



Northern Ireland
Assembly

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(Hansard)

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| | |
|---|-----------------|
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| | Mr Robin Newton |

NORTHERN IRELAND ASSEMBLY

Monday 14 September 2009

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

Members observed two minutes' silence.

SPEAKER'S BUSINESS

Mr Speaker: Order. Before we proceed, I wish to refer to points of order that were raised during sittings that were held immediately before the summer recess. Those points of order related to a range of issues, and, in response to those that concerned the chairing of debates, I remind the House once again of the authority of the Chair: decisions that I or that the Deputy Speakers acting on my behalf make are not open to challenge. For some bedtime reading I refer Members to Standing Order 17, which concerns speeches in the Assembly, so that they might better understand exactly what I am saying about the authority of the Speaker.

In response to points of order relating to remarks made by Members about other Members, I consider several Members' remarks to have fallen short of the standard of good temper and moderation in the Chamber. Where appropriate, I have dealt with those issues by either meeting with or writing to the Members concerned. I will not, therefore, take any further points of order on those issues. However, I hope that, as we commence a new session, Members will share my determination and that of the House that we should conduct ourselves with good temper and moderation and in ways that justify the support of those whom the Assembly was elected to serve. I hope that the whole House supports my comments on the matter.

PERSONAL STATEMENT

Mr Speaker: I advise the House that Mr Declan O'Loan has sought leave to make a personal statement to the Assembly.

Mr O'Loan: I note what you have said and hope to continue in the spirit and manner that you have indicated. On 29 June, I commented in the Chamber on remarks that had been made by another Member in a previous debate. During my contribution I used the word "misleading". I am given to understand that the term "misleading" is technically regarded as unparliamentary language and, for that reason, I am prepared to withdraw my use of the word "misleading".

Mr Speaker: I thank the Member for conducting himself in such an appropriate manner. As with all personal statements, I will not allow any further comment or debate on that matter.

EXECUTIVE COMMITTEE BUSINESS

Budget (No.2) Bill

Royal Assent

Mr Speaker: I inform Members that the Budget (No.2) Bill has received Royal Assent. The Budget (No.2) Act (Northern Ireland) 2009 became law on 8 July 2009.

ASSEMBLY BUSINESS

Committee Chairperson and Deputy Chairperson Changes: Sinn Féin

Mr Speaker: I advise Members that I received notification of the resignation of Mitchel McLaughlin as Chairperson of the Committee for Finance and Personnel with effect from 8 September. Furthermore, I received notification of the resignation of Jennifer McCann as Deputy Chairperson of the Committee for Enterprise, Trade and Investment with effect from 8 September.

The nominating officer for Sinn Féin, Pat Doherty, has nominated Jennifer McCann as Chairperson of the Committee for Finance and Personnel and Paul Butler as Deputy Chairperson of the Committee for Enterprise, Trade and Investment with effect from 8 September. Ms McCann and Mr Butler have accepted the appointments.

I am satisfied that the correspondence meets the requirements of Standing Orders and, therefore, confirm Jennifer McCann as Chairperson of the Committee for Finance and Personnel and Paul Butler as Deputy Chairperson of the Committee for Enterprise, Trade and Investment with effect from 8 September.

Committee of the Regions

Resolved:

That this Assembly nominates Mr Francie Molloy as a full member, and Mr John Dallat as an alternate member on the UK delegation to the Committee of the Regions; and notes that the Northern Ireland Local Government Association has nominated Councillor Jonathan Bell as a full member, and Councillor Arnold Hatch as an alternate member. — [*Lord Morrow.*]

Assembly Commission

Mr Speaker: I have been notified that Paul Butler has resigned as a member of the Assembly Commission with effect from 9 September. In accordance with Standing Order 79(4), the vacancy must be filled within 28 days. As with other similar motions, the motion to appoint a Member to fill that vacancy will be treated as a business motion and, therefore, there will be no debate. Before I proceed to the Question, I advise Members that the motion requires cross-community support.

Resolved (with cross-community support):

That, in accordance with Standing Order 79(4), Mr Pat Doherty be appointed to fill a vacancy on the Assembly Commission. — [*Ms Ní Chuilín.*]

MINISTERIAL STATEMENTS

North/South Ministerial Council Plenary Meeting

Mr Speaker: I have received notice from the Office of the First Minister and deputy First Minister that the deputy First Minister wishes to make a statement on the North/South Ministerial Council (NSMC) plenary meeting.

The deputy First Minister (Mr M McGuinness): Fáilte ar ais go léir. In compliance with section 52C(2) of the Northern Ireland Act 1998, we wish to make the following statement on the eighth meeting of the North/South Ministerial Council in plenary format, which was held in Farmleigh House, Dublin, on Monday 6 July 2009. Our Ministers who attended the meeting have approved this report, and we make it on their behalf.

The Executive delegation was led by the First Minister, Peter Robinson MP MLA, and me. In addition, the following Executive Ministers were in attendance: Michelle Gildernew, Minister of Agriculture and Rural Development; Caitriona Ruane, Minister of Education; Conor Murphy, Minister for Regional Development; Margaret Ritchie, Minister for Social Development; junior Minister Kelly; and junior Minister Newton.

The Irish Government delegation was led by the Taoiseach, Brian Cowen TD, who chaired the meeting. The Irish Government delegation comprised Mary Coughlan TD, Tánaiste and Minister for Enterprise, Trade and Employment; Brian Lenihan TD, Minister for Finance; Noel Dempsey TD, Minister for Transport; Dermot Ahern TD, Minister for Justice, Equality and Law Reform; Micheál Martin TD, Minister for Foreign Affairs; Éamon Ó Cuív TD, Minister for Community, Rural and Gaeltacht Affairs; Mary Hanafin TD, Minister for Social and Family Affairs; John Gormley TD, Minister for the Environment, Heritage and Local Government; Eamon Ryan TD, Minister for Communications, Energy and Natural Resources; Brendan Smith TD, Minister for Agriculture, Fisheries and Food; and Batt O’Keeffe TD, Minister for Education and Science.

During the meeting we had a broad discussion with the Taoiseach and Irish Government Ministers about the common economic challenges facing us and our respective responses to dealing with the downturn and its impact, particularly on the banking sector in both jurisdictions. The Taoiseach outlined the Irish Government’s intention to establish a national asset management agency (NAMA). Ministers agreed that an early meeting of the two Finance Ministers will take place to discuss those issues.

We noted the contribution of continuing practical and mutually beneficial North/South co-operation to

assisting both Administrations in our efforts to promote growth and employment. The Council received a progress report that the NSMC joint secretaries had prepared on the nine NSMC ministerial meetings that have been held since the most recent plenary meeting in January 2009, and we welcomed the progress made.

We noted the close co-operation on the recent influenza A(H1N1) outbreak. We welcomed the agreement on a framework for the removal of waste that is illegally dumped here. The Council also noted progress on introducing the mutual recognition of driving licence disqualifications later this year and on developing a co-ordinated approach to the introduction of lower blood:alcohol limits. We welcomed the intensified co-operation on child protection, including Internet safety, the development of a protocol for the movement of vulnerable children and families across borders and advice and guidance on safeguarding arrangements for parents, carers and employers. Ministers noted progress on suicide prevention, including proposals for revised media guidelines to incorporate advice on new technologies, including Internet-related suicides.

We welcomed the development of a draft all-island animal health and welfare strategy to facilitate free movement of animals, including plans for a cross-border event in autumn 2009 to bring together key stakeholders to discuss delivery of the strategy. Ministers noted a joint programme of research that was commissioned by the Loughs Agency, which has played a leading role in the development of a Europe-wide research project on use of genetic techniques to identify origins of salmon caught at sea (SALSEA).

The Council welcomed the continued co-operation in education on the approaches to the integration of newcomer children in schools. We noted the further development of the border people website — www.borderpeople.info — the publication by the main banks of information on the cost of cross-border transactions and progress on the transfer of pension rights on a cross-border basis.

12.15 pm

The Council also discussed progress on the achievement of efficiency savings and the business plans of the North/South bodies and Tourism Ireland and noted the need for early decisions on those matters.

The Council considered a paper on the progress of the A5 and A8 roads projects. It welcomed good progress on the A5 Aughnacloy to north-west and A8 Belfast to Larne road projects and noted that an important milestone, the confirmation of the preferred routes, is to be announced shortly. The Council therefore agreed that payment of €9 million will be made by the Irish Government’s Minister for Transport to the NI Consolidated Fund before the end of 2009, in accordance with an agreed payments procedure. The

Council agreed to consider a further progress report at the next NSMC plenary sitting.

The Council considered a paper on the St Andrews Agreement review. It noted that the review group is continuing its consideration of the experts' and advisers' report on the efficiency and value for money of the existing implementation bodies and Tourism Ireland Limited. The Council also confirmed its intention to conclude the St Andrews review process before the end of 2009. It instructed the review group to accelerate its work on all elements of the review and to provide a final report to the next NSMC plenary sitting.

The Council also confirmed its intention, on the conclusion of the review, to refer the recommendations emerging from the review process to the relevant Departments, North and South, for consideration and appropriate action, mindful that any changes to the existing arrangements will require the specific endorsement of the Assembly and Oireachtas.

The Council considered a paper on a North/South consultative forum. It noted the Executive's ongoing review of the Civic Forum, and agreed to bring discussions on the North/South consultative forum to an early conclusion. It recalled that the Irish Government made a proposal to the Executive on a North/South consultative forum following the conclusion of their consultations with social partners and other groups from civic society in 2008.

Ministers considered a paper on a North/South parliamentary forum. We welcomed the establishment of two working groups by the Oireachtas and the Northern Assembly respectively to progress discussions on the establishment of a North/South parliamentary forum. We noted that the agreement to establish a forum is a matter for the Assembly and Oireachtas respectively and agreed to review progress at the next North/South Ministerial Council plenary sitting.

The Council considered a paper on future North/South Ministerial Council meetings and approved a schedule of NSMC meetings to take place over the coming months. It was agreed that the next meeting in plenary format will be hosted by the Executive in November or December 2009.

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 ask the deputy First Minister a couple of questions: one as Chairperson of the Committee for the Office of the First Minister and deputy First Minister and the second as a political representative.

Does the Minister accept that the impact of assets potentially being sold off in Northern Ireland by the Republic's national asset management agency (NAMA) could have a serious impact on the Northern Ireland

economy during what is a very difficult time? What assurances, if any, has the Minister received?

Will the Minister outline what effect the speech made by his colleague the First Minister on Tuesday 8 September at the Ulster Hall regarding Assembly reform will have on the Council's St Andrews Agreement review?

The deputy First Minister: The size of the portfolio of loans residing here would have a critical impact on the local economy. Minister Lenihan indicated to Minister Wilson that the level of Northern loans likely to be transferred to NAMA could total around £4.8 billion. However, even if £4.8 billion of local assets were to be exposed, it would have considerable implications for our economy, as that is equivalent to around one quarter of its output.

The cross-jurisdictional implications are significant and include the absence of statements on the discount to be applied to Irish bank loans and the precise length of time for which NAMA will operate. A longer lifespan and larger discount would allow NAMA to pursue loans less aggressively, and it is our view that a short life and small discount would be disadvantageous. The big concern in the North — it is most relevant to land banks — is the possibility of a fire sale, which could have a very damaging and distorting effect on our economy. The Irish Government, through Minister Lenihan, have stated that they are conscious of our concerns. The recent meeting between our Finance Minister, Sammy Wilson, and Minister Lenihan was very useful, and we will continue to observe closely what happens in that regard.

The St Andrews Agreement review was discussed at the plenary meeting, and we welcomed the progress that has been made by the review group. The review group is continuing its consideration of the expert advisers' report on the efficiency and value for money of the existing implementation bodies. The Council wants the St Andrews Agreement review process to be concluded before the end of this year. It has instructed the review group to accelerate its work on all remaining elements of the review so that a final report can be brought to the next NSMC plenary meeting. On conclusion of the review process, it is intended that the recommendations that emerge will be referred to the relevant Departments, North and South, for their consideration and appropriate action.

Any attempt to draw me into a political discussion about recent speeches, comments or interviews given by the First Minister or me is doomed to failure.

Mr Speaker: Order. I remind Members that, as far as possible, questions should relate to the statement that we are discussing on the Floor.

Mr Moutray: Can the deputy First Minister confirm that the yet-to-be-agreed proposal for an all-island animal health and welfare strategy is not a

crude attempt to remove the UK stamp from Northern Ireland produce?

The deputy First Minister: The NSMC welcomes the progress that has been made on the development of a draft all-island animal health and welfare strategy. The draft strategy sets out the high degree of co-operation that there has been on a range of animal health and welfare issues. It seeks to provide a strategic framework for co-operating on policies through a number of North/South working groups. The ultimate aim is to secure the free movement of animals on the island of Ireland. Full co-operation on animal health issues has the potential to help to reduce or prevent the spread of animal disease, facilitate trade and improve the sustainability of farming on the island.

When it is agreed, the strategy will facilitate trade by optimising the animal health status of the island through the alignment of policies to control animal disease. It will ultimately provide both jurisdictions with the basis to seek international recognition and develop and enhance the island's animal health and welfare status. It will also provide a foundation on which we can build our trading position and animal health status. The key stakeholders will be brought together at an event that is scheduled for later this year. That event will help to build genuine partnership on the development of policy and enable stakeholders to discuss the strategic approach and forward work programme. As in all of our efforts, we need to aim for as much agreement as possible.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. Will the Minister update the Assembly on the development of the Narrow Water bridge project?

The deputy First Minister: The NSMC noted that Louth County Council has completed significant work on the Narrow Water bridge and is to undertake a further appraisal of the proposed project prior to progression through the statutory processes. Members may be aware that Roads Service employed consultants to undertake a feasibility study of a Newry southern relief road, which would link the A2 Warrenpoint road to the A1 just south of Newry. The council welcomed the continuing co-operation between officials of Roads Service and Louth County Council in that regard.

I understand that Minister Murphy intends to share the executive summary of the consultants' feasibility report on the Newry southern relief road with local representatives and the community later this month.

Mr Attwood: I welcome the report and the deputy First Minister's reply to Mr Kennedy's comment on NAMA. At least the deputy First Minister, in contrast to his party leader, has demonstrated that he has an interest in the economy. Last week, Gerry Adams said that he had no interest in such matters.

I suggest two ways in which the deputy First Minister could inject momentum into the political process. First, the report confirms that phase one of the North/South review is being considered by the review group. Is it not time for that document to be published for all to consider? If the First Minister is so interested in accountability on North/South matters, why has it not been agreed to publish the report? That would enable the political parties and the public on this island to draw their own conclusions on how well North/South co-operation is working.

Secondly, will the deputy First Minister say categorically to the Assembly that the business of the North/South parliamentary forum is to be progressed exclusively by the two working groups in the Assembly and the Oireachtas and that he and the First Minister are placing no impediment to their work proceeding and recommendations being published as soon as possible? Some people consider that the work of those two groups is being —

A Member: Held back?

Mr Attwood: Thank you.

[Laughter.]

The deputy First Minister: The Member knows as well as anyone in the Assembly that the work on the review is being undertaken under the auspices of the North/South Ministerial Council. Quite a number of Ministers from North and South attends Council meetings. Any report or other outcome of the Council's deliberations must first be presented to that body and no one else.

It has been agreed that the joint parliamentary forum is a matter for the Assembly and the Oireachtas. We look forward to reviewing progress at the next NSMC meeting. The fact that the process has been agreed and that people are meeting indicates that, at least on our part, a genuine attempt is being made. The Speaker is also involved in some of the discussions. It is important to leave the groups to complete their work and report to a plenary meeting of the NSMC. As far as the review and the parliamentary forum are concerned, it would be wrong of the First Minister and me to take away the rights of a body that was established under the tutelage of the Governments, North and South.

Dr Farry: I also welcome the deputy First Minister to the Chamber. I stress that my party's hope is that today marks the start of a productive session of the Assembly, in contrast to those in the past.

Will the deputy First Minister assure the House that the scope of the review of the North/South bodies will be sufficient to take efficiencies into account? Will it also ensure that as many economies of scale as possible are achieved in services by both Governments? Will he assure the House that a proper

audit is being carried out to ensure that no opportunities for North/South co-operation, particularly in modernising the economy, are missed? Mutual challenges face the two Governments in growing the green economy through a process of rebalancing and modernisation.

The deputy First Minister: The efficiency programme was proposed at the NSMC meeting to reflect the wider efficiency programme arising from the revised Budget Estimates in the South. North/South bodies, in common with all public bodies, should deliver their objectives and programmes efficiently. A 3% per annum cumulative cash-releasing efficiency savings programme for 2009 and 2010 has been agreed by the two Finance Ministers. The next step is for sponsoring Departments to work with their North/South bodies to identify the efficiency savings required in 2009 and 2010 and to add that detail to their draft business plans.

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

The revised 2009-2010 business plans should be submitted for the approval of the two Finance Ministers, followed by the NSMC.

12.30 pm

I am sure that we are all very conscious, particularly against the backdrop of the worldwide economic downturn, of the consistent need for all of us to challenge ourselves as to how we can best use resources in the interests of citizens, whether they be in Limerick, Kerry, Dublin, Dundalk, Belfast or Derry. There can be no doubt whatever that that will be a feature of the discussions on the review that is taking place.

Mr Shannon: The Minister mentioned swine flu in his statement. Will he outline the close co-operation between Northern Ireland and the Republic that he referred to? Will he confirm whether swine flu was discussed at the Council? Will he also describe the input of the local Health Minister in that process?

The deputy First Minister also mentioned suicide prevention, and he referred generally to the proposals to deal with it. Will he describe those suicide-prevention proposals in more detail? Many of us represent areas in which the suicide level is alarming, so I would like to know what the process for dealing with it is.

The deputy First Minister: At the plenary, Ministers welcomed the close co-operation on swine flu. We know that Minister McGimpsey has met Minister Harney, and there is departmental contact almost daily. The outbreak has affected both our jurisdictions, but, fortunately, the number of cases has been small so far. I am conscious of the fact that we are at the end of the summer and that we are moving into the autumn and winter when things could change.

As I said, Minister McGimpsey has spoken several times to Mary Harney since the outbreak began. I

know that officials are also in regular contact to ensure that information and response plans are shared at an early stage. It is vital that we maintain that close co-operation. We must recognise that measures to contain the spread of the virus in one part of the island will be less effective if equally effective measures are not in place in the other part. As of last Friday, there have been 179 confirmed cases of swine flu here. In order to help to reduce the risk of transmission, the Public Health Agency has worked with family members and others who have been in close contact with the individuals concerned. GP consultation rates for flu and flu-like illnesses have decreased, but they remain significantly higher than the rates that were recorded in the same weeks of previous years. Obviously, this is an issue that we are dealing with very seriously. We all know that people's health does not recognise borders of any description, so it is critical that we work in very close co-operation.

At the plenary, we reviewed and welcomed progress on suicide prevention, including proposals for revised media guidelines to incorporate advice on new technologies, which include Internet-related suicides. Many of the issues that we face here are also challenges for the South. It is, therefore, important that we share learning and best practice from both jurisdictions.

The piloting of the national self-harm registry in the Western Health and Social Care Trust area is an example of such co-operation. It is pleasing to note that discussions are ongoing to extend that pilot into the Belfast area. It is most important that there is sensitive media reporting on suicide generally, and that is vital for specific cases. The development of updated all-island guidelines on media reporting is timely, as they will incorporate advice on new media technologies, including the Internet.

I share the Member's concern about the alarming figures that have been reported over recent days. All of us have to be very concerned about those, and there is probably not a person in this Assembly who has not had contact with some family that has been through that very traumatic experience. We have to do all in our power to ensure that we do what we can to help to deal with an obviously very difficult and complex subject. The work that is ongoing in the North and the South is valuable, but, like everything else, we are continuing to learn. At the end of that process, we want to be in a position to assure ourselves and our citizens that everything possible is being done to help in a really difficult situation for many families and, I contend, for society as a whole.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. Tá ceist agam don Aire.

Will the deputy First Minister update the Assembly on all-island child protection measures, particularly the management of sex offenders?

The deputy First Minister: Intensified North/South co-operation on child protection was welcomed at the plenary meeting, including on Internet safety, the development of a protocol for the movement of vulnerable children and families across borders, and advice and guidance on safeguarding arrangements for parents, carers and employers.

The five subgroups established under the auspices of the North/South Ministerial Council continue to meet regularly and to keep one another apprised of developments in their respective jurisdictions. Officials are considering how best to raise awareness of issues concerning Internet safety and social networking, and work is under way to jointly develop advice and guidance leaflets aimed at parents, carers, employers, and anyone concerned with children.

Officials in the North and South are also examining ways to develop and to strengthen current procedures for moving a child who is looked after or who is on the child protection register between jurisdictions. Cross-border discussions are continuing on the management of sex offenders. Both jurisdictions now use common assessment standards when dealing with sex offenders, and work is ongoing to bring legislation in both jurisdictions into line as much as possible.

Co-operation on child protection among agencies and jurisdictions is vital. OFMDFM recently published a major policy statement on safeguarding children, which brings together developments that are under way across Departments in the North, the NIO and the Courts Service. That has helped to identify gaps where further initiatives are required. OFMDFM welcomes any proposals that improve information sharing and that assist in the protection of the public in respect of offenders moving between the two jurisdictions.

Mr I McCrea: The deputy First Minister referred to efficiency savings. Mind you, when he read out the attendance list for the NSMC plenary meeting, I thought that every member of the Dáil was there. I believe that I counted 11 if not 12 Members who attended. Reducing that number would certainly be a good start on efficiency savings.

However, the deputy First Minister referred in his statement to progress on the A5 and A8 road projects. Will he inform the House what discussions took place? What assurances can he give that people who live along those routes will be properly compensated?

The deputy First Minister: It is not sensible to make comments about attendance at the North/South Ministerial Council plenary meeting, or to stress the fact that many Ministers turned up. The meeting was held at Farmleigh House, it probably cost no more than

£1,000, and the fact that people are prepared to attend such meetings shows how important they consider the work. I welcome the large attendance of Ministers from the South; our attendance was also large. The more that Ministers engage with their counterparts, the more benefit there is for citizens in the North and the South.

The roads projects are important. The A5 and the A8 are critical to infrastructure along the road from Aghnacloy to the north-west and to ensure connections to the eastern seaboard, which, for our part, are the routes to Belfast and Larne.

As with all projects of this nature, there will always be controversies and disputes, particularly in situations in which people's livelihoods are affected. Nevertheless, the process is up and running, so we need to see people working closely together, taking account of objections. Opportunities for people to lodge such objections will be there in the time ahead.

There are concerns, and the Member articulated a view that some farming interests have expressed about the matter. That is perfectly right and understandable, and it is important that those roads are built in a fashion that takes account of the objections and concerns of local people. Hopefully, not many local people will be affected by the projects, but, in some circumstances, there will be an effect, and it is a matter of the relevant authorities working with those people, in conjunction with elected representatives, to ensure that any concerns that are expressed are addressed.

Mr Elliott: I note from the deputy First Minister's statement that the Minister of Education attended the meeting. In the Republic of Ireland, the Irish Government's proposal to cut funding for Protestant schools is a serious issue. I was wondering whether the management of Protestant secondary schools was mentioned, because it is a serious issue for the Committee.

The deputy First Minister: The issue was not mentioned.

Mrs D Kelly: Unlike others, I welcome the high level of attendance by Ministers from the Irish Republic, because it gives us some certainty as to the interest that the Republic's Government have in the North. I do not hear any sneering about the €9 million that the Irish Government have committed themselves to spending on transport in the North. I welcome that investment.

With respect to child protection, when will the protocol for childcare arrangements be published? In addition, given that it has been agreed in principle that there will be an all-Ireland animal health and welfare strategy, when will that strategy be available for consultation? Furthermore, the Civic Forum was reviewed almost two years ago. When might we see the results of that consultation, and how does the Office of the First Minister and deputy First Minister plan to make progress on the North/South consultative

forum? Also, in future, when statements are being made to the House, perhaps there could be a specific section to highlight new work streams. For example, given the comments about the agreement on a framework for the removal of waste that is illegally dumped in Northern Ireland, might an all-Ireland approach to climate change be considered?

Mr Deputy Speaker: The deputy First Minister may choose to answer one or all of those questions.

The deputy First Minister: I will try to answer as many as I possibly can. I think that there were about four.

The animal health strategy is obviously being worked on at the moment, and it will be delivered as soon as possible.

Child protection is vital. At the plenary meeting, we welcomed intensified North/South co-operation on child protection and Internet safety; the development of a protocol for the movement of vulnerable children and families across borders; and advice and guidance on safeguarding arrangements for parents, carers and employers. Officials are always examining ways to develop and strengthen current procedures; that vital work is ongoing, and I believe that there is an absolute commitment from both Administrations to ensure that it continues.

12.45 pm

At the plenary meeting, the Council noted the Executive's ongoing review of the Civic Forum. It agreed to bring to an early conclusion discussions on the North/South consultative forum. It also recalled that the Irish Government made a proposal on a North/South consultative forum to our Executive following the conclusion of its consultations with social partners and other groups from civic society in 2008. The Member will know that a review of the Civic Forum is under way to examine fundamentally its structure, membership and role, and to consider the most appropriate arrangements for engaging with civic society. That review of the Civic Forum has not yet been completed.

In relation to the other matter, a suggestion has been made. Without giving any commitment on that, officials can look at that to see whether it has merit.

Mr Molloy: Go raibh míle maith agat. I thank the Minister for his statement. Can he tell us whether an update was provided at the meeting on the role of Peace III and on how the INTERREG programme is playing out, particularly given the present importance of European funding to SMEs and the farming community?

The deputy First Minister: Under Peace III, the north-west cluster will deliver nearly £5 million through a peace and reconciliation action plan. Ilex has been awarded £13 million to develop the pedestrian bridge over the Foyle, which has been discussed recently. Under

INTERREG, approximately £8 million in regeneration assistance will be delivered through a multi-annual plan developed by the North West Region Cross Border Group. INTERREG has also awarded £30 million to the Kelvin project to develop a broadband connection in the north-west.

A total of 104 Peace III projects, with a combined value of €155.8 million, which is roughly £141 million, have been approved to date. Peace III builds on the peace-building work of its predecessors, with a greater focus on activities that directly promote reconciliation and an emphasis on larger, more strategic projects with clear legacy potential.

The INTERREG cross-border programme, which is worth €256 million or £233 million, is the only EU programme in the North to have increased its budget in the new programming period; the previous INTERREG was worth something in the order of €183 million. Therefore, it builds on the work of previous programmes and supports strategic cross-border co-operation for a more prosperous and sustainable cross-border region. So far, 73 applications have been received under the cross-border programme, of which 34 have been approved and are worth a total of €156 million, or £142 million. For the first time, areas in western Scotland are eligible to participate, which adds a welcome new dimension. To date, Scottish partners are involved in INTERREG projects worth some £30 million.

The INTERREG programme will build on the successes and competencies of the five local authority-based partnership groups: East Border Region Committee, Irish Central Border Area Network (ICBAN), North West Region Cross Border Group, Councils of the Metropolitan Area (COMET) and North East Partnership. Funding in the order of €55 million has been made available to all five groups in respect of enterprise, tourism and collaboration. Therefore, quite an amount of investment is continuing.

Mr Weir: I will try to restrain myself to one question. Page 2 of the deputy First Minister's statement refers to the fact that, between the latest plenary meeting of the North/South Ministerial Council and the previous one in January 2009, there were nine North/South ministerial meetings. Can he tell me what the corresponding figure is for ministerial meetings of the British-Irish Council during that same period?

The deputy First Minister: I cannot tell the Member that off the top of my head, but we will undertake to provide the answer.

Ms Anderson: I thank the joint First Minister for that statement.

Reference has been made to the national asset management agency, and, in his statement, the deputy First Minister mentioned the common economic challenges faced by the North and South. Given the

interconnected nature of those two economies, have any work or steps been outlined and undertaken by InterTradeIreland, one of the implementation bodies, to develop an all-Ireland economic policy?

The deputy First Minister: I congratulate InterTradeIreland on its initiative to hold the economic forum in Dublin on 18 June. That forum was designed to assist businesses in the current global economic downturn and in the challenges that it presents. Some 120 leading economists, economic commentators and senior policymakers took part in the first high-level North/South economic forum, which addressed a select group of policymakers from both jurisdictions who combined their expertise and knowledge on the extent of the downturn and search for innovative strategic responses.

Mr Ross: In his statement, the deputy First Minister made reference to progress in developing a co-ordinated approach to the introduction of lower drink-drive limits. Will he assure the House that, even if the Irish Republic does not go ahead with that, it will not be a barrier to the Executive introducing lower drink-drive limits for drivers in Northern Ireland? Furthermore, can he tell us what conversations there have been with other UK regions, perhaps through the British-Irish Council, on lowering the drink-drive limits throughout the United Kingdom?

The deputy First Minister: Officials are working to complete the arrangements needed to introduce mutual recognition of driving disqualifications. It is hoped that the process will be completed shortly. It is an important issue. We all understand fully the need to ensure an all-island approach, given that, in the past, people who have been involved in road accidents or who have flouted driving laws have been disqualified in the North but permitted to drive in the South, and vice versa. This is vital work. It is critical that we consider the possibility of introducing lower drink-drive limits, as is being done, and explore the potential for co-ordinating approaches to the implementation of any new limits agreed. The issue is being discussed at the British-Irish Council, so we will await developments from those discussions.

Mr P Ramsey: I welcome the deputy First Minister's reference to progress that has been made on the A5 from Aughnacloy to the north-west. In light of the haemorrhaging of so many jobs in the north-west — 3,000 jobs in recent months — and in view of the great hope, aspirations and opportunities in health, education and access to employment opportunities for the region with the north-west gateway initiative, will the deputy First Minister assure the House that the North/South Ministerial Council will sponsor and adopt the key areas that come out of the north-west gateway initiative as a way forward for that region?

The deputy First Minister: The north-west gateway initiative provides a strategic context for the north-west in facilitating a more co-ordinated approach by the Executive and the Irish Government to the area's development by helping to channel funding into it. The north-west gateway initiative, as Members know, has no dedicated funding, but it aims to derive synergy in the north-west through the effective co-ordination of existing public expenditure. The activities are taken forward by individual Departments in each jurisdiction. The gateway initiative is inherently linked to the work that Sir Roy McNulty, chairman of Ilex, is undertaking on a new regeneration plan for the city of Derry. The strategic plan for the city and its proposed delivery structures will impact on the wider region and will have a cross-border dimension, linking it to the work of Donegal County Council.

We are all conscious of the unacceptable number of job losses that have taken place in the north-west, whether in Coleraine, Limavady or Derry city. During the Minister for Employment and Learning's visit to the north-west, he made what, I think, we all considered to be an important point: more jobs have been lost in the north-west than in the whole of the Belfast area, which, given the relative sizes of both areas, is dramatic news. Therefore, we are concerned and exercised about that.

However, several things are happening in the north-west, including work on a number of infrastructural projects. For example, Project Kelvin will provide a direct international telecoms link to North America and improved telecom links to Europe, and there is also a major project to upgrade the road between Derry and Aughnacloy, of which the Broadbridge dualling phase is under way. Other infrastructural projects include the A2 Ballykelly bypass, the A6 Derry to Dungiven project, the City of Derry Airport runway safety-improvement programme, and improvements to the railway track between Derry and Coleraine.

Other projects are under way in further and higher education. For example, the strategic innovation fund is supplying in the region of €893,000 to provide a complete specification for the delivery of higher education through a strategic alliance between Letterkenny Institute of Technology and the University of Ulster, and a capital programme is under way for the renewal and refurbishment of the North West Regional College site. Employment and skills development projects include an all-island skills conference and the All-Island Skills Study 2008, which identified several potential areas of future joint work to help to realise future skills ambitions. Such projects include the NorthwestNow promotional programme, which is aimed at enhancing the promotion of the north-west business technology zone and the wider region. I could

go on, but it is sufficient to say that quite a lot of things are happening in the north-west.

However, the bad news stories about job losses in the area overshadow all those projects. I have spoken already to the First Minister about the very serious situation that I think exists not just in Derry city but in places such as Coleraine and Limavady, as well as about the need for our Executive to address those difficulties as quickly as possible.

Lord Morrow: My question relates to the A5 project, or the north-west corridor. I note from the Minister's statement that the Irish Government are contributing some €9 million up front into that scheme. That represents approximately 2% of the South's contribution, or 1% of the overall scheme, and seems a very small amount. Will the Irish Government indeed be paying their contribution up front?

More importantly, the A5 scheme is turning out to be very controversial, not least because of the route that has been selected. For example, a section of the route runs from Aughnacloy to Ballygawley and has a curve of some two miles from the existing road. Part of the A5 has been realigned, and that section is known as the Tullyvar section and connects with the Ballygawley roundabout. However, when the new A5 is built, it will sit parallel to the new A4, which is being constructed. Does that not sound like bad management and bad value for money? Will the deputy First Minister assure the House that those and other issues that concern the planned route of the new A5 through to New Buildings will be reviewed? It is a very important issue.

The deputy First Minister: In fairness to the Irish Government, from the very beginning of the process, they declared that they will be paying up front for the A5 and A8 road projects. The €9 million is an initial contribution, and there will be further contributions.

I think that all Members will be very pleased that the Taoiseach and other Ministers at the North/South Ministerial Council dismissed out of hand the speculation in the South about the prospect of those road projects not proceeding. They have given us an absolute guarantee and commitment that those road projects will not be subject to whatever other cuts are made in Dublin. Therefore, we can say with 100% confidence that those projects will continue and that when they are completed, they will make a massive contribution to our infrastructure in the North.

1.00 pm

With regard to the detail of what is happening along the route of the A5, the Minister for Regional Development will be answering questions this afternoon, and he will be able to address that.

Mr Neeson: I welcome the deputy First Minister's statement on the upgrading of the A8 Larne to Belfast road. What is the Executive's position on a commitment to the formation of the North/South parliamentary forum?

The deputy First Minister: The Executive do not have a position on that matter. However, under the auspices of the North/South Ministerial Council, the Oireachtas and the Assembly have been charged with the responsibility for taking that matter forward, and Mr Speaker is the Assembly's lead person on that.

As we move forward, we all recognise that, in such a small island, there are two jurisdictions and there is a compelling argument for working together where there is mutual benefit for our citizens. A strong view is being put forward, to which I subscribe, that increased contact and co-operation among elected representatives on the island is in the economic interests of the people whom we represent.

North/South Ministerial Council: Aquaculture and Marine Sectoral Format

Mr Deputy Speaker: The Speaker has received notice from the Minister of Agriculture and Rural Development that she wishes to make a statement regarding the North/South Ministerial Council meeting in aquaculture and marine sectoral format.

The Minister of Agriculture and Rural Development (Ms Gildernew): Go raibh maith agat, a LeasCheann Comhairle. With your permission, I wish to make a statement in compliance with section 52 of the NI Act 1988 on the recent meeting of the North/South Ministerial Council in the aquaculture and marine sectoral format. The meeting was held in Greenmount on Monday 20 July 2009. Robin Newton and I represented the Executive, and Eamon Ryan TD, Minister for Communications, Energy and Natural Resources, and Conor Lenihan TD, Minister of State for Natural Resources, represented the Irish Government. This statement has been agreed with Robin Newton.

The Council welcomed a progress report on the work of the Loughs Agency presented by the chairperson, Mr Tarlach O'Crosain, and the chief executive, Mr Derick Anderson.

Ministers noted the impact of fishing conditions for the 2009 angling season and commercial salmon season; the success of the guides for angling in both the Foyle and Carlingford catchment areas, with the Carlingford guide so popular that it has had to be reprinted; and the agency's work with the regional fisheries boards and central fisheries boards to develop the angling brand for coarse, game, sea and pike, including a website in a number of European languages that will be announced shortly. Ministers also noted that, in September 2009, the Loughs Agency will consult stakeholders and the public on the options that are being considered for the agency's strategic implementation plan to license shellfisheries and aquaculture. A strategic environmental assessment is being conducted on the proposed implementation plan.

The Council welcomed a presentation by Dr Declan Lawlor, environment officer at the Loughs Agency, on the proactive water-quality assessment programme being undertaken by the agency in the Foyle and Carlingford catchment areas, and noted that that science-led approach has proved very beneficial to the agency in conserving and protecting the inland fisheries of Foyle and Carlingford.

The Council approved the recruitment of three staff on a fixed-term contract basis to assist the Loughs Agency in the administration and implementation of a programme in support of its marine tourism strategy,

which is to be funded exclusively through the EU INTERREG IV programme.

The Council discussed and noted the operation and funding arrangements for the Loughs Agency's sustainable development fund, and approved the use of the fund in the implementation of the agency's marine tourism development strategy.

The Council approved two sets of regulations. The first will regulate the minimum size of oyster that may be retained on board a vessel within the wild oyster fishery in Lough Foyle, and the second will prohibit the catching of eels in the Foyle and Carlingford areas by any method except rod and line.

The Council also approved a framework designed to support the Loughs Agency in dealing with emergencies such as serious pollution incidents.

The Council agreed that its next meeting in the aquaculture and marine sectoral format will take place in October 2009. Go raibh mile maith agat.

The Chairperson of the Committee for Agriculture and Rural Development (Mr Paisley

Jnr): I thank the Minister for her statement. The Minister will be aware that the Committee received a presentation on 23 June 2009 from her officials on the Foyle area and Carlingford area (control of oyster fishing) (amendment) regulations 2009, and that they deferred the progress on those regulations because of the numerous concerns expressed by fishermen. Those concerns have been repeated to the Committee during its consultation on the matter. It is, therefore, somewhat disappointing to note that the Council is approving, and, indeed, supporting, legislation that has not been endorsed by a Statutory Committee in this place, or by Members of this House.

That said, can the Minister advise the House of the evidence that her Department is using to suggest that grading an oyster by size rather than by weight is the best method available and whether that evidence has been sourced from samples taken from Lough Foyle as opposed to other oyster fisheries outside Northern Ireland? Can she tell the House why she is pursuing a policy that is contrary to the demands of the oyster fishery in Lough Foyle, and, very importantly, the market to which those fishermen seek to sell their hard-gained produce?

The Minister of Agriculture and Rural

Development: I do not have the detail of the evidence with me today, but the regulations must be approved by the NSMC. That approval was granted in July. We always aim to have the Committee on board with regulations before they are submitted to the NSMC for approval, but, occasionally, given the timetable of meetings and critical time factors in the making of regulations, submission may be necessary before the Committee has concluded its deliberations. In this

case, the agency was very keen to have the conservation measure in place for the opening of the oyster season. The agency has explained its rationale, both to the Committee and to stakeholders, and I understand that the Committee is engaged in further discussion with the stakeholders on the issue.

Mr Doherty: Go raibh maith agat, a LeasCheann Comhairle. I welcome the Minister's statement. Can she provide an update on the Loughs Agency's strategic implementation plan?

The Minister of Agriculture and Rural

Development: This month, the Loughs Agency will consult with stakeholders and the public on the options being considered for the agency's strategic implementation plan for aquaculture. That will include public exhibitions in both the Foyle and Carlingford areas, and the NSMC will be informed of the exhibition details at the next meeting. A strategic environmental assessment (SEA) is being conducted on the proposed implementation plan, and a scoping report for the SEA has been issued. The public and stakeholders are being invited to comment on that document.

The SEA scoping report contains details of the proposed environmental assessment only and does not state what will be included in the draft plan as that has yet to be determined. Following the consultation on options, the draft plan and the environmental report arising from the SEA will be published. There will then be a public consultation period for the draft plan, and after that the plan will be finalised.

Mr Savage: I thank the Minister for her statement. Will she outline what discussions took place with her Irish counterparts on the approaches of both jurisdictions to the annual meeting of the fishery Ministers, which will take place in December in Brussels, and what she hopes to achieve at that meeting?

The Minister of Agriculture and Rural

Development: The Member will be aware that the meeting under discussion today was held in the aquaculture and marine sectoral format and, therefore, dealt solely with the issues for which the Foyle, Carlingford and Irish Lights Commission has responsibility. The Member's question clearly falls outside that. The meeting did not deal with the issue that he raises. The work for December is ongoing, but I do not have any information on that today.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle, Gabhaim buíochas don Aire as a ráiteas.

I thank the Minister for her statement. My question relates to paragraph 8 of the statement, which mentions recruitment of three staff on a fixed-term contract basis to assist the Loughs Agency in the implementation of a programme in support of its marine tourism strategy.

Although I realise that it is external to the Department, it would be helpful if the Minister could inform us of the total amount of investment that that involves, the duration of the contract plan and whether the Department sees itself as being in any position to extend the duration of that programme for marine tourism, which is an important issue, particularly in an island economy.

The Minister of Agriculture and Rural

Development: The overall package that the Loughs Agency applied for was €4 million to the Special EU Programmes Body under INTERREG IVa, and I understand that it was successful in getting all that. I will have to come back to the Member with details of the duration of the contract plan, and I am happy to do so. However, I understand that there was quite a number of applications and I expect the money to be spent before the end of the programme, as that is what normally happens; the duration tends to be longer than money is available for.

Mr McCarthy: I thank the Minister for her statement, in which she noted the success of the guides for the Foyle and Carlingford, with the guide for Carlingford being reprinted because of its popularity. Will the Minister tell us what Carlingford has got to offer that the Foyle has not?

The statement also mentioned the approved framework for dealing with such matters as serious pollution incidents. Does that framework include measures or advice for avoiding pollution incidents happening in the first place?

The Minister of Agriculture and Rural

Development: The avoidance of pollution is the responsibility of other agencies, as opposed to necessarily being the work of the agency responsible for Foyle and Carlingford. A serious pollution incident can impact on the work of the Loughs Agency, as the Foyle and Carlingford could be severely affected by such an incident. A pollution incident can have a hugely detrimental impact on a river system, especially when water levels are low, and we have seen the outcome of such incidents in the not-too-distant past. The framework is intended more as an early warning system to help the agency to take measures to mitigate the impacts of pollution incidents, as opposed to trying to avoid them. We all need to work together to avoid pollution, but the framework is more to do with mitigating the impact of pollution in those rivers.

Dr W McCrea: Further to the question from my colleague, the Chairperson of the Committee for Agriculture, Mr Ian Paisley Jnr, will the Minister tell the House why there is undue haste on the issue of oyster fishing, bearing in mind that, as I understand it, the Committee will meet representatives of stakeholder groups as part of its consultation exercise. Will the

Minister not wisely accept the advice of the Committee to defer the decision until the Committee has properly concluded its consultation and come to a conclusion, or will the Committee have to pray upon it in the House to ensure that the will of the House is sought?

The Minister of Agriculture and Rural

Development: The Loughs Agency is bringing forward the regulations, not the Department, so there is a distinct difference. The agency believes that an increase in size will promote the conservation benefits, and my understanding is that its evidence is based on surveys of oysters in the Foyle. The agency has undertaken work that it believes will bring about the best conservation measures, and I have to respect its work.

Mr Brolly: Go raibh míle maith agat, a LeasCheann Comhairle. Gabhaim mo bhuíochas leis an Aire as a ráiteas. Tá ceist amháin agam air.

Will the Minister explain what the marine tourism strategy is hoping to achieve?

The Minister of Agriculture and Rural

Development: There is so much potential in the Foyle and Carlingford area that can be achieved through the proper outworking of the strategy, and the agency is working with bodies such as Tourism Ireland, Bord Fáilte and the local councils to deliver that. The project objectives promote a number of key themes. Those are to develop boating access and infrastructure; to develop visitor facilities at beaches; to deliver environmental education and interpretation; to raise visitor awareness by providing tourist information; to enhance habitat and develop angling infrastructure for coarse and game fisheries; to design and deliver tourism marine safety and boating training; and to effectively market the Foyle and Carlingford areas.

So, if it is successful in all of those areas, I imagine that the marine tourism strategy will be a great feather in the agency's cap.

1.15 pm

Mr Irwin: I thank the Minister for her statement. I welcome the recent visit by Arlene Foster to Glenarm fishery. Is DARD doing anything to help that sector in Northern Ireland?

The Minister of Agriculture and Rural

Development: Again, that is clearly outside the Foyle and Carlingford area and the agency's remit, so I do not have any information on that.

Mr Elliott: The Minister indicated that there were discussions around the catching of eels in the Foyle and Carlingford areas. Did she or her Department have any impact on the Lough Erne eel management plan that was recently submitted to the European Union through the Department for Environment, Food and Rural Affairs (DEFRA)?

The Minister of Agriculture and Rural

Development: Again, that is outside the scope of the North/South Ministerial Council meeting in aquaculture and marine sectoral format. However, the eel management plan has been delivered. The Department of Culture, Arts and Leisure is primarily working with that, but it works very closely with DARD officials on that matter for the benefit of eel fisheries on Lough Erne and Lough Neagh.

Lord Morrow: The Minister said:

"Ministers noted the impact of fishing conditions for the 2009 angling season".

Will she elaborate on that? Furthermore, will she tell us, or find out for us, whether the Loughs Agency has received representation from any source about the future of fishing on the River Mourne?

The Minister of Agriculture and Rural

Development: I have not had an update from the Loughs Agency on that. We are talking about a meeting that happened on 20 July, so the timing needs to be taken into consideration. At that meeting, the Loughs Agency reported that the 2009 angling season had been affected adversely by the prevalent low-water conditions. The date is important because there were not many low-water conditions during the rest of the summer. However, we were talking about issues up to 20 July. The agency has also recently reported that flood-water conditions in the latter part of the season further contributed to poor conditions for anglers.

The total catch by game anglers cannot be determined until the season is closed and log books are returned. However, the agency estimates, at this time, that it is likely that game anglers will have caught and retained more salmon than the commercial fishery by the end of the season. The lowest commercial catch in the Foyle area in Loughs Agency records took place in the 2009 commercial season. The season was impacted by drought conditions in June and by flood-water conditions in the latter part of the season, but the agency has issued licences for 18 drift-net operators in Lough Foyle and 10 draft-net operators on the River Foyle.

Mrs D Kelly: I thank the Minister for her statement. What progress has been made by both jurisdictions on a common approach to a marine Bill? Also, were there discussions about fishing with regard to the state and condition of our rivers, and are any investments planned under INTERREG IV for our rivers?

The Minister of Agriculture and Rural

Development: No; the application is for the Foyle and Carlingford areas, and that is where the money is going. Again, the marine strategy is not part of the remit of the North/South Ministerial Council in aquaculture and marine sectoral format. The Department of the Environment is the lead Department on that.

Regional Transportation Strategy Review

Mr Deputy Speaker: The Speaker has received notice from the Minister for Regional Development that he wishes to make a statement on the regional transportation strategy review.

The Minister for Regional Development (Mr Murphy): Go raibh maith agat, a LeasCheann Comhairle. Today, I announce a major review of the regional transportation strategy (RTS). Transport impacts upon us all: the parent on the school run; the farmer bringing goods to the markets; the commuter on the bus, train or bike; the lorry driver delivering goods around the region; the businessperson catching a flight to London or Paris; and young people heading out to the cinema. We all use transport in day-to-day life. Due to advances in technology and wealth, we are travelling more often and further. Our parents and grandparents did not have access to the opportunities that we now have; for them, homes and work were much closer, and a trip to the seaside was a once-a-year privilege. For us, it is not uncommon to commute for 40 or 50 miles a day. Many Assembly Members make such journeys, and some travel even further than that.

Although this new twenty-first century world offers many new opportunities, it also brings concerns. There are concerns about how we cope with the increasing demands on our transport infrastructure, about the impact of transport on the environment and about the impact of ever-rising fuel prices. Between 1992 and 2006, the number of cars increased by 80%. There are now 800,000 cars on the roads, and more journeys are made in the region and beyond. People commute further to jobs and schools, more routes are available to new destinations from airports, and the ports deal with more freight transport.

However, many people do not benefit from the car-dominated society: 26% of households here do not own a car, and that figure rises to more than 50% in some urban areas. We must think about the needs of all citizens, not just those who have access to a car.

We encourage investment and business development, and we are helping people to overcome such barriers to work as poor transport. We support training and transport schemes that can help people to access the jobs that are available elsewhere. Good, affordable public transport is vital for helping such people feel included and valued in society. Without access to an affordable and appropriate form of transport, people in many areas are unable to access education, employment, health and other services.

Public transport and roads are interdependent. Most people who use public transport travel by bus on the roads. Improvements to roads, including quality bus corridors and park-and-ride sites, therefore, benefit bus

users as well as car drivers. A well-maintained road network, particularly in rural areas, is an important aspect of a good bus network.

The economy must also remain competitive to achieve the lifestyles that we want. We must be able to move goods around the region and have good connections beyond it. At the same time, the environmental impact of freight must be minimised as much as possible.

Perhaps the greatest challenge that we face involves the environment and climate change. The burning of fossil fuels increases the amount of greenhouse gases in the atmosphere. Transport accounts for around a quarter of man-made greenhouse gas emissions in the North, and it is the only area in which emissions are rising rather than falling.

Since its publication in 2002, the speed and direction of change in society has overtaken the current regional transportation strategy, so a review is timely. The population, economy and the number of vehicles on the roads have grown much more quickly than had been originally forecast, while the issue of the environment and the challenge of addressing climate change have moved up everyone's agenda.

Through the investment strategy, the Executive have secured levels of investment for infrastructure that exceed those predicted in the RTS, but it is now difficult to predict how much investment will be available in the longer term. As the economy develops, North/South and east-west relationships are also developing and changing.

The review of the regional transportation strategy is not, however, being undertaken in isolation. Review and reform is happening across government, and transportation must align itself with planned initiatives and reviews that collectively influence the way that we live and work and the services and facilities that we enjoy. For example, the RTS is a vital component of the regional development strategy, which sets out a framework to influence growth for greater sustainability and better balanced development across the region. The regional development strategy is itself under review. The review of public administration and the public transport reform initiative will shift responsibilities in the planning and delivery of transport in the future.

It is vital that we develop the ability to manage the transport strategy with others across these islands. We must work together with other Administrations on a North/South and east-west basis to improve connections between our networks to enhance the free movement of goods and people. All of that must be completed in a sustainable fashion and against a backdrop of an increasing local, national and European

direction that is designed to address the environmental impacts.

