business Review

**Mr G Savage** asked the Minister for Social Development what consultation her Department has had with the Department for Employment and Learning about the Strategic Business Review. (AQW 4187/09)

**Minister for Social Development:** The Social Security Agency has had ongoing consultation with the Department for Employment and Learning (DEL) from the outset of the Strategic Business Review. I discussed the proposals with my Executive colleague, the Minister for Employment and Learning, prior to the launch of public consultation. A senior DEL official represents DEL interests at Project Board level. In addition, a Joint Working Group between DEL and the SSA has been established to assess the operational impact of the SBR proposals in terms of the joint Jobs & Benefits service.

### Social Security Agency

**Mr G Savage** asked the Minister for Social Development what plans and costings her Department has to improve the telecommunications system in the Social Security Agency, in the next 12 months; and if funding is in place. (AQW 4189/09)

**Minister for Social Development:** The Social Security Agency has plans for number of new initiatives and the extension of existing solutions to improve its telecommunications systems over the next 12 months. Funding cover via an approved Business Case is in place for all of these plans.



**1. Disability and Carers Service (DACS)** – To replace the existing contact centre infrastructure with a more modern replacement with enhanced functionality in June 2009. The implementation costs are £221,000 with annual running costs of £216,000.

**2. Link between DWP and NICS Telephony** – This initiative will allow telephone calls between the NICS telephone system and the DWP telephone system to be handled as internal calls and not require external dialling. Finalised costs are under discussion with the supplier.

**3. Strategic Business Review (SBR)** – Subject to the outcome of the public consultation current plans over the next 12 months are to implement 3 Telephone Support Units in Newry, Dungannon and Armagh in October 2009. Estimated implementation costs are £12,094 with annual running costs of £9,591. Full rollout of the SBR proposals would see a further 13 Telephone Support Units established. Estimated implementation costs of full rollout are £119,697 with annual running costs of £296,579.

**3. Extensions to Existing Services** - Over the next 12 months there will be an increase in numbers of Agency staff using existing telephony systems in Employment Support Allowance (ESA) and the Pension Centres in Windsor House and Carlisle House. Finalised costs for these increases are under discussion with the supplier.



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