Sustainable development is generally defined as:

“development which meets the needs of the present without compromising the ability of future generations to meet their own needs”.

The Executive’s sustainable development strategy aims to move our region towards a sustainable economy that strikes a better balance between the three different aspects of sustainable development: social, environmental and economic considerations. It seems sensible to me that the transportation strategy review reflects and complements all those elements.

Of course, we are not starting with a blank sheet. The current strategy has a set of expected outcomes that cover aspects such as transport emissions, road safety, transport speeds, and coverage and patronage of public transport. Since taking up office, I have been committed to tackling years of underinvestment in transportation and to delivering balanced improvement of the infrastructure.

I have agreed to a rapid-transit system for Belfast, which will provide people in the city with a new, dynamic means of getting around. It will play a significant part in improving access to new employment and education opportunities, as well as leisure and health facilities. It will help to regenerate neighbourhoods and to provide Belfast with a twenty-first century public transport solution that will complement existing services.

We have completed work on the Westlink, which has improved linkages across the city and has helped to ease journey times for all road users, particularly the haulage industry. We have widened the Belfast-bound carriageway between the Sandyknowes and Greencastle junctions and the country-bound carriageway over the Greencastle junction. We have replaced a number of bridges.

I am addressing the peripherality of counties Fermanagh, Tyrone and Derry with a comprehensive package of road improvements. A dual carriageway will be built on the A4 between Dungannon and Ballygawley. We will undertake the biggest road project on the island when we build a dual carriageway on the A5. We will also build a dual carriageway on the A6 between Derry and Dungiven and between Randalstown and Castledawson.

Those road projects are vital to connect rural communities and to open up new business opportunities. Access to ports is also crucial to our economic well-being. Dualling proposals for the A8 between Ballyclare and Larne will contribute positively to improving journey times, which will benefit the travelling public and the business community.

I am not just in the business of building roads. When I took office, the railway line to Derry was under threat. Now, my Department is buying more new trains and improving the track. Links between the two major population centres in the North are important. The new trains will improve the frequency of services. The track improvements, when completed, will mean that journey times between the two cities will be reduced by 30 minutes. It is now planned that, for the first time, commuter trains will arrive in Derry before 9.00 am.

Good progress has been made on increasing rail and Metro passenger numbers and the number of cycling journeys, as well as on reducing accidents. Initiatives such as Travelwise, which encourages the use of sustainable transport options such as walking, cycling, car sharing and public transport, have played a part. Capital investment in infrastructure has also certainly provided benefits. It is worth emphasising that new road schemes throughout the North and new trains and buses on the rail and bus networks have made a positive improvement.

Conversely, although vehicle speeds in Belfast and on the strategic roads network have decreased, road-safety figures are still comparatively high. There is still an over-dependence on the private car. Against the background of more cars on the roads, transport emissions continue to increase. The availability of public transport, particularly in rural areas, is always contentious. Accessibility for people who have mobility difficulties still presents barriers that need to be overcome.

Of course, I am conscious that those are snapshots and that not all the planned schemes to implement the strategy will be delivered until later in the plan period due to the longer lead-in times that are associated with statutory processes. There are challenges ahead. The Department will seek to build on what has been achieved and to provide strategic direction for transportation here.

Since 2002, the transportation scene has changed significantly and continues to evolve. Although investment so far has undoubtedly made a difference, trends suggest that there is still more work to be done to persuade people out of their cars and towards public transport and to avoid the increasing problem of congestion and environmental pollution. Independent research indicates that only three out of ten people use bus services regularly, and one person in ten uses rail services.

With the rise in car ownership, there is greater congestion on the roads. That adversely affects the movement of goods, which relies on the road network. That, in turn, affects the economy. Access to airports, seaports and key tourism sites that play such a vital

part in expanding the economy also needs to be reassessed.

Transport emissions continue to rise. They must be tackled through changing driver behaviour, modal shift and better journey planning. We need to offer better facilities for active travel, such as cycling and walking, which present health benefits for everyone.

Transportation is a crucial component to society's well-being. It provides access to employment, leisure, education, health and social activities. It can assist the regeneration of neighbourhoods and economic activity and can help to include people who feel isolated and ignored.

Although the current strategy has been successful in attracting funding for transport, I believe that a higher-level strategy is now needed that is based on public consultation and gives all people who live here an opportunity to set the key outcomes and priorities that they want for the transportation network.

A revised strategy could include aims to reduce the impact of transport on greenhouse gas emissions; to improve the efficient, reliable and sustainable movement of freight; to improve access to education, training and lifelong learning; to improve travel safety; and to improve access to key visitor attractions. While recognising that not everything can be achieved at once, the strategy will identify the key priorities for transport here and include indicators for key outcomes in order to allow their achievement to be measured.

1.30 pm

The current strategy is being implemented through three transport plans, and any review will of course have a bearing on those plans. It does not strike me as sensible to suspend the implementation of those plans while the review is ongoing, particularly where the funding has been allocated to specific schemes and commitments have been given.

The review is likely to be completed in 2010 and will prompt us to review the transport plans and the accessible transport strategy which expire in 2015. I am equally conscious that the investment strategy has provision for transportation well beyond that time, and that in turn will have further implications.

The implications of the review go beyond my Department, and Executive colleagues will have a keen interest in influencing the review. Engagement with other key interested parties has already commenced. I know of and welcome the Regional Development Committee's inquiry into sustainable transport. As it features the social, economic and environmental aspects of sustainable transport, I fully expect its findings and outcomes to inform and influence the review.

Members of the integrated transport stakeholder group, which acts as a consultative body to me on the implementation of the regional transportation strategy, have also already added to the discussion and debate. I am grateful to both for their contribution, which I am sure will continue and will allow us to mould a revised strategy that will be relevant and appropriate to our circumstances.

I am keen to engage with Members and others on the key outcomes and priorities to help generate discussion and debate on the issues. To help in this task, my Department has prepared a discussion document that outlines some of our thinking. I am conscious that we do not have a monopoly or a complete prescription on what needs to be done, and I am keen to hear views and ideas that will inform the review and start to build consensus on the way forward. I encourage Members and others to consider and respond to the questions posed.

The discussion document is part of a comprehensive engagement process that will result in a draft revised regional transportation strategy that will be subject to a full public consultation process. Members and others will consequently have a further opportunity to share their views and help influence the final outcomes. The ultimate aim is to have a revised strategy available to help inform the 2010 comprehensive spending review. Go raibh míle maith agat, a LeasCheann Comhairle.

The Deputy Chairperson of the Committee for Regional Development (Miss McIlveen): I thank the Minister for his statement. If the revised strategy will not propose individual schemes or funding levels, how will the Department ensure that the key priorities of funding and prioritisation for transport will be delivered? Further to that, how does the Minister plan to manage the transition from the current RTS to the proposed revised RTS, which will be at a much higher level?

The Minister for Regional Development: I welcome Miss McIlveen to the Regional Development Committee and look forward to working with her and the other new members who recently joined the Committee.

The Member is aware that there is an investment strategy, a road-building programme and an infrastructure development strategy. Commitments have been given, and work has begun. It is sensible to continue with that as far as budgets will allow.

The regional transportation strategy tackles the issues from the broader perspective of how we go forward as a region. The end period for that is anticipated to be 2035. The strategy will look at key questions that perhaps were not so high up the agenda such as the environmental impact of transport and the increasing number of cars, which I referred to in my statement. It will look at the broader perspective of the

Department and at where the emphasis of the Department lies.

A major road-building programme is going on now. Once the key transport corridors are complete — many of them are either in design stage or construction stage or well on their way to that outcome — questions will arise for us as a region and an Assembly about which direction we want transportation to go in with the funding that we have and the considerations that influence that. Rather than getting into the detail of specific projects and what will happen where, we want to try to set a key standard for that.

Obviously there is a management issue with the current strategy. As I said, I am keen for that strategy to continue being implemented until such time as we have a new direction. That will involve consultation with groups such as the Committee, the integrated transport stakeholder group, which we meet regularly, and my officials. By talking to other people and through the public consultation, we want to ensure that we manage that transition from what currently exists to a consensus on what is needed for the future.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas inniu. I preface my remarks by thanking the Minister for his statement and by welcoming his intervention last Friday on the rescheduling of the timetable in Derry to ensure that trains will now come into the city at 9.00 am.

Will the Minister outline how the review will fit in with the regional development strategy?

The Minister for Regional Development: As I said in my statement, a number of reviews are ongoing, and the regional development strategy is one of the key reviews. To reflect that, it is natural that the regional transportation strategy is also reviewed. Those reviews are fairly substantial documents. Ultimately, they are Executive documents, but they will be taken forward by the Department. We have Executive buy-in to the process that we launched, to my statement today and to the discussion document that was launched.

It is important that all the strategies that the Executive develop, including the reform of local government and many of the other important issues that are being looked at, complement one other. It is also important that we do not have a position, either in a Department or between Departments, in which there are competing strategies or strategies that do not dovetail. Making sure that that does not happen is one of the benefits of having all Executive Ministers discuss those and other matters on a regular basis.

The review is closely aligned with the regional development strategy. That strategy will also align closely with the planning reform process, the changes to local government and a range of other strategies that

the Executive are considering for implementation. It is key that all of those strategies complement one other.

Mr Kinahan: I congratulate the Minister's Department on much of the great work that it does. Does he accept that our transport infrastructure is not keeping pace with the demands being placed on it and that his Department's statistic-driven decision-making may be limiting some of its decisions?

Does the Minister also accept that, for commuters in south Antrim and many other parts of Northern Ireland, the public transport network does not provide an option that is cheap enough or has enough capacity for growth to compete with road travel and that the resultant increase in private traffic creates a vicious circle of unreliability for all methods of transport during peak times? As fuel costs continue to rise, does he accept that the review must provide radical and innovative solutions to this growing problem?

The Minister for Regional Development: I want to see the review providing radical and innovative solutions to all our transportation problems. I do not necessarily concur with all that the Member said.

Passenger numbers on public transport are increasing, as is the number of people using cars. Therefore, the issue is getting a balance. We live in a largely rural area, and the road infrastructure is important. All our freight travels by road. The ability of regions to compete and participate in economic growth and development depends on them being connected by roads and the ease with which freight can get to and from them.

There are always competing demands, and the strategy will allow us, in consultation with the Assembly and all the other interested parties, to get that balance right. People will argue that a substantial amount of money is being invested in the roads, but we are emerging from a period of substantial catch-up. The Member talked about demands on the transportation system, but there are competing demands. There are demands for a better road network to get goods about and move people to and from opportunities for work and education. There are also demands relating to the impact that the amount of traffic on our roads has on increasing carbon emissions.

There are always competing demands; the issue is about striking the right balance, trying to get a proper level of investment in public transport and trying to get a public transport system that encourages usage, operates efficiently and effectively and provides a comfortable and reliable service and all the other things that are required of public transport. The review will allow the Department to further develop that sort of thinking. That is the type of balance that we have been trying to strike since I came into office. With the investment that is available to us, which is limited

because we compete for it with all other Departments, we will try to continue to strike that balance.

Mr Gallagher: The Minister's statement on the review and the key issues associated with CO2 emissions and the contribution of transport to congestion and connectivity is important.

Further to the points that other Members made about the importance of better public transport, can the Minister outline any steps that his Department can take to introduce healthy competition to the public transport sector? The Committee for Regional Development heard that his Department, although talking about possible competition, intends to continue to regulate the market for all operators. His Department also needs to look in more depth at transport in peripheral areas. The paper today gives us the line that extending the dual carriageway to Ballygawley and improving the road from Dublin to Derry is addressing peripherality in Fermanagh. That is no substitute for addressing peripherality, and it needs to be looked at in greater detail.

The Minister for Regional Development: I am surprised by the Member's approach to competition in public transport; I thought that he perhaps would not support an increasingly privatised public transport system. The lesson from England is that deregulation — of bus services in particular — was a disaster.

There is an attempt in the reform of public transport to make sure that we get the right service appropriate to here. That is why Translink will continue to be the largest public transport provider. There are other operators in the field, and there is a degree of competition as is, but there is no suggestion that the only way of improving the service is to deregulate it and open it up to more private companies and more competition. Nonetheless, I have no doubt that we will continue to develop those discussions in our engagement with the Committee.

There is, particularly in the west, Fermanagh and Tyrone and in Donegal and Sligo, a sense of peripherality. The dual carriageway and the improvements to the Dublin-Derry road are major schemes in their own right, but they are not the only ones. We are looking at improvements in and around Enniskillen and at the further development of the proposed southern bypass for Enniskillen; all those are coming on board.

Recently, I visited Fermanagh and, with my colleague Michelle Gildernew, had the opportunity to look at the roads network. I am conscious of the sense of peripherality there and of the limitations on our structural maintenance budget for the improvement that is needed on some of the non-major routes at county council level. However, I am not suggesting for one minute that the road improvement schemes outlined in my statement are the be-all and end-all for Fermanagh or the rest of the west, although they will make a

significant contribution to reducing the sense of peripherality. I have no doubt that we will continue to be reminded of what else is required there.

Mr B Wilson: I thank the Minister for his statement, and I welcome the review. The Minister said that there has been a significant increase in car usage and in carbon emissions since 2002. It is important that the Department move away from being the Department of road building and concreting over the countryside. The original strategy suggested a spending ratio of roads to public transport of 65:35. That has failed —

Mr Deputy Speaker: Order.

Mr B Wilson: That has failed —

Mr Deputy Speaker: Order, order. Sit. This is a time for questions to the Minister; it is not a time for making a speech. Ask a question, Mr Wilson.

Mr B Wilson: I am sorry. The suggested ratio of roads to public transport was 65:35. Is the Minister still committed to that ratio and, if so, how does he propose to achieve it?

The Minister for Regional Development: I have accepted publicly that that is not the current ratio, even though it was the intended one. It comes down to the sometimes simplistic argument of roads versus public transport, an argument that I do not accept, as the vast majority of public transport goes on the roads. Therefore investment in roads infrastructure and improvement to roads is not necessarily a downside to public transport; it is, in fact, an improvement. We want to continue that through the building of quality bus corridors, park-and-ride facilities and other investment in the rural roads networks. The rural roads network assists public transport in places where the railway system, even if we had the investment to put into it, would never reach.

It is important that, in the type of region that we live in, investment in roads continues. Of course, we want to move towards the 65:35 ratio, and I am committed to trying to achieve the ratio of spend that the Member outlined. As I said in response to a previous question, the transport corridors that people envisage as the key linkages between the centres of population are either under way or at design stage. Although there will always be arguments for road improvement schemes, that will allow us to start to shift the focus of the public transport debate, not into the distant future, but a substantial number of years into the future. It will allow us to shift to the type of debate that the Member outlined.

1.45 pm

Mr Bresland: I welcome the Minister's statement. In the light of the current economic downturn, will he confirm that additional funding is in place to complete the planned schemes in the existing regional transportation strategy?

The Minister for Regional Development: The Budget has been agreed up to 2011. I think that it was brought to the House in January 2008, voted on by the Assembly and adopted and agreed on unanimously by the Executive. A range of further schemes is identified in the investment strategy, and they will come online if the finances are available for them. That is why I always include that caveat when answering questions or making statements on matters that are subject to budgetary processes. However, I anticipate that we will continue to invest as outlined in the investment strategy.

The planned improvements to the key transport corridors, the additional investment in the railway system, the new trains, the investment in the track and the purchase of buses are key elements of the current transportation strategy and will continue to be key elements of a new transportation strategy. I certainly hope and intend to be able to invest as we have outlined. We will, obviously, return to a budgetary process after 2011, which will provide the Member with final answers to his question.

Lord Morrow: I want to ask the Minister about two issues. His statement mentions the fact that the A4 is being dualled from Dungannon to Ballygawley. Is that scheme on schedule, and will it be completed within the timescale that has been outlined?

I asked the deputy First Minister about this matter, but he seems to think that I should talk to the Minister for Regional Development about it. As I said earlier, the A5 is quite a controversial route, particularly the section from Aughnacloy to Ballygawley, where two new roads will run parallel to each other. It strikes me and many others, particularly farmers who will lose big tracts of land, that the new part of the A5 that is under construction from Tullyvar to Ballygawley will not be able to connect with another road that will be built in a couple of years. The two new roads will end up running parallel to each other, and one may make the other redundant. I want the Minister to comment on that matter, particularly on the fact that a section of that road has a two-and-a-half-mile curve on it. Why has that happened? It is beyond belief. The Minister has selected the preferred route, but is he prepared to reconsider?

Furthermore, his statement says that independent research indicates that only three in 10 people use bus services regularly and one in 10 people uses rail services. I wonder how those data were collected. For instance, does it take into account that one in 10 —

Mr Deputy Speaker: Order. I think that you have asked a question, Lord Morrow.

Lord Morrow: I notice that another Member got to ask four questions on one occasion, but I suppose that I am different.

The Minister for Regional Development: I will try to deal with all those questions.

I have heard nothing to suggest that there are any delays to the A4 scheme. Although there was adverse weather during the summer, the report that I read suggested that it would not impact on delivery or on the achievement of the target date for completion. I can check that matter again and let the Member know whether any other information is available.

The Member mentioned the A5 scheme, particularly the stretch between Aughnacloy and Ballygawley. He will know that the original improvements that are under way in that area were planned and envisaged before the funding was committed, particularly from the Southern side, for the type of road that we are now able to build from Aughnacloy to Derry.

The route was selected in accordance with those planned improvements, and a wide consultation process brought us to the stage at which the route corridor was selected. In the overall scheme of things, we are now looking at minor adjustments to the project. Therefore, I cannot agree to revisit the scheme, given that there was substantial consultation on it, including public consultation and an examination of all the available route options against a range of measures by which such things are judged. That was the preferred route, it was launched, and there will be further discussions with the people who have been affected on issues such as land acquisition, access to land, or the division of farmland. I do not doubt that that process is under way.

The same process took place with the Dungannon to Ballygawley project, in which a large number of landowners was affected. Substantial negotiations took place on the issues that that scheme raised. I cannot give a definitive answer as to where those two schemes can knit together properly, but I will ask Roads Service to provide a briefing for the Member.

Mr Elliott: I am somewhat concerned about the Minister's answer to Lord Morrow's question about the A5. Will he confirm that an equality impact assessment will be carried out on the proposed route to determine who it will affect under section 75? Will he listen to the concerns of groups and individuals and give a reasonable assessment of their proposals and suggestions?

The Minister for Regional Development: The examination of route options does not take account of the Protestant route or the Catholic route. Options are examined against a range of criteria, such as environmental or economic impact, and I do not think that religion is one of those. I am sure that the Member is aware that a similar approach was taken for the Dungannon to Ballygawley route, which is in his

constituency. The same criteria were analysed so that the preferred route could be selected.

I am not sure that section 75 applies when making decisions about roads; the choice between a Catholic route or a Protestant route does not come into it. The consultations with people who are affected by the proposed route will continue, as they did in a range of other schemes.

There have been similar schemes in my constituency in the past few years, one of which is under way at the moment. The people who are affected will be consulted to ensure that they are compensated properly for loss of land and that access and other issues are worked on. There has been a number of major road-building schemes not just in the North but right across the island in recent years, and every one of those projects encountered the types of issues that the Member raised. On every occasion, many such issues were sorted out with affected landowners. I have no doubt that the landowners affected in this instance will get an opportunity to make their voices heard. They should be listened to properly and compensated adequately for any impact that the scheme may have on them.

Mr P J Bradley: I thank the Minister for his statement. Earlier today, the deputy First Minister was asked about the Narrow Water bridge project. In reply, he talked more about the southern relief road around Newry. Where will the Narrow Water bridge project fit into the review of the regional transportation strategy? Will the Minister for Regional Development confirm that he is 100% committed to the Narrow Water bridge project on a stand-alone basis?

The Minister for Regional Development: I have answered that question so many times that the Member should be aware of the answer, but I will go through it again for him. The Narrow Water bridge project is being carried forward by the Southern authorities. They have granted money to Louth County Council to appoint consultants to assess the viability of options for the bridge project. Roads Service has been asked only to provide technical information on what the arrangements might be on the Warrenpoint side if such a project were to go ahead. I have expressed my support for that, and that remains unchanged: I would be happy to see the bridge developed. However, I repeat: the question of whether the scheme goes ahead is one for the authorities in Dublin. Neither Roads Service nor I have been asked to make any financial contribution to the project other than to assist with the provision of information and technical advice on the Northern side. That position remains unchanged. It is the same one that I articulated to the Member two years ago, and several times since.

Mrs Long: I thank the Minister for his statement and am glad to see that he is committed to making public transport a priority. I hope that it will also be a priority for those who have cars and choose to use public transport, not only those who do not have cars, although that is very important.

The Minister mentioned rapid transit for Belfast and is aware of public concerns about that scheme in east Belfast. Will the Minister provide an update on the time frame for consultation on that proposal? Will other options for using what is currently a dedicated walking and cycling route be included in any consultation that will go to the public?

The Minister for Regional Development: We have been around the houses a few times on that issue as well. The Member is aware that the Comber Greenway was identified very early on for rapid transit, even before it was developed as a walkway. It is a fine amenity. I have walked it myself and understand the attachment that the people of east Belfast have to it.

I will bring the Member up to date. Conclusions on the rapid transit system have not yet been reached. An examination is ongoing, and an examination is also ongoing of other routes in east Belfast. I am not in a position to give the Member a definitive answer. The Member and other interested parties will be informed of when and how a conclusion is reached, what options were considered and how the final decision was made. No decision has yet been reached.

Mr Ross: The Minister's statement focused on public transport and on how to get people out of cars and onto public transport. We could all subscribe to that, but does the Minister agree that the approach taken should be to make public transport more attractive to people, rather than going down the route of congestion charging or increasing town-centre car parking, which would have a negative effect on town centres?

The Minister for Regional Development: There is a balance between the carrot and the stick. The Member is right: public transport must be accessible and attractive. We have to move away from the notion that buses are only used by students and pensioners and that, once one can afford a car, one is no longer seen on a bus. Part of that is to do with improving public transport and its image, as well as the reality of using it. Trains will play a big part in that, and the rapid transit proposition for Belfast will also help.

Questions remain over how to deal with congestion and the number of cars coming into the city. Preventative measures may include the availability of car parking as well as the cost of it. The Member will see, through consultation, that there is an attempt to strike a balance. Reducing congestion is not just about trying to punish car users. If we improve the quality

bus corridors and the rapid transit route, so that people in cars can see public transport getting to its destination much quicker than they can, perhaps that will convince car users to opt for the public transport option instead.

There will be a range of measures. The purpose of the review and the new transportation strategy is to try to ensure that there are complementary measures, so that it is not all carrot and no stick or vice versa.

Mr McLaughlin: Go raibh maith agat, a LeasCheann Comhairle.

I welcome the Minister's statement, particularly the emphasis on his personal commitment to sustainable development. Will the Minister consider, in the context of the discussion and the consultation process, publishing commissioned research on the developing technology of battery-powered transportation? An experiment is currently being carried out in Paris with compressed-air hybrid engines. That type of innovative approach would make a significant impact on the environmental issue of emissions and would attract public and tourism interests.

The Minister for Regional Development: I agree with the Member. We have to keep abreast of current and developing technology around more efficient and environmentally sustainable means of transport and ways of providing energy for that transport.

Currently, Translink's fleet uses a blend of 5% biofuel and 95% ultra-low-sulphur diesel. Translink is committed to continue to monitor the future availability and sustainability of alternative fuel blends. European directives may push us further and faster down that road anyway.

2.00 pm

There is a commitment to use the most advanced technology possible, and we are looking at the rapid-transit proposals to see what types of vehicles might be used. Whether we commission research or take advantage of the substantial body of work that has been done, I am happy to examine all the options. I will try to ensure that we have the most cutting-edge technology available in order to provide the most environmentally friendly solution.

Mr G Robinson: I welcome the capital investment in public transport in recent years and agree that public transport can provide many benefits for the population. Does the Minister agree that it is essential to have public transport that suits the user, or passenger, rather than the company? We saw a situation on the Londonderry line recently in which the Minister had to intervene to ensure that passengers had a more accessible timetable.

The Minister for Regional Development: I do not intend to be involved in working out timetables for

Translink. However, the Member is right that there are occasions when a broader look must be taken at decisions that the Transport Holding Company makes, and how those decisions impact on passengers.

Translink has a passenger charter, to which it has adhered fairly well. Everyone who provides a public service, not just in public transport, should be focused on the customer's needs. All services, and the decisions that determine the provision of those services, should be for the good of the customer. After all, the whole purpose is to try to encourage more people to use the rail network and to avail themselves of public transport provision. That will be achieved only by focusing on what people want, what they need to get from A to B and at what time they need it. I concur with the Member's view that we can always improve on putting the customer first.

Reform of the Planning System in Northern Ireland

Mr Deputy Speaker: The Speaker has received notice from the Minister of the Environment that he wishes to make a statement on the reform of the planning system in Northern Ireland.

The Minister of the Environment (Mr Poots): With your permission, Mr Deputy Speaker, I will make a statement to advise formally that I have issued my planning reform proposals for public consultation. Members will be aware that the consultation paper 'Reform of the Planning System in Northern Ireland: Your chance to influence change' was issued for public consultation on 6 July 2009. On 3 July, I indicated that protocol did not permit me to make a written or oral statement owing to the paper's launch falling during the summer recess. I also indicated that I would make a statement to the Assembly as soon as was practical after recess, and that is the purpose of my statement today.

The reforms that are proposed in the consultation paper represent the most far-reaching changes to our planning system in more than 30 years. The proposals will help to transform our mainly regulatory planning system into a more responsive one that helps to enable appropriate development and to manage it in the public interest in order to achieve sustainable economic growth. Members will know that there has been widespread pressure for reform of the planning system from many quarters over the past few years.

We all recognise that the planning system needs to be able to adapt much more flexibly and quickly to the many challenges that face our society. The Executive's key aim is to grow the economy, and we need a planning system that will help us to do that. The recent global economic difficulties and the very challenging outlook for Northern Ireland reinforce the need to reform the planning system to make it more effective and responsive to the needs of all users.

Economic growth, including major infrastructure provision, requires development, but that development must be sustainable and take account of all relevant considerations in the wider public interest. The competing interests that often emerge in the assessment of development proposals require our planning system to balance important social, economic and environmental considerations.

However, I must stress the importance that should be attached to the economic benefits of a development proposal as a material consideration when a decision is being made on a planning application. My predecessor, Minister Wilson, made a statement on that matter shortly before leaving office.

I realise that the planning system cannot be expected to satisfy all interests all of the time. A

reformed planning system should, however, enable timelier decision-making in a way that is transparent, demonstrably fair and delivers better development decisions. No one should underestimate the scale of the reform programme, particularly when combined with the transfer of responsibility for the majority of the planning functions to the 11 new district councils. The reforms that I propose are fundamental and wide-ranging, and, over time, almost every aspect of the system will change.

I will take a few minutes to draw out some of the key elements of my proposal. I propose a new streamlined, fit-for-purpose and responsive local development planning system that will enable the 11 new district councils, communities and developers to work together on the preparation of plans setting out a clear and realistic vision of how places should change and what they will look like in the future. The proposals are intended to produce more flexible local development plans in a shorter timescale, which will reduce from the current six and a half years to approximately three and a half years.

I propose a new two-stage process comprising a planned strategy document and a site-specific policies and proposals document. The introduction of a structured programme management approach will help to ensure speedier delivery. The replacement of the issues stage with a preferred options document will help to increase the participation of the public and other stakeholders early in the process. Plans will be more strategic and responsive, and they will provide greater clarity.

As far as the more effective processing of applications is concerned, we must move away from the current system of development control to a new regime of development management. The proposals are intended to change the culture of the planning application process to ensure that it is responsive to different types of proposals and that it will help to deliver development, rather than mainly control it. It is a question of improving efficiency in determining applications while preserving the safeguards in the system and enhancing public and community involvement at appropriate points in the process.

The creation of a hierarchy of development is a fundamental element of managing development. The intention is to encourage a more proportionate approach to processing applications by focusing resources on proposals that involve a greater economic, social or environmental impact. The hierarchy determines whether a development is classified as regionally significant, major or local, and that, in turn, affects the way in which an application is processed. By introducing new processes, such as performance agreements, pre-application community consultation and predetermination council hearings,

we hope to achieve efficiency, greater certainty about timescales and enhanced transparency and openness.

The introduction of arrangements for the delegation of decision-making to officers, thereby building on the successful streamlining project, will also speed up decision-making and enable work on the ground to start more quickly.

Enforcement is also inextricably linked to development management. The power to take action against unauthorised development and breaches of planning control is a fundamental element of the planning process. Without it, the credibility and integrity of the planning system would be undermined. The consultation paper seeks views but offers no firm proposals on the introduction of provisions similar to those proposed as part of reforms in Scotland, such as fixed penalty notices for breaches of planning control. The consultation paper re-examines the issue of criminalisation. The paper sets out in more detail the advantages and disadvantages of making it a criminal offence to commence development without the required planning permission, and it seeks current public opinion on those matters.

I am considering the role and content of planning policy statements. I propose that they should, in future, provide strategic direction and regional policy advice. The new councils would subsequently interpret that information in local development plans. I have asked my officials to ensure that future planning policy statements are shorter, more focused and prepared more quickly.

Another key proposal relates to the role that consultee bodies play in the planning process. I propose to expand the list of statutory consultees to ensure that, post-RPA, planning authorities consult relevant statutory bodies. In conjunction with that, I intend to introduce a statutory obligation on the relevant authorities to respond within a specified time frame.

Although I recognise the current extremely difficult economic climate, there is an important debate to be had in relation to the contribution that the development industry can make to the provision of the infrastructure that is necessary for Northern Ireland's economic and social improvement, and on the best, or most suitable, efficient, and effective ways for securing such contributions. The consultation paper will begin the debate on those issues.

In view of the previous and continuing interest from some parties, I have re-examined the case for third-party appeals as part of the planning-reform programme. Although there are benefits claimed for third-party appeals, there will also be costs and impacts on the planning system. The proposals relating to front-loading third-party involvement in the planning system

will promote better-quality plans and policies that will then provide a firmer basis for decision-making. Therefore, the consultation paper does not propose to make provision for third-party appeals in the current package of reform that is to be brought forward by 2011. However, I am keen to take views on the issue. All views will be fully considered before a final decision is reached.

Building capacity, both in the planning system and with stakeholder bodies, councils, consultees, developers, and so on, will be critical to the success of the proposed reforms. Neither I nor my officials can build that capacity into the system. It requires all stakeholder organisations to consider their roles and to play their part in increasing understanding, knowledge and capacity in order to improve the planning system.

Of course, we cannot ignore the issue of funding. We are talking about a different approach to planning as it is one of the new functions to be delivered by the new councils. I recognise that funding needs to be explored carefully in the new operational arrangements. Although planning fees will continue to be set centrally post-transfer, the arrangement will be reviewed in the future.

If accepted, many of the proposed reforms will require legislative changes, which take time. Of course, we will continue to take immediate steps to improve the planning system where we can, particularly to introduce measures to speed up the system so that it contributes to the Executive's top priority of promoting economic growth. My officials have taken forward work in a range of areas to improve effectiveness in the short term. In May 2011, the responsibility for the majority of planning functions will move from the Planning Service to the 11 new councils, creating a two-tier system of planning, with new roles for central and local government. The reform proposals were prepared in that context.

Local representatives will become the decision-makers on the majority of planning applications and will set the context for those decisions through their new local development plan functions. The only exception will be a small number of applications that have regional or sub-regional significance. Those will be processed by central government and will be determined by the Minister of the Environment. The new district councils will also act as consultees on regional plans and policies, including the regional development strategy. They will also carry out enforcement against the breaches of planning control. In addition, local government will assume responsibility for associated resources, including the planning staff who will transfer with the relevant planning function. That represents a solid foundation for the development of strong, effective local government that delivers a broader range of services.

Of key importance is the provision of high-quality, efficient services that respond to the needs of people and continuously improve over time. As already indicated, the consultation commenced on 6 July and will close on 2 October. Stakeholder consultation events are running throughout September in each of the 11 new council areas. Planning officials are attending each of those sessions to discuss and to respond to queries on the proposal. Details of the stakeholder events that are still to take place are available through the Planning Service website. I encourage everyone who has an interest in planning to attend one of the remaining events if they have not already had the chance to do so, and to respond to the consultation paper.

All responses will be considered carefully before final policy decisions are taken. If the public consultation process indicates support for the proposals, significant change will be required by all players in the planning system to adapt to new and different procedures and to change culture and mindsets.

2.15 pm

The publication of the consultation paper lays the foundation for transforming the current planning system and is a significant step on the journey to securing greater effectiveness and responsiveness for all users of the system. It is important that everybody contributes to the debate on how to ensure that Northern Ireland has a first-class planning system that serves the needs of all the people. I commend the planning reform consultation paper to the Assembly.

The Chairperson of the Committee for the Environment (Mrs D Kelly): I thank the Minister for his statement. Last week, his officials drew my Committee's attention to the fact that no budget has been secured beyond this financial year for the additional staff needed for the planning reform process. The officials indicated that there are insufficient funds of almost £1 million to cover the cost of staff required to address the extensive programme of work needed to reform the planning system and to prepare for the transfer of planning functions to the new councils by May 2011.

How does the Minister anticipate funding the delivery of his planning reform proposals? I welcome his commitment to grow the economy and to give weight to planning applications of an economic bent. However, given the length of time required and the present dire need to grow the economy, will the Minister now advise his Department on decisions on current planning applications that have an economic focus?

The Minister of the Environment: I thank the Committee Chairperson for her question. I will bid for the full anticipated requirement for the delivery of planning reform, which is vital for the well-being of

Northern Ireland. I anticipate receiving the support of the Committee in those bids, because it always strengthens a Minister's case to have Committee support in making such bids. I assume that the Committee will be unanimous in providing that support.

I will give, and have given, a clear direction to the Planning Service that it must issue decisions in light of economic conditions. I wish to deal with many issues that relate to the existing backlog. I will seek to encourage faster decisions, even if they are refusals, because people prefer certainty rather than uncertainty. It is better to issue refusals than to have indecision followed by refusal two years down the line. I want decisions that benefit the local economy and that can be acted on by applicants.

Mr Weir: I thank the Minister for his statement. A major frustration for Members who have been involved in local government and in the planning process is the length of time that it takes for a planning application to come to fruition. That can frustrate applicants, those dealing with the issue from a local government perspective and, sometimes, objectors.

The length of time that statutory consultees take causes big delays. Will the Minister outline how his proposals will address the problem of the length of consultation time for statutory bodies? Will he expand on his statement on that issue?

The Minister of the Environment: Statutory consultees have improved, and many organisations that are not related to my Department have improved considerably. I acknowledge the help of other Departments in that improvement, but there is more work to do.

The worst organisation, the Northern Ireland Environment Agency (NIEA), is in my Department. Although it has made considerable improvements, I want it to make greater improvements. In England, for example, the deadline for responses is 21 days. As part of our reforms, we will seek to introduce a deadline of 21 or 28 days. We await public feedback on what is best. That is how we intend to improve statutory consultees' reporting processes.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. Cuirim fáilte roimh ráiteas an Aire.

I welcome the Minister's statement, and I wish him every success in his new role. Perhaps it will be third time lucky for me, and there will be no new Ministers until the end of the mandate.

Third-party appeals are a live issue. If there is strong support for third-party appeals, either in verbal or written form, will the Minister seriously consider implementing them in the final policy?

I wish to raise the matter of the economic benefits of a development proposal as a material consideration.

In the absence of draft area plans, people have made submissions to develop ground. Given the potential economic benefits, will the Minister consider examining some of those applications, even in the absence of area plans, because it will be some time before the policy is operating? Go raibh míle maith agat.

The Minister of the Environment: We are considering other systems to deal with third-party appeals. People have asked us to consider various examples, and we are happy to do so. We have to weigh up the advantages of third-party appeals, which provide the public with extensive opportunities to become involved throughout the planning process. However, there are disadvantages. For instance, they can slow up the planning system, and I would be deeply concerned that that might cause the system to stagnate, which would not benefit anyone. Nevertheless, we have certainly not closed the door on third-party appeals, and we will consider the matter further.

I particularly ask people to consider the benefits of front-loading applications, whereby public consultation takes place at an early point. We want developers to consult with the public and, when possible, come to an agreed way forward. We are looking for real and meaningful discussion between those who are developing projects and members of the public, but we will not be satisfied with a box-ticking exercise. We will weigh the advantages of third-party appeals against front-loaded applications, which make the argument for third-party appeals less compelling. Nonetheless, we will consider them.

Given the absence of area plans and the fact that some developments may wish to proceed but not as much land has been approved as might otherwise be available, we are probably not in a position in which there is such a huge demand for development as there was two years ago. With many sites in Northern Ireland, the biggest problem for developers is selling houses. Consequently, many sites are not going ahead as quickly as we would like. Therefore, we need to be careful about introducing additional land that is outside current development plans.

Mr Beggs: I welcome the Department's intention to produce more flexible development plans to enable projects to be developed locally. Will the Minister confirm the continuing role of the regional development plan and how it will interact with local area plans? Will he also clarify what will happen to outstanding local area plans that are at an advanced stage, such as the Antrim, Ballymena and Larne area plan, which was consulted on many years ago?

The Minister of the Environment: Area plans are working towards completion, and we hope to finish them before 2011. If it is believed that it is not possible to finish plans before that date, we will enter into

discussions with the new councils' transition committees to see how the plans can be completed. That is the route that we intend to take.

Mrs Long: I welcome the Minister's statement and the emphasis on dealing with area plans. I trust that he will focus on trying to ensure that they are in place in a timely fashion to avoid a recurrence of the current vacuum.

What contact has the Minister had with DRD to ensure that the regional transport strategy, for example, dovetails with area plans? I am also interested in the Minister's views on appropriate weighting for economic arguments versus, for example, built heritage, environment, local amenity, and so on.

The Minister of the Environment: Our linking up with the regional development strategy has, of course, always taken place. That will not be lost, because the local transition committees, which will become the local councils, will take over the DOE function of engaging with others on the development of plans. The new council, with those powers, will act in a similar way to which the Planning Service currently acts in identifying the infrastructural needs of the local community and will work closely with DRD on that particular issue.

On the issue of economic development versus built and natural heritage and other issues, we have a planning system that goes through a consultation process whereby each Department and statutory consultee brings forward its opinions. The Planning Service does not lightly overlook those opinions at any point. What Minister Wilson indicated in his statement was that, when a decision was marginal and was not a clear-cut refusal, economic development considerations would be given precedence. So when there is a decision that planners may previously have found slightly more difficult to make a judgement on, if there are considerable economic development benefits, that decision should come down on the side of the economic development benefit.

Mr Deputy Speaker: As Question Time commences at 2.30 pm, I suggest that the House takes its ease until that time. Questions on the Minister of the Environment's statement will continue after Question Time, when the next Member to ask a question will be Mr Alastair Ross.

The business stood suspended.

2.30 pm

(Mr Speaker in the Chair)

Oral Answers to Questions

Mr Speaker: Before we begin Question Time, I advise Members that from today we do not have any advance notice at the Speaker's Table of Members who wish to ask supplementary questions. We are therefore relying solely on Members rising in their place if they wish to be considered for a supplementary question. Members need to keep rising at the end of the Ministers' replies if they want to be called. Let me make it clear: I will call only Members who are on their feet. In the past, there has been reluctance from Members to rise in their place during Question Time; there does not seem to be reluctance when they are making points of order. It is vitally important that Members rise in their place. In the Chamber, there are Members from another House who can demonstrate how it can be done.

In the past, Members have got up halfway and sat down again, and I am not sure whether they are serious about asking a supplementary question. There are also some Members who nod up to the Chair. Let me make it clear: if Members do not rise in their place, from today onwards they will not be called for a supplementary question.

HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

Hospital Waiting Times

1. **Mr Moutray** asked the Minister of Health, Social Services and Public Safety what is the anticipated reduction in waiting time for a bimaxillary osteotomy, and how many patients have had their waiting time for this procedure reduced since the introduction of the new waiting list initiative. (AQO 1/10)

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): The waiting list initiative has halved the time which patients can expect to wait for inpatient treatments such as bimaxillary osteotomy. The current waiting time target is that patients should not wait more than 13 weeks for inpatient treatment. That compares with a 26-week wait in 2006-07. In June 2009, there were no patients on the elective waiting list for bimaxillary osteotomy.

Some patients will have this procedure as a planned case — in other words, the operation is part of a staged

treatment plan, which involves a planned series of treatments over a number of years. Such patients are placed on a planned waiting list rather than on the elective waiting list. In such cases, their waiting times for treatments are determined by clinical need rather than the elective access waiting time targets.

Mr Moutray: I thank the Minister for his response. However, one of my constituents in Lurgan, Mr Niall McSherry, was supposed to have the surgery in November 2008. That operation has been delayed several times. Will the Minister agree today to look into the case as a matter of urgency so that Mr McSherry can have his surgery?

The Minister of Health, Social Services and Public Safety: The elective target times do not apply as part of planned treatment. Many people, such as children who are not yet mature enough to have the operation, have been waiting for treatment for many years. I heard what Mr Moutray said about the individual concerned. If the individual has been in a fit state to have the operation since November, he has been waiting for too long. I will be happy to investigate the case and come back to Mr Moutray, if he gives me his constituent's name again.

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle. What percentage of patients are being referred to private healthcare providers so that the waiting list initiative targets can be met?

The Minister of Health, Social Services and Public Safety: Without the Member specifying the area where she is talking about the independent sector being applied, it is difficult to be specific about its use. Is she referring to the particular issue of bimaxillary osteotomies, or does she have some other procedure in mind? It is part of my policy to eventually build the capacity within the Health Service so that we do not need to resort to the independent sector. At the moment, however, the independent sector provides additional capacity, and that allows our patients to be seen.

Mr O'Loan: I do not think that there is any doubt that there has been a dramatic reduction in many of the waiting lists, and that is welcome, but I wonder at what cost. One of the mechanisms for addressing the problem has been to bring in, with considerable fees attached, consultants from elsewhere. They have been brought in at weekends and put up in hotels, and the whole administration around that has been considerable. How sustainable is that policy, and has there been any analysis of the costs that are involved? What does the Minister have to say about creating a sustainable system that will keep waiting lists under control?

The Minister of Health, Social Services and Public Safety: To illustrate Mr O'Loan's point, I have allocated a large sum of money for extra cardiac operations, allowing for an extra 700 cardiac

operations over three years. I did that because our waiting lists were too large and too long, and patients were literally coming to harm waiting for their operations. I put that money in place to provide life-saving operations. We do not have the capacity in our hospital system to provide those operations, and it will take approximately five years to build that capacity. Therefore, the question was whether I should have waited for that capacity to be built and allowed patients to die on the waiting list or whether I should have taken the initiative. I took the initiative.

The Member asked at what cost those procedures have been made available, and I ask how the cost should be measured. Is a patient's life measured in pounds and pence? I do not do that, and I think that doing so is the wrong way to proceed.

We have a large number of patients, and we have a capacity issue throughout the Health Service, because, as Members are well aware, the Health Service was seriously underfunded over many years. There was a serious underinvestment in infrastructure and resources; therefore, the capacity is not what is required.

I must decide whether I allow our patients to come to harm or whether I find the capacity somewhere else. I think that the Member has answered that question for me.

Belfast Health and Social Care Trust: Urology

2. **Dr McDonnell** asked the Minister of Health, Social Services and Public Safety to detail (i) the current capacity deficit within the Belfast Trust to meet the demand for urology services; and (ii) what steps he intends to take to address this deficit. (AQO 2/10)

The Minister of Health, Social Services and Public Safety: A regional review of adult urology services was undertaken recently in response to concerns about the ability of our urology services to manage growing demand, maintain quality standards, and ensure high-quality services. The review report addressed in detail how demand and capacity have an impact on that speciality. I am considering the report, and I intend to publish it for public consultation shortly.

Dr McDonnell: I thank the Minister for his answer. However, I suggest that there is distress out there and that there is severe pressure on the service. Although staff and post holders, both medical and otherwise, work hard, their numbers are too small and they are overstretched, which adds to the stress of patients who are badly in need of urology support services.

The Minister of Health, Social Services and Public Safety: I appreciate Dr McDonnell's comment. I am aware of that situation, and that is why I conducted the review and why I intend to publish

shortly a plan that will allow us to create the capacity that is required.

The demand for urology services has increased year on year, with an increase of 9.3% last year alone; therefore, we have an issue with our capacity. The review addressed that, and I will publish my response to that major deficit shortly.

I will give Members an example of the sort of numbers that we are talking about: for 2007-08, the plan funded for 33,369 separate activities, but there were actually 43,000 such activities. That meant that there was a major shortfall, but we managed much of that additional activity — some 8,500 — in-house. However, a small amount still had to be bought from the independent sector. It is a stretch for staff to attempt to manage that extra capacity, and that is why I have taken steps to review capacity and resource. Demand is rising, and historically funding has not been what it should have been.

Mr McCarthy: Thank you Mr Speaker —

Mr Speaker: I remind the Member that if he wishes to ask a supplementary question he must rise in his place.

Mr McCarthy: I am up now Mr Speaker. *[Laughter.]* Will the Minister exercise his authority to everyone in the Belfast Trust? That applies not only to urology patients but to sufferers of ME and ADHD who need services but from whom, I understand, referrals have been withdrawn.

The Minister of Health, Social Services and Public Safety: I am not aware specifically of services being withdrawn in the Belfast Trust. If the Member wishes to write to me, I will be happy to look into the situation, make investigations and come back to him.

Swine Flu

3. **Mr Cree** asked the Minister of Health, Social Services and Public Safety for his latest assessment of the swine flu outbreak. (AQO 3/10)

10. **Mr Armstrong** asked the Minister of Health, Social Services and Public Safety how much it has cost his Department to respond to the swine flu pandemic. (AQO 10/10)

The Minister of Health, Social Services and Public Safety: With your permission, Mr Speaker, I will answer questions 3 and 10 together.

I am pleased to report that Northern Ireland, along with the rest of the UK, is experiencing a downturn in swine flu activity. Recent GP consultation rates for flu and flu-like illnesses and the number of antivirals issued — two indicators of the level of swine flu activity — have decreased. However, that recent

decline in activity will not lead to complacency. Experience from previous pandemics and the advice of our medical experts mean that we must prepare for an increase in cases later this year.

My officials have developed and costed possible scenarios based on varying levels of virus spread and demand across the service, which estimate that swine flu will cost the Department between £65 million and £96 million this financial year. The best estimate, which assumes a moderate level of virus spread and demand, predicts costs of £78 million, £30 million of which has already been incurred, with £27.5 million resulting from solutions that ensure that the Northern Ireland population has the same level of protection as the rest of the UK.

I have requested permission to address the Assembly in greater detail tomorrow on swine flu, and I hope to provide an in-depth summary of the recent developments in that area.

Mr Cree: Will the Minister confirm that, as part of his Budget settlement, he can bid for extra funding, such as funding for pandemic flu? Does he agree that there will be consequences for the Health Service if he does not receive that funding?

The Minister of Health, Social Services and Public Safety: Yes. The Budget deal that I did with Peter Robinson allows for the recurrent resource plus capital plus the first £20 million of in-year money, flexibility over my budget and the right to bid for pandemic flu funding. The Budget settlement specifically contains bids for pandemic flu, so it is quite clear where we are. At that stage, I had no way of estimating whether there would be a pandemic flu or of estimating how much it would cost. There will be extreme consequences for many areas in the Health Service if the bid is unsuccessful.

Mr Armstrong: Has there been any extra pressure on the Health Service over the summer because no money was made available for swine flu in the June monitoring round?

The Minister of Health, Social Services and Public Safety: I have already expended £27.5 million as part of the national agreements on swine flu. Members will be aware that, as part of the UK-wide national response, the four Health Ministers from England, Scotland, Wales and Northern Ireland meet together through Cabinet Committee, and we have agreed a series of measures. Some of those measures are already in place, and others are coming into place. I have reported on several occasions that there are sleeping contracts for vaccines, extra antivirals, extra antibiotics, personal protection equipment and so on.

Mrs I Robinson: I suggest that Members watch the House of Commons debates, and they will understand

that they have to stand up every time a Member finishes his or her question.

On how many occasions has the Minister been in touch with the Treasury in London to discuss the important issue of clawing back any moneys that the Department of Health, Social Services and Public Safety is out of pocket for? Given that swine flu is a pandemic that stretches right across the United Kingdom, it would seem likely that the Westminster Treasury would pay that cost.

The Minister of Health, Social Services and Public Safety: I am pleased to hear Mrs Robinson say that it is likely that the Treasury will pay that cost. That, indeed, is news to me, and I am sure that it is also news to the Finance Minister. We look forward to that —

Mrs I Robinson: It is a real question.

2.45 pm

The Minister of Health, Social Services and Public Safety: I am answering a real question, but comments being made from a sedentary position do not allow that answer to be given. It is not my responsibility. I must not tread on the responsibilities of the Finance Minister, and therefore any input I might have to the Treasury would be through the Department of Finance and Personnel. I can report that I asked the previous Finance Minister to make such an application to the Treasury last May. The response that was given in June was negative.

I and the other Health Ministers also raised the issue at our COBRA meeting and were given a similar response from an attending Treasury Minister, but I am gratified to hear that it is likely that the Treasury will meet that cost. We will all welcome that, because the cost will be over £70 million. I have stated how much the Department of Health can contribute, and that is substantial, but it does leave a very big shortfall. Anyhow, I am delighted to hear of that successful negotiation.

Mrs McGill: Go raibh maith agat, a Cheann Comhairle. Will the Minister outline what communication he has had with the Health Minister in the South in relation to his Department's approach to swine flu? I am particularly interested in what happens in the border counties, such as Tyrone, Fermanagh, Derry and Armagh.

The Minister of Health, Social Services and Public Safety: I can report, as I have done on other occasions, that my officials are in constant contact with officials from the Department of Health and Children. I have had a meeting with Mary Harney, the Minister down South, and I have had telephone conversations with her. We are taking forward and sharing all the information jointly. The information

received through COBRA is also shared with the Irish Republic. We obviously have a border with the Irish Republic. One of the key steps that we are looking at taking in the UK involves the effective sharing of resources so that, if there is a swine flu surge in one part of the country but not in another, patients could perhaps be moved to areas where there is available slack. That would present great difficulties for us in Northern Ireland, but there is the possibility that there can be some cross-border sharing. That is one of the areas that I am looking at.

Action Mental Health Vote

4. **Mr O'Dowd** asked the Minister of Health, Social Services and Public Safety to outline the reasons behind the decision to withdraw funding, from 1 April 2010, from Action Mental Health Vote project in the Craigavon and Banbridge area. (AQO 4/10)

The Minister of Health, Social Services and Public Safety: The decision to withdraw funding from the Action Mental Health vote project was made by the Southern Health and Social Care Trust. The trust provided funding for 30 places on the project, but only 15 of those were taken up by trust clients. The service was not fully utilised by trust clients, so the trust has therefore decided to provide individualised services for its clients.

Mr O'Dowd: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for that answer. The scheme, although it may not have been used by trust clients, is a very effective and efficient one. It is there to provide individual learning courses to 16- to 25-year-olds with learning difficulties in the Craigavon and Banbridge area. The scheme levers in £178,000 of funding from other sources. On many occasions, sometimes quite correctly, the Minister has complained that his Department does not have enough funding. Surely a scheme that attracts £178,000 of other funding should be supported by the trust and the Department.

The Minister of Health, Social Services and Public Safety: The point to stress is the one that I made in the original answer. Although the trust provided 30 places, only 15 were taken up, not all of those by clients who have learning disabilities; some were taken up by clients with learning difficulties. The Member will understand that the trust is responsible for the first of those two groups. We have to spend our money in areas that we are responsible for. I take the point that the service is valuable. It is offered to 18- to 20-year-olds, individuals who are at an important transitional period in their lives. However, if the trust pays for 30 places and only 15 are taken up, that obviously does not fit the demand that the trust has identified. The trust will now provide funding for clients on an individual basis.

I also make the point that the Health Service funds almost £1 million of transition services throughout Northern Ireland, so it is not a one-off, stand-alone service. We recognise the need for transition services, but sadly, for whatever reason, that particular service is not getting the necessary support.

Mrs D Kelly: I am also familiar with that project. Will the Minister assure the House that there was proper promotion of the service and that it was not the case that places were not taken up because people did not know about it because their key workers had not referred them to it?

Will he also give us some indication of the financial cuts to the support for such services, which are provided by the community and voluntary sector?

The Minister of Health, Social Services and Public Safety: As far as cuts are concerned, the Member will know that she and everybody else voted for efficiencies, not cuts. She was aware of the plans that were available from the trust when she made that vote; therefore, whatever the detail of what the trust is doing, she voted for it. Perhaps I should be asking her what the cuts are.

Mrs D Kelly: I did not vote for them.

The Minister of Health, Social Services and Public Safety: Well members of your party certainly did. I also know that there are Members who promised the unions that they would not vote in that way and then broke their word, but that is for another day.

I assure the House that the service is something that the trust is funding and does not take lightly. There was proper assessment made of the service. The Member may say that it is sad — I am sure that it is a very good project — but, of the 30 places available, only 15 were taken up, despite the best efforts of the trust. Not all of those places were taken by clients with learning disabilities; some were taken by clients with learning difficulties. Learning difficulties are not necessarily the responsibility of the trust; they may be the responsibility of another Department.

Gynaecological and Obstetric Services

5. **Mr McElduff** asked the Minister of Health, Social Services and Public Safety what efforts his Department has made to reinstate gynaecological and obstetric services at the Tyrone County Hospital in Omagh and the Erne Hospital in Enniskillen. (AQO 5/10)

11. **Mr Bresland** asked the Minister of Health, Social Services and Public Safety if he supports the decision of the Western Health and Social Care Trust to move all gynaecology services to Altnagelvin Hospital. (AQO 11/10)

The Minister of Health, Social Services and Public Safety: With your permission, Mr Speaker, I will answer questions 5 and 11 together.

The delivery of health and social care services and the recruitment and employment of the appropriate staff to deliver those services are primarily the responsibility of trusts. I am satisfied that the Western Health and Social Care Trust has done everything possible to recruit and retain the appropriately skilled and trained staff. I am pleased to say that that is reflected in the fact that, from today, all services — outpatient, inpatient and day cases — have been reinstated.

Mr Speaker: I call Mr McElduff to ask a supplementary question.

The Minister of Health, Social Services and Public Safety: I have not quite finished.

The safety of patients receiving treatment in any part of the Health Service is my first priority. To ensure their safety, patients should always be treated in facilities where the skills and expertise appropriate to their needs are available. On that occasion, due to a short-term difficulty in recruiting the appropriate staff, the Western Health and Social Care Trust was unable to assure itself of the safety of the gynaecological services at the Erne hospital: that is why the services were temporarily suspended, and I am satisfied that that was the right decision.

Mr Speaker: I now call Mr McElduff to ask a supplementary question.

Mr McElduff: Go raibh maith agat, a Cheann Comhairle. I welcome the Minister's response, particularly the news of the reinstatement of those essential health services taking effect from today. I ask the Minister to provide a categorical assurance that there will be no removal of essential gynaecological and obstetric services west of the Bann in future. The Minister will know that the mere mention of removing those services causes huge anxiety and inconvenience among women who are already disadvantaged by residing west of the Bann.

The Minister of Health, Social Services and Public Safety: Seventeen women were sent to Altnagelvin Area Hospital; some have now been returned as they did not require treatment in Altnagelvin and have gone back to the Erne Hospital. Altnagelvin, as I understand it, is west of the Bann.

Although I appreciate and understand the anxiety that Mr McElduff referred to, the Health Service — this relates to a previous answer that I gave to another Member — has been seriously under-resourced over many years. Specifically, that under-resourcing relates to the recruitment of junior doctors. To address the problem, we have increased the number of students going through medical school by 40%, from 150 to

246, per annum. However, they must work their way through the course, so it will be 2012 before we start to see the benefits. That is why that problem occurred.

I will always work to ensure that those services are retained, not just west of the Bann but in Omagh and Enniskillen. However, I will not do so at the risk of patient safety.

Mr Bresland: Thank you, Mr Deputy Minister. Does the Minister accept that the forced closure of the gynae services in the Erne and Omagh hospitals a few weeks ago because of a shortage of junior doctors reflects badly on mismanagement of the Health Service? There are similar shortages in other hospitals in Northern Ireland.

Mr Speaker: I call the Minister.

The Minister of Health, Social Services and Public Safety: Thank you, Mr Speaker, or “deputy master”, as you were referred to.

No, I do not accept the Member's assertion at all. The Western Health and Social Care Trust is, clearly, very well managed, as is the Health Service throughout Northern Ireland. However, we must consider the large numbers of patients and staff whom we are dealing with and the difficulties in a number of areas. I just explained in a previous answer the difficulty of recruiting junior doctors. We recruit about 1,700 junior doctors per annum. In this case, although the Western Trust could not have known it, of the six doctors who were allocated to it, one began work; two are awaiting visas; two withdrew at the end of July within a week of their start date; and one did not meet the required competencies, so the trust will look at that through retraining.

We are now back in a satisfactory position. It was one of those situations that could not have been foreseen. However, there are difficulties because, as I said, the capacity is not there, and, therefore, we are relying on recruitment, currently from inside the EU and then from northern India. Historically, northern India was a very fruitful recruiting ground for the Health Service for doctors, but we are not allowed to recruit there until we have exhausted Europe. That is the issue, and that is one of the problems that we face.

Full service was restored in two weeks, and I expect that we will be able to carry on, but I give this caveat: we have a shortage of doctors. I have increased the numbers going through medical school by 40%. When those graduates start to come through, I expect that our problems in this particular area will be obviated.

Dr Deeny: We are, hopefully, talking about top-standard and high-quality junior doctors. Is the Minister not surprised how quickly those places were filled: in two weeks? Was there competition for those places, were there interviews, or were doctors simply found somewhere and put in place?

The Minister of Health, Social Services and Public Safety: The Western Trust is discerning in its recruitment. Two applicants were awaiting visas. I do not know the exact circumstances, but I presume that those visas have come through. Two withdrew because they got better offers somewhere else, and one is undergoing more training. Therefore, the trust has been able to extend the recruitment period. This has occurred not only in gynaecological vacancies and not only at the Erne Hospital, but five out of six applicants falling through was a most extreme situation. That is very unusual, but within two weeks the trust was able to plug that gap, and I am assured that the quality of patient care and safety will not be compromised.

Mr Elliott: I am pleased to hear the Minister say that services have been restored to the Erne Hospital as from today, but will he tell me whether any discussions are taking place with the body that is responsible for appointing those junior doctors to ensure that this situation does not reoccur in this or any other service?

The Minister of Health, Social Services and Public Safety: I have arranged to talk in depth with the trust. However, of course we undertake HR planning as far as the various competencies are concerned. It was not entirely in the trust's control that two people withdrew at the very last minute to take what, I suppose, they regarded as better jobs, or that two others had visa problems. That was the situation. As I said, we have an historical shortage of junior doctors.

Demand on the Health Service is rising all the time. To deal with that, I have increased the numbers of students who will go through medical school by 40% from 150 to 246. The benefits of having those extra 96 students will be seen by 2012. Perhaps that action should have taken earlier, but that is not for me to say. I can talk only about my time in charge, and I believe that the steps that I have put in place will go a long way to meeting the need.

3.00 pm

Mr Gallagher: Does the Minister agree that the fact that people appointed to those posts can withdraw two weeks before starting time or not turn up because their visas are not in order shows that the procedures in the Department, the trust or the Northern Ireland Medical and Dental Training Agency must be reviewed? Will procedures be reviewed in whichever place the responsibility lies?

The Minister of Health, Social Services and Public Safety: I have largely answered that question. Responsibility lies with the people who, historically, made the decisions on the number of students at medical school. The answer is to recruit more students to train at medical school. There is no problem in recruiting very high-quality students to the medical

school at Queen's University. The increased recruitment should have dealt with the issue by 2012.

Issues regarding visas are outside the Department's control, as is the withdrawal of two individuals to take a better job. I manage the situation as it stands, and we are where we are. I am not clear that I can put a stipulation on a student going to Queen's University that they must take whatever job they are offered through our local recruitment process. The two individuals who withdrew at the last minute were irresponsible, and that is obvious to all of us. I wonder, with some trepidation, what sort of doctors they will eventually make.

REGIONAL DEVELOPMENT

Flood Prevention

1. **Lord Browne** asked the Minister for Regional Development what work is being carried out to prevent the repeat flooding in East Belfast. (AQO 16/10)

2. **Mrs Hanna** asked the Minister for Regional Development, in light of the recent floods and those which occurred during the previous two years, if he will develop a preventative strategy for flood management. (AQO 17/10)

3. **Mr Weir** asked the Minister for Regional Development what strategy his Department is pursuing to provide long-term solutions for households which are vulnerable to flooding but which are not on flood plains. (AQO 18/10)

The Minister for Regional Development (Mr Murphy): Go raibh maith agat, a Cheann Comhairle. With your permission, I will reply to questions 1, 2 and 3 together. I apologise in advance that that will result in a much longer answer than would ordinarily be the case.

Roads Service is responsible for the maintenance of storm water carriageway gullies that are part of the public road network, and it aims to clean all gullies in urban areas twice a year. That policy ensures that a reasonable level of maintenance is carried out on the drainage system, while taking account of the Department's finite funding and staff resource levels. Work has been carried out in east Belfast in accordance with that maintenance policy.

Roads Service has completed flood alleviation schemes in Orangefield Lane, Merok Crescent and Tudor Drive. New gullies have been installed at Sandhill Park and Earlswood Road, and a number of replacement gullies has been installed in the lower Ravenhill Road area. In addition, further works are

planned for Clonduff Drive and Wynchurch Road in the next six weeks, and investigatory work is continuing in Carnamena Avenue and Rosetta Road. However, even with the most careful and thorough planning, gullies, road drains and watercourses can simply be overwhelmed by a deluge of rain falling in a short period of time.

Northern Ireland Water (NIW) is currently undertaking a drainage area study of east Belfast, and that is scheduled for completion later this year. From that study, a drainage area plan will be formulated and subsequent proposals for flood alleviation will be considered. The implementation of any proposals will be subject to funding being available from NIW's capital budget.

NIW recently held site meetings with residents and elected representatives at Hamel Drive, Houston Park and Cooneen Way to discuss flooding that occurred on 31 August 2009. The company has also undertaken to carry out remedial work ahead of full implementation of proposals generated by the drainage area study. That work is programmed to take place in the next two weeks.

The Rivers Agency has also advised that it proposes to undertake river flood alleviation works in east Belfast on the Loop, Knock and Connswater rivers. The agency is also working alongside the East Belfast Partnership to integrate flood alleviation measures into work associated with the Connswater community greenway.

With regard to a preventative strategy for flood management, Roads Service is involved with the implementation of the draft Water Environment (Floods Directive) Regulations. Those regulations establish a framework for managing flood risk which is aimed at reducing the adverse consequences of flooding on health, environment, cultural heritage and economic activity. They place obligations on government to identify areas of potential significant flood risk by undertaking a preliminary flood-risk assessment of all river basin and coastal zones by December 2011.

Flood-risk management plans must be produced by December 2015. The plans will focus on prevention, protection and preparedness and will detail objectives and measures to reduce significant risk in those areas. Rivers Agency will take the lead in implementing the directive in the North. The directive represents a shift to a more integrated, proactive and holistic approach to reducing flood risk. It emphasises the use of sustainable flood management.

In order to provide long-term solutions for households that are vulnerable to flooding, responsibility for drainage infrastructure is shared among Roads Service, DARD — through its Rivers Agency — and NIW. Procedures for liaison and co-ordination of emergency

responses among those organisations are set out in the best practice guidelines. Those guidelines are currently being reviewed.

There is also a shared flooding hot-spot list, which identifies the areas that are at greatest risk of flooding as well as the lead drainage organisation for each location. The organisations also take the lead in developing and implementing measures to reduce the likelihood of future flooding at those hot spots. Each drainage organisation also holds its own hot-spot list and has its own programme for dealing with those on a priority basis.

Following the extreme flooding that occurred in 2008, a flood improvement action plan was developed. Measures to deal with emergency planning, actual response and the clean-up and recovery phases are currently being implemented by all three aforementioned organisations.

NIW has advised me that most of the core sewer systems in the North are combined sewer systems, which take storm water as well as foul sewage and are, therefore, susceptible to flooding during high rainfall events. Long-term solutions are being developed that are based on flooding records and hydraulic modelling. Each solution will be costed and prioritised according to the severity of the flooding.

It is intended that expenditure will be focused on properties that are at risk of external — sorry, internal — flooding. Pardon my mistake. Progress on work to resolve flooding issues will depend on the outcome of funding that is available to NIW as a result of PC10 — the price control for 2010-13 — which is currently under consideration.

Lord Browne: I thank the Minister for his reply. I am sure that he will agree that we can too easily forget the impact that flooding has on families and individuals. A 93-year-old lady who lives in the Cregagh estate in my constituency of East Belfast has been subjected to flooding on no fewer than six occasions. None of our constituents should have to endure that situation, never mind a lady of 93 years of age. I understand that similar situations have occurred throughout east Belfast. What co-ordination has there been and what meetings have taken place between the Department and all the relevant agencies to ensure that the remedial work that is necessary in those areas is carried out as soon as possible?

The Minister for Regional Development: I understand the personal stories that are heard often. In 2008 and, indeed, in 2007, I had the opportunity to visit people who had been affected by flooding in east Belfast. I appreciate that flooding causes great distress as well as damage, particularly when it is foul sewage as well as storm water flooding that gets into people's

homes. I wish to see those issues addressed sooner rather than later.

In my answer, I outlined that meetings had taken place and courses of action been agreed, some of which will take place during the next two weeks in specific areas where there have been problems. Of course, a study that is specific to east Belfast — the drainage area plan — is ongoing and is intended to be completed by the end of 2009. A set of measures will emerge from it. Rivers Agency has also done work on the three rivers in east Belfast, because the swelling of those rivers contributes to the drainage backup that causes flooding in the Cregagh estate and other areas. Therefore, measures are being taken in the short term. The agencies that are involved will be happy to meet the Member and any other elected representatives on site to discuss those issues. Longer-term measures are being put in place through studies.

Mrs Hanna: The Minister has mentioned budget. Is a plan in place or a budget available to replace the entire worn-out and out-of-date drainage infrastructure, particularly in Belfast? I am aware that bits and pieces are being done. However, I have heard that all existing infrastructure is old and worn out. Is there a requirement to address the loss of natural drainage owing to overdevelopment in places such as south Belfast?

The Minister for Regional Development: I have not had the same kind of feedback as the Member has had about the general state of the infrastructure, which is considered to be satisfactory.

Building infrastructure that will cope with some of the summers that we have had recently would probably require the Executive's Budget for a number of years. If we were then to have several dry summers, people would ask, quite rightly, what the point of all that investment was. The issue is about getting infrastructure that can cope with as much as we expect it to cope with. Our infrastructure could not possibly have coped with the deluges and torrential downpours that we have experienced over the past number of summers. However, to provide infrastructure that could cope would drain not only the DRD budget but the entire Budget substantially.

There is a sense that a piecemeal approach to the issue has been taken in Belfast. Studies have to be focused on areas that have a history of repeat flooding in order to address the problems there. Wider studies have been conducted into the persistent problems in east Belfast over the past number of years.

There were problems in south Belfast, particularly in the lower Ormeau area. The sewerage project in that area will have an impact on the Lagan and on the type of backup that was taking place in times of heavy rainfall. We have already seen those problems being addressed, and there have not been the same incidents

that there were in that area four or five years ago. Then, it seemed like flash flooding in the lower Ormeau Road area was becoming a repeat occurrence.

The areas that are becoming hot spots are being addressed, and measures are being taken. I do not get the sense that the overall infrastructure needs the type of upheaval that the Member suggested.

Mr Weir: Like most MLAs, I am faced with a situation every time there is a heavy downpour. It seems to be the case that it is always the same two or three streets and the same two or three households that suffer and that there is a lack of long-term solutions to the problem.

I welcome the Minister's remarks about co-ordinated action to provide long-term solutions. However, will he confirm that the long-term co-ordinated plan will not act as a barrier to finding solutions as soon as possible for hot spots that are being hit on a constant basis? Flooding makes a relatively small number of people's lives a misery.

The Minister for Regional Development: I agree absolutely. Actions are being taken on different levels, and some of them are dealing with specific local problems. Actions have been taken, and some have been proposed for the next number of weeks. I can see that those actions have been effective in some areas, and that they are no longer on the hot-spot list. Unfortunately, other areas have gone on the list. Lord Browne mentioned someone whose house had been flooded six times: we are getting repeat occurrences. I have always encouraged and will continue to encourage Rivers Agency, Roads Service and NIW to meet elected representatives and residents in those areas in order to try and find local solutions that will affect the here and now while long-term solutions are developed.

Mrs Long: It is clear that the drainage area study will need to be funded and implemented, and that may take a considerable length of time: I agree with the previous Member about that. In the interim, will the Department for Regional Development and NIW be talking to the Planning Service about any need for restrictions in development and further intensification in areas in which the infrastructure has been shown to be inadequate? Have there been any discussions at the Executive about the potential for schemes to help residents insure their properties, because people often find that difficult. In England, the Government have arranged such schemes.

The Minister for Regional Development: Planning applications involve consultation with Roads Service and NIW on whether the infrastructure exists to cope with developments. In certain areas, NIW has said that there should be no more developments because the infrastructure has to be brought up to a higher standard, while others complain that we are frustrating

developments. I exclude the Member from that, but we get it from both sides. In an area where the infrastructure is either not appropriate, is not at a level to service, or the problems are ongoing, NIW will tell planners that the infrastructure cannot cope with further development, and planners have taken decisions to refuse planning permission on that basis.

3.15 pm

The answer to the other part of the Member's question is that the Executive did meet. In the first instance, there is a fund to assist people with the immediate effects of flood damage. There were discussions about insurance at previous Executive meetings, and one of the big concerns was that many households had no house insurance.

If there is anything that the Executive can do to help, I am sure that they would be happy to discuss proposals. No specific proposals have been brought forward, but we want to encourage people at least to try to get insurance in the first instance. If there are insurance companies that are unwilling to insure properties because of a history of flooding, the Executive would want to try and assist those affected.

Mr McNarry: Trying to be called to ask a supplementary question is very good exercise.

There were concerns about communications. What discussions has the Minister had with the Minister of Finance and Personnel about the effectiveness of the emergency telephone service, particularly during the most recent flooding in east Belfast? Was he able to extract any guarantees about improvements to that helpline?

The Minister for Regional Development: I received a briefing after the flooding in east Belfast, because I was made aware, through the media in particular, of complaints that people were unable to access the helpline. In previous incidents of flooding, there had been confusion about which agency was responsible. Some of the agencies involved are outside the Executive's control, so the response to incidents of flooding is a complex picture, particularly in bigger occurrences where the clean-up may involve local government, the police, the Fire Service and the agencies that are directly under the control of DARD and DRD.

There was a discussion about the provision of a single helpline; there was some argument that it had not worked as well as people would have liked it to. In the briefing that I received, I was told that people felt that a helpline was a good idea and that problems included a lack of staff, which was due to the absence of a severe weather warning.

The helpline service is worthwhile. There were one or two complaints from people who did not get the full

benefit of the helpline, but it provides people with a one-stop shop to access the service that they require. Often, the wrong agencies are called out, which leads to a delay in their response to people who need their services. The helpline is a good idea, but, as with any new service, it sometimes takes teething problems to iron out the edges, which was the case in this instance.

Roads: Eglinton to Limavady

4. **Mr Campbell** asked the Minister for Regional Development, following completion of the work on the dual carriageway between Maydown and Eglinton Airport, if there are any plans for the continuation of a dual carriageway bypassing Ballykelly to Limavady. (AQO 19/10)

The Minister for Regional Development: Roads Service has advised that the programme of strategic road improvements proposed over the 10 years of the investment strategy for Northern Ireland for the period 2007-2018 is in the investment delivery plan for roads. The plan contains one further scheme for the section of the A2 between the City of Derry Airport and Limavady — a dual carriageway bypass at Ballykelly, which will be approximately 6 km in length. Roads Service anticipates completion of that scheme towards the end of the delivery plan period.

Mr Campbell: I trust that the outstanding access issue that I understand to be still ongoing at Campsie with regard to the existing dual carriageway will be resolved this week. I know that senior Roads Service officials are speaking to businesses that have been affected.

In relation to the proposed link between Eglinton and Limavady, either through or around Ballykelly, can I take it that there will be intense discussions with landowners and public representatives to avoid the problems that emerged with regard to the proposed dual carriageway from Tyrone to Londonderry?

The Minister for Regional Development: As the Member may be aware from his own tenure in the Department for Regional Development, there is rarely a road-building scheme that proposes to go through open countryside that does not involve land issues. Some of those issues can be managed; others are more severe. The scheme that the Member referred to — the construction of a road between Derry and Aughnacloy — is the most substantial road scheme that we have ever been involved in and will involve the largest ever number of landowners. Therefore, that scheme will have the most significant effect on landowners of any scheme to date.

There is standard procedure in place. It has been deployed on the Dungannon to Ballygawley road, the Newry bypass, the Belfast to Newry road, the Derry to

Belfast road, and on all other major road-building schemes which required the same type of process because roads had to go through farm lands or other properties had to be removed. That procedure is deployed where there is discussion with elected representatives, negotiation over compensation or access issues for people. That is an inevitable part of road-building schemes and one which sometimes takes much longer than building the road itself.

The Member is quite right to draw attention to this. People have rights and, where proposed schemes go through their land or affect their properties, they have the right to be consulted, to be compensated for access issues, and for other issues that they raise to be properly dealt with. In the course of doing that, it is always the case that local elected representatives who have an interest should be involved and be kept abreast of how those things are happening. We must make sure that they have an opportunity to have an input.

Mr Dallat: I am sure that the Minister will be absolutely horrified to learn that yesterday there were tailbacks of several miles at Ballykelly. The question being asked is: what is the timescale between producing plans and constructing the necessary improvements? I am thinking in particular of Dungiven, where the plans exist, but there is no indication yet as to when the people of that town will be relieved of the pollution from which they are suffering.

The Minister for Regional Development: The Member must not have attended any of the public events at which the indications and time frames were given in relation to the Dungiven bypass. Similarly, in relation to the Ballykelly bypass, the land acquisition process and discussions around access issues have started. We went to Dungiven and spoke to the community about the process that is unfolding and the time scales involved. Of course, in common with the people in the area that I represent, they would have preferred it had the road been built 30 years ago; however, they understood fully the process that we have outlined and the time frames involved and were satisfied that, at last, someone has taken the initiative and is pushing those schemes forward.

Corporate Social Responsibility

5. **Ms Anderson** asked the Minister for Regional Development to outline his Department's policy on corporate social responsibility. (AQO 20/10)

The Minister for Regional Development: My Department is strongly committed to corporate social responsibility and has articulated how it aims to develop that in its corporate and business plans for 2009 to 2011. We are committed to being a socially and environmentally responsible organisation and an

excellent employer. Therefore, my Department's policy focuses on four key themes: community, environment, workplace and responsible procurement. My officials are in the final stages of developing a formal corporate social responsibility policy for DRD which will take into account the wide spectrum of measures that we will take now and in the future. It is my intention to launch that policy in the autumn.

We are very keen to support our staff in making a personal contribution to the community. One of the ways we hope to achieve that is through our partnership with Business in the Community. That will allow us to participate in schemes such as the Time to Read initiative, which 15 members of staff have enrolled in for the 2009-2010 academic year.

We wish to develop areas such as research development where we can, through internships and work placements, engage in partnership with undergraduates and graduates to work on research associated with promoting sustainability. In spring of this year, under the corporate social responsibility banner, I decided to launch a student bursary scheme with the aim of encouraging studies in subjects relevant to DRD objectives. The scheme offers an opportunity for students in their final year of studying for an MSc in engineering at Queen's and those studying for a BSc in engineering or a BSc in transport at Jordanstown. There are a total of 10 £1,000 bursaries available, which will be awarded to five students from each university. I intend to present the bursaries to the successful candidates later this month, and I will continue to engage with my Department's corporate social responsibility policy as it goes forward, to implement further new initiatives and to drive through its implementation.

Ms Anderson: Go raibh maith agat. I thank the Minister for his answer. How is his Department providing the social requirements in the procurement contracts, particularly in relation to the positive community and social benefits that will be ensured when those contracts go through?

I thank the Minister for his intervention during the week, which ensured that the trains coming into Derry will now arrive at 9.00 am. Go raibh míle maith agat. Stand up for Derry.

The Minister for Regional Development: My Department is following guidance prepared by DFP's Central Procurement Directorate and the Equality Commission on sustainable development and equality of opportunity in public sector procurement. In line with that guidance and at my instruction, action plans have been produced by Roads Service, NI Water and Translink.

Those will include proposals for implementing critical community impact and social objectives, such

as increasing access to public sector procurement opportunities for small and medium-sized enterprises, encouraging the economically inactive back into the workplace and encouraging training and skills development through, for instance, apprenticeships. Roads Service's action plan ensures that social and environmental factors are considered alongside financial factors when making procurement decisions. The plan has a package of actions to deliver the step change that is needed to ensure that Roads Service and its partners are focused on better design, low waste, higher recycle content, respect for biodiversity and delivery of its wider sustainable development goals.

Mr B McCrea: Will the Minister outline any achievement highlights from his corporate social policy? How much did that cost the taxpayer?

The Minister for Regional Development: I am surprised that the Member feels that promoting corporate social policy should be restricted by cost. All Departments have a duty to display a socially responsible attitude to procurement and actions taken. I will repeat one initiative that I mentioned in my previous answer: the bursary scheme. Later this month, after the successful candidates have been selected, the Department intends to award bursaries. It is designed to encourage students from here and to assist them with areas of their studies that relate to Department for Regional Development policy. Five students from Queen's and five from Jordanstown will receive £1,000 bursaries; that is £10,000 for starters.

Mr Shannon: In the Minister's response to the initial question, he mentioned opportunities that are available to university students. Will he confirm that such bursaries will also be available to students who attend colleges of further education? The Minister is probably aware that student numbers are greater this year than ever before. Therefore, there is an eagerness to take advantage of bursaries and job opportunities and to ensure that everyone receives an equal chance.

The Minister for Regional Development: The Member is correct. I highlighted one scheme: in my previous answer, I said that Roads Service, NIW and Translink, in the contracts that they secure, encourage the use of apprentices and encourage the economically inactive back into work. The Department has specific proposals on scheme sizes, the number of apprentices that we expect the scheme to employ and the number of economically inactive people who return to work as a result of it. The bursary scheme is particularly directed at universities, but a range of other measures aims to bring people in through skills and offers them opportunities to be involved. Some major infrastructure and engineering schemes are ongoing here, and they provide tremendous opportunities for young people to become involved, learn skills and gain experience.

Belfast International Airport: Links

6. **Mr Kinahan** asked the Minister for Regional Development to outline his long-term vision for improvements to transport links to Belfast International Airport. (AQO 21/10)

The Minister for Regional Development: The infrastructure connections to our airports are important, particularly for economic competitiveness, tourism and leisure markets and the convenience of the travelling public. The strategic relevance of those connections will be considered in the review of the regional development strategy and the regional transportation strategy.

My Department's investment delivery plans outline a £3.1 billion programme of investment in roads over the next 10 years that will transform the strategic road network in the North. Despite the fact that it is the largest ever programme of investment in our road system, resources are finite, and choices had to be made. Those choices have been made in line with the guidance contained in the regional transportation strategy and the supporting transport plans. Although it has not been possible to include an upgrade of the link from the M2 to Belfast International Airport, the proposal will be assessed, along with other potential schemes, for inclusion in future programmes.

The investment delivery plan includes schemes that will improve accessibility for passengers travelling to Belfast International Airport from across the North and, indeed, from the South. For example, the scheme under construction from Beech Hill to Cloghoge at Newry will complete the dualling of the A1 from Sprucefield to the border and will significantly improve access from the South to Belfast International Airport. Accessibility to the airport is further enhanced by the completion of the M1/Westlink and M2 improvement schemes. There will be further improvements when the A4 Dungannon/Ballygawley scheme is completed.

Major dualling schemes are planned for substantial sections of the A6 between Derry and Randalstown and the A26 between Coleraine and Ballymena. Proposals for a number of two-plus-one carriageway-widening schemes are being considered for the A26 Nutts Corner to Moira road. Roads Service has carried out a study of that route, and a route management strategy is being prepared.

3.30 pm

Mr Kinahan: I thank the Minister for such a thorough answer. He has taken half of my supplementary question away with it. However, I wish to emphasise the urgency of improving the links from the airport to the M2 and, to the South, through to the M1 at Moira. Will the Minister look at doing an urgent

feasibility study, reusing the statistics, so that the development of the rail link to the airport is also encouraged?

The Minister for Regional Development: As I said, a number of improvement works are in progress, although not immediately akin to those connected to the airport. I had discussions with the operators of Belfast International Airport in which they highlighted the fact that they were getting more traffic from the South, from Sligo across to County Louth, because of the road improvement schemes that have been put in place. I take the point that several others, including the airport operators, have made about the importance of the connection through Templepatrick between the motorway and the airport. Although it is not in current plans, the review of the regional development strategy will allow a reassessment of the importance of the gateways here to take place.

The railway connection was the subject of an assessment in 2006, which stated that passenger numbers would have to double to make the connection economically viable. I know that passenger numbers have increased significantly, and I will keep that matter under review.

Mr Burns: Has the Minister had any further discussions with the Kilbride Group about the railway line between Lisburn and Antrim? Will he consider giving it funding for a feasibility study?

The Minister for Regional Development: I have not had any further discussions with the Kilbride Group. I know that funding for feasibility studies has been given to various people who have an interest in developing the rail network, but I am not sure whether the Kilbride Group has received any such funding. I will determine that and get back to the Member. I met that group's representatives, and I know that they are interested in developing that part of the railway line. I encouraged them to continue their work because I am interested in developing the rail network. I will determine whether the Kilbride Group has asked for or received any funding, and if I make plans to meet its representatives in the near future, I will inform the Member in due course.

MINISTERIAL STATEMENT

Reform of the Planning System in Northern Ireland

Business resumed:

Mr Ross: In his statement, the Minister of the Environment made reference to the need to build capacity. Given that significant powers will be devolved to local government from the Assembly, what consideration has been given to running pilot schemes or similar schemes in local government to help build that capacity?

The Minister of the Environment (Mr Poots): Building capacity is the key to the success of the reform measures. In looking ahead to 2011, my officials are working with other sectors, through the review of public administration (RPA) implementation structures, to explore opportunities to enhance capacity in the system, particularly to ensure readiness for the changes that will arise in the context of the implementation of the RPA and planning reform.

Capacity is not developed by simply getting people to attend training events or by allocating extra resources. It comes through many opportunities, and the stakeholder engagement sessions provide a means of starting to build capacity through enhanced understanding. The potential pilot work between the Planning Service and some of the transition committees on the new development plans will constitute capacity building. The joint working between the Planning Service and the Construction Employers Federation is important. Initiatives undertaken by the Northern Ireland Local Government Association (NILGA), the Royal Town Planning Institute (RTPI), the Royal Institution of Chartered Surveyors (RICS) and others will also contribute to capacity building.

Mr Kennedy: I am grateful to the Minister for his statement, and I congratulate him on his recent appointment. I am obviously trying to ingratiate myself at an early stage.

His statement rightly refers to the economic growth aspect of planning decisions and the enforcement responsibilities of his Department. Hopefully, the consultation will provide a way forward in achieving a balance on those issues.

However, I am concerned about the gap that exists in policy direction for economic growth and planning enforcement. The former Minister, and indeed, the present Minister, is aware of the number of cases in my constituency where the Department is pursuing enforcement —

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

Mr Kennedy: The Department is pursuing enforcement cases that will have a very serious impact on local jobs and small businesses. Does the Minister have any plans in the short term, and in the intervening period until the new policy is consulted on and established, to bring forward a policy that will deal with those problems?

The Minister of the Environment: We certainly have a policy to deal with those problems; that is why we have enforcement officers. Whenever there are breaches of planning applications, it is the job of enforcement officers to ascertain the veracity of any complaints that are lodged against individuals who have perhaps started a development in advance of having received planning approval.

I understand that not every case is clear-cut. There are often significant complications and confusion, and it is up to the applicants to make their case very clearly if they feel that they are not in breach of planning regulations. Regulations and policies are in place, and the enforcement officers are there to implement them.

Mr Gallagher: I thank the Minister for his statement. In bringing forward planning reform, it is important to tie up any loose ends that remain in the planning business, not least those concerning draft PPS 21 and the report of the independent working group. Does the Minister expect that that report will be completed and that its findings will play into planning reform?

We are aware of the 'Foundations for the Future' report and its view on third-party right of appeal. Does the Minister still see third-party right of appeal, with restrictions, emerging from the planning reform?

The Minister of the Environment: I am meeting the Minister of Agriculture and Rural Development to discuss that issue, and we hope to be in a position to finalise draft PPS 21 in this parliamentary session.

The work of the independent working group on non-farming rural dwellers has not enabled me greatly to move that issue forward. It has not identified different ideas as to how the group might enable non-farming rural dwellers to develop without causing a proliferation of buildings to be built across our countryside. That was why PPS14 was introduced in the first instance. Were we to allow such a proliferation, it would not meet current EU regulations.

Therefore, we must be careful in our considerations. The independent working group's paper will be published in due course. I have agreed to forward it to the Committee in the first instance, and Members can then draw their own conclusions from it.

Mr I McCrea: I congratulate the Minister on his appointment, and I welcome his statement. It is good to see him back on the party's ministerial team.

The Minister did not make specific mention of concerns about permitted development. Does he intend to consult on permitted development through the planning reform?

The Minister of the Environment: I thank the Member for his question and for pointing out the wisdom of the party leader.

We seek to create more opportunity for permitted development rights and propose to extend the range of minor developments for which planning permission is given without a planning application. The list will be wide-ranging and will include those that are available to householders, industry, waste management, electronic communications, the commercial and retail sector, agriculture, electricity undertakings, mining operations and institutions such as universities, hospitals and schools. We will also provide specific permitted development rights for small-scale renewable energy generation.

Extended permitted development rights will save time and money for developers and the planning authority. If we get the balance right, a significant number of schemes each year will no longer need an application for planning permission, and resources will be redirected to developments that are of greater strategic and economic importance. Consultants have been engaged to advise on the scope for extending existing permitted development rights and introducing additional categories of permitted development. We expect to consult on the outcome of that work very shortly.

Mr B Wilson: I thank the Minister for his statement. I welcome the emphasis on the economic aspects of planning and the need for quicker decision-making. However, I am concerned that reform will be achieved at the expense of the local community. In his statement, the Minister referred to:

"enhancing public and community involvement at appropriate points".

Will he clarify what is meant by that?

The Minister of the Environment: I thought that the statement was clear that the most appropriate point for the community to be involved is the starting point. Currently, the community cannot have its stake or say at that early point, and people often come in to fight the battle when the opportunity to speak has gone. It is far better for the community to become involved when the planning application is being drawn together, where people are engaged with those who are drawing up proposals and can have a greater influence on them. The individuals who are drawing up the proposals will welcome the support of local communities and will

want to work with them to gain that support. We are getting it right by offering communities the opportunity to be involved at the front end rather than coming in when the battle is already lost.

Lord Morrow: Will the Minister confirm that, technically, people do not need planning permission to commence development? That is a fundamental weakness in the current system, and I am pleased that the Minister sees it as an area that needs to be addressed in any new system. When someone commences a development, which is then brought to the attention of the planners, the developer has to submit an application. The planning process can take two or three years before a decision is made. Does the Minister agree that something has to be done to change that situation? I impress upon him the importance of closing that loophole so that developers cannot start to develop before planning permission has been granted.

The Minister of the Environment: Developers who start work without planning permission do so at risk. Mr Kennedy appealed for more leniency and Lord Morrow wants me to be stronger on enforcement issues; so it is a case of identifying where the balance lies.

It is inappropriate that people can start a development without planning permission and not be deemed to be doing anything wrong. We will look at that matter in the proposals. I have also looked at what has happened in Scotland, where provisions have been introduced recently to require developers to notify the planning authority when they commence and complete developments. People there are given the opportunity to pay a penalty as an alternative to prosecution, which frees up planning officials to do other work. We will use the consultation paper to seek views on the introduction of similar provisions, and we welcome all input to that.

Ms Lo: I, too, welcome the long-awaited consultation on planning reform.

I have been to a couple of public meetings, one of which Community Places organised specifically for the community sector. Individuals and community groups have many concerns about the third-party right of appeal being ruled out. People fear that they and the developers will not share a level playing field. They welcome and appreciate the front-loading approach that will greatly increase their involvement from the beginning of the process. However, they feel that a last resort should be available to enable them to address any issues.

3.45 pm

The Minister of the Environment: As I said earlier, the door is not closed, because the consultation process is ongoing. My officials and I will give due consideration to that matter. At this point, we consider that the case for a third-party right of appeal is made less compelling by the other opportunities that we wish

to create for members of the public to consult on public issues. We want them to have a clear and effective voice before they reach the stage of launching a third-party appeal.

We want a planning process that works, is efficient and does not become bogged down or stagnant. We must find a balance, and the consultation paper is a good starting point in identifying that. We will continue to work through the issues and to consult. Hopefully, the right balance will have been achieved for everyone involved when I return to the subject in the Assembly.

Mr Shannon: I thank the Minister for the opportunity to question him on planning reform, which, as everyone in the Chamber who works hard in their local areas knows, is an important issue. It is important that local politicians will be making the final decisions. That must be good news, and it may remove the perception that the current attitude in the Planning Service is one of “can’t do”. Its replacement with a “can do” attitude would be important to everyone who wants progress.

Earlier today, comments were made in the Chamber about third-party appeals. I am extremely concerned about any changes to those. Planning reform seems to place an onus on bringing about change whereby members of the public would no longer be able to attend appeals at which they could express their views orally. They would be able to do so only through written communication. Does the Minister consider that to be the best process for development projects? Does the removal of the opportunity for an oral hearing not remove the opportunity for questions and discussion?

The Minister of the Environment: Mr Shannon should realise that I will claim credit for all that is good in the paper, and I will blame my colleague and predecessor who is sitting behind me for everything that is not so good.

As regards oral hearings, I am being pressured by all sides: developers, potential objectors and community representatives. Everyone wishes to have their say, and that will drag out and extend the process. Nonetheless, my officials and I are always keen to hear what the public tell us. Thus far, all sides of the community have spoken with one voice during the consultation.

Mr Kinahan: I congratulate the ex-Minister and the current Minister on the many good points in today’s statement. However, I have one concern that is shared by many people outside the Chamber. Does the Minister envisage any checks and balances being imposed on local representatives to ensure appropriate transparency, particularly when a development is likely to have a significant effect on the economy?

The Minister of the Environment: In short, yes. Once established, the new councils will be subject to codes of governance that will apply to every individual councillor. We have been examining the codes of governance that are in place elsewhere. Some of those are excessive and others can result in councillors being unable to carry out their work until unsubstantiated claims are dealt with. We hope to put a practical system in place.

However, I have to say that over the lifetime of my political career, most, if not all, of the people whom I have worked with have not been corrupt. I will lay that on the line: politicians, whatever their faults, are generally not corrupt. That is not to say that there will not be exceptions, because in every business of the world, there are people who let that business down. We will put checks and balances in place, but when it comes to local authorities making the decisions, there is no more likelihood of corruption than is currently the case.

Although it has quite often been suggested that there is corruption in the current process, I have yet to see any evidence of it. I am not aware of any court cases in which it has been proven. Therefore, we do not need to build up that type of allegation too far because people want to work for the general good of their communities.

Mr Ford: I thank the Minister for his statement and for the paper. During his answers, he placed considerable emphasis on the economy, although his statement referred to providing the infrastructure that is necessary for Northern Ireland's economic and social improvement. Where does the enhancement of our environment fit with those objectives? Where does the Executive's well-known commitment to building a shared future fit among the social objectives?

The Minister of the Environment: I have never regarded the economy and the environment as either/or matters. The economy is key to a quality environment because if people are in good, well-paid jobs, they will want to look after and create a quality environment to live in. We will certainly be responsive in creating that particular environment. Very strong powers have been put in place for our natural heritage, and the Northern Ireland Environment Agency (NIEA) is quite firm in enforcing those.

It does not help very much when a Minister makes a statement that promotes the economy and people who are involved in business take judicial reviews against this House when it promotes the economy. I find it reprehensible that businesses, for their interests, seek to subjugate the will of this Assembly, which approved Minister Wilson's statement. There was no objection to that statement. It is a sad day whenever people seek to judicially review such statements when we are trying to promote jobs and push the economy forward in

difficult circumstances, but individuals, for their own selfish reasons, seek to stop that.

EXECUTIVE COMMITTEE BUSINESS

Department of Justice Bill

First Stage

The deputy First Minister (Mr M McGuinness): I beg to introduce the Department of Justice Bill [NIA 1/09], which is a Bill to provide for the establishment of the Department of justice and for the appointment of the Minister to be in charge of that Department.

Bill passed First Stage and ordered to be printed.

Mr Speaker: That constitutes the Bill's First Stage, and it shall now be printed. The Bill will be put on the list of future business until a date for its Second Stage is determined.

Rates (Amendment) Bill

First Stage

The Minister of Finance and Personnel (Mr S Wilson): I beg to introduce the Rates (Amendment) Bill [NIA 2/09], which is a Bill to amend the Rates (Northern Ireland) Order 1977; to make provision relating to the sharing of certain social security information with the Department of Finance and Personnel and others; and to confer a temporary power to make grants to district councils.

Bill passed First Stage and ordered to be printed.

Mr Speaker: That constitutes the Bill's First Stage, and it shall now be printed. The Bill will be put on the list of future business until a date for its Second Stage is determined.

COMMITTEE BUSINESS

Standing Committee Membership

Mr Speaker: As with similar motions, this motion will be treated as a business motion. There will therefore be no debate.

Resolved:

That the Rt Hon Jeffrey Donaldson and Mr David Hilditch replace Mr Jim Wells and Mr George Robinson as members of the Public Accounts Committee; that Mr Nigel Dodds replace Mr Nelson McCausland as a member of the Assembly and Executive Review Committee; and that Mr Trevor Clarke and Mr Thomas Buchanan replace Mr Jonathan Craig and Mr David Hilditch as members of the Standards and Privileges Committee. — [*Lord Morrow*.]

Statutory Committee Membership

Mr Speaker: The next item is a motion on Statutory Committee membership. As with similar motions, this will be treated as a business motion. There will, therefore, be no debate.

Resolved:

That Mr George Robinson replace Mr Ian McCrea as a member of the Committee for the Office of the First Minister and deputy First Minister; that Dr William McCrea and Mr Jim Shannon replace Mr Trevor Clarke and Mr Edwin Poots as members of the Committee for Agriculture and Rural Development; that Mr Trevor Clarke and Miss Michelle McIlveen replace Mr Nelson McCausland and Mr Jim Shannon as members of the Committee for Culture, Arts and Leisure; that Mr Alastair Ross and Mr Jonathan Craig replace Mr Nelson McCausland and Mr Edwin Poots as members of the Committee for Education; that Mr Trevor Clarke replace Mr Alex Easton as a member of the Committee for Employment and Learning; that Mr David Simpson, Mr Gregory Campbell and Mr Stephen Moutray replace Mr Robin Newton, Mr Simon Hamilton and Mr Jim Wells as members of the Committee for Enterprise, Trade and Investment; that Mr Adrian McQuillan replace Mr Trevor Clarke as a member of the Committee for the Environment; that Mrs Iris Robinson replace Mr Thomas Buchanan as a member of the Committee for Health, Social Services and Public Safety; that Mr Ian McCrea replace Mr Alastair Ross as a member of the Committee for Regional Development; and that Mr Alex Easton replace Miss Michelle McIlveen as a member for the Committee for Social Development. — [*Lord Morrow*.]

PRIVATE MEMBERS' BUSINESS

Compensation from the Libyan Government

Mr Speaker: The next item of business is the motion on compensation from the Libyan Government. 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 in which to make a winding-up speech. All other Members who speak will have five minutes.

Mr Donaldson: I beg to move

That this Assembly notes the decision by the Scottish Government to release the Lockerbie bomber from prison, and supports the case being taken by the victims of IRA terrorism to claim compensation from the Libyan Government who supplied arms and Semtex explosives to the IRA; and further calls on the UK Government to apply diplomatic pressure on Libya to pay this compensation.

I welcome the opportunity to propose the motion. First, I will give some background to the case, because it is important that the House understands that this issue did not recently arrive on Members' desks, as it were. In fact, it is a legal case that was initiated in early 2006 when a number of victims of IRA terrorism decided to launch a class action in the courts of the United States of America against the Libyan Government. On 21 April 2006, 141 victims of IRA atrocities, mainly involving the use of Semtex explosives, lodged a class action with the American courts.

Those victims included people whose families had lost loved ones in the Harrods bombing in 1983, the Canary Wharf bombing in 1996, the bombing of the Arndale shopping centre in the same year, and the bombing of the centre of Warrington, in which two young boys lost their lives. The class action included victims of terrorist actions in Northern Ireland, including the Enniskillen bombing, bombings in Belfast and in places as far apart as Lisburn, Londonderry, Portadown and Banbridge.

Many towns, villages and cities across the United Kingdom were affected by the actions of the Provisional IRA using weaponry supplied by the Libyan Government. The most lethal of that weaponry proved to be Semtex explosives, which clear evidence shows were supplied to the IRA by the Libyan Government in the early 1980s. That Semtex was subsequently used in bombings to devastating effect in lost and broken lives, in people maimed and in the destruction of property. Damage running into millions of pounds was caused during the period that those weapons were used.

4.00 pm

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

The question has been raised in the public domain as to why there should be a focus on this particular aspect of what has become known as the Troubles. The answer is clear: it was the victims themselves who initiated this legal action, not the politicians. It was the victims who decided that they wanted to seek compensation from the Libyan Government, and they did so on the basis of sound legal advice from their lawyers and in the aftermath of the Lockerbie bombing, where the victims of that particular atrocity, which, as we know, was also sponsored by Libya, were able to successfully secure compensation from the Libyan Government.

It is also the case that victims of Libyan-sponsored terrorism living in the United States have subsequently been successful in securing compensation from the Libyan Government. I believe that it is fair for the victims who are pursuing this case to ask why they should be treated differently. We have an instance, Mr Deputy Speaker, where an American citizen who was injured in the Harrods bombing in London in 1983 is now to receive compensation from Libya. That compensation has been agreed and secured for him by the American Government, yet victims of the same bombing in London who are British citizens are not to be compensated by the Libyan Government.

Therefore, it is perfectly legitimate for those victims to ask why they are being treated differently. The answer is clear: they have been treated differently hitherto because our Government in London has failed to pursue the question of compensation from the Libyan authorities and to press the case with Colonel Gaddafi and the Libyan regime, despite having been urged to do so and despite meetings having taken place with the Government. They cannot plead ignorance about this issue; there is a paper trail of correspondence between me, my friend the Member for North Belfast, and other Members of Parliament who have raised this issue in another place. The victims themselves have pursued the matter with the Government.

Until very recently, the attitude of the Government has been that the need to secure normalised trading and diplomatic relations with Libya came before the need to compensate the victims of IRA terrorism. The Government were quite clear that oil came before victims' needs. That was entirely wrong. Many of us will have been horrified at the weekend to discover yet another development: our own Government signed some kind of agreement with the Libyan Government, so that the family of a young British police officer who was shot outside the Libyan embassy in London will not get justice. The suspect in the murder of PC Yvonne Fletcher will not be brought to trial because some sort of deal has been reached, and the British public are right to be appalled.

That is symptomatic of what has been happening here as a result of our Government's relationship with Libya. Thankfully, after the application of much pressure, and particularly in the wake of the release of the Lockerbie bomber by the Scottish Executive, the Government in Westminster have realised, belatedly, that this matter must be addressed. It is a question of justice that the victims of IRA terrorism have the right to pursue their claim for compensation from the Libyan Government, and they should receive diplomatic support for doing so.

I welcome the turnaround in the Government's attitude at Westminster. However, we want the Prime Minister to go further; we want him to make it clear to the Libyan Government that he expects the matter to be settled, and settled quickly. It should not be just a question of going through the diplomatic niceties and the motions of providing diplomatic support; it should also be a question of the Government actively supporting the case for compensation, just as the Bush Administration actively supported and worked for compensation for American victims of Libya-sponsored terrorism.

We welcome the change in the Government's attitude, but we are bringing this matter before the House today to secure also the support of this Assembly for the case that is being taken against the Libyan Government. We are not asking people to change their political position or to put their hands in their pockets. We are not asking this Assembly to compensate those victims but to recognise that there are citizens of Northern Ireland — Protestant and Roman Catholic, unionist and nationalist — who were killed or injured as a result of IRA bombs and actions and who are deserving of compensation. It is not a question of unionism seeking to score some kind of political point. It is about people, and it is an opportunity for all of us to come together today, behind the victims, to support their case for compensation. Then it will not be a party political issue; it will be a question of this Assembly recognising that in this case justice should be done.

Some have suggested that we ought to be looking at other cases as well. We, on this side of the House, have made it clear that victims of terrorism should be adequately compensated for their loss. Where there is a difference, of course, is that we are very clear that the people who should be compensated are those who were the real victims and not those who went out in the name of a paramilitary organisation to maim and murder. We do not believe that a perpetrator can be equated with a victim, and that is why, in time, we will seek to change the definition of a victim so that that matter can be properly addressed.

Today, our focus is specifically on the case that is being taken by victims against the Libyan

Government. We hope that the House can unite on this issue in supporting the victims in their quest for compensation. If others come forward with similar legal actions, this Assembly can have an opportunity to consider whether their cases are worthy of support. However, today, the focus is on this particular case, and I urge the House to support the motion.

Mr Adams: Go raibh maith agat, a LeasCheann Comhairle. Sinn Féin opposes the motion. It is unfair and partisan. Let me say for the record that Sinn Féin is not opposed to any victims lobbying any Government anywhere in the world for compensation. Let me also say that I am very mindful of the suffering of those families whose loved ones were lost or injured as a result of IRA actions. I believe that it is the responsibility — certainly a part of the responsibility — of republicans to acknowledge that and to do all that we can to build a better society for all the people of this island. I also believe that others need to do the same.

It would have been better had the Members who proposed this motion consulted with the other parties to bring forward a motion that would have united, rather than divided, us and that would have reflected the suffering of all victims. The motion suggests that there is a hierarchy of victims, and that is wrong. The only way that political parties, in particular, and society in general can deal properly with all these issues is on the basis of equality of treatment for all. The motion, therefore, fails on that most important hurdle.

It is understandable that some of the families who have been bereaved or injured focus entirely on those who are responsible for their loss; that is their right. However, we who are in political leadership should be concerned with representing all citizens and all victims. Many of those who have suffered most are among the most magnanimous and forgiving of our people. We in this Assembly should follow that example.

The motion calls upon the British Government to apply diplomatic pressure on Libya. The proposers of the motion must surely appreciate the inappropriateness and hypocrisy of any British Government making or supporting such a demand of any other Government, given the London Government's long history of involvement in violence in Ireland. That includes the killing of citizens from Derry to Ballymurphy, from Newry to the Shankill, and on many other occasions.

It includes directing, arming, training and providing information to unionist death squads, and involvement in numerous cover-ups, including, as was revealed recently, the Loughinisland killings. Remember, a LeasCheann Comhairle, taxpayers' money was used to fund those killings. What greater scandal is there? Is that not a matter of concern for the Assembly or the DUP?

I will give one brief example. In the summer of 1985, with the full knowledge of British intelligence, a British agent Brian Nelson was sent to apartheid South Africa to get weapons. To finance the trip, the UDA, the UVF and Ulster Resistance, which was established by the DUP, carried out a bank robbery on the Northern Bank in Portadown, which netted £325,000. That was used in South Africa to purchase a shipment of arms. Those arms were brought back to this country, and in the three years after that, unionist paramilitaries killed 224 citizens and wounded countless others.

Although I understand why our friends in the DUP moved the motion, I put it to them that no unionist leader has ever acknowledged the role of the state or political unionism in fomenting and sponsoring conflict in our country.

The rejection of the Eames/Bradley group's report and its proposal for a recognition payment is another example of that, and I am disappointed that the Member for Lagan Valley Jeffrey Donaldson reinforced that point today. This is not about viewing the person who was killed as the only victim; it is about the families of those who have been killed. There is a misguided notion that one set of families can be designated as unworthy or of lesser value than another set of families.

State killings and collusion, which were an administrative practice and part of the British Government's strategy, have to be dealt with. That Government — the very Government that the proposers are asking to lobby the Libyans — refuse to co-operate with inquiries, hand over files or publish reports. That is evidence of their unwillingness to end the cover-ups and take responsibility.

We have to deal with all the issues. There are big challenges for us, and I hope that our unionist friends can join with us in meeting those challenges.

The SDLP's refusal to sign a petition of concern today is another example of that party's short-sightedness and lack of vision. Go raibh maith agat.

Sir Reg Empey: Libya's record as a state sponsor of terrorism throughout the 1980s and 1990s is well known. Throughout the Middle East, Libya sponsored terrorist groups that were opposed to the Israeli-Palestinian peace process. Such sponsorship of terrorism extended to Colombia, although some organisations closer to home also supported terrorism there. Sponsoring terrorism in western Europe, Libya was responsible for the murder of United States service personnel in Berlin in 1986. It is against that background that we must understand Libya's support for the Provisional IRA as part of its campaign of backing far-left and anti-Israeli terrorist organisations committed to furthering their extremist agendas through violence and terror.

The fact that Gaddafi's regime provided extensive supplies of weaponry and explosives to the Provisional IRA in the 1980s is not denied by anyone. The murder and mayhem wrought by the IRA in Northern Ireland, the rest of the UK and in the Republic throughout the 1980s was supported and enabled by Gaddafi. His support, however, does not in any way absolve those who undertook the terrorist campaign in Northern Ireland. Gaddafi provided the weapons, but the triggers were pulled, the bombs planted and the murders undertaken by people much closer to home.

From the early part of this decade, I have been in contact with Her Majesty's Government regarding the matter. It was clear from the responses that I received from the Foreign Office that Her Majesty's Government had little or no intention of undertaking anything like the approach to Libya that was pursued by the United States and France, an approach that resulted in compensation for victims of Libyan-backed terrorism before Libya was readmitted to the international community.

As my colleague Alan McFarland MLA said, yesterday's revelations in 'The Sunday Times' that the Prime Minister apparently vetoed an attempt to force Gaddafi to compensate victims of Libyan-backed IRA terrorism is a depressing confirmation that the present Government have decided that those in Northern Ireland and the rest of the UK who suffered because of Libyan weaponry in IRA hands have been forgotten by their Government.

The fact that Her Majesty's Government (HMG) have directed the SAS to train Libyan special forces surely suggests that we are far past the point when HMG would support those who were the victims of Libyan-backed IRA terrorism.

4.15 pm

I support the motion not because I believe that Her Majesty's Government or the Gaddafi regime will necessarily pay attention to whatever we say. I support it in solidarity with those who have suffered because Libyan support allowed the IRA to murder people across Northern Ireland.

I also sound a note of caution: we must be careful that the victims' families are not exposed to extra coverage and publicity, and are not led into an agenda that will go nowhere. Now that the Libyan regime has been readmitted into the international community, it has sent non-governmental organisations, armed with sovereign wealth from the Libyan treasury, that are proposing to offer investment in various countries. I believe that they have been in the United Kingdom, here and in Scotland, and that they are very active on the ground.

When one adds the whole thing up, it is perfectly clear that the policies that the Prime Minister is

pursuing were determined eight years ago, and that he is carrying on from where Tony Blair left off. The priority to stop Libya using its resources to develop nuclear weapons, and to stop the spread of those weapons, has overcome the desire of the United Kingdom Government to pursue compensation.

Furthermore, it is also not entirely clear what was the source of the 2008 compensation moneys, and it is not clear whether it came from the Libyan Government. It may well have come from a number of oil companies who are trading in Libya, some of which are American-owned, and it is not beyond the realms of possibility that British-owned companies were also involved.

There are a range of issues that must be examined, and I am anxious that the victims' families are not led up the garden path. The Libyan regime has set its face against paying compensation, and both Gaddafi's son and the Libyan Foreign Minister have ruled it out. Nevertheless, if there is any opportunity for the victims' families to receive recompense and recognition, the Ulster Unionist Party will support it.

Mr Attwood: From the outset, I wish to make it clear that, with caution, the SDLP backs the motion. An SDLP amendment to the motion was not accepted by the Speaker, and we believe that that amendment would have more generously reflected the situation with respect to victims and survivors. The SDLP amendment acknowledged that violence and human rights abuses had been perpetrated not just by the IRA using Libyan weapons, but also by agencies acting on behalf of the British Government, and by all the other paramilitary groups. In general, we believe that part of the fabric of a healed and reconciled society is the acknowledgment of the pain and the experience of the other, however it arose. A broadly phrased motion, which included all of those who have suffered violence at the hands of an illegal group, or through the actions of a Government, would have been a better statement from the House.

That is particularly important in the run-up to Christmas, because the British Government are currently consulting on the proposals of the Eames/Bradley group. They have made it very clear that they will legislate on those proposals only if there is political consensus, which is code for the lowest common denominator. For elements of the RUC, the security services, the British Army, and the leadership of the IRA, the UDA and the UVF, the lowest common denominator is the suppression of truth and the denial of justice to the victims' families.

Therefore, it is important to send out a broader and particular message to the British Government that all victims of violence and human rights abuses have to be acknowledged and their entitlements have to be

respected, which includes their entitlements to truth and justice. The danger is that a partial, selective motion such as this sends out a message to the British Government that plays into the hands of those in illegal groups and state organisations who have anything but truth and justice on their minds. However, the SDLP still supports the motion because, on balance, victims and survivors need to be acknowledged rather than further victimised by the playing of politics on the Floor of the Chamber. We will not go down that road.

In one way, I find it difficult to accept some of the DUP's good faith in this regard, because many cases have been taken by victims and survivors to secure truth and justice. Many victims, including victims of state violence, have gone to court to assert their entitlements and have gone all the way to the European court to assert their entitlements to due process and truth and justice, but I have not heard from the DUP on any of those cases. When victims have taken legal action to protect their entitlements, the DUP has not stood up and supported them along that path.

Towards the end of his speech, Gerry Adams said that the SDLP was being short-sighted and lacked vision. He beat up on the motion, as well he might, because it calls on the British Government to apply diplomatic pressure on Libya. That is the same Government that Gerry Adams says should be persuaders for Irish unity. He is prepared to rely on the British Government in that regard, but beats up on them in respect of Libya. It is the same British Government that Gerry Adams relies on when it comes to the role of MI5 in the North, yet he beats up on the British Government when it comes to their role in respect of Libya. Gerry Adams said that we should not call on the British Government because they lack standards in respect of their behaviour and have a culture of cover-up and disclosure. In that regard, he speaks some truth. However, he should apply the same principles to the illegal organisation known as the IRA, which killed half of the people who were killed during the Troubles in the North, including hundreds of so-called innocent civilians. When will the truth and disclosure of all that come out at the hands of the IRA?

Mr Deputy Speaker: The Member should draw his remarks to a close.

Dr Farry: The Alliance Party is happy to support the motion. Although we recognise that the motion is piecemeal with regard to the issue that it is trying to address, it is, on its own terms, the right thing to do.

As a liberal internationalist, I am extremely comfortable with the notion that we hold states and their leaders accountable for their actions, including severe and gross breaches of human rights and, arising from that, any sponsoring — including state

sponsoring — of terrorism. A range of different means is available, including the International Criminal Court, the International Court of Justice, the European courts with all of their various terms of reference, and our domestic courts through the principle of extraterritoriality, which has been well established through a large number of precedents.

There is strong evidence that Libya has been involved in sponsoring terrorism, not only in relation to what has happened in these islands, but elsewhere in the world. Although the actions of a large number of Governments in the West may suggest that that is now a thing of the past, nevertheless there is an issue of accountability for actions that have gone before. When we talk about the true interests of the United Kingdom and any other country with regard to their relationship with Libya, it is important that we do not lose sight of those wider interests with regard to establishing respect for human rights and opposition to terrorism. Indeed, the manner in which we react to past examples will go a long way in sending signals to people elsewhere in the world who may be tempted to go down similar lines regarding to the type of response that they will receive from our Government and other Governments. So, it is right that we seek to hold Libya accountable for what has happened.

I recognise that that is only one aspect of what we can do to address the past and what has happened in our country in a very tragic manner. People have spoken about the need for a global response to dealing with the past. The Alliance Party certainly endorses that, as well as the approach of trying to get a body such as the Eames/Bradley group to recommend a set of proposals to take matters forward. However, until we reach that point, we have to look at the individual ways in which we can address the different issues concerning the legacy of the past in our society. I will certainly support any individuals or groups who wish to find redress through the means that are available to them, either domestically or internationally. That is the right thing to do.

I was interested to hear Sinn Féin members making the point about the need for a more overarching response to how we deal with the past and criticising the motion for being piecemeal. If they are prepared to engage more willingly with the Eames/Bradley process and recognise that it is the only show in town, that would be tremendous progress and may give us some platform on which to build the way forward.

There are certainly flaws and difficulties in what we have seen so far, and it is up to the parties in the Assembly to try to reach a consensus that will allow some proposals to be progressed. It is also important to recognise that the needs of victims are very diverse. Some people have a desire for compensation, and the motion before us is a call for compensation. In some

respects, that may be all that is available to them. There are also demands for justice, truth and discovery, and for people to be able to tell their story and have that placed on the record. There are also the individual needs of victims, including support that they may need for healthcare, education and so on.

Mention was made of a hierarchy of victims, but it is worth making a distinction between two issues. I do not recognise that there is a hierarchy of suffering. When people suffer, particularly when a family suffers from the loss of a life, in many respects the suffering is equal. However, we must be clear that there is a hierarchy of circumstances in which events occurred. We cannot describe the circumstances in which lives have been lost as being equivalent, because there are different standards in the way those circumstances meet the rule of law. That is an important point that needs to be clarified.

It is important that the Assembly is serious in how it deals with the past and that it treats such issues responsibly. Although it is fine to address matters on a piecemeal basis, the main prize is to try to find an overarching way forward on the issue.

Mr Dodds: I welcome the opportunity to speak in this important debate, and I am glad that the first private Members' motion in the new Assembly term is about victims. When we talk about the issue of compensation from Libya, it must be noted that the needs of victims are different, as the Member who spoke previously mentioned. When we talk to different groups and individuals, it is clear that their needs differ as much as their circumstances.

One thing that struck me about the statements made by many people from the United Kingdom — not just people from Northern Ireland, but people from right across the United Kingdom — who are involved in the class action in the United States is that it is not so much the issue of financial compensation that is central, but the issue of ensuring that culpability on the part of the Libyan Government is recognised. There must be some form of facing up by Libya, and, necessarily, by others to their role in what happened to people's friends, relatives and families. Finding closure is far more important to many of the victims than the issue of financial compensation is, although that is not to say that there are not many people who are in need and who suffer day and daily. Those people do not just suffer emotionally because of the scars that have been inflicted by what has happened to them; they suffer financially, too. We must also address those issues.

4.30 pm

I welcome the fact that the British Government have had a change of heart on this issue. I remember that Jason McCue, the lawyer who has been involved intimately in pursuing a class action in the United

States on behalf of victims, received a letter from the Prime Minister on 7 October 2008. In that letter, the Prime Minister made it clear that the British Government were not going to get involved, primarily for the reasons that my Rt Hon Friend the Member for Lagan Valley outlined. At that stage, it was very difficult to see circumstances in which the matter could be progressed. However, I must say that it has progressed and has got to this stage, and that has not been because it has been driven by politicians.

Whenever we talk about leading people on and so forth, it is important to make the point that the campaign has been driven and is being led by the victims. That is the key issue. It is not a campaign that has been whipped up by any group of politicians; it has progressed because the victims initiated class action, which their legal representatives have been assiduous in pursuing, and because the victims have now sought the assistance of their elected representatives, which we have been glad to give. As a result, pressure has mounted on the British Government.

The circumstances in which the Lockerbie bomber was returned to Libya have created a situation in which the Prime Minister has realised that there is simply no credible or arguable defence for saying that, on the one hand, we should have compassion for a perpetrator of violence by sending him back to Libya to live out his last days and, on the other hand, we should adopt a flint-like response to the needs and cries of the victims. They deserve to be helped, and that is what is now happening. I welcome that, and the vote on the motion is a clear opportunity for all Members and parties in the Assembly to stand together with victims.

We are dealing with one particular set of circumstances, but that is the particular set of circumstances that the victims have brought to this House, as it were, and to us as politicians. It is now up to us to respond. When the Division is called, it will be an opportunity for us Members to say either that we are on the side of victims by helping them through our actions as well as through our words or that we are simply going to pay lip-service to the needs of victims and, when it comes to the chance to demonstrate where we stand, we are going to go into the "Noes" Lobby and vote against the motion. It will be a sad reflection on any Member who decides to take the latter action.

We hear the issue of a hierarchy of victims being trotted out time and time again. I agree with Dr Farry on that issue. We all recognise the suffering that has occurred across the Province, but there is a difference between the circumstances of those who go out deliberately to murder and who are then dealt with according to the rule of law and those of the innocent victims of those terrorists. We should never ever get away from facing up to and recognising that

difference, both in fact and in law. Hopefully, that will be recognised in law sooner rather than later.

Mr Molloy: Go raibh maith agat, a LeasCheann Comhairle. First, let me restate what my party has said time and time again: all victims should be equal, and their families should be treated equally in every way and treated with respect. It is regrettable — we are not surprised in one sense — that Jeffrey Donaldson MP, who was a junior Minister and who had responsibility for dealing with victims, is party to proposing the motion, which makes a one-sided attempt at dealing with victims.

We are a society coming out of a conflict situation, and I would have thought that, at this stage, all parties would be trying to deal with all victims equally, to respect them, to help them with their worries and concerns resulting from the trauma that they have gone through and to give that support to their families, instead of engaging in publicity stunts and using the issue for electioneering purposes. The issue of victims is much more serious than that, and it should be treated in that way.

Families should be treated with respect. We should be trying to help the families of victims to resolve issues, to respect differences and to move into the new opportunities that are in front of them, which politicians have moved into already. However, I feel that some politicians would like to hold victims in the state of victimhood and play on the emotions, worries and concerns of victims and their families.

All families should be treated equally, and this motion does not treat all families equally. This motion deals with one side only.

Mr Donaldson: I am not sure what the Member means by one-sided. We support all the victims who were affected by the use of that weaponry, and that is not exclusive to the unionist and Protestant community.

I am sure that the Member will be familiar with 'Lost Lives'. Let me briefly quote the case of Patsy Gillespie, a Roman Catholic father who was taken from his home in front of his family by the IRA and made into a human bomb and who lost his life as a result. His widow is quoted in the 'Belfast Telegraph' in 1991 as saying:

"Me and Jennifer were here together on the chair, and he just sat on the arm of it and put his arms around us and said, 'Everything will be all right, don't worry.'"

I am speaking out today for the Patsy Gillespies of this world, every bit as much as I am speaking out for unionist victims. Therefore, this is not a one-sided motion.

Mr Molloy: I do not see it as unionist victims. I listened to Mr Donaldson and I did not hear any acknowledgement of the victims of British atrocities,

the victims of collusion or the victims of the regiment of which he was a member, a regiment that so badly abused so many people that it had to be disbanded such was the disrespect in which it was held across the community, just like the organisation that it replaced, the B-Specials.

The B-Specials were another loyalist paramilitary organisation — a Protestant force for a Protestant people — and one of the first organisations to commit murder, killing a young Catholic man at a peaceful protest in Armagh city. Agents of the British Government carried out a long list of atrocities in which the British Government and the British Army, FRU, MI5 and other undercover forces colluded.

Others acted indirectly. Loyalist paramilitaries and the UDR colluded to murder and to set up others to be murdered. The murder of Catholics under the UDR across the murder triangle is notorious because it was clear that it involved a mixture of RUC, UDR and loyalist paramilitaries. Some come from the constituency that Mr Donaldson represents, yet I have never heard him speak out in any way whatsoever on behalf of those victims.

The motion is one-sided because it does not deal with any of the issues for which the British Government were responsible. Mr Donaldson does not call on the British Government to seek compensation from those who armed loyalist paramilitaries; he does not ask the British Government to seek compensation from Ulster Resistance, which the party to which Mr Donaldson now belongs was key in setting up. Some were also clerks and secretaries of the Ulster Clubs, which was part of Ulster Resistance. Mr Donaldson might have been in a different party and wearing a different beret at that time. He was wearing the green beret of the UDR while his colleagues were wearing the red berets of Ulster Resistance; however, they were part of the same force, all colluding in bringing about the murder of Catholics across mid-Ulster and beyond. They operated not only in the North but across the border, and the Dublin Government, despite their silence, could be asked to compensate the victims of the murder and mayhem that was created by the collusion between the British Government and loyalist paramilitary forces.

It is important that we state today that all victims are equal. What victims want is compensation from the British Government for what they did to citizens here, but they also want the truth, which is a form of compensation. The British Government could easily end all the inquiries by simply telling the truth. Directing loyalist paramilitaries did not happen with a few renegades around Lisburn or Portadown or mid-Ulster.

Mr Deputy Speaker: I ask the Member to draw his remarks to a close, please.

Mr Molloy: It happened through direction from the very top.

Mr Deputy Speaker: The Member's time is up.

Mr Molloy: From Downing Street and from MI5.

Mr Irwin: I welcome the opportunity to contribute to this timely and important debate on the release of the Lockerbie bomber and compensation for the victims of Libyan-sponsored IRA violence.

The disgust and betrayal felt by the families of those who were murdered in the Lockerbie bombing, after witnessing the release of al-Megrahi and the fanfare that greeted his arrival in Libya, were felt across the nation. The arguments for his release, which were based on his ill health, in contrast, gave little regard or acknowledgement to the well-being of the families who suffered the terrible loss of their loved ones. This issue is at the centre of how Governments treat the victims of terrorism. Megrahi made a decision to take life. He did not have to take the decision to murder 270 people. In light of his actions, surely he cannot have the luxury of release on compassionate grounds. The lives that he took and the families that are left behind are the sole focus of our debate. The release of the bomber on compassionate grounds is an affront to the memory of the people whom he murdered.

Libyan-exported arms and explosives have wreaked havoc across the world, with mainland Britain and Northern Ireland having their share of the carnage through the IRA's campaign of violence. According to statistics, around six tons of Libyan Semtex were brought to Northern Ireland by the IRA. Along with the import of arms and ammunition, that accounted for many innocent lives being lost and families being ruined.

At the height of the Troubles, my constituency of Newry and Armagh was considered to be a hotbed of IRA activity, including planning of attacks, making bombs, hiding material and, of course, carrying out some of the most bloodthirsty acts of murder imaginable. The victims of IRA violence in that area still bear the scars of that campaign, and their memories of lost loved ones are as real today as ever they were. The campaign to secure compensation from Libya for the carnage that it sponsored is a campaign that must be won. The voices of the Assembly must be united to send a clear message to Libya and its Government that their ridiculous decision to supply the IRA with explosives and weapons was the direct cause of much suffering.

In recent days, much has been said about the new trade links that Britain is forging with Libya. There are more important issues to address than trade relations. Will Libya recognise its part in the loss of many lives here, and will it, at the very least, acknowledge its mistake by compensating the families of the people

who lost their lives? The campaign by the victims will force that message home, and, along with my party, I fully support the campaign. Libya must be held to account for its actions. I support the motion.

Mr Kennedy: No amount of compensation can ever make up for the heartache and emptiness caused by the loss of loved ones through the wicked and cruel actions of terrorists and those who cynically provided them with the means to carry out their acts of terrorism. That is an important message from the House.

Although Libya provided the lethal materials, those materials were used by Irish republicans. Even more unpalatable and difficult to come to terms with is that some Members of the House may have used those materials on behalf of the republican movement. Worse still, perhaps, they may have been used by Members who have gone on to serve in the Executive.

I praise the representatives of victims' groups who have campaigned tirelessly on the issue. I assure them of my support and that of my party in their continuing campaign. The failure of Gordon Brown's Government to link the issue of compensation for the victims and relatives of victims of IRA terrorism to the bilateral negotiations that have taken place between the United Kingdom and Libyan Governments has resulted in a perception that the Lockerbie bomber was released in return for oil concessions for UK firms. That has resulted in a serious loss of leverage for the UK Government in obtaining further concessions from Libya. The Brown U-turn on compensation for IRA victims is, of course, window dressing. Libya is unlikely to respond, because the matter is outside the mainly commercial terms of the bilateral talks. It will now be raised only through the normal official diplomatic channels that involve Foreign Office officials in Libya.

4.45 pm

The worry is, therefore, that very limited leverage is left with which to persuade the Libyans to agree to compensate victims. That is why Colonel Gaddafi's son issued such a robust rejection of the claim for compensation for IRA victims. He basically said that the matter would be left to the two sets of lawyers to sort out.

The uncomfortable truth is that Gordon Brown made his most recent of U-turns only because English newspapers and other mainland media raised the issue of compensation for mainland victims of IRA atrocities, such as Warrington, the Baltic Exchange and Canary Wharf. It appears that Northern Ireland's victims of IRA terrorism, which Libyan explosives facilitated, were far from the Prime Minister's mind.

I want to register my deep concern about the damage that will be caused by the latest foray by Gordon Brown's long-discredited Government into

cynical and commercially motivated negotiations with a regime that is dubious, to say the least, and about what that, in turn, will do to the relationship that this country and nation has with the United States. During the past 10 days, newspaper headlines in New York have spoken of a possible end to the special relationship between the UK and the USA. Ministers here must be concerned about the damage that Gordon Brown has done to the special relationship.

I am also concerned about the level of personnel being brought to the negotiations. I wish to show no disrespect at all to the individuals concerned, but a top-level UK political delegation must be sent that involves, at the very least, the Foreign Secretary and potentially the Prime Minister himself, if the UK Government are serious and if they want to be taken seriously by the people of Northern Ireland. I want the negotiations to go well. However, the delegation would have a greater chance of being taken seriously if it were to include the British Foreign Secretary or even the First Secretary of State, Lord Mandelson, who seems to be on such good terms with Colonel Gaddafi's son.

I do not want the hopes and expectations of many victims of terrorism in Northern Ireland to be built up to an unrealistic level, only for them to be dashed. That would be both cruel and unprincipled.

Mrs D Kelly: As I make my contribution to the debate, I am mindful of the fact that, in the majority of cases, financial compensation is not the real issue for victims. Certainly, in this case, victims' groups have made it clear that the issue is getting recognition of their pain and suffering. We all know, however, that, although it cannot buy health or happiness, money makes life considerably easier. As a result of the tragedy of our past, many families have been left without their main breadwinner and, consequently, have experienced severe financial hardship.

In setting out the context of the debate, the proposer of the motion, Mr Donaldson, made it clear that Libya has conceded the principle of compensation by already making payments to United States citizens. That is a fact. It is also a fact that the campaign has been instigated by victims' groups themselves, not by a political party. It is unfortunate, therefore, that the House will divide on the motion. We in the SDLP are disappointed that our amendment was not accepted for debate. It would have broadened the debate and would have given all Members the chance to support it.

The issue of a hierarchy of victims has been raised in the debate. Although there can be no moral equivalence between a perpetrator and a victim, there is a substantial and, indeed, increasing grey area as to who the victims and perpetrators were during our tragic 30-year conflict. That 30-year conflict was

entirely unnecessary. That is one truth about the past on which I hope we can all agree. However, revisionism suits Mr Adams and Sinn Féin as they try to erase the IRA's brutal past. After all, the terrorist organisation murdered more Catholics/nationalists than the loyalists and the British security services put together. That is another truth about the past.

The SDLP is opposed to violence from any and all quarters and has nothing to fear from supporting the principle of the motion and the victims' call for compensation. I support Mr Empey's comment that we must not falsely build up the expectations of the victims' groups for getting compensation from Libya. Libya has already drawn the battle lines in that matter. We should not be shy or retiring in supporting the victims in their quest.

Mr A Maskey: My remarks were in no way a reflection on any of the families that are involved in the motion. Does the Member agree that motions such as this, which relate to a narrow section of victims' families, and the way in which they are dealt with can often cause even greater and further hurt to families that are not included in such motions?

Mrs D Kelly: Many of the contributors thus far said that the pain and suffering of victims' families are the same and that they should not be penalised. Mr Donaldson has regularly and routinely been quoted as having made such comments. In proposing the motion, Mr Donaldson said that the rationale for the debate is the fact that the issue is very much in the public forum after the call for victims' compensation and the recent decision by the Scottish Cabinet Secretary for Justice to free the person convicted of the Lockerbie bombing.

I also support the comments of my party colleague Mr Attwood. He said that, in the past, the DUP was put to the test in supporting individuals and groups of victims in their search for truth and justice, whether that be through inquiries or compensation, and that he hopes that the party will reflect on Mr Donaldson's comments and consider carefully the proposals that come forward either through the Eames/Bradley group or from other individuals or groups that have been made victims by terrorist organisations in the past. We will watch closely, and we expect the DUP to live up to its obligations in supporting all victims of the past.

Ms J McCann: Go raibh maith agat, a LeasCheann Comhairle. All victims of the conflict and their families are entitled to compensation. Like my colleagues, I feel that the motion creates a hierarchy of victims, and that is unacceptable. Our priority and focus should be to ensure that all relatives are treated with respect and dignity and that every effort is made to support them, irrespective of their religious or political affiliation. There should be no hierarchy of

victims, and all families need to be treated with that respect and dignity.

The proposer of the motion forgot to mention the victims of the British Army, the RUC and the unionist death squads. The motion does not acknowledge the fact that the British Government were a combatant force in the conflict. It is, therefore, unacceptable that a state that was responsible for murder itself, either directly or indirectly, through the policy of collusion should hold any other country to account.

Gordon Brown would be better placed to take responsibility for his predecessors and come clean to the families of the victims that his Government were responsible for killing, either directly or indirectly. It would suit him better to do that.

In the days that followed internment, in west Belfast alone the British Army murdered 11 people, including a Catholic priest and a mother of eight children. That same group of paratroopers went on to murder 14 innocent civilians in Derry on Bloody Sunday at a civil rights march, and many more people, including young children, were killed by plastic and rubber bullets. From the Shankill butchers era in the early 1970s to the murder triangle killings and the years of the LVF, Catholics of all ages and sexes were systematically targeted and murdered without mercy by unionist paramilitaries, including members of the RUC and the UDR.

In the Lurgan and Portadown area alone, 300 Catholics —

Mr Donaldson: Will the Member give way?

Ms J McCann: No, I will not give way; you have spoken enough.

Three hundred Catholics were murdered, and, to this day, their deaths remain unexplained. They were killed —

Mr Deputy Speaker: Order. I ask Ms McCann to take her seat. I also ask Members to make their remarks through the Chair. The debate has been good natured until now, so let us keep it that way.

Ms J McCann: We are talking about facts, not allegations, about the Glenanne gang. The fact is that serving members of the UDR and RUC and security service agents were directly involved in murders and bombings, including the Dublin and Monaghan bombings, in which 33 people lost their lives, and the Miami Showband killings.

For people who are a bit confused about collusion, I will explain how it works. The Force Research Unit, better known as FRU, was a unit of the British Army that was responsible for the recruitment and running of British agents, including Brian Nelson, to murder Irish citizens. That unit, in turn, was answerable to the task co-ordinating group, which comprised the RUC's

Special Branch, the Chief Constable and other intelligence services. That group was accountable to the joint security committee, which is now known as the joint intelligence committee. The committee is directly responsible to the British Prime Minister and has overall control over all security issues. Therefore, the British Cabinet, including the British Prime Minister, is aware of everything that is happening in intelligence circles.

In the 1980s, loyalists were armed with weapons that were smuggled in from South Africa. I have not heard many Members talk about that today.

[Interruption.]

Mr Deputy Speaker: Order. I am sorry, Ms McCann, you will have to resume your seat again. I remind Members that remarks shouted across the Floor are not recorded in the Hansard report, so they are a waste of time.

Ms J McCann: There was an upsurge in killings, including that of human rights lawyer Pat Finucane. For three years after the South African shipment, unionist death squads killed 224 citizens and wounded countless others. Even today, we are awaiting the final report on the Loughinisland murders.

Ms Ruane: Go raibh maith agat. Tá an fhírinne de dhíth ar gach teaghlach, agus go raibh maith agat as an idirghabháil sin. As the House will know, the murders at Loughinisland were a dreadful atrocity. The families of those killed were supposed to get the report into the incident on Wednesday but have now been informed that that will not happen. Let us look at that case.

[Interruption.]

Mr Deputy Speaker: I ask the Member to resume her seat. I must insist that all remarks be made through the Chair. If I do not do my job properly, I will rightly be criticised. I ask Members not to make remarks across the Floor.

Ms Ruane: That case shows the importance of treating all victims fairly. There was no proper investigation into the Loughinisland killings. The RUC destroyed key evidence and paid agents. In our society, we need to move forward —

Dr W McCrea: On a point of order, Mr Deputy Speaker. Is the Member making a speech or is she making an intervention?

Mr Deputy Speaker: That is not a point of order.

Ms Ruane: Each family deserves the truth — no family is more equal than others. Let us all move on and create a fair society and make sure that there is truth and justice for all families.

Mr Deputy Speaker: Interventions are supposed to relate to the subject under debate, and they are supposed to be short and to the point.

Ms J McCann: There are Members in the Chamber who shared platforms with notorious killers, such as Billy Wright, but that seems to have been forgotten as well. Members would be better representing the interests of all victims and asking the British Government for an independent and international truth inquiry so that all families can know the truth about what happened to their loved ones.

Mr Easton: The motion addresses one of the vilest human rights-abusing organisations that the world has ever known: the criminal terrorists of the Provisional IRA. The IRA stands judged at the bar of world opinion as a cowardly and ruthless terrorist organisation that perpetrated its evil on an innocent population. From the torture and mutilation of the innocent to the abduction and premeditated murder of a single mother of ten through to the murder of ordinary children, its human rights abuses knew no bounds.

5.00 pm

The Provisional IRA deliberately operated outside the democratic process, seeking to wreck democracy and the rule of law through the systematic destruction of the human rights of the innocent population. I suspect that, over the coming months, it will attempt to wreck democracy in the Northern Ireland Assembly. Thank God that it failed and that it will continue to fail. Its actions will continue to be subject to examination, and history will continue to be its harshest critic.

A special place has been reserved for the role of the IRA in the annals of shame. All right-thinking people celebrate the failure of terrorism, but we must not forget that many innocent victims still bear their loss, still carry their disability, and still live with the wounds of the IRA torture, mutilation and murder machine.

In part, the death squads of the Provisional IRA received their tools of evil from Libya, and it is from Libya that a response is so desperately required. Unfortunately, time does not allow me to document the suffering of the innocents at the hands of IRA equipment, or its missions of death with Libyan arms and Semtex. However, time will not run out for those who call for justice and reparations for the innocent victims. In a world that has respect for human rights, the shortcomings of the Gaddafi regime can no longer be concealed, and no longer can terrorists hide from their crimes. Let us not forget that although Tripoli supplied the tools, it was the rejectionists of democracy and the rule of law who used those tools in their futile murder machine.

I challenge the Prime Minister to come out fighting. It was British citizens who were brutalised by the Tripoli terror tools. It is entirely right and fitting that those people, without whom the IRA could not have perpetrated with such ferocity its terrorism against an

innocent population, take their responsibility and compensate the innocent. It is the only morally suitable response from the Gaddafi regime.

Some will fear this debate taking place, and some will be frightened at the spotlight being put on the cruelty of the IRA. Some will wish to hide from the human rights glare as it exposes the nakedness of the republican movement and leaves it having to own up to its systematic, inhuman and degrading treatment of the people of Northern Ireland.

Mrs Foster: Does the Member agree that one of the most appalling human rights abuses of the past 35 to 40 years was the systematic ethnic cleansing that took place along the border, where Protestants were forced out of their homes by the IRA? Does he agree that the human rights abuses that were perpetrated then should be brought to account and that the truth should be given to all those people?

Mr Easton: I thank my colleague for her intervention, and I totally agree with her comments. There is a lot of hypocrisy coming from the Benches across the way: on the one hand, they go on about their human rights, but on the other hand, they were the ones who were involved in abusing human rights in the first place.

This is not the time to listen to the arguments of the republican movement, however morally incontinent. They may as well attempt to push water up a hill as seek to prevent the innocent victims of its terrorists getting compensated by those who supplied the tools. American victims of terrorism are rightly compensated as they live with the loss and the brutality inflicted by terrorism. Are we saying that British victims are to be treated less well because they are British? As we rightly acknowledge the evil of the 9/11 terrorist attack and the suffering and loss felt by families as a result of that evil, let us not morally equivocate the terrorism of the IRA using the Tripoli terror tools. It is every bit as wrong, every bit as evil, and the impact on the innocent is just as hurtful. The only difference is one of scale.

Let us face facts; Tripoli terror tools aided and abetted the IRA in perpetrating its evil campaign. Without the Tripoli terror tools, that campaign could not have been sustained with such cruel vigour for the 35 years that it was. Put bluntly, people would be alive today had it not been for the Tripoli terror tools. Whether it be the slaughtered innocent parents and children on the Shankill Road in 1993, who were deprived of the most fundamental human right of all, namely, the right to life, or the many other innocents, not least at the Baltic Exchange in London, an unstoppable momentum for justice is gathering pace, and the people across the way need to recognise that. There is a moral principle that determines the fairness

of action; it is known as justice. World opinion, I dare to suggest, has already determined and judged that compensation is a fair treatment for the innocent.

Mr Deputy Speaker: Again, I remind Members to please make all remarks through the Chair and not across the Floor; otherwise, I may have to name someone.

Mr Elliott: Thank you, Mr Deputy Speaker. First, I thank those who proposed the motion. Secondly, I thank those in the campaign groups who have continued to seek restoration or compensation from Libya.

The connection with Libya started in 1972 when Gaddafi praised the IRA as allies in a struggle against Western imperialism. He embraced the IRA at that time. I wonder whether today's debate is about Libya; I hear some people across the Chamber exclaim that it is about the British Government. Part of the debate is that the British Government did not support the real victims of the Province enough. We need to return to the real debate: Libya providing arms and explosives for the IRA and for terrorist organisations in the Province. If Members want to debate issues of the British Government at another time, they can propose such a motion.

We want to concentrate on the real issues, which Members on the opposite side of the Chamber have not mentioned. I have not heard any of them mention the Enniskillen bomb or the Ballygawley bomb that killed a number of soldiers on a bus. I have not heard them mention the Warrenpoint bomb — the anniversary of which took place recently — that killed so many soldiers or the murder of Lord Mountbatten, who was a member of the Royal Family, in the Irish Republic. I have not heard people on that side of the Chamber mention those atrocities, which can be directly linked to arms and explosives brought from Libya. Although others want to hark back to other issues, those are the real issues that we should be discussing today.

I would have thought that it would be incumbent on Sinn Féin today to try to strike a blow against their former colleagues in the dissident republican groups and show the party's stance on devolution in Northern Ireland and support for law and order in the Province. If Sinn Féin has moved on, it is time for it to recognise that and to tell Members on this side of the Chamber. We want to hear that; we want to hear that those people have moved on in society. We want to hear that they have left those bad old days behind them and that they support policing and law and order.

A colleague from my constituency, Arlene Foster, mentioned ethnic cleansing of people around the border, not only in Fermanagh and south Tyrone, but in other places such as Newry and Armagh, south Down, west Tyrone and Foyle. That happened on a systematic basis, and I want to hear some Members say that it was

wrong. We must support those real victims; Sinn Féin now has the opportunity to support the real victims of the Province. I want to hear it do that. Unfortunately, if it does not, it will be hard for many of us to continue or to build any trust in society. Our party wants to build trust in the community. However, unless others are willing to stand up and accept the wrongs of the past, that will be difficult.

Lord Morrow: I thank Mr Elliott for giving way. Some of us find it extremely difficult to understand Sinn Féin: on one hand, it says that it is time to move on, but its Members are standing in the Chamber today in stark denial. They cannot accept that they contributed to the events of the past. Does the Member agree that Libya supplied the Semtex that was the lifeline of the terrorists in the IRA who prolonged the campaign? Indeed, it supplied many more weapons of destruction that were imported by the Provisional IRA. If that lifeline had not been supplied, the war would have been over 20 years earlier.

Mr Elliott: I thank the Member for his contribution. It was not only about Semtex; it was about a much wider range of support and assistance. Libya breathed oxygen into the campaign for years on end.

I would like to hear Members on the opposite Benches support the call for the Prime Minister, Gordon Brown, to get behind us and do what he should do, which is demand of Libya the compensation that is the right of the real victims in this Province.

It is not only Libya, but the Irish Government that have a lot of questions to answer about this whole escapade and about the Troubles in general. Let us not forget that they were behind the times when our security forces in Northern Ireland were looking for co-operation from the Republic of Ireland. Let us be blunt about it: they often turned a blind eye to some of the goings-on when people were skirmishing across the border to a secure hideout after they had done their dirty deeds in Northern Ireland.

Mr Deputy Speaker: The Member must bring his remarks to a close.

Mr Elliott: I support the motion.

Mr G Robinson: I support the motion. As other Members said, there is no doubt about the connections between Libya and the IRA. That numerous deaths, injuries and suffering were caused in Northern Ireland thanks to Libyan-supplied weaponry and explosives is apparent and accepted by most of us. I support fully those victims of IRA terrorism who have the courage to seek compensation from those who supplied that weaponry and who probably trained the perpetrators of those heinous and callous crimes. In that, I include unionist and nationalist victims.

I, therefore, urge the Prime Minister, Gordon Brown, to now stand by his word and to have no more U-turns on this issue so that justice can be done in favour of the victims and be seen to be done. The fact that compensation was paid to the relatives of the Lockerbie murder victims has set a precedent. There is no way that Libya can deny that. Libya should, therefore, further admit its involvement in the murders of many people in Northern Ireland by its desire to arm, and likely train, the cowards who carried out the murdering. There is no difference between bombing an aircraft full of civilians and bombing a street full of civilians: both are wrong.

The United Kingdom Government must now stand up and be counted. They must put pressure on the Libyan regime through diplomatic channels to ensure that the Northern Ireland victims of Libyan-supplied weapons and explosives are treated in the same manner as the victims of the Lockerbie bombing.

Mr A Maginness: Every death during the Troubles was wrong, whether they were caused by the IRA, the UDA, the UVF or, indeed, state forces. All those deaths were wrong. I condemned the deaths on Bloody Friday, I condemned the deaths on Bloody Sunday. There is no distinction between them, as far as we are concerned: all deaths are wrong. Violence was wrong. The IRA campaign was futile, counter-productive and morally and politically wrong. We paid a mighty price for that and for the campaigns of the UDA and the UVF. We want justice for all victims, and we do not adhere to any hierarchy of victims.

In the case of Libya, however, two points must be made. First, Libya has declared openly that it supplied arms and explosives to the IRA, and it accepts that what it did was wrong. Secondly, it is a fact that the United States of America obtained compensation from Libya for the victims of terrorism — terrorism that was instigated or supported by Libya. That was a remarkable concession. If the USA could get that, why could the families of victims here not get the same compensation? What is wrong with victims of violence here receiving that compensation as well? That is what distinguishes that situation from others.

5.15 pm

We talk of collusion, and there was massive collusion between state forces and loyalists, as well as some elements of the IRA and other republican organisations. We do not know the truth of that, but there is a story to be told there. That is different from the instant case, where the Libyans have accepted culpability and have given compensation to the Americans. What is good for them must equally be good for victims here. That is just, right and proper. How that might be carried out, whether as collective or individual compensation,

remains to be seen, but people should support the proposition.

If people seek redress in other ways, they can do so. They can sue the British Government for collusion; indeed, people have done so. People have sued the British Government and the Ministry of Defence for killings, deaths, injuries and damage, and they can still do that. People are right to do that when evidence exists: it is within their rights.

Equally, if one looks at the Omagh judgement, one can see that the defendants, although they were sued individually, were sued also as an unincorporated association that was identified as the Real Irish Republican Army. At least two of the defendants were sued on their own behalf and as representing that organisation. Therefore, theoretically, the option is open to people to sue the IRA. It is probably a practical impossibility, given that we do not know who members of the IRA were. If there were known representatives, they could be sued. In that sense, people could claim compensation if assets were forthcoming.

However, we are dealing with theoretical possibilities. It is right and proper that justice be shown to the victims of IRA, UDA —

Mr Deputy Speaker: The Member must draw his remarks to a close.

Mr A Maginness: — and state violence. Therefore, it is right to support the motion.

Mr Donaldson: I thank Members who have contributed to the debate. I will not deal with all the comments that were made, but I will respond to some of them.

I am disappointed that Sinn Féin, even if it cannot support the motion, did not take the opportunity afforded by the debate to acknowledge, at least, wrongdoing against the victims who are taking the case — wrongdoing that they have suffered, and are seeking compensation for. That is regrettable, because it does not move us on, as the Member for Fermanagh and South Tyrone Mr Elliott and others pointed out.

Sinn Féin instead presented us with the usual “whataboutery”. We were quoted statistics about killings by the army, police and others. I did not want to reduce the debate to that level, but I will deal with it. In reality, the Provisional IRA killed considerably more people in the Troubles than the police and the army put together. They were responsible for almost 50% of all murders during the Troubles, including many murders of Roman Catholic civilians.

We heard a lot about what happened to Catholics from Sinn Féin Members. Ms McCann talked about the murder of Catholics by all and sundry, but she did not mention that the IRA murdered hundreds of Catholics — more so than some of the loyalist

paramilitary organisations. There was no recognition of that at all.

In fact, between them, the republican paramilitaries murdered almost 60% of all the people who were killed in the Troubles. The Member for Fermanagh and South Tyrone Mr Molloy mentioned the Ulster Defence Regiment (UDR), which I was proud to serve in. I remind the Member that the UDR was responsible for a total of eight deaths in the Troubles.

Mr Adams: Will the Member give way?

Mr Deputy Speaker: I think that it is clear that the Member does not wish to give way.

Mr Donaldson: Some of those eight people were members of paramilitary organisations. That is eight deaths compared to the 1,768 deaths for which the Provisional IRA was responsible, yet the Member seeks to make some kind of equivalence. Frankly, I am at a loss to understand where the Member — *[Interruption.]*

Mr Deputy Speaker: Order. The rules apply to either side equally: there should be no shouting across the Chamber.

Mr Molloy: On a point of order, Mr Deputy Speaker. Perhaps Mr Donaldson will correct himself: I am not a Member for Fermanagh and South Tyrone.

Mr Donaldson: I am happy to correct that point for the record. I remove my disparaging comment from the Fermanagh and South Tyrone constituency and attribute it to the Mid Ulster constituency, although some very good people reside there.

If the Member wants to trade statistics, the facts speak for themselves. Those are not my facts but the facts of the historical record. We heard a lot about the truth today. It would be nice if the Members on the Benches opposite and the organisations that they represent told the truth about what happened to the victims of IRA terrorism.

Some Members: Hear, hear.

Mr Donaldson: In the Saville Inquiry, almost £200 million has been spent in an attempt to get to the truth. However, members of the party on the Benches opposite gave evidence to that inquiry but refused to tell the whole truth. Do not talk to us about the truth. Yes, we want the whole truth. However, when are we going to get the whole truth from Sinn Féin about what the IRA did and about the victims that it created in Northern Ireland? By all means, let us have the truth, and let us have it out in the open. Then we could examine and consider it for ourselves, but we do not get the truth.

We also hear talk about a hierarchy of victims. The Member for North Belfast Mr Maginness, the Member for Upper Bann Mrs Kelly and others were absolutely

right in their explanation of how they regard that hierarchy. We are not talking about these victims being different from other victims of terrorism, but it is clear is that they have a strong legal case against the Libyan Government. That is why the motion is before the House today, and it simply asks Members to support the case of those victims.

Therefore, it is disappointing that Sinn Féin has not taken the opportunity to support the motion. It was an opportunity for Sinn Féin to demonstrate that it has moved on and that it is rising above what has happened in the past. It was an opportunity to acknowledge that there was wrongdoing and that there should be compensation for wrongdoing. I thought that Sinn Féin might have accepted and agreed to that principle and supported the case that is being taken against the Libyan Government.

I welcome the support of the SDLP, the Alliance Party and the Ulster Unionist Party for the motion. The SDLP especially has come to a measured judgement on the matter, and I welcome the comments that have been made by Members. I want to single out Mrs Kelly's comment that there should be no moral equivalence between perpetrators and their victims. That is absolutely right, and there is common ground across the Chamber that we must recognise that there is a difference between the people who sought to carry out acts of violence and engage in terrorist activity and those who suffered as a result of acts of terrorism. Let us hope that we will be able to build a consensus in the Chamber as to how we address that matter when we return to that issue in the future, because it is important to the victims of terrorism.

I endorse Sir Reg Empey's view that we should not raise the expectations of victims. We must not raise expectations, but today we should be supporting the victims in their quest for justice in this case. That is precisely what we ask the House to do this afternoon: give its support to a just cause.

Ms Ruane mentioned several cases in her constituency about which the truth must come out. I simply say to the Member that I could quote instances in South Down where people were murdered by the IRA. The truth about their deaths has never come out. One such instance was Warrenpoint where, on a bloody day some 30 years ago, 18 soldiers lost their lives. Are their families not entitled to the truth about what happened in that incident?

If we are going to go down the road of talking about the truth, let us talk about the truth, the whole truth and nothing but the truth in every case. Members who are not prepared to be honest about the circumstances behind more than half of the murders that occurred in Northern Ireland cannot talk about having an international truth commission. Republican

paramilitaries committed more than half the murders, and almost all those were carried out by a single organisation, namely the Provisional IRA.

Yes, let us talk about the truth, but let us also have the truth. Those who, in the past, supported the actions of the IRA now have a responsibility to say that that organisation should tell the truth. If only we had heard that today. Even if Sinn Féin cannot support the motion, if we had at least heard from the Benches opposite a willingness to tell the truth about what the IRA did, it would have offered something to the victims of IRA terrorism to indicate that there is a process worthy of taking forward.

I hope that in the days and weeks to come the Assembly can address those issues in a mature manner. Instead of getting into "whataboutery", of which much has been heard today, I hope that we can begin to examine the broad principles that must be addressed to determine how we handle the past. One such principle must surely be that the victims of terrorism are entitled to be compensated for their loss. Many people have not been properly compensated.

The compensation arrangements that were in place in the 1970s, during the early part of the Troubles, were totally inadequate. Many of those cases are not necessarily covered by the legal action against Libya. We must know what we are going to do for those victims and how we address that issue. It is not only a question of money but of the recognition of suffering, not just in the loss of a loved one but in single mothers having to struggle to bring up families.

I recognise that that suffering crosses the political divide in Northern Ireland. Therefore, as legislators and people seeking to build a better future for Northern Ireland, we have a duty and a responsibility to address that issue. However, we must also address what happened in the past. We must be honest with ourselves and the people and find a way of dealing with those issues.

Mr Deputy Speaker: Will the Member draw his remarks to a close, please?

Mr Donaldson: Today's debate did not encourage me that the political maturity yet exists for that to happen.

Mr Deputy Speaker: The Member's time is up.

Mr Donaldson: I urge the House to support the motion.

Some Members: Hear, hear.

Question put and agreed to.

Resolved:

That this Assembly notes the decision by the Scottish Government to release the Lockerbie bomber from prison, and supports the case being taken by the victims of IRA terrorism to

claim compensation from the Libyan Government who supplied arms and Semtex explosives to the IRA; and further calls on the UK Government to apply diplomatic pressure on Libya to pay this compensation.

Adjourned at 5.29 pm.

NORTHERN IRELAND ASSEMBLY

Tuesday 15 September 2009

The Assembly met at 10.30 am (Mr Deputy Speaker [Mr Molloy] in the Chair).

Members observed two minutes' silence.

MINISTERIAL STATEMENT

Swine Flu

Mr Deputy Speaker: I inform Members that the Speaker has received notice from the Minister of Health, Social Services and Public Safety that he wishes to make a statement regarding swine flu.

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): I take this opportunity to provide an update for Members on the Northern Ireland response to the swine flu virus. There have been a number of developments during the summer recess. During the summer months, I have continued to participate in regular Cabinet Office meetings with ministerial colleagues from across the UK. My Department remains in regular contact with officials in the Republic of Ireland.

Worldwide, there have been more than 275,000 cases and more than 3,000 deaths. In the UK, there have been more than 70 deaths. In the main, the illness continues to be mild and self-limiting, although, for some people, it can be severe. To date in Northern Ireland, we have had 217 laboratory-confirmed cases. However, the actual number of cases is much higher, with almost 9,000 courses of antivirals having been prescribed to people who have been clinically diagnosed as having swine flu. In addition, the number of people who are consulting their GPs with flu-like symptoms is significantly higher than in previous years at this time.

Until now, 94 people have been hospitalised with swine flu in Northern Ireland. I have also been informed of a second death that was possibly associated with swine flu. Obviously, every death is tragic, and my thoughts and sympathies are with the family. Members will understand and respect that it is not appropriate for me to make any further comment at this time.

Although the levels of flu have been decreasing since their peak at the end of July, we should not be complacent. The scientific experts have advised that it is unlikely

that that downward trend will continue. We are preparing for a surge in cases later this year and potentially for a more severe pandemic strain.

We now know more about the virus and its effects, and we have been able to revise our planning assumptions. We have gathered more information from experiences of the pandemic in the UK and internationally, which has allowed us to refine our reasonable worst-case scenario. The timing of a possible pandemic wave has also been reassessed. In the worst-case scenario, we can still expect around 30% of the Northern Ireland population to be affected by the virus in a future wave. That means that approximately 500,000 people or one third of the population may become ill with swine flu over the course of the next wave. In addition, 5,000 people could be hospitalised owing to the virus, and up to 525 could die. During the peak week, as many as 113,000 people could be affected. Those are not predictions; rather, they are assumptions that enable us to plan for the very worst that could happen. Scientists have advised that a substantial peak in the virus may occur in mid- or late October.

I announced during the summer that advice had been received from the Joint Committee on Vaccination and Immunisation (JCVI) on which groups should be prioritised for vaccine. When the vaccine is licensed, it will initially be offered to individuals aged between six months and 65 years in the current seasonal flu clinical at-risk groups; all pregnant women, subject to licensing considerations; household contacts of immunocompromised individuals; and people aged 65 and over who are in the current seasonal flu clinical at-risk groups.

Those priority groups have been selected because they are at higher risk of severe illness from swine flu. Prioritising them ensures that we make best use of our initial quantities of vaccine. Front line health and social care workers will also be among the first to be vaccinated. The close contact that they have with patients means that they are at additional risk of contracting and transmitting the virus.

I expect to have sufficient vaccine for all those in the initial priority groups by the end of November. I anticipate that a licence will be granted in October; however, that is the responsibility of the European Medicines Agency (EMA), and I await its decision. I will continue to monitor the emerging evidence and the expert scientific and medical advice before taking any decisions on extending the programme beyond those initial priority groups. Planning assumptions will also need to be revised to take into account the impact of the vaccination programme.

I am pleased to announce that a UK-wide deal has been agreed with the General Practitioners Committee (GPC) on administration of the vaccine this autumn. The Department has agreed that GPs will receive £5.25

per dose of vaccine given and that district nurses will assist by vaccinating housebound people, in line with existing seasonal flu arrangements.

I am grateful to GPs for their willingness to take on that major vaccination programme. I am satisfied that their co-operation represents value for money in delivering the programme. Preparations for GPs to immunise the priority groups once the vaccine is licensed will now begin. Vaccination is our best defence in the battle against swine flu, but we must also be prepared for a significant increase in hospitalised cases. Experience elsewhere has shown that up to a quarter of hospitalised cases may require intensive care. Plans are in place locally and nationally to increase critical care capacity to cope with the potential demands of swine flu. I intend to more than double capacity in adult critical care. To provide that capacity in Northern Ireland, 47 adult ventilators are being procured.

The Department also plans to increase substantially the number of paediatric critical care beds and recognises that some older children may need to be cared for in adult critical care facilities, while receiving the necessary support from paediatric staff. The number of appropriately trained staff must be increased to support that additional capacity, plans for which have been developed.

Doubling critical care capacity will allow many more people to benefit from critical care than would otherwise be the case. To achieve such a significant increase, hospitals must deploy their trained workforce differently, and they may also have to postpone non-urgent, planned operations to concentrate staff and resources on the most seriously ill patients.

Keeping the public informed is a key element of our preparations. To that end, I have a major communications programme planned for the autumn and winter to maintain public confidence and awareness. That programme will build on the work that has been done to date, including the very effective bus panel advertisements that use the “sneezing man” image, which stresses the need for good hand hygiene. To reinforce the message that people should stay at home if they are experiencing swine flu symptoms, I ran a local advertising campaign. My Department is developing leaflets and other public information to accompany the swine flu vaccination programme.

In the summer, England launched the National Pandemic Flu Service in response to significant pressures experienced by GPs there. However, the number of cases to date in Northern Ireland and the fact that our primary care services have been coping well has not merited its introduction here. The situation is constantly under review and, should the need arise, that facility can be introduced quickly.

To date, most of the focus in the pandemic response has centred on the Health Service. However, if a more

severe pandemic wave is experienced later this year, we can expect to see significant pressure on schools and local services. Recently, I met my ministerial colleagues from the Department of Education and the Department for Employment and Learning to stress the need for business as usual as far as possible during the pandemic, and I am pleased to note that children have returned to school as normal following the summer break. The Public Health Agency continues to work closely with schools to ensure that local risk assessments are provided if significant absentee rates are reported. Now that schools have reopened and with the onset of the autumn/winter flu season, I do not expect the recent decline in the number of cases to be sustained.

Yesterday, I met the Minister of Enterprise, Trade and Investment. A future pandemic wave could have a very disruptive effect on businesses due to absences and difficulties with delivering normal services.

I also met the Finance Minister to discuss funding for the swine flu pandemic; later this week, I will meet him to continue those discussions. The bill for dealing with the pandemic could be £80 million or higher. To date, we have spent almost £30 million, most of which relates to national initiatives, such as antivirals, vaccines, personal protection equipment and antibiotics. That figure does not include costs such as the delivery of vaccinations, antiviral distribution, staff backfill for sickness absences and extra capacity in intensive care. There can be absolutely no doubt that costs will rise.

My officials have developed and costed three possible scenarios: a relatively benign estimate, assuming a moderate peak in demand; a reasonably prudent estimate, factoring in our best assessment of the extent and place of the pandemic; and a reasonable worst-case scenario. I have placed a bid of £77 million for scenario 2 on the basis that it represents the most realistic estimate of the costs that are likely to be incurred. Against that, I can find a total of £27 million, which is more than one third of the cost. I must remind the House that without funding there will be serious consequences for the health and social care service, patients and the public.

Regular hand washing and respiratory hygiene remains the single most important thing that people can do to protect themselves and prevent the spread of the disease. If people have flu-like symptoms, they should stay at home and call their GP, who will provide advice. People should not go to their GP surgery or to a hospital, as they may spread the disease to others.

We cannot predict with certainty when the pandemic will peak in Northern Ireland or the number of people who will need hospital treatment. However, our robust preparations enable us to ensure that we can respond to any scenario, even the worst case that I outlined at the beginning of my statement.

We must not be complacent. Although this is not a killer virus, it can kill; therefore we must continue to put plans in place that are proportionate to the threat. I am confident that our Health Service will cope with any increase in the number of cases in the coming months. I will continue to keep Members updated on a regular basis, and I commend the statement to the House.

The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells): I thank the Minister for his statement, and I also thank his staff for the regular updates that Members of the House and members of the Committee have been receiving.

As the Minister knows, the Chief Medical Officer and his assistant briefed the Committee on this issue. Indeed, during quite a long meeting, they also briefed the Deputy Chairperson and me. Openness and transparency throughout the process will reassure the community, so I hope that that trend will continue.

I extend my sympathy to the family of the baby who apparently — we are not yet certain — died as a result of swine flu, the second victim in Northern Ireland. I am sure that the House will join me in extending our sympathies to that family.

I am, however, concerned about the decision that was taken on a UK-wide basis to pay GPs £5.25 for administering each swine flu vaccine. If everyone in Northern Ireland is vaccinated, the bill will be almost £9 million. Given that GPs secured an extremely generous pay review three years ago, which has led to a 50% increase in their pay to an average of £108,000 per annum, it is a bit rich of the BMA to ask for further payments for the administration of vaccines. Frankly, GPs should have agreed to do that as part as their contract.

10.45 am

My questions about that decision are as follows: first, is it binding on Northern Ireland, or do we have any choice in the matter; and, secondly, has that figure of £9 million been built into the Minister's assumptions for the future cost of the swine flu pandemic, which has gone up from £55 million to approximately £70 million? Will the £9 million be included in that figure, or are we expecting that some form of grant aid will become available from the mainland? Finally, on a minor point, will the Minister reassure us that student nurses will be included on the front-line services priority list for vaccination?

The Minister of Health, Social Services and Public Safety: I assure Mr Wells that all front-line Health Service staff will be vaccinated as a matter of priority. Without the staff, we obviously cannot continue to operate our hospitals and Health Service.

On the substantial point that Mr Wells made about GPs, Members will be aware that the GP contract is negotiated nationally and applies to England, Scotland, Wales and Northern Ireland. Although I was kept informed throughout, this negotiation was carried out in London with the GPs' contractors. GPs are independent contractors who operate in the Health Service through the GPs' contract that is agreed nationally. They provide two essential work streams: essential services and additional services. Part of the additional services is referred to as directed enhanced services, and that is where this negotiation and deal comes from, because it is work outwith their normal workload.

Whether the contract negotiated three years ago was prudent is not a matter for me at this stage; I was not involved in that. In general, GPs in Northern Ireland provide an extremely good service for our patients. The front line is moving forward towards primary care, and our focus — the shift left of the Health Service in Northern Ireland — is about prevention being better than cure. Our GPs are very much in the front line of that, and their services are increasing all the time. People are aware that, when they go to the GP now, it is not simply a doctor; a whole range of services is being provided. I anticipate that GP services will increase. It is clear that this is an additional service that GPs provide.

We want GPs to administer the vaccinations because they have their patients' records and know who is in the priority risk groups. GPs can easily identify priority risks and deal with them accordingly.

Ms S Ramsey: Go raibh maith agat, Deputy Speaker. I thank the Minister for his statement and for the updates that we get on a regular basis. I also thank all those who have been working either directly or indirectly on the issue of swine flu. We should recognise that hard work has been done on swine flu by the health sector.

Like the Minister, I extend my sympathy to the family of the child whose death, it seems, is the second associated with swine flu. It is unwise for the Minister to make any additional statement at this point, but it would be useful to have further details through time.

The Minister indicated that 94 people had been hospitalised. It will be useful to have an idea of how many of those 94 people were in intensive care. I am hearing reports that people have been ill enough to go into intensive care.

The Minister went on to say that people who have symptoms that they think are associated with swine flu should not go to their GP or their local hospital. I am still hearing reports of people ringing GPs' surgeries and being asked to come to the surgery, even though they say that they have the symptoms that are associated with swine flu. There is an issue with that. Has the Minister heard any of those reports? If so, what can we

do to ensure that GPs' surgeries do not allow that to happen? If those people have swine flu and they end up in surgeries or in hospitals, the purpose of the measures that the Minister is advising in his public statements is being defeated.

The Minister of Health, Social Services and Public Safety: I am surprised at the Member's second point about people phoning their GPs and being told to come to the surgery; that should not be happening. Perhaps there is confusion over the symptoms being reported or what the proper response should be, but the proper response is for people to stay at home and not come out and spread the swine flu.

A number of people are in intensive care. I do not have to hand the number of people who went to hospital and ended up in intensive care, but it is a substantial portion of those whom the Member mentioned. I will determine what that number is and respond to the Member in writing.

Mr McCallister: I thank the Minister for his statement, which he made immediately upon coming back for the new term. I associate myself and my party with the Minister's remarks about the death of the small child. It is very sad that a family is in mourning. It would be useful to receive any further details if they become available. Our thoughts and prayers are very much with the family at this time.

The Minister spoke about a future surge in cases. That will, of course, create extra costs for and pressure points on the Health Service. When does the Minister think those pressure points will arise, if the financial arrangements as to who is paying for the associated costs are not sorted out quickly? Where will that hit? As we go into the autumn and winter, knock-on effects will be felt. In his statement, the Minister mentioned the effects on services. If the finance is not sorted out quickly, when will those effects start to bite?

The Minister of Health, Social Services and Public Safety: I have given a robust and realistic estimate of the costs, and that is the middle scenario. To date, we have expended around £30 million, with more to come. That is what is required to protect the population. In my budget settlement letter, along with the other parts of the settlement, I stated that I will bid for resources to deal with pandemic flu. That is what I am doing at the minute, and I am discussing that bid with the Finance Minister. It is clear that if we do not live up to our budget settlement, there will be issues not only for the Health Service, but for every Department and for all of us. Discussion on that is still going on.

With regard to a white knight coming from the Treasury, I listened to Mrs Robinson's optimistic response to me that the Treasury was going to pay the swine flu costs. I still have no knowledge of that, so I am waiting to hear of any developments.

Jim Wells made a point about the costs. All the estimates for the costs, as far as the GPs are concerned, are contained in the amount. I am trying to hold the money and the costs as best and low as I can alongside achieving value for money and so on. Ultimately, however, we have a responsibility to protect our population, many of whom will come to harm if we do not take the steps that we are taking.

Mrs Hanna: I thank the Minister for his statement. I extend my sympathy to the baby's family. It is a sad time for them.

I share the Health Committee Chairperson's concern about remunerating the GPs individually for each vaccination. They do a good job, but they are well paid already, and this situation is a health crisis.

Does the Minister have a particular communications strategy in place for ethnic minorities, who may not be so aware of or understand our public health system and issues around health and safety?

The Minister of Health, Social Services and Public Safety: I understand what Mrs Hanna has said about GP remuneration. However, as I have said, those payments are being made as part of a national deal and contract of which we are very much part and, frankly, one from which we benefit more than we lose.

As far as ethnic minorities are concerned, the Department will be making every effort to ensure that everyone receives the proper and correct information. I am re-examining that for the autumn, and the Department will continue to upgrade and refresh that information as we go along. The Department has already made considerable efforts in the production of a guide to the Health Service for ethnic minorities who come from a different linguistic tradition and who are not completely fluent in English. I will continue to re-examine that, because it is very important that people receive the necessary information and that the Department provide that information to them.

Dr Deeny: I thank the Minister for his statement. I also thank him and his Department for their work since this major health issue became a global one. The Minister's statement has answered some of the questions that I intended to ask him, and I am delighted to see that the priority groups will be vaccinated by the end of November.

Is the Minister happy that the vaccine safety checks have been completed and that the safety profile of the vaccine will be good enough? I am aware that that is a European issue, but what is the view locally? Furthermore, will any surplus vaccine be made available to the general public after the priority groups have been vaccinated? Moreover, will regulations be made that will mean, for example, that we cannot vaccinate the general public until priority groups have been covered?

The Minister of Health, Social Services and Public Safety: As far as priority groups are concerned, decisions are very much determined by the Joint Committee on Vaccination and Immunisation. That committee advises COBRA — the civil contingencies committee — on those issues, and the groups that I have detailed are the groups that COBRA considers to be most at risk. However, that will be only the initial phase of the vaccination programme, and, as I said, we should be in a position to have all the initial priority groups vaccinated by the end of November. We also have a delivery schedule for vaccines, and we will move through the general population after the priority groups have been vaccinated. Again, the Joint Committee on Vaccination and Immunisation, after taking expert advice from the Scientific Advisory Group for Emergencies (SAGE), will determine the steps to be taken.

By the end of December, we anticipate having almost 1.5 million individual doses of vaccine to hand. The current plan is that everyone will receive two doses of the vaccine, although I understand that in China the entire population is being vaccinated on a one-dose strategy. That is something that the Department will monitor carefully, and it will take the advice that is offered.

Vaccine safety is governed by the European Medicines Agency, which is examining the safety of the new vaccine, just as it does for other medicines and vaccines. As I understand it, the vaccine will not involve injecting a live virus into anyone. The H1N1 vaccine will be very similar to the H5N1 vaccine that is used to treat seasonal flu, with some modifications made to take account of the new virus. Therefore, tried and proven medical and scientific technology, knowledge and expertise will be applied as it is every year with seasonal flu. That should provide comfort for everyone.

Mr Easton: I praise the Minister's Department for the good work that it continues to carry out.

Will the Minister commit to being the first man in Northern Ireland to receive the vaccine? That would show goodwill to the people here and would demonstrate that the vaccine is safe. Furthermore, the Committee for Health, Social Services and Public Safety was told last week that around 9,000 people here have received Tamiflu, and I also understand that quite a number of people diagnosed with swine flu has not been given antiviral drugs. Will the Minister give the accurate figure for the number of people in Northern Ireland who have had swine flu? Does having had swine flu mean that those people do not need to get the vaccine?

11.00 am

The Minister of Health, Social Services and Public Safety: I do not fall into the priority risk groups for those who will receive the vaccine and, therefore, I am not entitled to it. However, if I believe that public confidence requires it, I will be happy to be the first

person to step forward and take the vaccine, because I will be absolutely certain that it is safe. Based on my knowledge, I will also advise members of my family to take the vaccine.

Prescriptions for over 9,000 antivirals have been issued so far, and that is a good indication of the number of people who have taken the swine flu medication. We do not know whether those who have had swine flu will be free from the risk of getting it again. We do not know how the virus will perform, so I think that the advice would be that those people should be vaccinated. The advice is also that those people may have immunity for a year or two, but we cannot be certain: therefore, we will always put safety first.

Mrs McGill: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement and commend his Department for the work that has been done.

One of the difficulties is that so much is based on speculation and assumption about what might happen. The Minister said that there has been a decrease in the number of cases since July. We expect that there will be a peak week in mid-October, but the vaccine will not be licensed until late October and will not be available until November. How can we reconcile that chronology to ensure that what is happening will be an effective means of dealing with the swine flu pandemic?

The Minister of Health, Social Services and Public Safety: We can have confidence because, as the knowledge of the virus increases with experience, so the planning assumptions can be modified, and that is the case. We are working on assumptions and not on predictions, but those assumptions inform us as to how we model what will happen. The assumptions now tell us that there has been a reduction in the estimate of the number of fatalities involved and the number of hospitalisations. Nevertheless, the numbers are substantial. Those numbers will be revised again, and they may move upwards or downwards. The situation is based on international, national and regional experience.

The vaccine will be available for use in a vaccination programme once the licensing process is complete. We will always put patient safety first. The licensing process will take place in October. We will then be able to go forward and give the population the protection that it requires.

Mr Gardiner: I thank the Minister for keeping us informed during the summer months about this serious epidemic that has hit Northern Ireland. It is regrettable that we have had two deaths as a result of swine flu. On behalf of my party, I extend my sympathy to the family of the infant who died.

Approximately £8 million will be required to deal with swine flu. Does the Minister agree that, if the Finance Minister does not meet that bid, it will have serious consequences for the Health Service? The situation is

urgent, and I hope that when the Minister makes his bid the Finance Minister will heed the call. Northern Ireland is crying out for it, and the people of Northern Ireland deserve the best treatment that is humanly possible.

I also record my thanks and appreciation to the officials from the Minister's Department who will attend the Health Committee and brief us in the days and months ahead.

The Minister of Health, Social Services and Public Safety: As far as the necessary resource is concerned, as I outlined in my statement, a robust estimate of the amount needed has been made, and I am having discussions with the Finance Minister. As everyone is aware, the budget settlement included provision for pandemic flu.

The response is a national response: the approach being taken in England, Scotland, Wales and Northern Ireland is the same, and I will be having another discussion with the Finance Minister in due course. The swine flu pandemic is a serious challenge to the health of the population of Northern Ireland, and the Health Service has a duty to meet that challenge. Obviously, there will be a resource implication for whatever steps are taken. I have outlined that from the beginning, and I anticipate that the House will not be found wanting as far as protecting our people is concerned.

Mrs D Kelly: I thank the Minister for his statement. At all times he has tried to bring us as much information as possible, but sometimes we are concerned about some of the detail that we do not know.

In his statement, the Minister said that he hopes to increase the number of critical care beds and train up staff. I welcome that because even in normal times there are not enough beds to meet the needs. In my constituency, two children had to be transferred to England and Scotland during the Christmas and New Year period last year. In relation to children and young people, in particular, how many new beds will be provided and where will they be located? Is the budget for the provision of critical care capacity included in the Minister's bid, or is it additional? The Minister stated that £27 million could be found: are any other services being impacted adversely because of the need to move money around?

The Minister of Health, Social Services and Public Safety: As far as the challenge ahead is concerned, hospitalisation in many cases will require critical care capacity, a point made by Sue Ramsey. I anticipate that critical care capacity, as far as beds are concerned, will more than double and that paediatric critical care beds will follow suit. Clearly, there is an issue regarding associated staffing, and we are planning for that at the moment. Robust plans are in place, and the trusts have worked very hard to get those plans in place. It will have an effect on other activities in hospitals, and I have outlined those possible effects in my statement.

The amount of money needed is included in my estimate of costs, as it properly should be. That is part of the response as we work our way through vaccinations, medical countermeasures, workforce planning, the steps being taken nationally as well as regionally, and the steps that we are taking on critical care capacity. All of those steps must be taken to ensure that the Health Service is able to cope with the anticipated demand. We expect, and the modelling shows, that the period will last for around 15 weeks and will peak roughly halfway through that 15 weeks. There could be more than 100,000 cases during that critical period. That will present a huge challenge to primary and secondary care in our hospitals and will affect the capacity to treat people through critical care, particularly priority risk groups such as young people and the elderly.

The £27 million that I have contributed is money that I have been able to identify in the health budget. Obviously, I would rather spend it on something else, but we all have to prioritise. When money is short, the thing to do is prioritise what is most needed.

Dr Farry: I thank the Minister for his statement. I want to ask about communication and the impact of swine flu on the management of the Health Service. The Minister has rightly pointed out the advice to people not to go to hospitals or GPs if they have flu-like symptoms. How does that sit with one of the other stated objectives of the Health Service, which is that of trying to manage the level of people keeping appointments, particularly at hospitals? I have come across cases of people who have cancelled appointments being lectured and warned that if they cancel further appointments they may miss their opportunity to see a specialist. How can we reconcile the different messages that are being given out?

The Minister of Health, Social Services and Public Safety: This is an emergency; we are not dealing with our normal situation. Cancelled appointments represent a considerable expense for the Health Service, and we are trying to reduce them as much as possible. The percentage of people who do not up for appointments is running at around 10%. That represents a large number of people, and it costs the Health Service a lot of money.

Against that, however, we are asking people to be responsible and to exercise some personal judgement, and that involves not turning up at the doctor's surgery or the hospital if they believe that they have symptoms of swine flu. Those symptoms are available for all to see through the various strands of the communication strategy that we have been involved in. That communication strategy is about keeping the general public as informed as possible. We have done that to date, and we will continue to do that because, as far as our population is concerned, keeping them informed is crucial.

North/South Ministerial Council

Language Body Sectoral Format

Mr Deputy Speaker: The Speaker has received notice from the Minister of Culture, Arts and Leisure that he wishes to make a statement on the North/South Ministerial Council (NSMC) meeting in language body sectoral format.

The Minister of Culture, Arts and Leisure (Mr McCausland): In compliance with section 52 of the Northern Ireland Act 1998, I wish to make the following report on the eighth North/South Ministerial Council meeting in language sectoral format. It is the fourth such meeting since the restoration of the Northern Ireland Executive and Assembly, and this report has been endorsed by Caitríona Ruane MLA.

The meeting was held in Gweedore on 9 July 2009. In it, my first meeting, I represented the Northern Ireland Executive as Minister of Culture, Arts and Leisure, along with Caitríona Ruane, the Minister of Education. The Government of the Irish Republic were represented by Éamon Ó Cuív TD, Minister for Community, Rural and Gaeltacht Affairs. The meeting dealt with issues relating to the language body and its two constituent agencies: Tha Boord o Ulster-Scotch, the Ulster-Scots Agency, and Foras na Gaeilge, the Irish language agency.

I will now present a summary of the issues discussed by the Council on 9 July 2009. The Council received progress reports from the chairperson and chief executive of the Ulster-Scots Agency, Mr Mark Thompson and Mr George Patton respectively, and the chairperson and chief executive of Foras na Gaeilge, Mr Liam Ó Maoilmhichíl and Mr Ferdie Mac an Fhailigh respectively.

The Council noted the ongoing collaboration between the agencies on a range of projects. Those include working with Irish language officers in district councils with a view to offering the lecture series ‘aspects of our shared heritage’; a film in Irish about the Ulster-Scots language and culture, which has been completed and will be broadcast on TG4; continuing co-operation on human resources and corporate governance issues; the preparation of a joint disability action plan; and the preparation of a joint policy on child protection. There have also been joint stands at a number of events; for example, the national ploughing championships and the Tall Ships event in Belfast.

The Council noted the progress made in regard to the annual reports and accounts for the North/South Language Body, including the presentation of the 2004 accounts to the Northern Ireland Assembly and both Houses of the Oireachtas in February 2009. Both agencies, in conjunction with the sponsor Departments,

are continuing to address outstanding issues in relation to the 2005 and subsequent annual reports and accounts as a priority. The Council requested a further report on progress for the next NSMC meeting in language sectoral format.

11.15 am

The Council discussed staffing issues in Foras na Gaeilge and the decentralisation of Foras na Gaeilge staff to Gweedore. The Council asked the sponsor Departments to continue to examine the Foras na Gaeilge staffing submission in light of the 2009 financial allocation. The two posts for Belfast, which were approved by the NSMC in 2008, were filled in February 2009.

The Council discussed and approved the introduction of a revised financial assistance scheme for use by the Ulster-Scots Agency. The amended scheme extends to consideration of applications relating to travel claims, community workers and project start-date payments for events. Those and other changes are designed to improve the practical operation of the scheme.

The Council noted the resignation of Mark Thompson as chairperson of Tha Boord o Ulster-Scotch and acknowledged his contribution to the work of that body. The Council approved the appointment of Peter Gallagher to the board of the North/South Language Body from 9 July 2009 to 12 December 2011. Mr Gallagher will have responsibility for exercising the functions of the body through Foras na Gaeilge.

The Council agreed to hold its next meeting in language sectoral format in November/December 2009.

The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff): Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom mo bhuíochas a ghabháil leis an Aire as a ráiteas inniu.

I thank the Minister for his statement. He said that the 2004 annual accounts of the North/South Language Body were presented to the Assembly and to both Houses of the Oireachtas in February 2009. However, the accounts for 2005 to 2008 are still outstanding. That is of particular concern to the Committee for Culture, Arts and Leisure, which has been examining how the Department of Culture, Arts and Leisure manages its arm’s-length bodies, in particular their financial accountability. When does the Minister expect the outstanding accounts to be signed off?

The Minister also said that the chair of Tha Boord o Ulster-Scotch, Mr Mark Thompson, had resigned. When does the Minister expect a new chair to be appointed? Finally, was the development of an indigenous languages strategy discussed at the meeting

in relation to the Irish language and to Ulster-Scots? If not, when does the Minister intend to consult Foras na Gaeilge and the Ulster-Scots Agency on the draft strategy?

The Minister of Culture, Arts and Leisure: I thank the Member for his questions. He asked about the delay in publishing the annual reports and accounts of the North/South Language Body. The accounts for 2000 and 2001 were qualified by the Northern Ireland Audit Office. There was, therefore, a delay in signing off the body's consolidated accounts. That eventually happened in 2004, but, as a result of the delay, the 2000 reports and accounts were not published until 2005. Subsequent annual reports and accounts were also delayed, as the Northern Ireland Audit Office must audit the accounts chronologically.

The 2001 report from the body was published in June 2006, and the 2002 and 2003 reports were published in May 2007. The 2004 report was published in February 2009, and, at the NSMC meeting in July, the Council requested a further report on progress for the next NSMC meeting in language sectoral format. The matter is, therefore, being progressed as quickly as possible. There is a general concern to get this matter back on track and totally up-to-date, but the problem originated in 2000 and 2001, and there has been a chronological knock-on effect.

A new chair will be appointed to Tha Boord o Ulster-Scotch as soon as possible.

Finally, the indigenous languages strategy is an internal Northern Ireland and United Kingdom matter. Therefore, it was not discussed at the North/South Ministerial Council and is, consequently, not a matter for discussion this morning but for another occasion.

Lord Browne: I thank the Minister for his statement. I would be pleased if he could confirm that the 2009 budget for the language body has been approved. If not, when is it likely to receive endorsement from all sides?

The Minister of Culture, Arts and Leisure: For a number of reasons, work on the budget for 2009 is still in progress. The draft 2009 business plan for the North/South Language Body is still under consideration by both sponsor Departments and both Finance Departments, in line with budgetary processes in Northern Ireland and the Republic. The sponsor Departments will work together to finalise the business plan and budget and bring it together for approval at a future NSMC meeting.

At their meeting on Thursday 10 September 2009, the Executive noted the efficiency saving guidance for North/South bodies that was agreed by both Finance Ministers. It was agreed that the Department of Finance and Personnel will circulate the guidance to sponsor Departments. North/South bodies, like all

other public bodies, need to maximise efficiency in light of the current economic climate.

Mr K Robinson: I thank the Minister for his somewhat sparse statement. I feel for him somewhat because I am sure that his expedition into deepest Donegal was a very lonely experience and that the die had been cast before he got there.

I am struck by the fact that the report indicates that there has been a lack of progress in the Ulster-Scots field. Historically, the Ulster-Scots language has lagged behind the island's other minority language. Was there any discussion at all about the way in which that quite obvious leeway should be made up?

The report appears to contain several points that show where the mechanics of getting moneys, help and aid to the Ulster-Scots community have been allowed to drift. Can the Minister assure the House that, under his tutelage, those matters will be addressed much more forcefully than they have been in the past?

The Minister of Culture, Arts and Leisure: I note Mr Robinson's point that the report is sparse; however, it is an accurate reflection of what was discussed at the meeting.

I share the Member's concerns about progress on Ulster-Scots language and culture. I am keen to see those matters taken forward. A number of areas needed attention, and my predecessor highlighted those at an earlier stage by saying that community development and community empowerment for the Ulster-Scots community must be emphasised. There is a renewed focus on those matters; such a focus had not been in place in previous years, going back to 2000-01. That is reflected in the financial assistance scheme, which has now been brought forward. Prior to that, there was difficulty with funding workers in the community, and that area will now be accommodated by the financial assistance scheme.

To paraphrase Ken Robinson, he talked about moving towards parity and equality. If we are to have a shared and better future in Northern Ireland to which we are all committed, our society must be based on equality. I am committed to the Executive's desire to work towards that shared and better future, but good relations will be sustainable only if they are aligned to the equality agenda; they cannot be built on unequal foundations. Therefore, I will seek to address the current imbalances between Ulster Scots and Irish and strive to achieve parity of esteem and parity of funding for both. I think that we have made significant progress to date. For example, between 2005 and 2008, funding allocations from the Department of Culture, Arts and Leisure to Ulster Scots almost doubled, and funding for Irish increased by just over 6%.

Progress is being made. However, I agree with the Member that there is still some distance to go.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. Cuirim fáilte roimh an ráiteas ón Aire, cé go bhfuil sé tanaí go leor ar a lán bealaí. Tá béim mhór ar an mhaorlathas agus níl go leor béime ar thionscnaimh teangan. Ba mhaith liom níos mó béim a fheiceáil ar thionscnaimh teangan.

Cúis bhuartha domh go raibh dhá nuachtán Gaeilge againn sa tír seo go dtí le déanaí: nuachtán laethúil sa Tuaisceart, ‘Lá’; agus nuachtán seachtainiúil sa Deisceart, ‘Foinse’. Tá an dá nuachtán sin ar shiúl anois. Ba mhaith liom a fhiafraí den Aire ar pléadh ceist na nuachtán sin ag an chruinniú i nGaoth Dobhair.

Chomh maith leis sin, ba mhaith liom —

Lord Morrow: On a point of order, Mr Deputy Speaker. Is it not protocol in the House that, when a Minister makes a statement, questions are asked? It is not an opportunity for a Member to make a statement in a language that 80% of the House probably does not understand.

Mr McElduff: On a point of order. Perhaps Mr Morrow is more of an expert on procedures than I am. Is it in order to raise a point of order during a debate on a Minister’s statement? It may be.

Mr Deputy Speaker: I am quite certain that the Member will come to a question as soon as possible.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. Le fírinne, sílim gur chuir mé ceist nó dhó le linn na cainte a rinne mé, agus tá brón orm nár thuig an tiarna uasal thall an méid sin.

Ar aon nós, míneoidh mé an scéal sin go mion nuair a dhéanfas mé aistriú ar —

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

Mr D Bradley: Creidim go bhfuil sé de cheart agam labhairt i nGaeilge anseo, agus go bhfuil sé de dhualgas orm an méid a deirim i nGaeilge a aistriú go Béarla ina dhiaidh sin.

Lord Morrow: On a point of order, Mr Deputy Speaker.

Mr Deputy Speaker: I will take any points of order at the end of the debate. Again, I ask the Member to come to his question. It is not the time to make a speech.

Mr D Bradley: Thank you very much, Mr Deputy Speaker. I believe that, under the rules of the House, I am permitted to speak in Irish and that I am obliged to translate whatever I say in Irish into English. I intend to do so. During my contribution in Irish, I asked a number of questions. I understand that Lord Morrow may not have realised that. I assure him that I asked several questions.

I thank the Minister for his statement, although it is, as Mr Ken Robinson pointed out, rather thin. There is an overemphasis on bureaucracy and an underemphasis on actual language projects. I ask the Minister whether, during the Council meeting, the question of Irish language newspapers was raised. There were two in Ireland: ‘Lá’, which was published in Belfast and unfortunately, due to lack of funding, had to wind up; and the weekly newspaper ‘Foinse’. Was that issue discussed at the meeting? If so, can the Minister report on it to the House?

The Minister of Culture, Arts and Leisure: I am fascinated that such a long speech in Irish contracted to such a short question. Interestingly enough, Irish language newspapers were discussed. I was interested to be informed by the Republic’s Minister that, in fact, there are larger sales for English tabloid newspapers than for Irish language newspapers in the Gaeltacht.

Mr McCarthy: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. I congratulate Dominic on his contribution. In fact, his contribution was much longer and contained a lot more detail than that which the Minister provided today. Well done, Dominic.

11.30 am

I wish to let the Minister and Members know that, during the recess, some members of the Committee for Culture, Arts and Leisure were not always on holiday. We spent some time on the north Antrim coast visiting language groups, which we are discussing today, including Carntogher Community Association, the Ullans Speakers’ Association in Ballymoney and Gaelscoil an Chaistil in Ballycastle. Those three visits proved very interesting; however, the most interesting of them was —

Mr Deputy Speaker: I remind the Member that he must ask a question on the statement.

Mr McCarthy: The question is coming now, Mr Deputy Speaker. The most interesting visit was to the Ullans Speakers’ Association, which is made up of the Ulster Speakers’ Society, the Ulster-Scots Agency, the Ulster-Scots Community Network and the Ulster-Scots Academy. All the groups said that their funding is inadequate, which is an issue that Ken Robinson spoke about earlier. The association said that the council discussed and approved —

Lord Morrow: Mr Bradley spoke about that, too.

Mr McCarthy: I am speaking in English, yet Lord Morrow is not even giving me a chance. Where do we go from here?

The council discussed and approved — that is the important point, Mr Deputy Speaker — the introduction of a revised financial assistance scheme. I am sure that the Ullans Speakers’ Association will be delighted to hear about that. The group had the highest

commendation for Éamon Ó Cuív TD from the South of Ireland and for his contribution —

Mr Deputy Speaker: I will ask the Minister to answer that question, if it is one.

Mr McCarthy: I hope that the Minister can answer that question. Go raibh maith agat, a LeasCheann Comhairle.

The Minister of Culture, Arts and Leisure: I thank the Member for his comments and his question. I think that the report accurately reflected the meeting, which was brief and businesslike. I can only report what actually took place. I acknowledge the Member's comments about the Ulster-Scots Agency financial assistance scheme, which the Ulster-Scots community very much welcomes. The financial assistance scheme is in keeping with the previous Minister's commitment on community development and empowerment. In fact, it represents the outworking of that commitment.

The revised financial assistance scheme was approved at the meeting of the North/South Ministerial Council in language body sectoral format on 9 July. Applications are being evaluated and determined by the Ulster-Scots Agency's board to ensure compliance not only with the scheme but with the agency's strategic, corporate and business plans. My understanding is that the agency is also holding a number of roadshows so that people will be properly informed about the opportunities that are now available through the scheme. The general point about equality of funding is one that I have already dealt with and that I fully endorse.

Mr Shannon: Members will be glad to hear that I am not going to give an account of my holidays and of where I was during the summer. I will simply ask questions on the Minister's statement.

I welcome Mr McCausland to his new position as Minister. It is great to see him here. I also pay tribute to Mark Thompson, the Ulster-Scots Agency's outgoing chairperson, for his hard work and for the significant contribution that he has made.

First, the Minister spoke about progress reports in his statement. He said that the Ulster-Scots Agency and Foras na Gaeilge had a joint stand at last month's Tall Ships event. I presume that the stand was there. I am sure that everyone who attended the event enjoyed a very nice day, but I certainly did not see the joint stand there. Will the Minister confirm where it was located? Was it hidden somewhere near a burger stand or placed out of the road?

Mr D Bradley: Ask a question.

Mr Shannon: That is a question. That from the man who asked five questions.

Secondly, we are all aware of the significant numbers of people who are involved in Ulster Scots in Donegal.

Will the Minister indicate what the cross-border bodies have done to encourage members of the Ulster-Scots family in Donegal? What have they done to ensure that every contribution and effort is being made to make them feel fully part of the process? Sometimes they feel as if they are not involved.

The Minister of Culture, Arts and Leisure: The Tall Ships event was a success. So many people were there that I must confess that I did not see the stand, even though I was there on a couple of occasions. However, I am reliably informed that the joint stand was at Custom House Square.

The Ulster-Scots community in Donegal is concentrated mainly in the Lagan area of east Donegal and along Donegal Bay in south Donegal. There are Ulster-Scots groups in both of those areas, and work is being done through the agency and the Ulster-Scots Community Network with those groups in a number of ways, such as through projects and cross-border activities. It is good to maintain the relationship between Ulster-Scots communities in the Republic and Northern Ireland. There were some very good projects such as festivals in Donegal and publications about the contribution of Ulster Scots to the Donegal area.

Mr Brolly: An cheist atá agam: an bhfuil a fhios ag an Aire cad é an cineál taispeántais a bhí ann ag an Tall Ships agus a bheas ann i gCill Dara an tseachtain seo chugainn?

What kind of stall or joint exhibition was at the Tall Ships event, and what kind of stall will there be at the National Ploughing Championships in County Kildare?

The Minister of Culture, Arts and Leisure: I did not see the stall at Custom House Square. *[Interruption.]*

However, having seen displays by both bodies on other occasions, I assume that the stall consisted of publications by Foras na Gaeilge and the Ulster-Scots Agency as well as displays of various aspects of both languages and cultures.

In answer to the comment that was made from a sedentary position, the point was already made that the Tall Ships event was such a success and attracted so many people that it was difficult for anybody to see everything that was on display.

Miss McIlveen: I thank the Minister for his statement. I will be much briefer than other Members. Will the Minister clarify whether the Ulster-Scots Agency can fund travel by community groups outside Northern Ireland or the Irish Republic?

The Minister of Culture, Arts and Leisure: The issue of travel is long-standing and has been a difficulty for Ulster-Scots groups, particularly those in east Antrim that look across the sea to Scotland. Although Scotland is their nearest neighbour and is only a short distance

away, they have been unable to access support for joint projects with, and visits to, their counterparts there.

The agency has reviewed its financial assistance scheme, which was approved by the North/South Ministerial Council on 9 July. That allows the agency to consider the provision for travel arrangements for community groups to travel outside the island of Ireland. Obviously, the particular focus will be on Scotland.

In determining whether a particular application will be approved, the agency will take a number of factors into account. Groups may wish to travel to undertake research that will lead to a report or publication; attend a conference or seminar to promote greater understanding of the Ulster-Scots language and culture; or to facilitate community representatives who need to travel to undertake joint projects with groups that are based in Scotland and that will ultimately benefit the Ulster-Scots language, culture or history.

Ms Anderson: Go raibh maith agat. I thank the Minister for his statement. I was very impressed with his comments about a shared future based on equality and human rights; he did not actually say “human rights”, but I assume that he concurs with the sentiment. He talked about the notion of building good relations based on equality, which is something that he along with others could give leadership on and is something that we would concur with.

The Minister talked about the decentralisation of some Foras na Gaeilge staff to Gweedore. Is there a time frame for that likely decentralisation?

The Minister of Culture, Arts and Leisure: I note the Member’s comments on a shared and better future. It is not within my ministerial remit to comment on that, but I did comment on it on a radio programme this morning and explained the reasons for the delay in bringing forward the strategy for cohesion, sharing and integration. That delay is not due to Members on this side of the House.

The delay in filling Foras na Gaeilge’s posts is due to a number of issues. Obviously, the Irish Government’s decentralisation policy applies to Foras na Gaeilge, but there have been protracted negotiations between the unions and management regarding the posts that will be moved to Gweedore.

Due to market forces, Foras na Gaeilge has had problems with staff retention. Finally, the recruitment of specialist staff who speak Irish and who wish to live in the Gaeltacht has been problematic. It is an ongoing piece of work, but it is not something for which a particular date was given. Therefore, I will have to look into it and make further enquiries. In due course, I will provide a written answer. I am not sure how informative that answer will be, but I will endeavour to do that.

Mr T Clarke: I declare an interest as a member of the Randalstown Ulster-Scots Society, which sits in the Randalstown Memorial Orange Hall.

The Minister referred to financial assistance and travel costs. What criteria will the agency apply when supporting travel claims?

The Minister of Culture, Arts and Leisure: I think that I covered travel costs a moment ago: they have to be for something that is going to produce real benefit. For example, travel might involve attending a conference in Scotland on an appropriate theme or a joint research project that involves co-operation with a Scottish group.

Quite a number of Ulster-Scots organisations in Northern Ireland are members of parent bodies in Scotland. There are already strong links, particularly between east Antrim coastal groups, in places such as Ballycarry and Cairncastle, and groups in Scotland. To ensure that we get value for money, there would have to be clearly demonstrable results from any travel, and it must bring the maximum benefit to the wider community.

Mr Deputy Speaker: That concludes questions to the Minister on that statement. The Speaker has received notice from the Minister of Culture, Arts and Leisure that he wishes to make a statement regarding the North/South Ministerial Council.

Lord Morrow: On a point of order, Mr Deputy Speaker.

Mr Deputy Speaker: I will take that point of order before we conclude this item of business.

Lord Morrow: There is a facility in the House for Members to speak in English and Irish. There is a clear onus upon those who decide to speak in Irish that they must give a full interpretation, in English, of what they have said. Mr Deputy Speaker, I would like you to look at what has been said in Irish today, because when I heard the interpretation in English, it took around a quarter of the time than when spoken in Irish. I would like the Speaker’s Office to take a look at the translation situation.

Mr Deputy Speaker: I will ask the Speaker’s Office to come back to you on that, Lord Morrow.

Mr McElduff: On a point of order, a LeasCheann Comhairle. On a practical level, it would be very helpful if all Members could avail themselves of the simultaneous translation system that officials benefit from. The infrastructure is already in place — córas aistriúcháin — and Members’ understanding of what is being said in Irish would be aided and speeded up by access to that system.

Mr Deputy Speaker: I will ask the Speaker to deal with that and come back to it.

Mr D Bradley: On a point of order, Mr Deputy Speaker. In relation to the enquiry that Lord Morrow asked you to make to the Speaker's Office, nuair a bhí mé ag caint i nGaeilge ní ba luaithe agus nuair a rinne mé iarraidh an méid a dúirt mé i nGaeilge a aistriú go Béarla gur chuir tusa faoi bhrú mé deireadh a chur le mo chuid cainte.

When I made a contribution earlier in Irish, I proceeded to attempt to translate it into English. However, Mr Deputy Speaker, you hurried and harried me and asked me to bring my remarks to a conclusion. If a full and frank translation was not provided by me, it was not out of any lack of intent to do so, but because of the time constraints that you placed upon me.

Mr Deputy Speaker: That will be part of the review. I will also review your challenge to the ruling that I gave you to ask a question.

11.45 am

North/South Ministerial Council

Inland Waterways Sectoral Format

Mr Deputy Speaker: I have received notice from the Minister of Culture, Arts and Leisure that he wishes to make a statement about the North/South Ministerial Council (NSMC) meeting in inland waterways sectoral format.

The Minister of Culture, Arts and Leisure (Mr McCausland): With your permission, I will make a statement, in compliance with section 52 of the Northern Ireland Act 1998, about a meeting of the North/South Ministerial Council in inland waterways sectoral format.

The meeting was held in Gweedore, County Donegal on 9 July 2009. The Executive were represented by the Minister of Education, Caitríona Ruane, and me. The Government of the Irish Republic were represented by Éamon Ó Cuív TD, Minister for Community, Rural and Gaeltacht Affairs. The statement has been agreed with Caitríona Ruane, and I make it on behalf of us both.

Mr John Martin, chief executive officer of Waterways Ireland, provided a report on progress that included several significant achievements. The Council noted that Waterways Ireland received a sustainability award for its headquarters from the Royal Institution of Chartered Surveyors. Moreover, Boyle marina in County Roscommon received the award for best marina development at the local authority management awards.

The Council noted that 79m of additional moorings had been provided, with 23m at the Round O in Enniskillen, 20m at Camus on the Lower Bann and 36m at Portglenone on the Lower Bann. The Council noted the further development of the Lakelands Initiative campaign for the Erne/Shannon system from Belleek to Limerick, which will continue with the distribution of brochures under the overarching title 'Lakeland and Inland Waterways'. The 2009 sponsorship programme has been well received, and over 50 events have been approved.

The Council received a presentation on the restoration of the Royal canal and noted its successful enhancement to further develop access to the waterways and waterside activities and to complete its connection to the Shannon. The Council received a progress report on the restoration work for the Clones/Upper Lough Erne section of the Ulster canal, including a survey of that section of the canal, which was to be completed by mid July. The Council also noted the recent consultations with local stakeholders and the programme for completion of the project. The Council noted Waterways Ireland's annual report and accounts for 2008, which were presented prior to being laid before the Assembly and the Oireachtas.

The Council agreed proposals for a number of property disposals in the context of a range of development projects on the waterways and noted progress on property-management issues, including the pilot registration project. It also noted future plans for property registration on the Royal canal and the Grand canal. The Council agreed that its next meeting in inland waterways sectoral format will take place in November or December 2009.

The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff): Go raibh maith agat, a LeasCheann Comhairle. Tá an tAire gnóthach sa Teach inniu; níl aon amhras faoi sin.

I note with pleasure the Minister's reference to Waterways Ireland's achievement in obtaining a sustainability award for its headquarters in Enniskillen. In May 2009, the Committee for Culture, Arts and Leisure held its weekly meeting at the Waterways Ireland headquarters and toured the building. It is a very impressive setting.

The Minister referred to a programme for the completion of the project to restore the Ulster canal from Upper Lough Erne to Clones. The Committee has a keen interest in that matter. Will the Minister indicate when the Ulster canal will reopen? He will be aware of ongoing interest in the matter, led by the Blackwater Regional Partnership, which is based in Caledon. A recent public information event there was attended by his ministerial colleagues, including Mr Poots and Michelle Gildernew. Will the Minister provide some hope to the campaigners who are involved in the restoration of the Ulster canal?

The Minister of Culture, Arts and Leisure: Waterways Ireland is working on the section of the Ulster canal between Clones and Upper Lough Erne. That project will cost €35 million. The construction cost of that section is being funded by the Irish Republic. Waterways Ireland intends to seek planning permission for that project by mid-2010, which will be followed by tendering for a detailed design and build contract.

Lord Browne: I thank the Minister for his statement. I would be pleased to ascertain whether he is considering the appointment of a board to Waterways Ireland, and, if so, what the likely composition of such a board would be.

The Minister of Culture, Arts and Leisure: Since taking office, I have been of the opinion that there is much to commend the appointment of an oversight board. Arising from the St Andrews Agreement, a review of the effectiveness and efficiency of North/South implementation bodies is under way. If that review recommends a board for Waterways Ireland, Ministers in the NSMC will have to consider that issue along with our counterparts in the Irish Republic. It

would be premature to comment on the composition of such a board at this stage. However, I am interested in that matter, and I know that it is being considered.

Mr K Robinson: I welcome the Minister's statement, which is much meatier than his previous one. He mentioned the pilot registration project. It would be helpful to Members if he could explain what that project entails.

I note also that the Minister's statement mentions the obvious progress that has been made on inland waterways in the Republic of Ireland. That is to be welcomed: it will give a great boost to the tourism and leisure industry down there. However, the emphasis in the statement is on the link between the Shannon and Erne systems, and the Ulster canal link to those waterways. I remind the Minister that the Ulster canal runs into Lough Neagh near Maghera, on the River Blackwater. That area could do with some development. Given, in particular, the current favourable exchange rates, will he consider ways in which that section of canal could be brought forward for scrutiny, approval and, eventually, perhaps, a rebuild?

I also welcome the work that has been done at Camus and Portglenone on the Lower Bann system. I am sure that my colleague from East Londonderry will comment on the potential of the Lower Bann and the Lough Neagh basin, which generally remains untapped. We have an opportunity to build the good practice that we have seen south of the border into our own infrastructures for the benefit of leisure and tourism in Northern Ireland.

The Minister of Culture, Arts and Leisure: The pilot registration scheme is nothing to do with registering pilots: it is about registering property. There were issues about the ownership of land and how that land, previously owned by various people, came together under the aegis of Waterways Ireland. The pilot scheme is operating in the Republic; registration of ownership of land in Northern Ireland is being dealt with separately.

There are currently no plans to develop the next section of the Ulster canal. The outline business case that was submitted to the Department of Culture, Arts and Leisure in December 2006 concluded that the preferred option was to restore the south-west end of the canal. However, when the decision was taken to proceed with the south-west section between Clones and Upper Lough Erne, Ministers in the NSMC agreed to keep the remainder — from Clones to Lough Neagh — under review. The matter is now under review, but there are no plans at present.

I will pick up on Ken Robinson's point about the economic and other benefits of improvements to the Lower Bann system. In 2008, Waterways Ireland completed 36m of additional moorings on the Lower

Bann at the Vow, near Coleraine. Works on the Lower Bann include jetties and moorings at Christie Park in Coleraine, which were completed in 2003-04; jetties and moorings at Kilrea, which were completed in 2005-06; and refurbishment of the lock house at the Cutts in Coleraine. Several works were carried out at Mount Sandel in 2006-07, which cost approximately £386,000. Work is ongoing to an extent, bit by bit, on the Lower Bann. I agree with the Member about the benefits of such improvements. I am sure that, as lots more money becomes available in future, those projects will be taken forward. There are financial constraints on that; nevertheless, it is very much in mind.

Mr Dallat: Ken Robinson has stolen my thunder to some degree.

I welcome the 20m of additional mooring that has been provided near Coleraine, and acknowledge that Waterways Ireland, with responsibility for the development of the Lower Bann, has been outstanding in its performance. Sadly, the other Government agencies have not been.

When will an overall plan be announced for the development of the River Bann, which would have the potential to create hundreds, if not thousands, of new jobs in leisure and tourism? Could that be a topic for discussion at the next meeting of the intergovernmental body? I do not care whether that is held in Gweedore or Cullybackey; the important issue is that the potential of the Lower Bann is not missed.

The Minister of Culture, Arts and Leisure: Unless Gweedore moves into Northern Ireland, the next meeting will not be held there. The next meeting will be held in Northern Ireland.

I share the Member's interest in the Lower Bann. I will write to the Member with some thoughts on that. That would be the most appropriate and effective way of dealing with that question.

Mr McCarthy: Go raibh maith agat, a LeasCheann Comhairle. I am disappointed by the response that the Minister gave to an earlier question on the Ulster canal. The Minister said that there were no plans to complete the restoration of the Ulster canal up to Lough Neagh. I understood that the restoration was starting from Lough Neagh. The report includes the words:

"the programme for completion of the project."

It is not a completion. If it were a completion, it would go up to Lough Neagh. The Minister has said that there are no plans to do so; will he elaborate on that?

The report also states:

"The Council agreed proposals for a number of property disposals in the context of a range of development projects".

Will the Minister tell us whether there have been any discussions with property owners in those consultations? Do they agree with the plans for the Ulster canal?

The Minister of Culture, Arts and Leisure: The project that is under way is to restore the canal from Clones to Upper Lough Erne. At present, there are no specific plans beyond that. People will recognise a desire to have the network completed in due course. However, that is the situation at present.

Waterways Ireland disposed of six properties that required NSMC approval. They were all in the Irish Republic; there were none in Northern Ireland. None of the disposals was financially significant.

Mr Shannon: I thank the Minister for his comments on the proposals. The Minister's report refers to receiving a presentation on the restoration of the Royal canal. It is good to see the Royal canal being highlighted. Will the Minister confirm what contribution the Irish Government are making to the improvement work on the Royal canal through the North/South bodies?

The Minister of Culture, Arts and Leisure: I share the Member's delight in the affection for all things royal in the Irish Republic.

The funding of capital works in the Republic is entirely a matter for the Government of the Irish Republic. They fund 100% of capital works in the Republic; we do not contribute. We pay 15% of the revenue costs for Waterways Ireland, and the Republic pays 85%, which is proportionate to the amount of miles of navigable waterway in Northern Ireland and in the Republic.

Mr Durkan: I thank the Minister for his statement, and thank him and his ministerial colleagues for the work that was done at the meeting. The Minister kindly indicated the budget for a section of work that is being carried out on the Ulster canal. Will he tell us whether that programme and its budget have already been subject to the kind of efficiency tests that the two Departments of Finance are subjecting the North/South bodies to?

Will the budget be subject to such a test in the future? Have the proposals been passed by "An Bord Snip" in the South, or will they be under review?

12.00 noon

The Minister of Culture, Arts and Leisure: At the meeting, there was no mention of any derogation from the Irish Republic's commitment to fund the project. That section of work, from Clones to Lough Erne, is entirely funded by the Republic. There was no mention that the Republic would step back or withdraw from that, and there the matter rests.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. An t-am seo ba mhaith liom a fhiafraí den Aire an bhfuil aon phleananna ann chun scéimeanna nua a thabhairt isteach faoi obair na Comhairle. Are there plans to bring any new schemes into the council's work?

The Minister of Culture, Arts and Leisure: I will make a further comment on the previous question before I come to that one. At the meeting, it was mentioned that there will be efficiency savings, North and South. However, there was no specific mention of funding of the Ulster canal.

I have now forgotten Mr Bradley's question.

Mr D Bradley: Are there plans for any new schemes?

The Minister of Culture, Arts and Leisure: I assume that the question refers to whether it is intended to bring any other waterways into Waterways Ireland; there is no intention to do that. I have a list of the other waterways in Northern Ireland, but those are not in the domain of Waterways Ireland. There is no further consideration as the situation stands.

Mr Savage: I also congratulate the Minister on his statement. There has been much talk about two particular canals this morning. However, has the Minister any plans for the Lagan canal, which I consider to be the most important canal in Northern Ireland?

The Minister of Culture, Arts and Leisure: With regards to the Lagan canal and linking Belfast to Lough Neagh, the Department of Culture, Arts and Leisure owns residual property rights that remain in Government ownership as a successor in title to the former Lagan Navigation Company. Those are primarily the locks and towpath on the 12-mile lower Lagan navigation, which links Stranmillis in Belfast with Sprucefield and Lisburn. Capital projects of that nature, even if viable and feasible, are unlikely to be wholly financed by central government.

The Department met local authorities and other bodies that have an interest in the Lagan navigation with a view to developing a strategy for possible reopening in the future. To that end, the Lagan Canal Restoration Trust was established in 2008-09. It is funded by the four local authorities, the Northern Ireland Environment Agency and my Department, and it aims to explore the scope for funding and delivering the 27-mile project. By way of support, my Department agreed to fund the trust in commissioning an economic appraisal for the potential reopening of the lower Lagan canal. That report is due for completion in September 2009.

I am also delighted to confirm that works to restore the Department's lock three at Newforge, with financial assistance from the Heritage Lottery Fund, will be completed by the end of October 2009. That will complement the restoration of the adjoining lock house, which was recently completed by Castlereagh Borough Council.

EXECUTIVE COMMITTEE BUSINESS

Forestry Bill

Second Stage

The Minister of Agriculture and Rural Development (Ms Gildernew): Go raibh maith agat, a LeasCheann Comhairle. I beg to move

That the Second Stage of the Forestry Bill [NIA 11/08] be agreed.

Our current forestry legislation dates back to 1953 and reflects the priorities of an era when commercial timber production was the main focus. The legislation has served its purpose for much of the period since 1953. However, it has been evident for some time that forestry is of significant importance for reasons other than timber production, although timber production continues to be important, particularly for the North's economy and in supporting local industry and rural jobs.

The impact of continued deforestation on climate change and biodiversity has raised concerns globally. It is widely recognised that increasing forest cover can enhance the many benefits that forests already provide, be they environmental, economic or social. The North is significantly under-forested, with only 6% of the land area covered, compared with 10% in the South, 12% in Britain and 33% on average throughout the EU.

The forestry strategy that my Department published in 2006 acknowledges the need for the sustainable management of existing forests and a steady expansion of tree cover. It seeks to deliver a more competitive forestry industry in the North, and it provides for a balanced approach between producing commercial timber, protecting the forest environment and providing increased opportunities for forest-based recreation. Legislation must be in place to provide a statutory framework to deal with those issues.

The new Bill will address my Department's contemporary and evolving commercial, environmental and social objectives for forestry. It will allow us to obtain better value from the forest estate through creating new revenue-generating opportunities, and it will enable us to secure better use of recreational facilities and buildings. It will help to protect all forest trees from damage, reintroduce a restriction on the felling of trees in private woodland and provide a public right of access to state forests. Those are the key principles of the Bill.

Before I comment on the generalities of the Bill, I want to thank all those who responded to the consultation exercise that was carried out by my Department last year on the proposals for new legislation. I also thank the Chairperson and members of the Committee for Agriculture and Rural Development for facilitating

presentations from my officials on two occasions, and for their comments.

The Bill contains 39 clauses and two schedules. It provides a statutory framework within which the Department can deliver its forest expansion and sustainable forestry objectives. Members will be glad to hear that I do not intend to comment on every clause, because many deal with related aspects of the same key provisions. However, I would like to explain the thinking behind the main provisions.

Clause 1 creates the foundation of the Bill and describes the Department's duty to promote forestry. That has been expanded beyond the duty to promote traditional forestry, as outlined in the Forestry Act 1953, to include the wider economic, environmental and social context of modern forestry. The Bill thus seeks to reflect the modern understanding of what is meant by sustainable forestry.

Clauses 2 and 3 provide the Department with the main powers to engage in and support the afforestation of land and forest activity, including the acquisition and disposal of land. It also enables the Department to provide facilities on forestry land to improve its amenity.

That provision will enable the Department to deliver social and recreational forestry. Through arrangements with partners, for example, it will be able to facilitate the provision of nature trails, viewpoints, car parks, toilets, and so forth. Recently, the Department published a strategy to develop the recreational and social use of its forests. Those provisions will provide the Department with the powers to support the implementation of that strategy.

Clause 4 includes provisions to allow the Department to use or develop its forestry land for a purpose other than forestry. The aim is to allow the Department to develop or facilitate what might be regarded as non-forestry opportunities. Those include tourism opportunities, such as the provision of forest chalets or cabins in forests and the development of renewable energy possibilities, such as wind farms. The provisions will enable the Department better to realise the full potential of its forests and, at the same time, obtain better value from the public forest estate. However, in exercising those powers, the Department will be required to have due regard to its general duty to promote forestry, as outlined in clause 1.

Clause 5 creates a new power to enable the compulsory acquisition of land for any of the functions under the Bill. The Department seeks that power primarily to help it to deal with situations in which its forests and associated timber assets are landlocked, and access, even after reasonable negotiation, cannot be secured. In those situations, the public value of mature timber, which is the result of many years of public investment, could be lost. Other circumstances

in which land may be required include the facilitating of access to planned recreation, tourism initiatives and for biodiversity purposes.

The power is widely drafted because the Department cannot foresee the full range of contingencies that may require such a power. Nevertheless, I appreciate that such a power could give cause for concern. Indeed, the Agriculture Committee has already commented on that provision. I assure the Committee and other Members that the power will be used sparingly and only with ministerial supervision. The vesting process is described in schedule 1 to the Bill and is based around the procedures that are used under the Local Government Act (NI) 1972, which is considered to be the cornerstone of modern vesting law, with all the established rights, including representation, recourse to an inquiry by the Planning Appeals Commission, and compensation, etc.

Clause 6 provides for the Department to carry on inquiries and to collect and disseminate the results, including the preparation and publication of statistics for the purposes of any of its functions under the Act. That is largely a carry-over from the 1953 Forestry Act.

Clause 7 is a new power that allows the Department to:

“do anything which appears to it to be conducive or incidental to the discharge of its general duty under section 1(1).”

That clause also allows engagement in partnerships or participation in a body corporate in support of the Department's general functions, which could, for example, include future recreational or renewable-energy initiatives. The Forestry Commission in England and Wales has such powers under the Forestry Act 1967. That power is not intended to be additional to the general duty, but to supplement it.

Clauses 8 and 9 are intended to protect forest trees from damage by wild animals. Clause 8 will allow the owner or occupier, in the event of damage by wild animals to growing trees on his land, to cull such animals at any time, either in his woodland or in any adjoining land that he owns. That clause will apply to owners of any woodland, private or public.

Clause 9 provides the Department with a power to deal with damage or likely damage to any woodland, public or private, by wild animals that live in adjacent lands in other ownership. The Department may serve a notice on the occupier of the adjacent land that will require him or her to deal with the problem. Failing that, the Department may enter the land and control the wild animals on that land.

That provision has been the subject of concerns from stakeholders with a game-shooting interest. However, our long-term aim is to double the area of forest in the North, and that is likely to increase the habitat that is suitable for forest-dwelling animals, including deer, which have the capacity to damage

woodland and to hinder woodland regeneration. Those powers are designed to enable the Department to limit possible damage and would be exercised only where landowners are unable or unwilling to address the problem.

Similar provisions are contained in the 1953 Forestry Act and in legislation in Britain and in the South, but the proposed provisions in clauses 8 and 9 of the Bill go further in certain respects. For example, deer are now included under the definition of “wild animal”. On that point, we need to appreciate the protections that have been put in place for the Irish hare. I would like the Irish hare to be outside the definition of “wild animal”, given that it is a distinct subspecies and given the work that is going on in my Department and with the Department of the Environment.

Clause 10 is a carry-over from the 1953 Forestry Act and is a standard provision in forestry legislation that is aimed at protecting woodlands, both public and private, from the threat of fire damage. It permits the Department to serve a notice on the occupier of adjacent uncultivated land where vegetation poses a fire risk to an area of forest. If the owner does not respond to the notice, the Department may enter the land and remove or destroy any vegetation that poses a risk. Some stakeholders have expressed concern about that provision, but I refer again to our long-term aim of doubling the area of forest in the North and the need for the Department to have powers to protect woodland, whether in private or public ownership.

Clause 11 offers protection to woodland owners or the Department’s authorised officials who take action under clauses 8, 9 or 10 of the Bill against prosecution under the Wildlife Order 1985 or the Game Preservation Act of 1928. Clause 12 includes provisions to restrict the burning of vegetation that is close to forests and is another carryover from the 1953 Forestry Act. Clause 13 amends the Plant Health Act 1967 to provide powers to make subordinate legislation to control the tree disease that is posed by wood packaging.

12.15 pm

Clauses 14 to 29 deal with the felling of trees, and the key provision is the requirement for anyone who wishes to fell trees on land of 0.2 hectares or more to have a felling licence granted by my Department. That will help to underpin the strategic objective of sustainable forest management. The aim is to ensure that private landowners manage their land with due regard to sustainability, including restocking, where appropriate, sites that have been felled.

To obtain a felling licence, the landowner will have to prepare a felling management plan for my officials to consider. The aim will be to keep the management plan as simple and straightforward as possible. Felling licences are already required in England, Scotland,

Wales and the South; introducing them in the North is consistent with the principles of good forest management.

A number of exemptions to the requirement to have a felling licence have been included in the Bill; for example, the felling of fruit trees, the topping or lopping of trees and the felling of trees in gardens. Again, that is a pragmatic approach that does not place undue restrictions on people and that will, hopefully, enable us to move forward without undue bureaucracy.

To safeguard the interest of private landowners, the Bill contains provision for compensation in the event that an application for a felling licence is refused. There is also a right of appeal against a decision not to grant a felling licence. A further important provision, which includes an appeal mechanism, is the power to require restocking after unauthorised felling. Procedures related to an application for a felling licence and the requirements of a felling management plan will be prescribed in subordinate legislation, which will be subject to separate consultation.

Clause 30 introduces a statutory right of pedestrian access to the Department’s forests for recreation purposes, subject to by-laws, and that has been welcomed by a range of stakeholders. The remaining clauses 31 to 39 include powers of entry; regulation-making powers; provision for amendments and repeals; and provisions that relate to commencement.

I commend the Bill to the Assembly. It provides the necessary legislative framework to enable the Department to meet Government objectives in relation to forest expansion and the sustainable management of existing woods and forests, through which the many diverse social, economic and environment benefits can be realised. Go raibh mile maith agat, a LeasCheann Comhairle.

The Chairperson of the Committee for Agriculture and Rural Development (Mr Paisley Jnr):

At the outset, I must say that if I have to leave the House early, it will not be out of discourtesy to the House, the debate or the Minister; it will be because there is an Agriculture Committee meeting later on. I hope that it does not clash with the debate, but it may.

The Second Stage offers the House the opportunity to debate the Bill’s principles. The Minister has taken us through those principles and outlined the Bill’s exact intention. The Bill is wide in scope and will repeal the Forestry Act (Northern Ireland) 1953, replacing it with a largely new set of provisions to regulate forest and commercial tree felling.

When it was created, the 1953 Act was relevant for the times in which people lived. In 1953, Britain still bore the scars of the Second World War, and evidence of a war-torn Europe was everywhere. Open bomb

sites with their crumbling buildings were set amid a new kind of architecture of half-built blocks of flats.

Those were the first signs of a redevelopment and regeneration that demanded source materials, of which wood took primacy. The production of timber was the thrust of the 1953 Act. No account was taken of developing leisure activities, which remained very much the preserve of the upper classes. The Act was unashamedly about timber production, because that was, rightly, the priority of the day.

More than 25 years ago, the great social historian Sir John Colville wrote in his book 'The new Elizabethans, 1952 – 1977':

"Whatever their station in life, the way people now conduct their affairs differs, voluntarily or involuntarily, in both opportunity and amenity from what was customary twenty five years ago. They feed and dress differently, they talk, live and spend their leisure differently, and they do so partly by choice and partly by force of circumstance."

Now that we have a further 25 years on the calendar, how much truer and more accurate Sir John's statement is today; how much greater the emphasis that is placed on leisure; how much more conversant we have become about our environment and the amenities that are, and should be, available to us and to the people; how much greater the opportunity, then, through this Bill, to produce a forestry Act that will be central to the strategic development not only of the Forest Service, but of the strategies across which the Northern Ireland Executive act; how great is the opportunity to link our forestry strategy with health, tourism, environmental, cultural, education and energy strategies; how great is the opportunity to engineer the circumstances that would see the use of our forests heralded as an example of best practice across the world — what a great opportunity is available to us.

Unfortunately, due to the circumstances and missed opportunities that have been outlined, the Bill falls some distance short. The Bill's primary thrust remains timber production, with lip service being paid to other potential opportunities, such as economic, social, environmental and recreational ones. Those are the opportunities that the Bill should seize and exploit to their fullest extent.

Of course, the Forest Service must be reorganised, but I believe that its potential is not being realised fully. For example, substantial sporting tourism revenue is being lost as a result of the service's potential not being utilised properly and exploited. Independent research from consultants that has been made available to us identifies the fact that

"sporting shooting contributes more than £45 million annually to the NI economy, sustaining 2,100 full-time equivalent jobs."

In Northern Ireland, we spend a further £10 million a year on conservation and on managing something like 990,000 hectares of forest around the Province.

Given that significant resource, it seems to me that the consultation should read into and consider the needs of those people who could play a greater role in developing even more opportunities on forestry land.

I hasten to add that those views are not necessarily mine or, indeed, those of the Committee for Agriculture and Rural Development; they are the views of stakeholders and those who wish to see the strategic development of and investment in our forests. Indeed, they are the views expressed in the European Community, which recognises that through regulation, forests can contribute both to the Lisbon objectives concerning economic growth and competitiveness and to the Göteborg objectives concerning the conservation of natural resources.

In order to maintain that contribution, the Bill must be adapted to be more open to the global market and to the current strategic frameworks that are being developed through the Executive Departments. It needs to be open to increasing our communities' diverse recreational demands, to those visiting our country, to the enhancement of our unique biodiversity, to the development of the Northern Ireland economy, and to the competitiveness that is necessary. The Bill must open up opportunities, and I believe that it could, and should, do that. Indeed, we should see to it that it is amended to that effect.

It is important that the Bill strikes a balance between the commercial, social, economic, recreational, environmental and strategic interests in our community, and I know that the Committee is keen to play its role in that difficult task. The Committee wishes to see how those strands can be woven together and how the Bill can connect the various sectoral strands and interests that have been recounted to us today. We will listen to the representatives of the key stakeholders. When necessary, we will challenge the Department and the Forest Service to open the Bill to the diverse interests that people have in our forests, and we will test the Department and the service to see whether they can come up with a Bill that addresses our priorities today and those that will arise in the future.

We do not need a Bill that deals only with some limited aspects of the timber industry; we need something that addresses the wide role that can be exploited through our Forest Service.

As it stands, this Bill is about timber production. It is about giving regulatory powers to the Department and to the Forest Service. It is about strengthening the hand of the Forest Service, where it needs to be strengthened, and the Department, and about protecting departmental interests. The Committee recognises that those are important aspects that cannot be overlooked. However, the Bill should and could do so much more. The House should be determined to make it do so in order that the entire community can benefit where it

can and should from the forests and forestation in our country.

The Department also needs to ensure that it protects our communities through exercising the proposed powers bestowed upon it by the Bill in a considered and balanced manner. The Committee will, therefore, scrutinise the Bill to ensure that the principles are appropriate and that they do what they are intended to do in an appropriate manner and do not go beyond that.

The Committee for Agriculture and Rural Development looks forward to receiving the Bill in Committee Stage.

Mr Deputy Speaker: The Business Committee has agreed to meet immediately upon the lunchtime suspension. I therefore propose, by leave of the Assembly, to suspend the sitting until 2.00 pm. The sitting is, by leave, suspended.

The sitting was suspended at 12.26 pm.

On resuming (Mr Speaker in the Chair) —

2.00 pm

Mr W Clarke: Go raibh maith agat, a Cheann Comhairle. This Bill is the first piece of forestry legislation to be introduced in the North of Ireland in over 50 years. We have to take a bit of time and get it right. It is long overdue.

During recess, I had discussions with a number of stakeholders, including the Woodland Trust, members of the private sector, the Countryside Access and Activities Network (CAAN), local community groups in my constituency and council officers who have responsibility for access and tourism. I will base my contribution around those discussions.

Forest policy reviews in 1970 and from 2000-06 indicated the desire to double the amount of land under woodland in the North of Ireland by 2050 from its current 6% to 12%. In the past five planting seasons, new woodland creation in the North of Ireland has fallen by almost 50% to its lowest level, and it is below the target of 550 hectares per annum. The new Bill needs to address that major shortfall, and I think that it will.

Everyone with whom I discussed the Bill thought that the clause that deals with the felling licence was a useful tool in forest management. The private sector was concerned about the cost of felling licences and stated that there was no requirement for fees linked to felling licences in England, Scotland, Wales or the South of Ireland. Perhaps the Minister will clarify that issue.

There were also reservations about the need for farmers and woodland developers to draw up a management plan for all woodland/forestry plantations. It was felt that that was an unnecessary obligation, given that all plantings are undertaken only when grant approval has been agreed. That grant approval process takes care of the development of long-term objectives, so people were asking why there was a need for duplication.

Premier Woodlands is concerned that the Bill does not make clear who the Forest Service is answerable to in the context of carrying out its activities. Premier Woodlands believes that, as currently constituted, the Bill gives the Forest Service free rein to carry out its activities on an unscrutinised basis. I am sure that the Agriculture Committee and the Minister will deal with that.

Recreation and tourism access, including community well-being, needs to be on a level footing with timber production. Local communities need to be able to feel ownership of forests, and there is potential for community groups and new councils to investigate working with the Forest Service in building high-quality play parks for tourists and locals. I welcome the opportunity for Forest Service land to be used for other reason, including renewable energy, through

wind farms, as well as the development of tourist facilities. I would like to acknowledge the Minister's clarification that log-cabin holiday accommodation will be included in the proposals.

During recess, along with other interested parties, I visited Yorkshire to investigate the potential for the Forest Service to diversify into sporting provision and eco-holiday provision. The Forest Service has taken great steps in relation to the recreational provisions in our forests, but it is time to complete the journey. The Bill has the potential to do that. Proposals are being developed in relation to activity tourism on such measures as a high ropes project in Tollymore and a high-profile development of mountain biking — a recreational industry that has the potential to become a multi-million-pound success story. It is being planned for the south Down forests. Those projects will complement the tourism projects that are in place in south Down, the rest of the North and the island in general.

I find it difficult to envisage how a long-term strategy for forestry and woodlands in the North of Ireland can advance without consideration of the impact of climate change and sustainable development. We need to take a strategic approach to our forests and maximise their use to combat climate change, be that through the planting of floodplains, for instance. That would provide a good opportunity to alleviate problems of flooding. I am interested in the Minister's thoughts on that.

I have spoken to the RSPB and the Woodland Trust, and they are calling for the new legislation to ensure the protection of ancient woodland, a resource that is particularly scarce in the North of Ireland. Both organisations are also keen to see the promotion of biodiversity through a sustainability duty that will encompass all state, public and private woodland. In addition, they feel that such a duty should encourage the expansion of the native woodland cover in the North of Ireland.

Perhaps the Minister will tell the House how the general duty on the Department will enable the creation of new native woodland for community and recreational access. Evidence has shown that increasing native woodland cover can help to deliver on a range of policy issues, including climate change and public health. Not only is native woodland rightly considered to be a beautiful and relaxing backdrop, but those woods and trees support an array of wildlife and biodiversity. Therefore, native woods will assume a great importance in delivering on Executive priorities such as the Programme for Government targets of creating 1,650 hectares of new woodland by 2011 and halting the loss of indigenous species and habitats by 2016.

Clause 10 of the Bill deals with the removal of vegetation close to forests. I see the need for that given the risks from gorse fires, the bills for which regularly

run into hundreds of thousands of pounds, especially in my constituency of South Down.

In conclusion, forests must become multi-functional; they must be relevant to all of our lives; and many more people must be able to use them for recreation and to earn a living. Forests must be developed to provide renewable energy opportunities, and although timber production is essential, the Forest Service must have flexibility, particularly in relation to social use and recreation.

The Bill is the first piece of forestry legislation for 50 years, and it could give the Executive, its Departments and agencies the legislative authority to deliver fit-for-purpose forestry management in an ever-changing world. Together with the Agriculture Committee, I look forward to working with the Department, the Forest Service and the Minister in progressing the Bill. Go raibh maith agat.

Mr Elliott: I declare an interest as a farmer and the owner of a modest area of forest.

In broad terms, the Ulster Unionist Party welcomes progress on a new Forestry Bill. The last Forestry Act dates back to 1953 and is much outdated. Therefore, we are pleased that there will be some progress on that at least. However, that does not mean that we are absolutely delighted with the new Bill: we are pleased with some aspects of it, but, to be blunt, we will seek changes and amendments in others.

Like Mr Willie Clarke and other Members, my party colleagues and I met various stakeholders in the industry and forestry officials during the summer recess. We thank those stakeholders for those meetings and for making their time available.

There are a number of issues that I want to deal with specifically, the first of which is ancient woodland. I am concerned that the Bill does not afford enough protection to ancient woodland. I do not know where it even defines ancient woodland. Perhaps the Minister and the Forest Service could clarify that aspect as the Bill progresses through its various Stages.

In her opening remarks, the Minister alluded to meeting the objectives of the forestry strategy, but I am concerned that the Forest Service is not even meeting the Programme for Government targets of planting an additional 550 hectares of forest and woodland per year, and I hope that the Bill can help to redress that issue. Another area of concern is the Forest Service's overall target of doubling forest cover in Northern Ireland by 2050, which is a huge task and, given the amount of new planting taking place, it is a target that will never be met.

Furthermore, I have noticed that the Department's replies to questions in recent months have included short-term coppice in the figures for newly planted

woodland and forest, and I am not sure that it should be included in that category.

I am hugely concerned about the overall control that the Bill will give to the Forest Service and the Department, because the Forest Service is involved in the commercial production of timber, and it should not have an advantage over private industry. I believe that the Bill will give the Forest Service a huge advantage.

If you will permit me, Mr Speaker, I will look at a couple of issues, many of which the Committee will deal with; however, I want to highlight one or two for the Minister's pursuance.

The first issue is the disposal of forestry land, and I assume that there will need to be some sort of acceptance of the public interest in such disposal. I also assume that the Forest Service cannot dispose of forestry land if and when it so desires; if that is to be allowed, there would need to be good reason that is in the public interest. I would like clarification on that point.

My second point relates to clause 4, which deals with the use or development of forestry land. Clause 4(1) states:

"The Department may use or develop forestry land for a purpose other than forestry."

Does that mean that the Department will take that land out of forestry use and develop it for use as something else? Clause 4(1) is not clear about that, and I would like it to be clarified.

The compulsory acquisition of land puts the Forest Service at a huge advantage over private industry. It allows it to take land off any farmer or landowner that it so desires for its own purposes. That is dealt with under clause 5, and if the provisions of that clause are combined with those of clause 4, the Forest Service could develop forestry land for a purpose other than forestry. That would give the Forest Service wide-ranging powers, and, unless there is a good reason for it to acquire land, such powers are not acceptable. Clause 5 should be narrowed to mean the compulsory acquisition only for reasons of access to land, and if that were the situation, that power should also be available to private landowners.

I have huge concerns about clause 7, which deals with incidental powers, and I must say, I wish that I had those powers at home. Clause 7(1) states:

"The Department may do anything which appears to it to be conducive or incidental to the discharge of its general duty under section 1(1)."

That gives the Department the power to do almost anything. I would love to go home and tell my wife that sometimes, but the problem is that she would just not listen. I would like some clarification on that issue from the Forest Service.

There is huge concern that the Bill will allow for the Forest Service to control not only forest land, but adjoining land. That also means lands that adjoin any forest, not just those that are under the management of the Forest Service for the control of animals. That will create huge problems for sporting and shooting organisations in the Province.

Clause 14 deals with the felling licence. Although there are reasons for having a felling licence, it must be subject to some flexibility, particularly where the management plans are concerned. I have not heard anything from the Department and the Forest Service that specifies clearly what those management plans will entail. I am concerned about the fact that the Forest Service will be immune from the need for such a management plan and licence. Again, that puts the Forest Service at a huge advantage over the private sector. The private sector will need a management plan to get a felling licence but the Forest Service will not. There is great unfairness in that, and it needs to be resolved quickly. I suggest that the Forest Service should also need a management plan and felling licence and that there should be an external audit group that could be overseen by people from the Forest Service and private industry. I do not want to create additional bureaucracy, but that must be looked at.

There has been no consultation with sporting organisations or with those who have the sporting rights over forestry about pedestrian access to all forestry and woodland. There must be genuine and proper consultation on that matter because there could be huge conflict in that area. We heard earlier about how much that industry brings into the Province, and we must take cognisance of that.

I look forward to going through the Committee Stage of the Bill in conjunction with the Department. Obviously, I do not believe that we will agree on everything at this stage, but I look forward to progressing the matter.

2.15 pm

Dr Farry: I must first apologise to the House for the absence today of David Ford, who was hoping to speak on the Bill, but whose mother-in-law sadly passed away last night. I am sure that all our thoughts are with David at this time.

On behalf of the Alliance Party, I warmly welcome the legislation, as well as the fact that, on the second day of the new Assembly session, we are getting around to discussing legislation, which is, after all, our primary purpose as MLAs. I certainly hope that we can do the subject justice and have a debate as long as, if not longer than, the debates on private Member's motions.

The Bill presents an important opportunity for Northern Ireland, one that does not come along very often. The Bill is the first piece of legislation in this

area for some 56 years, since the Forestry Act (Northern Ireland) 1953, and already there has been considerable consultation — in some cases going back quite some time — leading up to the introduction of the Bill. That shows how rare an opportunity it is to progress that type of work.

The Alliance Party will certainly support the Second Stage of the Bill, because we need to take the matter forward. Although we welcome large aspects of the legislation, it is only right to say that there are a number of deficiencies in the Bill as presented. We look forward to those issues being addressed, either during Committee Stage or, if necessary, in the Chamber through the amendment process.

I am particularly grateful for the comments and input from the Royal Society for the Protection of Birds and the Woodland Trust. Both organisations have been extremely active on behalf of the community in Northern Ireland in protecting our natural environment, and we all owe them a great debt of gratitude for their ongoing work.

The management of our woodland is clearly a critical issue. Ian Paisley Jnr has already spoken of the balance between the economic, social and environmental aspects. It is also worth stressing the importance of the contribution of forestry to tackling climate change. The Minister has already alluded to the fact that Northern Ireland is poorly wooded; some 6% of our land mass is covered by trees. It is useful to compare that figure with the figures internationally: in the rest of the UK, the figure is around 12%; in the Republic of Ireland, it is 10%; and in the rest of Europe, it is, on average, around 44%. When one considers ancient woodland in particular, those figures appear even worse. Northern Ireland is in an even more difficult position, as only around 0.6% of our land mass is covered by ancient woodland, compared to around 2% in the rest of the United Kingdom.

The casual visitor can see the different levels of tree cover when flying over the countryside of different parts of the world. Having travelled through the north-east of the United States, for example, I was struck by the fact that virtually every small town and village is obscured by a canopy of trees. That adds to both the built and natural environment there, and is something that we should aspire to here. The historical evolution of these islands has been very different to that, and there tends to be a lot more open countryside, but perhaps we can address that over time. In the past, as Members have mentioned, the emphasis has been on the regulation of timber supply. It is clear that the emphasis now needs to change to sustainability, which should be front and centre in the Bill.

I will now make some specific comments on the Bill. Clause 1 outlines the general duties on the

Department. It is important that a clear duty is included in the legislation to ensure sustainability in relation to forestry policy and practice and the regulation of all woodland types. That should apply not only to forests that are in public ownership but to private land. It should also be cross-referenced with biodiversity. The issue is not simply the trees that are being managed, but the wildlife that exists in our forests, both flora and fauna. The Bill should make very clear references to things like the UK biodiversity plan.

I agree with Tom Elliott's comments that some of the terminology used in the legislation is somewhat vague. Perhaps that terminology can be spelt out more clearly.

Careful consideration needs to be given to the compulsory acquisition powers that are set out in clause 5. No doubt something is required in that area, but great sensitivity is necessary, and we also must respect people's property rights.

I support the intention regarding inquiries and information in clause 6. However, the tenor of that clause should be one of "shall" rather than "may". There should be a requirement for information gathering, rather than simply a hope that it will happen. Indeed, any information that is gathered should be made publicly available.

Arising from that point, I must stress the need for a proper inventory to be taken of the woodland in Northern Ireland. We would like the Bill to include a statutory duty on the Forest Service to survey and monitor the extent and condition of all Northern Ireland's woodland — that is an essential requirement.

We appreciate that a certain degree of information on the extent and location of forests, woodland and trees in Northern Ireland is already available, but, in some respects, data can be rather disparate and out of date, and there are gaps in the coverage. The Forest Service probably knows what is in its estate, but it is with what lies outside its estate where much of the difficulty arises.

It is worth pointing out that holding proper inventories is the case in the rest of the UK, the Republic of Ireland and most of Europe, so Northern Ireland's current approach is out of step in that wider context. It is worth highlighting that the Forestry Commission of Great Britain has recommended such an inventory for Northern Ireland and regards it as being essential.

The fundamental point is that we cannot measure our progress, particularly on the protection of ancient woodlands, if we do not have baselines and do not know from where we are starting. Therefore, taking an inventory to establish where we are starting from is critical if this legislation is to have credibility. The Minister has acknowledged that those limitations exist,

but the challenge for her is to follow up on her words and commit fully to taking a proper inventory.

Clause 7, to which Mr Elliott also referred, covers incidental powers. In any exercising of those powers, the Bill should contain a very clear sustainability duty.

I welcome the clauses on the felling of trees, but, at this stage, I want to stress three points. First, there should be a presumption against granting a felling licence for ancient woodlands; the bar for granting one should be set extremely high. Secondly, the Forest Service should not be exempt from the need to request a felling licence. As things stand, who is there to police the Forest Service? That is an important and necessary safeguard. Thirdly, I am somewhat sceptical of the need for compensation should a felling licence be refused. We need to shift our priorities from the traditional notion of our economy more towards the protection of the environment. I must again stress that the concept of sustainability means that, as far as I am concerned, the protection of the environment and the economic development of Northern Ireland go hand in hand.

We on these Benches would welcome some stakeholder advisory input on the way forward for the regulation of practice and policy. Although we consider the Bill to be a good start, the opportunity with which we are presented should be seen as a platform on which we can build. I look forward to the Bill's being improved as it goes through its various Stages, and we are happy to support the Bill's Second Stage.

Dr W McCrea: I realise that the Bill is at Second Stage, so we are undertaking a general review rather than going into all the detail.

Although it is true that the Minister has outlined the Department's emphasis in respect of most of the clauses, we need to ensure that those matters that we identify as deficiencies will be gone into in depth during the Bill's Committee Stage. That is, of course, what Committees are engaged to do. The Committee will engage with the Department in seeking to tease out some of those deficiencies, as well as those things that we believe need to be put right.

The explanatory and financial memorandum to the proposed Forestry Bill states that the general duty of the Department is:

"to promote forestry on a wider footing than the traditional primary role of developing afforestation, the supply of timber, and the maintenance of reserves of growing trees."

In addition, the explanatory memorandum states that the Bill:

"places equal importance on protection of the environment and social and recreational use."

I appreciate that that is laid out as a general principle. However, many are concerned that lip service is being paid more than dealing with the issues, because the

Bill seems to have more to do with the regulatory powers that are being given to the Department, rather than tackling many of the issues that the Committee for Agriculture and Rural Development will, clearly, identify.

It has been emphasised to me that the monetary, health, educational and environmental benefits need to be clearly identified and taken account of. We need not only identify the issues but how we move them forward in a specific way. Many consultees welcome the broad basis of the Bill but are concerned that the commercial production of timber is still, in the Department's eyes, the primary benefit of forestry. I understand that the Woodland Trust made a statement to the Committee emphasising that the primary function should be the promotion of sustainable forest management, and that the social and environmental value of forestry must be accorded equal importance to commercial production. Therefore, the Bill must strike a balance between commercial concerns and all the other issues that we have identified.

I will not go into all the issues today, clause by clause, and I am sure that everyone will be delighted about that. I, as a member of the Committee, will have the opportunity to go through the Bill, clause by clause, during its Committee Stage. However, we have to lay down certain parameters and state clearly that the amount of woodland in Northern Ireland compared with the rest of the United Kingdom or the rest of Europe is unacceptable. It is vital that we ensure real protection for our ancient woodlands, but we must also ensure that we have a process and a specific programme to realise the desire for more tree-planting and more woodland in Northern Ireland.

That aspiration is one thing, but how do we take that forward? The Department desires to double the woodland in Northern Ireland. Yet, until now, all the Department's efforts in that respect have totally failed. Therefore, we must ensure that something is done and a programme is outlined that will take us to that vision. It is important that we protect endangered ancient woodland, and that we not only aspire to have more woodland but establish a programme by which we can achieve that, and measure our progress along the way, because it will take time. If we are going somewhere, we have to see how well we are progressing.

Clause 4 of the Bill is entitled "Use or development of forestry land". Paragraph 4 of the explanatory and financial memorandum states that that clause will provide a power for the Department:

"to develop its land to obtain better value from the public estate — for example to allow for the creation of wind farms or the development of tourist facilities on forestry land."

The Committee for Agriculture and Rural Development received excellent information from the RSPB, the Woodland Trust, Farm Woodlands Ltd and

the district councils. We are thankful that those bodies are actively engaged in considering the Bill, and we must keep them engaged. The Committee was told that the Department's powers, as outlined in clause 4, should be subject to planning laws. I want the Minister to consider that to see how the Department will be subject to planning laws.

2.30 pm

Clause 5, which deals with the compulsory acquisition of land, is widely drafted. I am always concerned about giving Departments wide, sweeping powers, because, in the past, I have found that they use such powers and push them to the limit. The Minister will know that the Committee for Agriculture and Rural Development always seeks to ensure that the power of the Executive and of Departments is restricted. It seems that any powers that are granted are used very quickly.

Ballymena Borough Council said that landowners should have the right of appeal in regard to that power. When a Department is granted the power of compulsory acquisition of land, people wonder whether they own anything. With such powers, Departments can tell people what to do with their own land, and people find that they do not really own anything and that the Department has more interest in the land than the landowner.

The control of animals in forests is an important aspect of the Bill, and it was drawn to the Committee's attention that the Forest Service has to control the vermin in state forests. Will the Forest Service and the Department be included in legislation to control wild animals and vermin that might attack and undermine forest on their land so that it is not only farmers who have to do so? The Department should lead by example in what it is enforcing on ordinary farmers.

Dr Farry mentioned the felling of trees. I agree that it is important that the Bill should include a presumption against felling in ancient woodlands. We must ensure that we protect the ancient woodlands. If we acknowledge the fact that we have little enough woodland in Northern Ireland and that ancient woodland is part of our heritage, we should do everything in our power to protect it. Clause 14 concerns the requirement for a licence for felling trees, and the Department should also come under that legislation. Protection must be in place not only from unscrupulous persons who would fell trees but to prevent the Department from felling trees for monetary gain.

Farm Woodlands Ltd raised concerns about the possible length of time to process applications for a licence. It also disagreed with the requirement for a management plan for private forestry. If it is right to have a management plan for private forestry, should the Forest Service also be required to have a

management plan to fell trees? That is another issue that was raised in response to the Committee's request for the community to make its voice heard.

I am concerned about the proposed unlimited power of entry. I have major concerns about granting that power to the Department. I also have concerns about infringement of adjoining land rights. It must be ensured that the rights of farmers on adjoining land are acknowledged as much as those of the Department.

It ought to be said that much of the Bill is welcome. It takes forward the provisions of the previous Act, which is long out of date. That is important. However, I make a simple appeal to the Department to ensure that, during the passage of the Bill, it continues to engage with people who have a keen interest and who have taken the time to return information to the Committee, including those who represent bodies that I mentioned earlier, such as the Woodland Trust, the RSPB, district councils and Farm Woodlands Ltd. The Committee will do likewise. In the end, we must ensure that the final Bill will take forestry to an advanced stage and, in years to come, will leave a heritage for the next generation of which we can be proud.

Mr Doherty: Go raibh maith agat, a LeasCheann Comhairle. I welcome the Second Stage of the Forestry Bill. During the debate, it has been mentioned a few times that it is 56 years since the Forestry Act 1953 was passed. It is slightly younger than me. At that time, forestry was simply a matter of growing trees, cutting and selling them. The Bill is much more expansive than that. Of course, it includes that basic facet of forestry; however, it also covers its potential for tourism, recreation, wind farms and so on. The Bill has a strong environmental and social aspect, which is welcome. However, there will be areas of concern, one of which I will mention. During the past year or so, the Committee, the Minister and the Department have developed a good, solid working relationship whereby we can raise deep concerns with the Department, it will respond, and we end up dealing with those issues. I am sure that we will be able to do that as we progress through Committee and the Bill's various stages.

I want to flag up a particular area of concern so that the Department and the Minister can consider it. Often, forestry is carried out in remote areas where the roads infrastructure is just about sufficient to service local communities and their farming needs. Suddenly — not even every year, as it occurs only now and again — trees are felled and massive, heavy lorries converge on those small country roads. I want the Department to respond to that and potentially to develop a protocol with Roads Service as to how those roads are maintained during such phases and repaired when that work is finished. In those areas, that can cause huge difficulties for local farming communities and rural dwellers in general.

I would like the Minister to deal with that issue in her response to the debate and throughout the Bill's various developments. I am sure that all matters will be dealt with in the thorough manner to which the Committee has recently become accustomed.

Mr Irwin: I welcome the opportunity to comment on the important Bill that is before the House. The previous Member to speak mentioned that the Forestry Act (Northern Ireland) 1953 was passed 56 years ago. That was a long time ago, before my time.

Northern Ireland's forests are a cherished part of the landscape. They provide great amenity space for thousands of people each year. The Province's tourism industry also relies heavily on its various accessible and well-known forest parks. In presenting the Bill, I believe that the Department wants to improve the overall conditions of those forests, which will be to everyone's betterment.

As the Bill shows, the forestry industry is more than just a reserve of timber. As the importance of leisure and amenity space grows, so does the public's use of forest parks. Likewise, as environmental issues gain prominence, the need to maintain forests and increase tree cover becomes more important. Amenity space and facilities are dealt with in clause 3, and the Department could do much more to make greater use of forest parks to the benefit of tourism.

In my district council area, a number of forest park areas have been utilised, such as Gosford forest park in Markethill and Clare Glen, to great effect for caravan owners. However, I ask that there is greater focus, on a Province-wide basis, on improving amenity spaces by making them bigger and by improving the facilities on offer.

I am concerned about the compulsory acquisition of land that is mentioned in clause 5. In my role as a public representative, I have come across vesting issues in which constituents have come to me for advice. One thing is always clear: the vesting of land is a very traumatic experience for landowners who cherish the land that they have worked for many years. Although I acknowledge that the full right of appeal will be available to the landowner in any vesting procedure, I ask that caution be exercised in any attempt to use such powers.

The Bill refers to the traditional function of the development of afforestation. Forest cover in Northern Ireland stands at around 6%. How the Department moves forward to increase forest cover will be complex as the area of suitable land available and the population density are factors in how targets for increasing woodland cover are worked out.

The spread of rural dwellings and the small-in-size-but-large-in-number nature of farm holdings reduce the opportunity for large-scale forestation in Northern

Ireland in comparison with our European neighbours. As I have stated in a previous debate, Northern Ireland is a compact land mass in comparison with Great Britain and other EU countries.

The Forest Service is on record as stating that it will be trying to improve opportunities for grant-aided woodland expansion. It is through grant-aided schemes that, I feel, the Forest Service will have the best chance of encouraging landowners to consider tree-planting. However, I do not believe for one moment that doubling the area of woodland is achievable. With an ever-growing population across the world, food is becoming increasingly important, and that may dictate the use of land in future. The situation is changing, and a certain amount of flexibility must be built into the Bill to account for changes in how land is utilised.

I welcome the Bill. However, the Committee will have much to discuss about how the Bill will affect and shape the future of forests in Northern Ireland.

Mr Savage: I broadly support the Bill, which represents the long overdue reform of the Forestry Act (Northern Ireland) 1953. That Act reflects a past priority to establish a strategic reserve of timber and maintain a timber supply in Northern Ireland. For a long time, my party has been calling for elements that are contained in the Bill.

With that in mind, I strongly support those aspects of the Bill that seek to protect the environment and encourage the enjoyment of land by the public. However, I am concerned that, in the Bill, the duty on the Forest Service to sustainably protect native woodland and the biodiversity that it supports is not strong enough. There is a greater need for sustainability criteria in the Bill, and that must be examined in Committee.

In bringing forward the legislation, the Department rightly recognises that forestry is now a complex and multifaceted enterprise, with increasing economic, social and environmental purposes and benefits. The Department endorses the view that the Forest Service needs to move with the times in order to maximise the benefits of the public estate.

I wish to further qualify my support for the Bill by making some observations about items that caused my colleagues and me some concern. From a commercial forestry standpoint, the overarching concern is that the Bill gives too much power to the Department of Agriculture and Rural Development and the Forest Service with no meaningful checks and balances.

Regulatory and compulsory purchasing powers are being acquired, held and exercised by an agency that also owns and operates a monopoly over publicly owned forests. In light of the percentage of forested land that the Forest Service owns and the percentage of timber production that it is involved in, there is a real

danger of market implications for the private forestry industry in Northern Ireland.

2.45 pm

From an environmental point of view, the overarching concern is that the Bill does not place a strict enough duty on the Forest Service to protect native ancient woodland and biodiversity or to manage forests in a sustainable manner. Concerns have also been raised about powers that the Department may give to the Forest Service that will allow it to cull any animal on forestry land or adjoining land that poses a threat to forestry. That will exempt the Forest Service from wildlife protection, hunting guidelines and other legislation.

There are many issues that we could talk about, but there is nothing in the Bill to indicate how the Forest Service will double forest cover by 2050. Forest Service policy suggests a development with the private market. However, there are convincing arguments that suggest that current grant schemes will not deliver the required development. That raises a certain level of concern in the long term about the Forest Service's compulsory purchase power. Those matters need considerable examination and resolution during the Bill's various stages. The implementation of appropriate safeguards would have a big impact on the future of the Forest Service.

I support the Bill. I also ask the Forest Service to think seriously about the large amount of open space in high areas of our community, which could play a big part in the production of forestry in Northern Ireland.

Mrs D Kelly: I, too, welcome the opportunity to speak in the debate on the Bill. I had the privilege of being born and reared in Derrymore in the townland of the Montiaghs. The Minister may know that *Doire Mór* translates as the "big oak tree" and that seven *Doires* make a Montiagh. Woodland was very much a feature of the landscape and provided many of the names for our local areas and roads, many of which are still used.

Unfortunately, the Plantation of Ulster led to the ravage of Ulster, and much of our woodland was felled and shipped across to England to fuel smelting in the iron furnaces that adorned Stratford-upon-Avon. Therefore, it falls to the Minister to set out a vision and a strategy for the next 50 years to replace some of what we have lost and to go beyond that. The Forestry Bill is welcome, although there are some amendments that should be looked at. In their contributions this afternoon, many Members referred to those amendments.

Mr Dallat: Does the Member agree that people have shown great affection for our trees, even to the point of hugging them? Does she agree that the Forest Service should not have sole responsibility for the targets and that other Departments, particularly the Department of Education, have a major role to play in

encouraging our young people to show the same affection for our trees as some of our leaders?

Mrs D Kelly: I agree with the bid that the Member made for the involvement of the Department of Education. I am sure that the Minister will not take the approach of her party president and run about hugging trees and telling people that all will be well. I hope that she will demonstrate her intentions in the Bill.

The Bill must also look at sustainable development and the promotion of biodiversity in state, public and private woodland. It should also encourage the expansion of Northern Ireland's woodland cover in line with the Forest Service's existing commitments. The Minister said that there is a commitment to move from 6% cover to 12% cover. Perhaps she can define what that means in acreage so that we can get an idea of what our base is.

In bringing forward the final legislation, it would also be helpful if the Minister would consider setting up a stakeholder advisory committee, similar to those that exist elsewhere. In that way, the organisations and individuals with expert advice to give and a vision for the future can help to develop sustainable forest management policy, regulation and practice. I would be grateful if the Minister could give us her thoughts on that.

I concur with the Members who talked about the woodland survey and monitoring requirement. That is something that we need to take cognisance of. I come from the Craigavon area, where, to this day, vesting is a very sore point among many whose lands were vested and taken from them, so any vesting powers in the legislation will have to be very sensitively dealt with through very clear guidelines. Land vesting cannot be done on a whim; it has to demonstrate how we are going to improve, whether economically or socially. The other side of the coin is the impact that any such vesting would have on biodiversity and sustainable development.

I support the principle laid out in clause 6, under which research will be carried out in respect of the wider social and economic benefits of forestry. Information gathered should be freely available to all stakeholders. Perhaps the Minister might give some thought to publishing that research on the Department's website, particularly if we want to engage the wider public in the debate on the protection of our woodlands.

It is not good enough that other state agencies, authorities and Departments might be exempt from the requirement to hold a fell licence. That is another amendment that the Minister might wish to consider.

I welcome the fact that the Bill is before us. It is good to see that at least some legislation is coming to the House at the start of the session. I hope that the

Minister sets challenging targets for sustainable development because, as many know, we are here for only a very short time, and we have to protect the environment.

Mr Kennedy: We are here for four years.

Mrs D Kelly: Perhaps less in some case, which might be a godsend for some members of the public.

When it comes to sustainable development, we are very much the custodians of the land. We have to take a carrot-and-stick approach. It is all very well to have regulations and prohibition notices, but we must recognise the hard work of farmers and the fact that, over the years, many farmers have been the custodians of our land services. We have to help farmers and other landholders to protect and enhance our environment.

Mr Speaker: I must interrupt proceedings. I ask the House to take its ease until we move into Question Time at 3.00 pm.

The debate stood suspended.

3.00 pm

(Mr Speaker in the Chair)

Oral Answers to Questions

Mr Speaker: I remind Members, if they need reminding, that they must continually rise in their place — the word “continually” is important — if they wish to ask a supplementary question.

SOCIAL DEVELOPMENT

Housing Executive Grants

1. **Ms S Ramsey** asked the Minister for Social Development if she has intervened in any cases where people have been turned down for housing renovation and disability grants, and if so, how many were overturned due to her intervention in the South Down constituency in 2008-09. (AQO 31/10)

The Minister for Social Development (Ms Ritchie): The short answer is that I did not intervene in any cases in which people were turned down for private grants in South Down in 2008-09. I am disappointed by the implied suggestion in the question that I might have used ministerial authority to ensure that my South Down constituency was given preferential treatment over others.

Members are aware of the shortfall in the housing budget, which has affected the delivery of certain housing programmes. In particular, the level of funding for home improvements in the private sector is insufficient, and applications for discretionary renovation, replacement and home repairs assistance grants are now unlikely to be approved, save in exceptional circumstances.

The disabled facilities grant scheme is, of course, unaffected. I have received many representations about that scheme, several of which were made by colleagues here, on behalf of constituents. I have also received numerous representations from members of the public about individual applications. I have looked into and responded to each and every one of those representations. I have not, however, intervened in any cases that resulted in the overturning of decisions taken by the Housing Executive. Since it was not necessary for the Housing Executive to refuse or cancel applications that were made in 2008-09, it is a fact that no such enquiries were made to my office during that period, although that was the case subsequently, because of budgetary problems.

I have done my utmost to protect the most vulnerable households by ring-fencing budgets for new social housing to help those who are in housing stress. In fact, the Member may be interested to know that in the past two years, 236 new social housing units have been started in her constituency, costing almost £38 million.

Ms S Ramsey: Go raibh maith agat, Mr Speaker. I thank the Minister for her honest answer, but I do not know why she is disappointed. I am entitled to ask questions in the House when people raise issues with me. The reason I asked the question was to get to the bottom of some of those issues. I am glad that the Minister gave that answer; maybe it will put a lot of rumours to bed. Can the Minister tell me how many decisions were overturned last year and this year?

The Minister for Social Development: I do not have those figures to hand; I will write to the Member with that information. However, bearing in mind the £100 million shortfall in the housing budget this year, it is important that all Members join the campaign, along with the Ministers who represent their parties, to ensure that, once and for all, housing is put on a sound financial footing and that capital receipts are decoupled from the overall housing budget. The Executive inherited that situation from the direct rule Administration, and it must be rectified urgently.

Mr Shannon: The Minister will be aware that people in the neighbouring constituency of Strangford are having difficulties with the disabled facilities grant scheme. Does she know that there is a three-year waiting list for those grants in my constituency? I am sure that she is endeavouring to address that situation. Will she confirm that the concerns of people who are on that list will be addressed, and that there will be a greater emphasis, as she has said before, on making those grants available, and specifically in the Strangford area?

The Minister for Social Development: Disabled facilities grants can be divided into two types: mandatory, which are not affected by the scheme, and concern internal alterations to houses; and discretionary, which are affected because of the £100 million shortfall in the housing budget.

In deciding the housing budget for this year, I was given a certain pot, with which I decided to protect the vulnerable. I am sure that no one in the House would disagree with that. The vulnerable are those who are homeless or in housing stress, hence the protection of money for newbuild; those who are vulnerable because of fuel poverty, hence the protection of funding for the warm homes scheme, and those who are in institutions or in the community and who may not be well. It is important to protect people through the Supporting People programme in order to ensure that they can

remain in the community, with the support of family and friends, instead of being admitted to an institution.

The Member raised another fundamental issue, and I urge him to have further discussions with the Minister of Finance and Personnel. I was very grateful for the £20 million capital allocation that was made in June, but that simply deals with what is already in the pipeline. We still need financial assistance to cover the shortfall in order to deal with the people in the pipeline.

I instructed the Housing Executive to ensure that nobody lost his or her place in the queue because of the lack of finance for improvement grants. As soon as money becomes available, those grants will be dealt with: money will flow to them. It is important that housing is put on a sound financial footing so that those problems can be rectified.

Remember, there is not one person in the House or in the community who is responsible for the economic downturn: it has beset us globally. However, the one budget that has been deeply affected by the downturn is the housing budget. That must be rectified as a matter of urgency. The Member's good offices with his Minister for Finance and his ministerial colleagues in the DUP would be greatly appreciated.

Mr P J Bradley: I was also curious about the question about South Down. Now that I have heard Ms Ramsey's contribution, I am doubly confused as to why people with queries about South Down are going to a representative in Belfast.

Will the Minister advise the Assembly on how the Executive can make good the overall shortfall in the housing budget without having to cut expenditure on other services?

The Minister for Social Development: I advise the Member to read the SDLP document 'New Priorities in Difficult Times'. In that document, the party has set out where more money should be spent in areas such as housing, renewable energy and upskilling, as well as stating where the money should come from. It is a unique document and an important contribution to the economic debate. I understand that the Ulster Unionist Party has also published a document highlighting where money should come from.

For my part, I have suggested measures such as the reprofiling of the Housing Executive's debt, the sale and leasing back of assets, and other measures to free up additional funding without necessitating cuts to services. However, such initiatives require the approval of the Department of Finance and Personnel.

Social Housing

2. **Mr Lunn** asked the Minister for Social Development to outline the anticipated need for

newbuild social housing for (i) the remainder of the 2009-2010 financial year; and (ii) the 2010-11 financial year. (AQO 32/10)

The Minister for Social Development: Housing need is a continuum. It would not be very insightful if I were to reply in the context of a single year; the figures must be taken across several years.

The most recent social housing needs assessment by the Housing Executive shows that there is a regional requirement for 3,000 new social housing units each year; that is year-on-year for the foreseeable future. The Executive have been unable to provide that quantum of resources for housing investment. With the budgets available to me, I plan to provide 1,750 new homes this financial year, and 2,000 in the financial year 2010-11.

There have, nonetheless, been significant increases compared to recent years, when an average of only 1,250 houses were started. I have made the increased supply of housing my priority. I will continue to lobby Executive colleagues for additional funding in order to put housing on a firm financial footing once and for all.

Mr Lunn: I thank the Minister for her answer. Indeed, she has anticipated my supplementary question well. Can she advise whether the Housing Executive has funds to purchase lands at Ballymacoss in Lisburn and complete a social housing project for 160 new homes?

Mr Kennedy: Is that in South Down? *[Laughter.]*

The Minister for Social Development: I am glad that Ballymacoss is not in South Down, but I am aware of the case. Discussions are ongoing, and, when I return to the Department, I will check on the situation between the Department, the Housing Executive and Lisburn Borough Council. I have received representations on the matter from Members of the House and from members of Lisburn Borough Council.

Mr K Robinson: I thank the Minister for her answer. The Minister will recall that, on several occasions, I have asked about social housing projects in Monkstown in my constituency. Can the Minister assure me that those projects are on target despite the budgetary constraints?

The Minister for Social Development: I hope that a fair proportion of houses will be built in various locations throughout Northern Ireland. I say again that I would be very grateful for the support of all Members to ensure that housing is put on a sound financial footing, as that would ensure that we can deliver the best-quality housing to those who deserve it.

Ms J McCann: Go raibh maith agat, a Cheann Comhairle. What discussion has the Minister had with the credit union movement regarding the proposal that it brought to the Executive and the Department for

Social Development to work alongside her and help to finance the social housing project?

The Minister for Social Development: I thank Ms McCann for her question. I met the credit union movement several months ago and was given detail on its thinking on the matter. The credit union movement subsequently met officials and was advised that it should submit a proposal if it wished to continue with the plan. I understand that no proposal has been forthcoming, although the credit union movement is due to meet Department of Finance and Personnel officials shortly. I want to encourage as much financial innovation in housing as possible. I was surprised by the comments of certain Sinn Féin representatives, which were reported in local newspapers, to the effect that I may have rejected a proposal from the credit union movement. Suffice to say, I welcome all proposals. All proposals will be duly assessed, but we need to receive them first.

Housing Executive Grants

3. **Mr Buchanan** asked the Minister for Social Development when she proposes to allocate funding to the Housing Executive's grants department to allow applications awaiting approval to be released.

(AQO 33/10)

The Minister for Social Development: I welcomed the Executive's release of £20 million in June, which was made available for social housing in the last monitoring round. Fifteen million pounds has been allocated to private-sector grants and £5 million to disabled adaptations. That additional funding will cover only existing commitments on private-sector grants and limited approvals for grants in cases where exceptional circumstances have arisen in-year. Additional funding is required to cover those grants, and a bid was submitted in the September monitoring round to cover the shortfall. I personally ensured that the Housing Executive held the details on file of people whose grants were cancelled or refused and wrote to them to explain what will happen if additional funding becomes available.

I would like to clear the pipeline of grant applications, because I have great sympathy for all those who find themselves in such difficulties; indeed, I would like to reopen the grant scheme to new applications. However, a significant injection of additional funds is required to do that. We will be debating the issue, presumably in less than an hour, and I look forward to the Member's contribution.

3.15 pm

Mr Buchanan: First, I must tell the Minister that, unfortunately, I will not be present for the debate on

home improvement grants, because I have another meeting to attend.

I welcome the fact that disabled facilities grants have been ring-fenced. I have heard the Minister say much about social housing. The Housing Executive has identified houses that are eligible for grants for replacement dwellings, but they are sitting in the system now and cannot be progressed. Does she not agree that such houses form part of social housing? As far as I am concerned, they do. She, however, is not investing the money to allow the grants to be released and the replacement dwellings progressed.

The Minister for Social Development: Mr Buchanan and I discussed that subject yesterday in the corridor. He makes a fair point, and I have great sympathy for people who find themselves in that predicament having applied for grants for improvement, home-repairs assistance or renovation. However, my point is that the shortfall of £100 million in the housing budget means that my Department can deal only with its existing commitments. I need the support of all Members, and I suggest that Mr Buchanan have a word with his colleague the Minister of Finance and Personnel and other DUP Ministers about putting housing on a sound financial footing.

Given that we are talking about that subject, I must mention that I have seen documentation that was republished yesterday. It suggested that I diverted funding from grants to the social housing development programme. I put on record that that is totally untrue. All I did was protect the vulnerable in Northern Ireland. Would the House not expect me to do so?

Ms Anderson: Go raibh míle maith agat. I thank the Minister for her answer. Perhaps she will clarify something for me. I thought that, when answering question 1, the Minister said that she had instructed her Department to ensure that no one waiting for home improvements or adaptation should lose his or her place in the queue. However, when responding to Tom Buchanan, she outlined a criterion of exceptional circumstances. I raise the point specifically because I speak as an elected representative who has been inundated with queries from constituents. By vulnerable people, I mean elderly, and particularly disabled, residents whose applications for vital home improvements and adaptations have been refused or suspended.

Certain people, whose applications were originally approved, subsequently spent a considerable amount of money on planning applications and surveys, only to be told that the process had been suspended. I am not sure whether those people now satisfy that criterion of exceptional circumstances. Alternatively, are they still on the waiting list? If so, will they keep their place on that list?

The Minister for Social Development: Ms Anderson's question contains two separate issues. First, exceptional circumstances relate to the level of a property's structural disrepair. If the Member, as a public representative, tells the Housing Executive that she believes that a level of structural disrepair in a particular property has been previously disregarded by a Housing Executive inspector, that house can be reassessed and a recommendation made to the committee that deals with the criterion of exceptional circumstances.

The second part of the Member's question relates to all those who have been sent letters stating that their applications cannot be dealt with at present because of the lack of financial assistance. To be honest, having realised that those letters were slightly harsh, I instructed the Housing Executive to ensure that no one lost his or her place in the queue. Why did I do that? I did it to ensure that, when the money becomes available, those people will not lose their place in the queue and that the money will flow to them as it should have done originally.

However, we come back to the very kernel of the debate: everybody in this House, particularly those who have Ministers who sit round the Executive table with me, should ensure that they support me in my quest to have housing put on a sound financial footing. I have no doubt that that would enable all our constituents and all the people of Northern Ireland to be dealt with in a fair and equitable manner, and for them to have access to a good standard of housing.

Mr McGlone: I thank the Minister for her response. There have been a number of cases in which people have been left out of pocket — I think that that is what Ms Anderson referred to earlier — because they have had to commission a structural engineer, in cases where there is a replacement dwelling, or an architect. What measures are in place to compensate those people for that out-of-pocket expenditure that they necessarily incurred as part of their application process?

The Minister for Social Development: I thank Mr McGlone for his question. I am very clear about this. I understand that quite a number of people have been left out of pocket because of their grant applications. That means people who have had to use architects, consulting engineers and various other types of consultants in order get their application for grant aid processed. Coupled with that is the application for planning permission for the replacement house.

I want to help those people. As a result, I have asked my officials to look again at that particular issue because the current statutory provision that enables the Housing Executive to recompense expenses that are incurred by applicants is quite specific, in that such fees are only recoverable if the grant is approved and

the works are satisfactorily completed. I realised that there was a little problem that we needed to address, so I asked my officials to have a look at the issue. It may be possible to provide help for some applicants who have reached the latter stages of the grant-approval process and whose grant would have been approved had money been available in relation to the costs that they have incurred directly as a result of advancing their application, such as fees for architects, planning consultants or civil engineers.

However, the proposition requires more work before the scheme can be launched. I am working on it, because there are certain details that I have yet to finalise with officials, but I will be happy to come back to the Member when that is fully completed.

Warm Homes Scheme

4. **Mr Armstrong** asked the Minister for Social Development for her assessment of the effectiveness of the warm homes scheme in the current financial year.
(AQO 34/10)

The Minister for Social Development: The warm homes scheme is my Department's main programme in tackling fuel poverty, and I remain committed to alleviating fuel poverty in Northern Ireland. As the Member knows, the scheme has been extremely successful and hugely popular. Since 2001, we have spent over £118 million on the warm homes scheme, making over 71,000 homes warmer. The scheme was subject to a Northern Ireland Audit Office review and a subsequent Public Accounts Committee hearing. Following a series of recommendations, which I welcomed, changes were made to ensure that money was targeted at those people who were most in need of help to improve the energy efficiency of their homes.

Following a competitive tendering process, the new warm homes scheme contract was awarded on 1 July; H & A Mechanical Services Limited and Bryson Charitable Group are the new scheme managers. I am pleased to say that, for the first time, young families who are in receipt of working tax credit can now benefit from improvements to the heating systems in their homes. I encourage Members to advise them to contact the new scheme managers. People who are over 60 can also benefit from the scheme. I encourage Members to advise their older constituents to apply to the scheme.

Despite enormous budgetary pressures, I have increased this year's warm homes scheme budget to £20.5 million, and I have set a public service agreement target in this financial year of 10,000 homes to be assisted by the scheme. I expect that target to be met.

Mr Armstrong: Is the Minister content with the progress that her Department has made in meeting the

fuel poverty commitment that is in the Programme for Government?

The Minister for Social Development: My Department, with the Housing Executive and the other stakeholders that are involved, has done a sterling job. What would have been the case if we had not implemented a warm homes scheme? What would have been the case if we had not issued 167,000 households with a fuel poverty payment earlier this year? What would have been the case if I had been unable to enable last year's increase in the winter fuel payment from £25 to £100? Hopefully, I will be able to do that this year. Therefore, we are addressing fuel poverty, and I hope that I will be able to address energy efficiency in all the homes in question as a result of the revised warm homes scheme.

Mr Molloy: Thank you, a Cheann Comhairle. Do applicants who applied and were knocked back under the Eaga scheme have to reapply now? Will the new applications cover new central heating systems in new projects?

The Minister for Social Development: I assure Mr Molloy that those who have applied already to Eaga will not have to reapply, because the two scheme managers have been told that they must address what is in the pipeline. They are contacting everybody who is on the waiting list, and I have been told to expect that that will be completed by the end of November. Naturally, I hope that it will be done much earlier, and I will urge the managers to do so.

The second part of Mr Molloy's question goes back to the fundamental issue, which is why the Department revised the scheme. Heating replacements will not be dealt with under this scheme. We want to ensure that all houses, particularly those without central heating, can access such heating. If the Member has a specific issue to address, he may like to pass it to me for investigation.

Mr Gallagher: I commend the Minister and her Department for locating one of the warm homes scheme provider's offices in Enniskillen, a town in the constituency and the county that has by far the greatest level of unfitness. However, as we all know, when all these schemes are done, we will still have people who face fuel poverty. Does the Minister foresee anything more that can be done about that poverty?

The Minister for Social Development: More can be done. Mr Gallagher's question follows on from that of Mr Armstrong. The Department also funds a substantial investment in heating replacement schemes in the public housing stock.

The Housing Executive has invested heavily in the energy efficiency of its stock, including a substantial programme of conversion to natural gas. I would like to see all public housing stock converted to cleaner,

more efficient natural gas where it is available, and I support the extension of the gas network to more parts of Northern Ireland. I am conscious that there will be an Adjournment debate on that issue this afternoon.

Fuel poverty is not about energy costs alone; it is also about low incomes. Alongside the warm homes scheme and heating replacement programmes, one of the Department for Social Development's key priorities is to maximise household incomes through the benefit uptake campaign, which aims to help people to claim their benefit entitlement. The current annual campaign, about which Members were notified, started on 17 August 2009.

As I informed Mr Armstrong in my answer to his question, my Department also administers the winter fuel payment that everybody aged 60 or over is entitled to receive. That will help elderly people to meet energy costs during the winter months.

3.30 pm

EXECUTIVE COMMITTEE BUSINESS

Forestry Bill

Second Stage

Debate resumed on motion:

That the Second Stage of the Forestry Bill [NIA 11/08] be agreed. — [*The Minister of Agriculture and Rural Development (Ms Gildernew).*]

Mr Shannon: I support the motion, but I also wish to raise some issues. In particular, although I welcome many provisions in the Forestry Bill, I want the Minister to take on board the fact that other aspects of it give me serious cause for concern.

The Forest Service recognises that the demand for forest use is changing, but it is silent on all matters relating to shooting and, particularly, deer stalking, despite significant reference having been made to the service's desire to acquire additional powers for itself in that regard in its strategy for sustainability and growth.

Aa the minnit the Forest Service dales wi' the shuitin community es yin o' hits uiser curns bae gien oot permits fer gaime shuitin an' control o' vermin, sae the fect at thair isnae onie mention o' shuitin ir deer stalkin' i this consultation bes raire. The Service hasnae yet seen the fu' extent, importance an' validity o' recreational sportin' shuitin' an' the parallel roul fer recreational deer stalkers i' the management o' plaintins an' the bag sportin' tourism earnins at ir bein' loast.

Independent research bae consultants, PACEC, has shewn at sportin' shuitin pits mair nor £45 million intae the Norlin Airlan economy ivry yeir an hefts 2,100 fu' tim' equivalent joabs. Forebye thon the shuitin community i Norlin Airlan spens £10 million oan conservation waark ivry yeir an' hes owresicht influence oan 990,000 hectares aroun' the Province. Oan account o' thon A wud ax the Meenester fer wie she hasnae yet tuk thon intae account.

The Forest Service currently engages with the shooting community, as one of its user groups, through the issuance of permits for game shooting and vermin control, so the absence of any mention of shooting or deer stalking in the consultation that took place on the Bill is surprising. The service has clearly not recognised the full extent, importance and validity of recreational sporting shooting, the parallel role for recreational deer stalkers in forest management and the substantial sporting tourism revenue that is being lost.

Independent research by consultants at PACEC identified that sporting shooting contributes more than £45 million annually to the Northern Ireland economy, sustaining some 2,100 full-time equivalent jobs. The shooting community in Northern Ireland also spends £10 million a year on conservation work and has management influence on 990,000 hectares around the Province. Therefore, I ask the Minister why she has not yet taken that into account.

Among the main concerns that exist is a proposal for Forest Service staff, possibly including those non-staff to whom they delegate powers, which is a worrying point, to be authorised to go on to all land that is adjacent to forestry — not just the Forest Service's land alone but all privately owned woodland — to shoot deer. The Forest Service has confirmed its intention to double woodland and forestry in the Province from the current level of 6% to 12%, as well as confirming that the increase will largely be delivered by private owners. I welcome that fact, because it is good news, and, in a small way, I am playing my part, because we have planted 2,500 trees, so we are doing our wee bit to try to make that target achievable. However, the problem is that the Forest Service wants powers to allow its rangers to go on to private land that is adjacent to private forestry to shoot deer. Staff are to be able to shoot deer day or night, 365 days a year, and they are to be exempt from the provisions of the proposed new wildlife Order and the game Acts.

I want to look at things through the end of a scope — not through the end of a barrel — at a Forest Service that is trying to control shooting rights on its land. I suggest that, if one can be both, it is probably poacher and gamekeeper at the same time, and that concerns me.

When speaking to my colleague Lord Morrow beforehand, I was reminded of a saying in a magazine that he and I both read, 'Shooting Times', which states that the wildlife of today is not ours to dispose of as we please; rather, we hold it in care for those who come after. Therefore, Mr Speaker, it is important that the Forestry Bill ensure that wildlife be protected, as should be landowners with land close to Forestry Service land.

The Forestry Commission wants to be able to cull deer that might cause damage, not just those that are actively causing damage, and to recover the cost of such deer culling on private land — supposedly for the benefit of other private woodland owners — from the owners of the adjacent land. That is outrageous. Indeed, the commission wants the adjacent landowners to pay for it as well.

Access to sporting shooting and deer stalking should be given equal status with other sports and forest uses, and there should be formalised engagement with the

representative bodies for deer stalking and shooting sports. The Chairperson of the Committee for Agriculture and Rural Development, Mr Ian Paisley Jnr, commented earlier on recreational shooting and tourism. There is potential to be realised.

In recommending the partnership solution, the British Association for Shooting and Conservation (BASC) proposed that the Forest Service join with the voluntary sector and other relevant bodies in a deer forum. I suggest to the Minister that that is, perhaps, a way of addressing the issue so that that opportunity can be extended, the voluntary sector can play a role in further deer management, and the Forest Service can reduce its overheads and direct commitments. That seems sensible, and I ask the Minister to take it into account in her response.

Roger Pollen of the BASC informed me that the association welcomes the principle of equality and access. If the process is to be equality-proofed, which according to the legislation it is, we must have equality for everyone. At present, we do not have equality for deer shooters and country sports enthusiasts. It has to be genuine and inclusive.

The omission of shooting and deer stalking from the terms of reference of the consultation causes widespread concern about the commitment to genuine access and equality. To date, access for deer stalking has been restricted to members of the Forest Service to the exclusion of the public, even though the equivalent services in the rest of the UK allow extensive public access for deer stalking. Thus, the current approach in Northern Ireland is suppressing public value on at least three levels.

It is limiting tourism potential. There are places in the Province to which people come from across the water — from Germany, Denmark, France and Belgium — to shoot deer. Why do we not use that potential to create tourism and put the money back into the borough? The current approach is denying equality of access to the shooting community; it is failing to reduce public-sector costs; and it is failing to gain income from the public purse. The potential exists; let us realise it. The consultation recognises increasing afforestation, with associated challenges and opportunities, yet makes no reference to necessary deer management or to sharing the forest with the shooting community.

To answer the question, I do not believe that charging is a significant barrier to participation; in fact, charging for deer stalking could produce significant revenues. Money could be put back into the economy, the Forestry Commission and the system. Access to the forest for shooting is already closely regulated. Therefore, extending access to deer stalking should

present no significant challenges but should be undertaken to ensure fair opportunity.

There are recreational and social benefits to be derived from engaging with the shooting community. Those benefits, when applied to deer stalking, must not be underestimated. Thus, in asking whether the main opportunities have been identified — a question that the Minister and the Forestry Commission asked through the Forestry Bill — it is clear that a huge opportunity has not been identified: deer stalking. It has been entirely overlooked as a local demand and a tourism resource. It is a sure money earner. I am sure that the Minister will not pass on exploiting that potential.

Scotland, for example, and other parts of the UK have embraced those opportunities with the establishment of publicly funded posts to promote country sports tourism. The data revealed in the PACEC report show the current value of shooting to the Northern Ireland economy, but there is further potential to be realised, and the Forest Service has a role to play in its development. When considering that sporting shooting provides an excellent off-season tourism opportunity, it is clear that there is scope for promoting it as a separate marketing strand. Partnership with the main representative bodies, noted in my introduction, could ensure effective marketing of that opportunity. Do it right and take full value of what is there.

I have, as have, perhaps, the Minister and other Members, been contacted by landowners of adjacent properties who are concerned that clause 30(4) gives a blanket public right to access on foot to all forestry land for the purpose of recreation. As the definition of forestry land is land that is owned by the Department, that does not mean land that is privately owned. However, there is concern that there will be cases of “right to roam”, as has happened in Scotland and other parts of the UK. If any forestry or Department land has shooting rights attached to it that belong to someone else, there is a possibility that those rights will be interfered with. It is important that we have protection for the landowners of adjacent land and that we have a system that does not encroach upon that.

There is also concern that clause 31, which allows a power of entry to any land and which seems to be in reference to the felling of trees, will give rise to the need for private landowners to have a felling licence for felling their trees. Such a licence will only be issued with a management plan, and that puts the landowners under more unwarranted strain. The decision to fell trees that are not protected is a decision for the owner, not the forestry division. Moreover, clause 14 issues a blanket ban, which, I believe, cannot and should not be enforced on private landowners and which could be construed as the Department having control of private woodlands and, subsequently, as a nationalisation

proposal. Therefore there is a question mark over where this is going. It is feared that this is the compulsory acquisition of land, and that leaves the Department in complete control at a time when it is underfunded and, in some cases, ill-equipped to be so, regardless of whether it is fair to landowners. Where is the fairness for the landowners in that process? They are the people for whom I am fighting the bit today.

Those are the concerns that the Minister must address directly in order to assure us that that is not the purpose of those clauses of the Bill, as it would be grossly unfair if those concerns were found to be justified. The Minister will respond to us on that. I ask the Minister to put those concerns to rest and to qualify and quantify the issues.

I welcome the concept of better access to the public forest, as will many in the Chamber, but the Bill must also represent genuine equality of opportunity. The shooting community should not and must not be ignored and omitted from this process any longer, and neither can the private landowners have their management rights to their own land taken from them. That has to be addressed as well.

The Bill will come back to the Committee, and the Committee members will have a chance to look at those issues, but I ask the Minister to take my comments on board. They are serious, genuine and honest comments. I represent a large number of people in the Province, as do many Members, who will be affected disproportionately by the legislation if it goes the wrong way.

Mr Kinahan: I congratulate the Minister and her Department for the work that has been done on the Bill, and I thank the Department for meeting us in the summer. I also thank the consultees who responded. A great deal of useful information was provided, much of which Members will have heard before.

Since I am not a member of the Committee for Agriculture and Rural Development, Members might be wondering why I am speaking in this debate, but many people rang me this summer and asked me to get involved. As my colleague Tom Elliott has done, I must declare an interest; I am the owner of some five acres of woodland that are as old as I am — about 50 years young.

There is an imbalance in the objectives of the Bill. There is too much power placed in the Department's hands with not enough checks and balances, and there are many areas that need clarification. We need the stakeholder advisory committee, which many Members have mentioned. I am not going to go into every matter, despite the ream of paper that I have in front of me. There is an imbalance in the Bill's objectives. It promotes forestry and develops forestation, primarily in line with its wish to supply trees and timber.

However, we need to improve the balance; it needs to protect the environment and encourage the enjoyment of the forests. It should balance the supplying of trees and timbers with economic, social, environmental and recreational uses.

Forestry is a long-term business. I agree with the need to double the amount of land that we have in forestry from 6% to 12%, but we need to be careful about how we do it. The Bill is definitely a step in the right direction.

3.45 pm

In the long term, we do not know what is in store for us. Global warming, whether our fault or not, a population explosion, and the loss of good farmland worldwide mean that we may have to grow more, but we must also educate more, and the use of woodland is essential in that. At the same time, we must respect private landowners and their pastimes. We need an independent forestry body that has teeth and that will be listened to rather than just be consulted.

On the matter of too much power: reading the text shows that the Department wants to acquire land by agreement; erect such buildings and execute such other works on forestry land as it considers necessary; provide facilities on the land that it considers desirable, and compulsorily acquire any land it requires in order to perform any function under the Bill. The Department also wants to act in its role as the occupier of the land and be able to kill, cull or destroy any wild animals on that land, or on adjoining land; impose reasonable fees or other charges as it may prescribe; make by-laws for the preservation of trees or timber on forestry land and prohibit or regulate any act that may injure or deform forestry land. If one adds powers of entry to the land; the need for permission to fell trees, and the power to set fees, one will realise that the Department is seeking extremely strong powers, which I do not think it requires.

I know that the Bill is a wish list, or probably more of an intend-to-have list. I also know that the Department would not use all of those powers unless it had to do so. However, we must take great care. If one takes all of the powers contained in the Bill together, the Department could flatten a forest or woodland and build a housing estate; it could buy anyone out, and it could control the market and the value of the land. The Department could also kill any animals and pests when it feels it needs to do so; and, as I have said before, it could set fees and charges, whether farmers or others could afford them.

I know that the Department will only use the powers in the Bill in exceptional cases. However, the Assembly must ensure that the proper checks and balances are in the Bill.

Many points require more clarification and a bit more thought, such as the Department being subject to

planning law at all times. Charges and fees must be discussed in detail and, like planning fees, must be passed by the Assembly, if they are required at all. Moreover, the Department, or Forest Service, owns 80% or more of the trees, so why make the small, possible powerless, private sector pay? There will be little in return, and it is not fair to ask that sector to pay if the Forest Service does not.

Who will decide whether animals are doing enough damage to merit a cull, and who will ensure that breeding cycles, animal welfare and every other factor is considered? Who will decide when the Department can go onto someone else's land to cull or clear threatening crops?

Rights of appeal are set out in the Bill, but the time frame for appeals also concerns me. We must have a really dynamic and fast appeals system. The present system in the Department is incredibly slow, as are other matters, and improvement will require much more resources. We are meant to be considering cut backs.

As regards some specific items in the Bill: the Department wants felling licences to be applied for, which will give total control for trees in woodlands over 0.2 hectares, trees over 10cm thick, and in areas where there is 5cu m of timber. That is good thinking, but it is also very dangerous. Why does the provision not include all trees in all areas? That would stop developers felling trees at weekends. Indeed, perhaps we should examine a retrospective law on that point so that they do not start doing it tomorrow.

I want all trees between 100 and 150 years old to be protected. On two or three occasions today, the term "ancient woodland" has been mentioned, but I wonder how many Members know that that means trees that are pre-1600, which accounts for very few of the trees in Northern Ireland. We should increase that to 100 or 150 years old.

The proposed licensing is in line with mainland legislation and seems sensible. However, it should be in the form of a licence that is linked to a plan of over five years, in which the private forestry farmer is free to fell within his licence whenever timber is needed by the market. The Forest Service must also be required to get a licence. If trees are being planted and managed according to the UK Woodlands Assurance Standard, which is sustainable, they should be exempt; perhaps other areas should also be exempt.

With regard to access, clause 30 states:

"the public shall have right of access on foot to all forestry land for the purposes of recreation."

It has already been clarified that that means forestry land only, and I am grateful for that.

Members of country sports clubs and other users also have major concerns about the Bill. In Tardree

forest, which is in my locality, we have game shooting, horse riding, quad bikes, cross-country bicycling, ramblers and one or two more unsavoury uses. We need the balance of a central body, probably a voluntary body, to manage that. We need to respect the rights of all and consult and work with all users. We need an independent advisory body.

There is conflict among the people who use the Belfast hills, where opening up the land means that farmers have problems with insurance. There has been damage to fences, cattle have been let out — or let in — and many other things.

The Bill seeks the power to cull pests, and that seems reasonable. However, who knows best? We need an advisory panel for checks and balances.

When trees are being felled, it is a dangerous situation. When the trees are young, there is the risk of fire; when the trees are being felled, there is even more danger. Advice will be needed when the by-laws are being drawn up.

Mr Shannon: Does the Member agree that a forum could be used as one method for reaching agreement? I suggested a deer forum, but there could be a forum that would include all the other bodies.

Mr Kinahan: I agree entirely; whether it is one forum or a group of different bodies, advice is always needed.

With regard to sporting bodies, shooting rights exist on private and departmental land. The BASC states that the value of sports to our economy is worth £45 million, and some 2,100 full-time jobs rely on it; Members have already heard those figures. That is evident at game fairs and country shows throughout Northern Ireland. Those rights should not be compulsory on the Department, but they will need to be discussed with the groups.

The power to cull all animals includes the wish to enter forestry land and adjoining land to cull animals. That is against the present gun and wildlife laws. That should be done only through an independent body, by agreement and within the law.

To conclude — Members will be pleased as I have been going on for too long — there is the possibility of too much power without enough checks and balances. We need an advisory body that will include wildlife groups, biodiversity groups, timber groups, countryside groups, sports groups and many others. There are many points that I have not addressed, but I welcome the need for an inventory. We do not want compulsory purchase, other than for access. The Committee has much to do, and UUP Members look forward to being able to help it.

Mr B Wilson: Like other Members, I support the proposed legislation. However, it must be strengthened in a number of ways.

The importance of woods and trees to our environment has never been more apparent than it is today. They are essential for climate regulation; for the flow and quality of water; for mitigation of air pollution; for soil conservation; for storing carbon; and for our society to adapt to climate change. They also encourage exercise, improve physical health and reduce mental stress.

As other Members have pointed out, Northern Ireland has fewer trees and less woodland than almost any other country in Europe. Woodland accounts for a mere 6% of our land, compared with the European average of 44%. Even the UK and the Republic are better, with 12% and 10% woodland cover respectively.

It is even worse if we consider ancient woodland. Of the 6% woodland cover, only 0.08% is ancient woodland. Indeed, since felling licences were abolished in the 1960s, 273 of Northern Ireland's ancient woods have been lost to felling. We have failed to protect our woodlands and are now paying the price.

Those statistics give cause for alarm, because ancient woods are our equivalent of the rainforest. They are rich in wildlife, and one of the foundations upon which we can restore our natural environment. The Bill, although belated, is welcome. However, as it stands, it does not give adequate protection to ancient woods. The general duty of the Department should be amended to ensure that both DARD and its agencies are able to deliver on all the benefits accruing from native woodland and the biodiversity that it supports. Protecting native and ancient woods should be part of the Department's general duty.

The clause must include a clear definition of sustainability, a term generally understood as referring to development that meets the needs of the present without compromising the ability of future generations to meet their own needs. By ensconcing sustainable forestry at the heart of the Bill, the Minister can ensure that forestry practice encompasses environmental and social issues as well as continuing to recognise the need for commercial harvesting.

In the Bill's current form, the definition of forestry land is limited to:

“any land held by the Department for the purposes of any of its functions under this Act”.

That is incompatible with the challenges on the ground, because some of the most beautiful ancient and native woods are not owned by the Forest Service. DARD and the Forest Service should therefore have a responsibility to advise and assist landowners in the public, private and charitable sectors on how best to

manage their woods, should that help be required. The Bill should be strengthened to take that into account.

In light of the loss of ancient and native woods, I welcome the fact that the Bill proposes to reintroduce the requirement for felling licences. In fact, I have raised the need for tree-felling licences in the Assembly on a number of occasions. They are required in the UK, and throughout most of Europe, but were abolished in Northern Ireland in the late 1960s. I have no doubt that the abolition of felling licences played a major part in the destruction of our woodlands over the past 50 years.

It is also disappointing that the new felling regime outlined in part 3 of the Bill fails to explicitly mention ancient woods. A number of other Members have referred to that. In practice, that means that ancient woods will not be afforded any additional protection, and they are still under threat from clear felling. I support Dr Farry and Dr McCrea in asking the Minister to insert a new clause in the Bill that offers a presumption against granting a felling licence in respect of all woods identified on the ancient woodland inventory. That inventory was completed by the Woodland Trust in 2006, and is based on sound research and field survey. It identifies all recognised areas of ancient woodland in Northern Ireland, and is used by the Planning Service as a material consideration in all planning applications.

As I previously mentioned, ancient woodland covers only 0.08% of our landscape, and its protection would not place an onerous duty on either Departments or landowners. Indeed, by including such a new clause in the Bill, the Minister would be able to reassure the Assembly that ancient woods will be appropriately protected, both now and for future generations.

I am also concerned about clause 16 of the Bill, which authorises DARD to pay compensation to an applicant should they be refused a felling licence. In my view, there is absolutely no justification for that compensation, as public money should not be paid for simply obeying the law. If public money is used in that way, it would have a detrimental effect on other Executive commitments, such as the doubling of woodland cover and adapting to climate change. In fact, if the clause were introduced, it might actually deter DARD or the Forest Service from refusing a felling licence, even if there are valid environmental grounds for doing so. I ask the Minister to remove that clause from the Bill.

4.00 pm

I am also concerned that the land owned by Government Departments is exempt from felling licences. As that land accounts for 70% of the total forest area, it is necessary to reconsider that provision.

In the coming weeks, the Assembly will have an invaluable opportunity to shape forestry legislation to

ensure that it provides a framework for meeting the challenges of the twenty-first century. With that in mind, the Bill needs to be strengthened to offer greater protection to ancient woods. That is achievable by amending both the general duty on the Department and the proposed felling licence regime and by removing the clause providing compensation to developers refused felling licences. I support the Bill.

The Minister of Agriculture and Rural

Development (Ms Gildernew): Go raibh maith agat, a Cheann Comhairle. Second Stage Forestry Bill: part three. I appreciate the indulgence of the Speaker and Members; I know that this debate has been a wee bit disjointed. I also appreciate the nature of the debate, in which all involved have been very good humoured. There is cognisance of the fact that the Assembly's primary purpose is to legislate, and it is a good sign that this legislation has had its Second Stage on the second day of the new session. I hope for similar indulgence from the Assembly on other legislation that I plan to bring forward over the coming months.

As many Members have pointed out, the current forestry legislation is 56 years old. From that point of view, although Members have challenged my Department on the vagueness of parts of the Bill or have said that there are not enough specifics in it, our hope is that this Bill is written in such a way that it is fit for purpose and lasts into the future. I hope that it will not be another half century before new forestry legislation is passed, but certainly the legislation needs to be vague enough to cover issues that we do not foresee today but that may be important in five, 10, or 15 years. Therefore, the detail on a lot of the issues involved will come in subordinate legislation, and the Committee and stakeholders will have ample opportunity to contribute to that subordinate legislation and to help us to get it right.

I will now go through Members' contributions. I apologise in advance if I do not cover everything, but I will refer to the Hansard report and follow up on any questions that have been put to me and that I have been unable to answer.

The first contribution was from the Chairperson of the Committee for Agriculture and Rural Development, Ian Paisley Jnr. He challenged us on the recreation aspects of the Bill and argued that what we do needs to become more widely encompassing. I agree with him fully; I have made recreation and getting people into forests a ministerial priority, and my Department has recently published a strategy to bring that about. Through this Bill, I am determined to have a more balanced arrangement between timber production and the use of our forests for recreation and leisure. In establishing that, I have responded to the views of stakeholders and reflected my own view that we must increase our recreational provision. However, I am

very happy to work with the Committee to ensure that we get it right and that there is a proper regional balance in leisure provision.

Some of the recreation and leisure facilities that we already provide include woodland walks, cycling and recreational shooting. Earlier this year, I announced that the Forest Service had appointed an operator to deliver high-trees adventure facilities in Tollymore Forest Park, and hopefully that will open next Easter. A lot is being done, but I agree: we need to do an awful lot more, and we will want to do that in the time ahead.

Willie Clarke alluded strongly to the tourism aspect and to getting the balance right. He talked about log cabins and the recreational use of forests and made a local plug for south Down. We see a lot of potential in south Down, but in areas such as the Sperrins there is also potential to develop recreational pursuits in Forest Service areas. Willie also talked about native woodland, which was certainly a theme throughout this afternoon's debate. A lot of people were concerned about the need to protect our native and ancient woodlands.

Tom Elliott described a modest area of forestry; I would love to know what he means by "modest". He asked for a clarification of what constitutes ancient woodland. "Ancient", as I believe Brian pointed out, means that a woodland dates from the 1600s onwards, and "long-established" means that it dates from the 1830s onwards. Members are right: we absolutely do not have enough of our ancient and long-established woodlands protected. They are a valuable resource, and I do not mean from the point of view of cutting them down. The uniqueness of the flora and fauna in those long-established and native woodlands is something that we are all very proud of.

Tom also asked whether short-rotation coppice could be categorised as trees. Short-rotation coppice refers primarily to willow, but there are other woodland short-rotation systems. A native tree that might be used in short rotation is ash, and eucalyptus can also be used. Therefore, short rotation applies to not just willow. Willow is from the same family as sally and, obviously, is a tree. There is now a use for willow, as Mr Elliott will know, because companies such as Balcas are turning it into woodchip and pellets and providing alternative and renewable energy sources.

We have to be pragmatic and ensure that we are increasing our forestry cover, and we will not do that with just broadleaf or native species. There must be a mix to ensure that we get the coverage that we are aspiring to. Members said that that is not achievable, and it might not be. However, I will give it my best shot and do everything that I can to double the rate of our forestry cover because, as many Members pointed out, 6% coverage is not good enough. It will be a

difficult target to achieve, but I will do everything that is in my power to do that.

Tom Elliott also spoke about the disposal of forestry land. I can see why that question came up, but, under the 1953 Act, the Department has the power to sell any land that has been acquired for forestry, and it does so from time to time when the land is not required. However, any disposal of land will be considered carefully and in the context of our strategic aim to double forest cover. Therefore, there might be times when we want to dispose of some land in order to buy more to give us, for example, more scope, but there are reasons for that.

Again, like many other Members, Mr Elliott, the Deputy Chairperson of the Committee for Agriculture and Rural Development, talked about the wide range of powers that the Department is seeking to introduce through the Bill. Compulsory purchase powers will be used sparingly under existing, well-established government compulsory purchase arrangements. They are intended, principally, to enable access to land-locked timber resources that have been created at public expense. There might be other circumstances in which land might be required; for example, to enable access for recreation or tourism initiatives. That is why that provision has been widely drafted.

In the current economic climate, which I do not foresee changing radically over the next period, we do not have the money to buy land to put into forestry. I would love it if we had, but we do not. Therefore, I see compulsory purchase powers being used very little. In fact, the Bill will be going before the Committee for scrutiny. It is more a case of, perhaps, buying a corner of a field or something in order to get access to timber that is mature and that has a value to the public purse. Believe me, however, this is not about buying up swathes of land and putting it into forestry production; the resources for that are simply not there.

Mr Elliott also spoke about clause 7, which deals with incidental powers. That issue came up in the debate time and time again, and Dr McCrea also made significant mention of it.

That clause allows engagement in partnerships or participation in a body corporate for the general functions that are carried out by the Forest Service, which could relate to future recreational or renewable energy initiatives. The Forestry Commission in England and Wales has such powers under the Forestry Act 1967. The power is intended not to be additional to the general duty but to supplement it. I am loath to give swingeing powers to anyone without checks and balances. We want those powers to be used responsibly, and that will be dealt with in Committee. We want the Committee to have its role in scrutinising the Bill.

Mr Elliott also raised the need for the Department to have felling licences. I assure Members that the Department is bound by fairly stringent standards such as the UK Woodland Assurance Standard and the Forest Stewardship Council. The Forest Service is audited annually on the standards that we have to comply with. We are more than happy to be part of that and for robust standards to be in place. We have a duty to enhance tree cover; it is not in the Department's interest to chop down trees. Where there is a commercial aspect, we will reinvigorate it, and where trees are harvested, they will be replanted.

Fairly stringent standards already apply to the Department, and if it were to be regulated through felling licences, as some Members have suggested, it would lead to duplication and unnecessary bureaucracy. The Department would have to apply to the Department, and we all require Departments to make best use of their resources and not carry out unnecessary work. That work certainly would be unnecessary, given the standards that already apply to the Forest Service in its duty of care. If necessary, Mr Elliott can come back to me on any of those issues.

Stephen Farry had much to say on the need for increased cover. I fully acknowledge that our cover is not good enough, and I am committed to forest expansion. That is one of the Forest Service's key policy objectives, but, as a policy issue, it does not require a statutory position. Mr Farry also talked about climate change contribution, and he acknowledged the importance of the role that forestry can play. I fully concur with that. Our contribution to that will be within the context of the forestry standard and associated climate guidance. I noted Mr Farry's comments on clauses 4, 6 and 7 and on other points. I am happy to reflect on those and take his views forward on the matter.

Dr McCrea talked about the use of forest land for tourism purposes and about planning permission and integration into planning strategies. That will certainly be done, and the Department would be subject to the same planning permission considerations and scrutiny as any other body or agency. We will need planning permission if we are to create tourism projects, and those would also be subject to environmental impact assessments. Checks and balances will be in place.

Dr McCrea also talked about the need for the Department to have felling licences and about its proposed powers of entry, which is always a controversial power. The Department will want to take the time to discuss those issues carefully with the Committee to give it a role in helping us to make the Bill a piece of legislation of which we can be proud. He also pointed out issues about recreation, and I emphasise that other Departments have a role in that, whether it is the DOE, which has a role with

environmental aspects, or DCAL, which has a role with recreational aspects. However, we will also look to other partners, such as local councils. We have already heard good examples of how we work together to improve the recreation product of forestry land.

4.15 pm

Dr McCrea also talked about controlling wildlife in state forests. We have established that that needs to be done. He also talked about the time that it takes to process licences. I agree that we want to do that with as little bureaucracy as possible. We want it to be a simple procedure that does not take long, because it is to no one's benefit if it does. We also want to work with landowners to ensure that those licences result in woodland sustainability. We want them to be straightforward. The detail will come through in subordinate legislation. I want to emphasise the Committee's role in that.

Pat Doherty mentioned that the Forestry Act 1953 is 56 years old and that, therefore, it is younger than him. I am not sure about that; Pat is looking youthful these days. He talked about rural roads. Certainly, in my constituency, we share those concerns about the ability to put roads back to their original condition. I agree with him wholeheartedly: it is a huge difficulty for local communities. We will want to address that during the coming weeks and months.

Tourism was a theme of William Irwin's remarks. He said that more could be done. He covered clause 5 and was one of the people who said that he did not believe that large-scale forestation is achievable.

Although I do not want to rush through my comments, I do not want to repeat what Members have already said and to go through clauses that have already been talked about. Mr Savage said that the Department is looking for too much power and that there are no meaningful checks and balances. Again, he is on the Committee, so I will be able to sit down with him and others to work through those issues.

Dolores Kelly described the Bill as a vision for the next 50 years. No pressure then, Dolores. John Dallat made an intervention about tree-hugging. I am not sure whether he was talking about him or me. The words "mighty oaks" and "little acorns" sprang to mind. Dolores went on to talk about addressing the ill effects of the Plantation. Certainly, we would all love to be in a position to do something about that.

Dolores raised a point about the stakeholder advisory committee, which was a theme throughout the debate. She also mentioned the woodland survey and inventory. We do very much take stock of what is already recorded on the inventory because we accept the importance of native woodlands and want to ensure that it takes cognisance of what we have in order for it to be protected.

I think that Dolores also mentioned the amount of tree cover. Six per cent tree cover equates to 80,000 hectares. The Department's plan is to double it, which is an extremely ambitious target.

Jim Shannon talked about shooting deer — he has never seen 'Bambi', then — and about giving the voluntary sector a role in controlling deer and the equality element of that. Obviously, the Department has looked at the issue. It would be remiss of me to bring forward a Bill that did not encompass everyone's equality. I take his point about country sports and tourism.

The "right to roam" applies only to Forest Service land. I know that that issue gave people some cause for concern. It is about giving all of us pedestrian access to Forest Service land and forests so that we can better enjoy and appreciate what we have.

I believe that it was Danny Kinahan's first involvement in a debate with me. He mentioned his five acres of land. We all get precious about the few trees that we have. Would it not be lovely if we all had more? Fair play to him. He talked about a better balance between timber production and social, environmental and recreational needs. He also talked about climate change and the powers that the Department has introduced in the Bill.

I was taken aback by Mr Kinahan's comment that the Department could flatten a forest to build a housing estate. We could not and would not do that; that is not what we are here to do. As set out in clause 1 of the Bill, our primary focus is to protect forestry and ensure that we continue to roll out forestry cover. The suggestion that the Department would do otherwise flies in the face of clause 1. That is not what we are here to do.

Mr Kinahan also said that we need a dynamic appeals system. That is certainly something that I am trying to get through all aspects of the Department of Agriculture and Rural Development. He spoke about the need to have trees in all areas and about developers felling trees at weekends. We all know of such issues in our constituencies. However, tree preservation orders are still the remit of the Department of the Environment. I want to be careful not to overstep the mark and tread on the work of other Departments.

Brian Wilson spoke about the benefits of trees, forests and our ancient woodlands. He, too, pointed out that the abolishment of felling licences in the 1960s had a detrimental impact. It is, therefore, important that the requirement for a felling licence be included in the Bill to ensure that we protect our native woodlands. Mr Wilson also raised environmental and social issues and said that we should look at the issue of a presumption against a felling licence, which was a point that was raised earlier.

We are at only the Second Stage of the Bill, and we have a long way to go. We will appreciate the co-operation of the Agriculture and Rural Development Committee in working to create legislation of which we can all be proud and which, hopefully, will last well into the future — although not another half-century.

We must ensure that we double our forestry cover and that we protect wildlife, both flora and fauna, and the environment in forests. We must also ensure that we have more habitats for animals and flowers in forests and that there is more scope for them to flourish. We have a big job to do. It is great that so many Members contributed to the debate today and that so much goodwill has been shown towards the Bill.

Question put and agreed to.

Resolved:

That the Second Stage of the Forestry Bill [NIA 11/08] be agreed.

PRIVATE MEMBERS' BUSINESS

Home Improvement Grants

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 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 for the winding-up speech.

Mr F McCann: I beg to move

That this Assembly urges the Minister for Social Development to explain why the Housing Executive has suspended the payment of home improvement grants, despite the Department for Social Development being awarded an extra £20m in the June monitoring round for housing; and further calls on the Minister to remove the suspension of these grants, which are vital to meeting the Decent Homes Standards to enable essential maintenance and home improvements work to be carried out.

Go raibh maith agat, a Cheann Comhairle. I am sure that there will be widespread support in the Chamber for this motion as the issue under discussion affects people in all constituencies. How many Members have had people call to their offices and homes about home improvement grants? How many times have we received phone calls from people, young and old, who are in despair after learning that the Housing Executive has turned down their application for help towards home improvements?

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

As if that were not bad enough, how many of those people were encouraged to make an application only to be told by the Housing Executive at the last hurdle — after having gone through the entire process — that, because of budgetary problems, their grants would be frozen and that they would have to continue to live in the terrible conditions that they were trying to improve by applying for grant assistance?

The Minister said that she would rather put a roof over people's heads than worry about kitchen replacements. What about the people who are sitting in homes with leaking roofs? What about the people whose electricity supply is substandard and in a dangerous condition? What about the people whose homes are riddled with damp and crumbling because of that?

What about people who live in a rural setting, have to endure intolerable living conditions and are waiting for help, only to be told that the Minister has redirected the money? She would rather put a roof on a new house than tackle the atrocious conditions that exist in many of the houses that have been refused assistance.

Perhaps the Minister can tell us how many of the houses that had a grant application refused were checked to ensure that they met health and safety standards. Are there ramifications for the health of the families who live in those houses? Two such families attended one of her infamous roadshows in Newry to ask that question, but they were shouted down and heckled by SDLP members. Where is the concern for those families?

The Minister needs to explain why she does not spread her budget more evenly to ensure that houses that are in a bad state of repair can be assisted along with the newbuilds. She needs to explain why rotten kitchens and heating systems that affect people's health will not be replaced. Does she not realise that she is storing up a financial nightmare for the future? Does she not realise that rotten and decaying kitchens and doors affect the fabric of a house and cost more to put right further down the road? Does she not also realise that a heating system that is not repaired or replaced affects the fabric of a house?

Mrs D Kelly: Will the Member put on record his recognition that the housing budget has a shortfall of more than £100 million?

Mr F McCann: I have no difficulty agreeing that there is a shortfall in the housing budget. However, the problem with the budget has been that the Minister has redirected all the finances towards newbuilds, which created the mess that we are in today. Over the past number of monitoring rounds, considerable amounts of money have been given to the Minister to deal with some of the problems that I mentioned, but she has chosen not to.

What costs can be matched against the damage to a person's health? Those are questions that the Minister needs to answer. She should not blame other people, which she usually does. She should not evade the hard questions or play with words, which she has become famous for. Too much depends on this. Thousands of people are waiting for answers to those questions; hundreds of people who are employed in the sector, including Egan contractors, depend on the work to put bread on the table for their families.

I am sure that all Members have received letters from small contractors who are involved in the renovation sector saying that they are among the 900 small contractors who rely totally on the business from the home improvement grants to survive. That sector will go to the wall because of decisions taken by the Minister.

The Minister should admit that her interference led us to this crisis; she should admit that she made a mistake. How much of the money that should have been used to fund an improvement programme or

those working on the Egan contracts has been used to purchase properties from private developers?

Does the Minister know how much money people have spent on preparing documents to supply the Housing Executive with plans for the work that they intended to carry out? How can that money be recouped? It is my understanding that some 14,700 people applied for grants, and the Housing Executive had a statutory responsibility to complete the work in 4,000 of those cases. In 9,700 instances, applications for a grant were refused or suspended. How do those people recoup the money that they spent in preparation for the receipt of a grant? They include elderly people who cannot afford to lose that money and families who had to borrow money to fulfil the requirements that were laid out by the Housing Executive. Will the Minister tell the House if she will guarantee that those people will receive refunds? Many people only took part in the scheme on the back of advice that they received from the Housing Executive, only to be told at the last minute that their grant had been frozen: where is the fairness in that? There are many questions for the Minister to answer and, as elected representatives, we require those answers to ensure that our constituents are given the correct information. We await the Minister's explanation.

Even this morning, Members from across the House approached me to tell me horror stories from people in Derry, Strabane, Newry, Armagh, Fermanagh and across the board. Many people in rural areas live in atrocious conditions. The Minister said earlier that any case put forward would be investigated, but we continually put cases forward, and they are continually knocked back. That is the problem, and the Minister needs to deal with it right away.

4.30 pm

Mr Burns: I beg to move the following amendment: Leave out 'remove' and insert: "review"

I am delighted to make my first speech of the new Assembly term on such an important topic. Last year, the House saw many Sinn Féin motions that were directed at the Minister for Social Development. The SDLP did not support those motions, and it will not support this one without the acceptance of the amendment that I have proposed.

We all recognise the importance of the private-sector housing grants scheme, as detailed in the motion. I am a strong supporter of that scheme, which is an important tool for tackling bad conditions in private-sector housing. Those grants help people on low incomes who own their own homes to get their houses up to the decent homes standard. There is a real need for those grants, of that there is no doubt, and we can all agree on that aspect of the motion. People who need grants come into my constituency office, and they

are desperately disappointed that those grants have been deferred or suspended. People need those grants to help to bring their houses up to a better standard.

At the same time, however, we all know that the Minister is caught in a catch-22 situation. She did indeed receive £20 million in the June monitoring round, but that money had conditions attached: DSD had the money spent before it was received. The Minister will no doubt explain in detail that that money needed to be spent on Egan contractors, kitchen replacements and bathroom replacements. Even with that extra £20 million, the budget for the Department for Social Development is still far short of what is required.

Mr F McCann: I think that most Members have been lobbied by people who work under Egan contracts. They say that the work that they are in the process of carrying out will shortly dry up and that they will be back to square one. As far as Egan contractors are concerned, £5 million of that £20 million was set aside to deal with their contracts. What happened to the rest of that money?

Mr Burns: As you very well know, the Egan contractors who lobbied everyone had been given a commitment about all the work that needed to be completed for public-sector housing. Everyone knows that.

Originally, DSD needed an extra £100 million; that figure is now a mere £80 million. The reasons for the budget shortfall are well known, so I will not repeat them; the SDLP has been repeating those reasons for a long time. However, I remind Members of the reduction in income caused by the global economic downturn. I am happy that the Finance Minister is listening; Mr Wilson clearly understands the SDLP's arguments. We will continue to press him for more money, and perhaps the social-housing budget will once again be put on a firm footing.

It is because of the lack of money that grants have been suspended. No doubt, all parties in the Assembly care about the people who need those grants. However, we cannot spend money that we do not have. That is why our proposed amendment calls for the Minister to keep the suspension under review. To open up a grants free-for-all when we do not have the money would not be wise.

Members must understand that within the funding shortfall, DSD has to consider carefully how every penny is spent, and providing new homes is the main priority. All Members will have people who are on housing waiting lists coming to their constituency offices.

Thousands of new homes are required as a matter of urgency, and current market conditions are well suited to building new houses. For that reason, the SDLP is

committed to new building targets. The money for that is protected, and we will meet those targets.

The budget for the warm homes scheme is also protected to help householders who live in fuel poverty, as is the money for the Supporting People programme. The Minister has said many times that she will protect the most vulnerable in our society, and she deserves credit for that. Beyond that, given the budget shortfall, savings will have to be made somewhere. The Minister of Finance and Personnel knows that the money cannot be raised through the sale of land or houses, and, therefore, he must come up with additional funding. If he does that, the Minister for Social Development will be able to review the suspension, as proposed in our amendment.

Let me make it perfectly clear that there is no lack of will to provide the grants; the problem is a lack of money. I am hopeful that the suspension will be temporary, and I urge the Minister of Finance and Personnel to double his efforts to find the money to balance the DSD budget once and for all.

The Chairperson of the Committee for Social Development (Mr Hamilton): I will speak initially in my role as Chairman of the Committee for Social Development. The Committee considered the Department's June monitoring round submission prior to the summer recess and endorsed the Department's bids. However, members felt that, given the budgetary challenges facing the Executive at that time — indeed at all times — all bids, which amounted to £130 million, were unlikely to be met in the June monitoring round.

The Deputy Chairperson, Mr Hilditch, spoke in the House in July and warmly welcomed the outcome of the monitoring round, which included, as has been mentioned, an additional £20 million for renovation grants and for disabled adaptations. Most Members will be aware of some people's frustration about renovation grants. Those householders want to improve their homes. They have made grant applications and, perhaps, incurred costs in doing so. They lodged those applications with the Housing Executive and had hoped that the extra money announced in June would lead to payment of their grants. It is now my understanding, as has been mentioned, that the backlog of applications was such that the additional money announced in June would only cover the cost of statutorily and contractually committed renovation work that was already in the system.

The Committee recognises the budgetary pressures and the difficult choices facing the Minister. However, the Committee expects important statutory housing obligations — for example, in relation to the special purchase of evacuated dwellings scheme (SPED) or certain disabled adaptations — to be met at all times. The majority of Committee members also expect a

good and appropriate balance to be maintained in the delivery of the housing programme's other objectives.

One other objective is the achievement of the decent homes standard in social housing, which is mentioned in the original motion. As the House will be aware, the Savills report, which is on the Minister's desk, reportedly shows significant improvements in Housing Executive stock in that regard. The Committee intends to review progress on the decent homes standard when the Department makes the Savills report available to it. I encourage the Minister to share with the House and the Committee the difficulties and challenges that she faces and the successes that she has achieved with regard to housing.

I will use the remaining time to make some comments in a personal, party capacity. As I said in a Committee capacity, I fully understand, appreciate and empathise with the budgetary difficulties that the Minister faces, and I entirely understand the difficult situation that she was put in and the choice that she had to make to move money around in her budget. However, it is worth pointing out that doing that is not without consequence. There are many consequences of moving money around in that way. The pressure is biting really hard because we previously had a £40 million tap of money that flowed into renovations at a fairly steady rate each year.

That flow has not been reduced to a trickle: the tap has been turned off completely. That is where the consequences and some of the pain are coming from. That pain is being felt not only by those who are applying for funds but by those who carry out the work; not big building firms but owners of small businesses, some of whom would have been depending on two, three or four small grants jobs each year for their livelihood.

Mr A Maginness: The Member, as Chairperson of the Committee for Social Development, seems to be implying that the Minister should rearrange the budget internally. The Minister has indicated that newbuild is a top priority, as are the warm homes scheme and the Supporting People programme. The Member is suggesting that some of those priorities should, in fact, be altered or their budgets reduced. Which of those does Mr Hamilton, either as Chairperson of the Social Development Committee or as an ordinary Member, suggest should be affected adversely?

The Chairperson of the Committee for Social Development: The Member knows that it is unfair to ask that question of me as Chairperson of the Social Development Committee. I have already made comments that the Member, I am sure, subscribes to personally.

The point that I am getting at is that when the constant flow of money stops dead, there are ramifications. Small businesses are downsizing or are

going out of business quietly as a result of this. They are local family firms that employ local people and use local building supplies to do their work. We cannot procure preferentially in any way, but we all know that grants work benefits local firms first and foremost.

We need not turn the tap back on to £40 million a year: it is not possible to do that. However, some small infusion of cash back into the renovations area would greatly assist those businesses and the people who benefit from those schemes. Perhaps not £40 million or even £4 million: £400,000 would be better than what is going through the system at the moment. It would let 20 small grants jobs go ahead, which is better than nothing, which is the case at present.

Problems are being stored up for the future. I take the Member's point about the other priorities. Nevertheless, there is an onus on the Minister to ensure that, if in making those difficult choices at the end of the financial year there is money left over in any of those schemes, and I have particular concerns about the warm homes scheme and the slow start being made by the new scheme —

Mr Deputy Speaker: The Member must bring his remarks to a close.

The Chairperson of the Committee for Social Development: I know of one energy firm that has made 82 referrals, of which only three have gone through so far. There are issues developing, and it is absolutely necessary that the Minister ensures that having made the difficult choices, all the available money is spent on those other priorities. I welcome the debate.

Mr Armstrong: It is no secret that there is a major problem with the Executive's finances. The Minister for Social Development has repeatedly highlighted difficulties in her Department's budget, and in particular, the problems that have been caused by the huge drop in revenue from house and land sales as property values have plummeted and income from sales has dropped from £100 million to £8 million in one year.

It is all very well for some Members and their parties to seek to attack the Minister as part of a political grandstanding exercise, but she cannot create money out of thin air as if by magic. The Executive Budget, never mind the DSD budget, is finite, and hard choices must be made, although we would not think so when we listen to some Members. I am not here to attack the Minister or her Department. I know that she wants to increase funding for public housing stock, public- and private-sector home improvement schemes and to combat fuel poverty. However, the problem is that we do not live in an ideal world: we live in the real world.

The motion appears to be slightly confused in that it refers to home improvement grants, which are for private homes, but goes on to mention the decent homes standards, which apply to public-sector housing.

On the first point, it is clear that there is a growing crisis with regard to home improvements. The motion identifies an additional £20 million that was allocated to Housing Executive funds in the June monitoring round. That may seem to be a large sum of money, but it would only partly cover those grants in which formal letters of approval have been issued. In other words, that money has already been spent, and the result is that no new money is available for further grant aid.

4.45 pm

Over 13,000 private homes have applied for grant aid, some of which are in the final stages and are nearing approval. Over 9,000 of those homes have received letters from the Northern Ireland Housing Executive informing them that grant aid can no longer be provided. Furthermore, over 900 small and medium-sized family-based contracting firms, which have been actively engaged in contracts involving the Housing Executive grant, face the prospect of work drying up in early January 2010. With no approvals being issued, those firms are facing closure. That will throw even more people onto the dole queue. Even if contractors were redeployed to work on social housing projects, many of them are only at the early stages of planning and will not be ready for commencement until 2011.

I appeal to the Minister to do all she can to secure funding to support grant aid in the private sector, and to alleviate the genuine fears of those firms whose main business is drawn from the private-sector grant schemes. As I said, I will not attack the Minister or her Department, as I understand the financial situation in which she has to operate and the difficult choices that have to be made. I urge her to look within her budget to see what can be done to support home improvement grants in the private sector and to meet the decent homes standards in the public sector.

The answer, as always, is more funding. If the Minister cannot find that in her budget, Members from other parties must pressurise their party colleagues in the Executive to allocate funds to the Social Development Minister. There is no other way.

Ms Lo: One of my constituents recently contacted my office seeking help. He had made a statutory application for a Housing Executive improvement and repair grant. The gentleman had already incurred associated costs of £987 when he was informed by the NIHE that his application would not be honoured, due to budget constraints. This 60-year-old gentleman has endured living in a property in the Village area without central heating or an indoor toilet for over 15 years. He was recently made redundant from his long-term employment without any redundancy package, and is suffering serious health problems, having had several heart attacks in the past year.

The Housing Executive reconsidered only after pressure from other elected representatives and me, and was forced to introduce a set of guidelines to deal with exceptional circumstances such as those of that gentleman. People should not be left in limbo waiting for grants to improve their unfit homes. That can have a very negative impact on their health and well-being. Delays in repairing some properties can also make those homes uninhabitable in the long run, thereby reducing the housing stock.

I call on the parties in the Executive to work together to give DSD the housing budget necessary to carry out the many aspects of its work. The Housing Executive is facing serious funding shortages of £100 million each year following the collapse of the housing market. The home improvement grant has been curtailed, like so many other programmes, due to a shortage of funds.

I recently attended a DSD public meeting when the Minister was present. It was embarrassing to watch her appeal to members of the audience, on several occasions, to lobby their elected representatives and respective parties to put the Department on a sound financial footing. That is indicative of what little support the Minister is getting from the Executive.

It took 'The Stephen Nolan Show' to resolve the difficulties of the SPED scheme. The situation is a disgrace, and when I spoke to the police officer in question, I realised the stress that it has put on him and his family. Last year, the Housing Executive spent more than £9 million on the SPED programme. This year's budget was only £1.5 million, to be increased by scraps in monitoring rounds. That is no way to run any Department.

Mr McCarthy: Does the Member agree that the problem was experienced not only by one ex-police officer but by a number of police officers? Indeed, other members of the public found themselves in exactly the same position. Extra resources are needed to meet those people's demands.

Ms Lo: I absolutely agree.

Mrs D Kelly: Does the Member agree that the two main parties' failure to give leadership in tackling sectarianism is partly at the core of the problem?

Ms Lo: I absolutely agree.

People do not really care what Department is responsible for what. I think that the layperson on the street does not know what Department does what. All people want is for the Government to deliver public services to meet the needs of their citizens. Marginalising one or two Ministers from the smaller parties merely shows up the lack of cohesion in the Executive, who are so often playing party politics rather than working together for the common good.

The housing downturn was not the Minister's fault. We must ensure that, in future, funding for important and much-needed schemes, such as the SPED scheme and the home improvement grants, are secure and not subject to fluctuating incomes from the receipt of house and land sales.

Mr Hilditch: I support the motion, and I welcomed the Minister's announcement back in July. More than 20,000 people are deemed to be in housing stress, and 9,000 are registered as homeless. On top of that, 17% of our housing stock is below the decent homes standard. Investment is required to replace properties' obsolete and inefficient systems and functions. I understood that the £20 million that was awarded in the June monitoring round was to allow for the necessary maintenance work to proceed while providing important support for the construction sector in these difficult times.

Mr McCann took us on a geographical tour of the west of the Province, but we could all give examples from our own constituencies, including those in the east. On my doorstep, an area of social deprivation in Castlemara has been hit particularly hard and has had a number of maintenance schemes and cycle maintenance cancelled. The suspension of home improvement grants comes on top of that. Indeed, constituents have been told not only that there is no funding but that they will have to reapply when money becomes available again.

Many of those people are in vulnerable positions: they are unable to move away from Housing Executive property or to purchase properties elsewhere. Now they are being told that they cannot have the grants that are necessary to complete priority maintenance work. Like many constituents —

Mr McQuillan: Does the Member agree that people who were approved for a home improvement grant are worse off now than they were previously? Those people have gone to the expense of getting plans drawn up and had planning applications ready to submit. Some of those people will be out of pocket and will be up to £1,000 worse off than they were before they started.

Mr Hilditch: That is accurate, and I intended to refer to that matter later.

Mr A Maginness: The Member said that applicants would have to reapply for grants. I understand from the Department that applicants will not have to reapply. Rather, their applications are effectively frozen.

Mr Hilditch: In researching today's speech, I obtained some information from the grants office in Ballyclare. If it is not correct, I am sorry.

All Members know about individual cases. Last night, I had an opportunity to visit an elderly woman

who has spent two winters with rain coming in through the front windows of her house. Now that her application has been turned down again, she is not looking forward to a third such winter.

In my East Antrim constituency alone, 244 grants have been cancelled and 67 applications for home repair refused. I was horrified to learn that 94 renovation grants for properties that have been deemed unfit have also been refused. That means that 94 homes throughout the constituency are occupied despite their being unsafe. People's lives are at risk because those dwellings are dangerous and in need of urgent repairs, such as rewiring, roof work, extensions, plastering, and so forth. To make matters worse, some of those households, as my colleague said, have been further penalised through having already paid for plans for extensions to be drawn up. The Housing Executive has offered no reimbursement for that expense.

I am thankful that the disabled facilities grant scheme will continue. However, more than 13,000 private homeowners have applied for grant aid, and some of their applications were at the final stages or nearing approval. Despite that, 9,000 of those applicants received letters from the Housing Executive to inform them that grant aid is no longer being provided. That is unacceptable. This year, the Housing Executive will approve only 2,000 grants approximately. Given that it approved some 7,000 last year, that is a shocking reduction.

Everyone has the right to live in a safe home, and it is unreasonable and unjust to concentrate solely on the provision of newbuilds. If the Northern Ireland Housing Executive is to remain committed to bringing all homes up to the decent homes standard by 2010, it is imperative that the Minister concentrates on both issues. The Housing Executive must be dedicated to providing quality housing services, and it must work with others to create safe and confident communities. It must take into account the importance of improvements and repairs, as well as address the needs of the homeless.

I ask the Minister to revoke the suspension of the grants and move towards supporting the construction industry. The crisis cannot be ignored, and the Department must start to approve grants again. Otherwise, the future of Housing Executive offices and their staff will be at risk, private housing is likely to deteriorate further and the companies of the contractors involved will face closure. I support the motion.

Mr P Maskey: Go raibh maith agat, a LeasCheann Comhairle. If Members compare Sinn Féin's motion with the SDLP amendment, only one word differs. The amendment replaces "remove" with "review". What does review mean? It could apply to a review lasting three weeks, three years, or for ever. Although that one

word is the only difference between the motion and the amendment, it is unclear and jeopardises the entire motion.

Mrs D Kelly: The SDLP is not in the habit of using the same definition of the word as Sinn Féin, when it referred to the reviews of the programme of cohesion, sharing and integration, of the anti-poverty strategy or of the Civic Forum. In contrast to Sinn Féin, the SDLP has time frames.

Mr P Maskey: Go raibh maith agat. I thank the Member for that point of information. Although Dolores may think otherwise, the matter that is being debated is important, and we should not be getting it mixed up with any other issues. It never fails to amaze me how Dolores manages to introduce sectarian issues, as happened earlier when she raised a point of order.

Mrs D Kelly: When?

Mr P Maskey: The subject matter was slightly different, but she talked about how the two main parties on the Executive and in the Chamber are not dealing with sectarianism effectively.

The Sinn Féin motion refers to "essential maintenance and home improvements". The key word is "essential".

Some of that was mentioned. I think that Simon Hamilton touched on the figure, but the fact is that it was cut down, seemingly as a matter of urgency. It did not seem that any real thought went into closing the door. Perhaps the Minister has not given the right direction to her staff in the grants offices because people have received letters that state that the grant scheme is closed and that they will have to reapply.

5.00 pm

During a telephone conversation, I was told by a member of staff that the scheme will probably never even be opened up again. Perhaps the Minister could give better direction to her Department's staff.

Mr Molloy: In connection with what the Member said, and in response to Mr Maginness's point, I have a letter from the Housing Executive that very clearly states that people will have to make a further application if grant aid becomes available in the future.

Mr P Maskey: It seems that all of the points from the rest of the Members and parties in this Chamber back that view. That is the message that quite clearly is coming from the Minister's Department. The Minister refuses to recognise that point, but a number of her party colleagues have questioned whether that is the case. Perhaps better direction needs to come from the Minister on that issue.

Mr McElduff: I have one question about exceptional circumstances that I want the Minister to address. The Housing Executive's website states that it

expects that applications for discretionary grants may be approved only in exceptional circumstances. We are talking about the current state of play.

There is a lady who lives in Carrickmore, County Tyrone, who has twice been a victim of the conflict. She recently had an intruder in her home, and her repair grant application is to secure her back door. There is an 80-year-old lady from Mountfield, County Tyrone, whose guttering is rotting away. She is fearful of infestation of mice and rats, and she is cold in the winter months. I want the Minister to give an assurance that she will review cases such as those here and now so that they will qualify as exceptional circumstances because, all too often, MLAs are being told that exceptional circumstances do not apply.

Mr P Maskey: I thank the Member for that intervention. On no fewer than six occasions during Question Time today, the Minister stated that the housing budget needs to be placed on a sound financial footing. That is exactly right, and every single Department in the Executive has to ensure that all of its moneys are on a sound financial footing. If they fail to do that and fail to work the system in a proper way, they are accountable to the elected Members of this Chamber and to the entire community outside.

I have heard more money being asked for in this Chamber before. Does it come out of the health budget, or does it come out of the education or roads budgets? What budget should it come out of? That is the question that the Minister has to answer because it must be remembered that all of us have to answer to all of our constituents. In recent times, I have had a number of people in my office because of the door being slammed in their faces when it comes to the grants that they had applied for.

Mr Deputy Speaker: The Member should draw his remarks to a close.

Mr P Maskey: Those constituents had been brought to the wire and they had been promised those grants, yet they were refused.

Mrs M Bradley: I support my party's amendment to the motion. We have before us an impossible situation that has been caused by a £100 million shortfall in the housing budget. That shortfall was brought about by the economic downturn, and everybody should remember that.

I am well aware that there are huge pressures on the Finance Minister's bank balance. However, the simple fact is staring us all in the face. Although Sinn Féin would have us believe otherwise, the housing budget is inefficient, ineffective and is unfairly portrayed. I applaud the Finance Minister for giving £20 million in the June monitoring round to the Department for Social Development. However, that merely fed the historical black hole that already existed due to the

Department for Social Development starting the financial year from behind because of deficits that were caused by the collapse in land and house sales, as assets could not be sold at a good price. The case today is the same as it was last year, and the Minister will make that case again today. Hopefully, her plight will be listened to this time.

However, for those who need it spelled out, the bottom line is that the housing budget is totally unfit for purpose, even though the Minister has suggested ways forward that might help.

A motion such as this serves as a pathetic point-scoring exercise. Yesterday, we heard the Education Minister ask the Assembly to work with her to move forward. The SDLP is asking for the same sentiment to be afforded to the Social Development Minister. The Executive exist to create a better quality —

Mr F McCann: Will the Member give way?

Mrs M Bradley: No, I will not give way. The Executive exist to create a better quality of life for the people of Northern Ireland. Surely, one of the most basic rights is to have a decent roof over your head. I ask Sinn Féin and the DUP, as the majority —
[*Interruption.*]

I did not say anything when Mr McCann was speaking. Please have manners.

I am asking Sinn Féin and the DUP, as the majority vote holders in the Executive to put their money, literally, where their mouths are and give the Minister what she needs to make that provision a reality for those people who need the help of home improvement grants.

Mr McGlone: Does the Member agree, and I am sure that her ministerial colleague does, that we have heard Assembly debates ad nauseam about housing grants and affordable housing — so many that you could paper the Chamber with Hansard reports of them — with commitments left, right and centre? Maybe, left and right, depending on how the political axis is viewed at the minute.

However, to re-emphasise the point, if Sinn Féin and the DUP are interested in putting their money where their mouths are, could they put it into the most practical form of affordable housing to help people by way of a home repairs grant, a renovation grant or a replacement grant at minimal cost to the public purse? Will the Member accept that point and reflect it in the debate?

Mrs M Bradley: I certainly will, I agree with that point. My office is inundated, as are many others, with constituents who have suffered due to the grant process being restricted. I can see only one way out. If we are to help those who voted for us, they and the parties

must know that the DSD cupboard is bare because of external factors.

The Minister is not a magician. She can work only with what she has. It is obvious to me that we should all support her efforts to seek further funding, rather than score points at the behest of our constituents. We should deal with constituents' problems by supporting the housing budget. To use Paul Maskey's word, it is "essential" that everybody in the Chamber supports the Minister and her housing budget.

Mrs D Kelly: Last year, we heard Mr Fra McCann tell the Minister to stop whingeing and take the money, but the Minister fought on and got additional money for her budget. Thankfully, she did not listen to Sinn Féin that time round, and I am quite sure that she will not listen to Sinn Féin this time round.

It is clear from the debate that Sinn Féin intends to carry on this term the same way that it left off in June: attack the sole SDLP Minister without once directing any of its anger or concerns at the Minister of Finance and Personnel, who has refused the Minister for Social Development any additional funding to relieve the housing budget. As far back as December, Sinn Féin would not allow the Minister to reallocate her own £38 million within her Department to meet housing need.

Mr McElduff: I have a question that I would love to have answered, if possible. Did any of the £20 million given to the Minister for Social Development in the June monitoring round go to Housing Executive grants offices in Omagh and Derry, for example, where I have constituents who are anxiously trying to get redress?

Mrs D Kelly: I am sure that the Minister herself will answer that question. However, on that point, I have a copy of a letter dated 30 June 2009 from Sinn Féin Minister Michelle Gildernew to the Finance Minister. In it, the Sinn Féin Minister wrote:

"I am perplexed by the proposal to increase the capital overcommitment by £20m in respect of housing improvements for DSD."

No support came from Sinn Féin in the Executive on that occasion. The letter continues:

"Whilst I am sure that this bid has substantial merits, the paper does not spell out why this particular bid should be met at the expense of any other capital bid, and there is no compelling rationale as to why we should make an exception".

Shame, shame, shame on Sinn Féin and Michelle Gildernew for not supporting the SDLP in the Executive when Margaret Ritchie was looking for money. Everyone in the House ought to know, because the Minister has told them often enough —

Mr P Maskey: Will the Member give way?

Mrs D Kelly: In a moment. There are substantial restraints on where that £20 million can be spent. Of course I will give way to Mr Maskey.

Mr P Maskey: I have not heard or seen that information, so I am wondering where it came from. Maybe she is just making it up, or is it confidential stuff from the Executive that should not be given out?

Mrs D Kelly: I assure the House that I am not a tout. I do not inform on sources. As far as I am aware, there are no touts in our party, unlike some parties, which have major concerns about informers in their midst. Indeed, the document is not marked confidential, but it is a matter of record, and I hope that it will be read into the record. Perhaps Mr Maskey would do better to ask Michelle Gildernew why she would not support the SDLP Minister for Social Development in meeting the real and pressing needs of people in housing stress.

Mr F McCann: On a point of order, Mr Deputy Speaker. The Member keeps quoting information that nobody else is aware of. To put the record straight, at every Executive meeting when monitoring rounds have come up, Sinn Féin has fully supported additional money going to the housing budget to deal with the DSD's problems.

Mr D Kelly: Mr Deputy Speaker, I do not think that that was a point of order. That is the same Member who, only a matter of months ago —

Mr O'Dowd: On a point of order, Mr Deputy Speaker. I am aware that, on previous occasions, Speakers have ruled with respect to documents that Members have referred to during debates and that the reference document must be verified. All that we are asking is whether the document is an Executive paper and whether the Member is prepared to lodge it in the Assembly Library.

Mr Deputy Speaker: Perhaps we can allow the Member to answer your question.

Mr O'Dowd: With respect, Mr Deputy Speaker, I raised the point of order with you. On previous occasions, rulings have been made on that subject.

Mr Deputy Speaker: Yes, but it is necessary for the Member to say whether she is willing to lodge the document in the Library.

Mrs D Kelly: I am more than happy to lodge the document in the Library, and to allow all and sundry to read it and see Sinn Féin's real purpose in the Executive, which is to attack the SDLP in the hope that it will fail in its Ministry. While Margaret Ritchie remains as the SDLP Minister, there is no chance of that happening, and I have every confidence in her being the shining star in the Executive that she is today, and will be tomorrow. I seem to have hit a sore

point with Sinn Féin Members, so they really should take the matter up with Michelle Gildernew.

There are ways to spend money more efficiently and effectively, and that is exactly what Margaret Ritchie has done in respect of the Housing Executive. For example, she told Housing Executive officials to use brownfield sites and existing housing land to ensure that there is less cost to the public purse. Margaret Ritchie is driving efficiencies and effectiveness through the Housing Executive to the best of her ability, and often, as Mr Deputy Speaker knows, her efforts are being held up and not supported by the so-called main nationalist republican party in the House, which tries to say that it speaks for the most vulnerable people in society. The SDLP started out speaking on housing matters and for the most vulnerable and marginalised people in society, and, next year, we will go into our fortieth anniversary on the same platform: ensuring that the most marginalised people in our society are protected.

Mr McGlone: I am sure that most of us are deeply concerned about the needs of our constituents; I hope that that is the case. I also hope that Sinn Féin will reconsider the strategy that it is employing. Many people are being held up and cannot get grant aid. Many people are looking to have houses built. If we had a bit more co-operation in this place, yesterday and today, we would have been faced with an Executive showcasing to the world what they are doing for the people of the North, rather than having silly and juvenile debates.

Let us have a bit of co-operation at Executive level. Let us see delivery for those who really count: the people, including those who have applications in the grants system.

5.15 pm

Mr Deputy Speaker: Mrs Kelly, your time has run out.

Mrs D Kelly: Oh dear.

Mrs Long: I share a lot of the concerns that Sinn Féin has raised in relation to the suspension of the housing grants scheme. Most Members share those concerns. I am willing, or I was willing, to consider the notion of a review, but I am slightly worried by what I have just heard, because it sounds increasingly as though the issue is no longer about a review but about people digging in and taking entrenched positions. I am not sure that that is helpful. I am waiting for the Minister's reassurance that if we say that something should be reviewed there is a commitment to review it. As Dolores Kelly rightly pointed out, the word "review" is often a euphemism in the Assembly for doing nothing. The public do not want that: they want a proper review in the light of all the information.

The other thing that impresses me about the debate, and others like it, is Sinn Féin's almost relentless pursuit of the DSD Minister on every issue. If that energy were put into working with the other parties in the Executive to create better collectivity, we would be able to move forward a lot faster, and the public might be more impressed by the Executive that are representing them.

Mr O'Dowd: I thank the Member for giving way. All of us in the Chamber are hard-nosed politicians, including the Minister for Social Development. If any Minister is not a hard-nosed politician, he or she should not be a Minister. I know that the media have portrayed the Minister as "Saint Margaret of DSD", but, at the end of the day, Margaret Ritchie is a Minister who has to be held to account by the Executive. As regards funding for DSD, if anyone wishes to read Sinn Féin's submission on the Budget, it states clearly that Sinn Féin would support extra funding for social housing — *[Interruption.]*

Mrs Long: I thank Mr O'Dowd for what he said. I come from a particular tradition that is not really into sainthood, but we are not into relentlessly demonising people either. This is about looking at the issues on their merits. Nobody who objectively analyses the number of issues brought to the Chamber by Sinn Féin that are directly related to DSD could miss the point that it has been relentless in its pursuit and criticism.

It is also not fair to say, despite my reservations about the suspension of the grants programme, that the DSD Minister has been the worst performing Minister in the Executive. That is telling, because if people were pursuing other Ministers with the same relentless passion when they are not performing, we might get more out the other end of the Executive.

Mr F McCann: Will the Member give way?

Mrs Long: No, I will not give way, because I want to finish what I have to say.

I want to focus on the issue, which is the impact that this has had. I hope that the Minister will consider a review. The debate was slightly pre-empted by Question Time. However, I listened to the Minister, and she said that she had focused on protecting the vulnerable. That is very worthy, and I can understand that in difficult budgetary constraints it is what she must do. However, some of the people we are dealing with in this discussion about the grants are vulnerable people who also need to be protected. There has to be some balance between building new houses and maintaining the housing stock that we already have. The pendulum has, perhaps, swung too far.

For those who clamour about where the money would come from, we need to look, realistically, at freeing up what are relatively small amounts of money for the grants scheme from the newbuild scheme, if

necessary, in order to provide an opportunity to maintain the housing stock. We can expand the housing stock, and we can be more cost effective in how we do that, if we can maintain, adapt and renovate existing properties or those properties that are falling out of use and bring them back online more quickly. There is also the danger that if it is not done, the cost of doing it down the line, when the scheme reopens, will be a lot greater because the properties will be in a worse state of repair. There are also knock-on effects for neighbouring properties in many cases, particularly mid-terrace properties. For example, when roofs start to leak when a terraced house becomes abandoned, and there are all sorts of other issues, that has an implication for the rest of the houses in that terrace. There are also issues about how quickly uninhabited houses can be restored to full use.

The suspension of the payment of home improvement grants can impact on the waiting list, because if people cannot adapt their homes to their needs, they will join the waiting list and seek a home that suits their needs. Those two issues are not separate. They are linked in that the people who will join the waiting list will be people whose homes could be adapted if the money and support were available. Therefore, there needs to be a balance on this issue.

The impact that living conditions have on the health and well-being of individuals is crucial, which Anna Lo and other Members mentioned. I am concerned about that. There are also financial implications, and a number of Members have spoken about the professional fees that people have incurred when making their applications. There are also people who bought properties, which required modernisation to make them habitable, on the understanding that they would be able to rent out those properties and return them to the market. Those people are also incurring costs from properties that cannot be let. They still have to pay their fees, and they will suffer from not being able to get insurance if they cannot return them to a habitable state. There are all sorts of other wider financial implications. Such issues need to be addressed.

Mr Deputy Speaker: The Member should bring her remarks to a close.

Mrs Long: The impact on industry has been touched on, but, as a result of this debate, I would like the Minister to indicate that she is willing to review the suspension of the grants and other Members to indicate that they are willing to co-operate.

Mr Deputy Speaker: I call on the saintly Minister for Social Development, Ms Margaret Ritchie.

The Minister for Social Development (Ms Ritchie): I thank the Members who contributed to the debate, and I welcome the opportunity to respond to those contributions, not least because it gives me the

opportunity to clarify and correct some of the issues that were raised. I will try to address all the questions and points that Members raised, and I assure the House that I will study the Hansard report and write to any Member who has raised an issue that is not covered in my response.

The motion asks me to explain why the Housing Executive has suspended the payment of home improvement grants, despite being awarded an extra £20 million in the June monitoring round. I am happy to provide that explanation. The SDLP amendment has asked me to review the position on that suspension of grants, and I am happy to do that as well.

I welcome the opportunity to talk to Members again about the difficulties that I face, because they are all aware that, due to the downturn in house and land sales, the housing budget started this year with a £100 million shortfall, which has impacted on all spending programmes. I remind the House that I started last year with a shortfall of £80 million. Difficult decisions have had to be made, and the Housing Executive has had no choice but to prioritise its expenditure in all budget areas. The outcome of that is that it has ultimately affected the delivery of certain housing programmes. In those circumstances — and I emphasise this — I have listened to the political grandstanding this afternoon, and I question whether certain Members are really interested in the vulnerable and in wee Maggie down the lane who is waiting for an improvement grant. I sympathise with that sort of person, because I live in the countryside, and I know what it is like to have to wait for an improvement grant.

Mr T Clarke: Will the Minister give way?

The Minister for Social Development: No. I will not, because Members have given way already. I want to continue and explain the problem. That is what is wrong; people do not want to listen to the problem. They want to politically grandstand and attack rather than help.

I have done my utmost to protect the most vulnerable households by ring-fencing budgets for newbuild social housing to help those in housing stress; for the warm homes scheme to help those in fuel poverty; and in support of people living independently in the community rather than in institutions. I have heard Members from around the House say that that is what they want as well.

I have also decided on the provision of newbuild social housing within the social housing development programme. It is a priority, because the current market conditions are more suited than ever before to increase investment in social housing, to stimulate the economy, to protect jobs in the overall construction industry and to help the most vulnerable and needy in society by providing them with a home.

There is a falsehood out there that I have somehow diverted money from the provision of grants, and I heard Fra McCann saying that today. It is a pity that he does not listen better at the meetings of the Social Development Committee; perhaps then he might have some answers. There is a falsehood out there that I have somehow diverted money away from grants, and from other parts of my Department's budget, to concentrate solely on the provision of newbuild social housing. I can categorically state that that is not true.

Let me say it again: I have protected only three areas from the full impact of the £100 million shortfall, and the Housing Executive has had to absorb pressures right across the housing budget. However, there has been no diversion to social newbuilds. What was given to Members yesterday in documents sent by a certain gentleman, representing a certain organisation, was a misrepresentation of the facts.

However, as I have said, difficult decisions have had to be made. As the level of funding available for home improvements in the private sector is insufficient, applications for discretionary grants, including renovation grants, replacement grants and home repairs assistance, may now be approved only in exceptional circumstances. However, I have ensured that other grants such as disabled facilities grants, which provide adaptations to enable disabled people to remain in their own homes, and repair grants approved on foot of statutory notices given by district councils will continue to operate normally.

In such difficult circumstances, I welcomed the Executive's decision to make £20 million available for social housing in the June monitoring round. I have ensured — to answer some queries made, I believe, by Barry McElduff — that £15 million has been allocated to private-sector grants and £5 million has been allocated to disabled adaptations. However, as Members will know, that £20 million addresses only part of what is a £100 million shortfall in the housing budget, and I must continue to bid in future monitoring rounds to protect the housing agenda.

Members may not be aware that the additional funding is conditional on the release of £20 million from the existing resources to Egan contractors, who carry out maintenance works such as kitchen replacements on Housing Executive properties. The Executive are perfectly within their rights to attach conditions to the release of £20 million to housing, but in this instance, and for someone trying to manage the budget proactively, those conditions were not helpful. In order for the Housing Executive to release the £20 million for Egan contracts, it had to cut back other planned maintenance and related works. Effectively, I was given £20 million and asked to fund £40 million — £20 million for Egan contracts, and £20 million for

grants and disability adaptations — from the June monitoring round allocation.

Historically, there has been a time lag between grants being approved and the eventual application for payment, which has resulted in a significant commitment being built up in the grants system. As a result of the economic downturn, the availability of builders has meant that previously approved grants are now resulting in payment requests being received sooner. Therefore, the additional funding allocated in the June monitoring round will only allow the Housing Executive to meet commitments for private-sector grant applications which have already received formal approval, and to fund the statutory grant approvals this year. However, I have ensured that any cancelled or refused grant applications will be held on file in the place they were in the queue against the event that additional funding becomes available at some future date. I have also ensured that the Housing Executive writes to all applicants who have had their applications cancelled or refused, to explain the approach to be taken.

David Hilditch raised an issue that he had taken on board from the Ballyclare grants office, and Francie Molloy raised a similar issue.

If Members know of cases where people have not received those letters, please let me know. My instructions were that nobody was to lose their place in the queue and nobody had to reapply. I want to make that absolutely clear.

5.30 pm

I know that many people have been disappointed by the non-approval of their grant, but they will not have wasted their efforts in bringing their applications to an advanced stage. Many people are out of pocket on various consultancy, architect and civil engineering fees advancing their grant applications, and many of those people are on low incomes. As I advised my colleague Patsy McGlone earlier during Question Time, I am looking at what can be done to help those people ahead of their grants receiving final approval. I hope that I get the support for that scheme when it comes forward.

I sincerely hope that the Housing Executive's restriction on grants will be temporary. I hope that I will be able to help everybody whose applications are in the pipeline. I bid for additional funds in the September monitoring round, which will allow the Housing Executive to approve the grants received this year, and which it has not been able to process due to a lack of funding.

Many issues were raised during the debate. At one stage, I thought that Mr McCann was in a state of confusion, because he mixed up improvement grants with Egan contractors and planned maintenance.

Mr F McCann: Not in the least.

The Minister for Social Development: He sounded confused to me, because they are distinct issues. However, it might be better if Mr McCann were to encourage his colleagues to support me round the Executive table to put housing on a sound financial footing. His words would be put to more profitable use if he were to deploy them to that end.

I thank Mr Burns for his helpful comments. Simon Hamilton recognised the frustration that many people have about improvement grants, which I also recognise. I note, sadly, that as Chairperson of the Committee, he is not in his usual place. I agree with him that many of those issues are not without their consequences. He raised the issue of the warm homes scheme, and I addressed that during Question Time when I said that everybody in the pipeline will be dealt with by scheme managers and everybody should be contacted by November. I would like to think that that will happen earlier, and I will be urging them to do so.

I hope that the Chairperson and the Deputy Chairperson of the Committee will provide strong support and urge their ministerial colleagues in the DUP to put housing on that illusive sound financial footing. Why do we want that? For too long the funding of housing has been predicated on capital receipts. However, capital receipts have now dissipated, as has the level of house sales. In this new financial situation, which was pointed out by my colleagues in our document 'New Priorities in Difficult Times', we need to look at housing to ensure that it is put on a sound financial footing.

I welcome the support of Billy Armstrong and Anna Lo, and I sympathise with her constituent. Many of us have constituents who have found themselves in such difficulties, and I echo her clarion call to put housing on a sound financial footing.

I have already answered David Hilditch's question about the Ballyclare grants office. Anna Lo also raised the issue of people who have spent money on architects' fees. We are dealing with that issue and I hope that I will be able to come forward with a clearly worked-up scheme.

I hope that Mr McCann will urge his Sinn Féin ministerial colleagues in the Executive to support me in putting housing on a sound financial footing rather than carping and trying to make a political football out of people's misery and suffering. Dolores Kelly is absolutely right: I remember in October 2007 Mr McCann saying me that I should accept my lot and stop whinging. He then changes his tune to suit the political moment, save for the fact that he does not always have his facts correct.

Paul Maskey raised an issue and, again, there seems to have been some misinformation, which I have already corrected.

Barry McElduff raised the issue of exceptional circumstances. The criteria used to determine exceptional circumstances are clearly laid out. An exceptional circumstance is one in which an imminent and significant health and safety risk exists; a serious risk under structural stability exists, or any other circumstance that is considered to be exceptional exists. There is a simultaneous application for disabled facilities and renovations, and where works are required, the adaption is allowed to proceed. If Mr McElduff knows of applications that fulfil those criteria and have not been properly addressed, I suggest that he refers them to me and I will ensure that they are assessed again. Such matters should be addressed in a totally professional, adult and mature manner.

Patsy McGlone and Mary Bradley raised the issue of affordable housing and the need for funding. I could not agree more that there must be an investment of resources, that housing should be put on a sound financial footing, and that the needs and suffering of people should be recognised. Dolores Kelly put in a sterling performance and referred to the fact that I am stretching my budget like an elastic band, that we are witnessing a miracle akin to that of the loaves and fishes, and that I have been doing things with the budget to prove that it can be stretched.

First, we can increase the level of resources by securing further financial commitments from the Executive. We can also be innovative through the transfer of sites, leasing and other measures. I would appreciate the support of the House in securing additional funding for housing. The problem is an overall lack of finance, not a lack of desire to provide all private-sector grants and enable essential maintenance and home-improvement works.

Mr Deputy Speaker: The Minister's time is up.

The Minister for Social Development: The answer is not to rob the vulnerable to pay another group, which some people want me to do.

Mr Deputy Speaker: The Minister's time is up.

The Minister for Social Development: We must secure more resources in total for housing. Let me be absolutely clear: there is not enough money for housing, and I look forward to the full support of the House to achieve that goal.

Mr A Maginness: I have a feeling of déjà vu in relation to the debate, because we have seen many previous attacks on the Minister for Social Development. The motion is no more than a thinly veiled attack on the Minister. Naomi Long and other Members have indicated that, in fact —

Mr F McCann: Will the Member give way?

Mr A Maginness: I will, very quickly.

Mr F McCann: You and Naomi Long have made that point. What you are both actually saying is that if I, as the housing spokesperson for Sinn Féin, have any major complaints about the way the Minister runs her Department, I should not bring them up because they might annoy you, her, or your party.

Mr A Maginness: I will repeat the point: if Margaret Ritchie of the SDLP were not the Minister for Social Development, the motion is unlikely to have reached the Floor of the House. That is the situation.

Mrs Long: Does the Member agree that if Mr McCann, as housing spokesperson for Sinn Féin, were genuinely concerned about housing issues, we would all accept his right to raise them with the Minister, and, indeed, with his party colleagues who are Ministers in the same Executive, and with other Ministers, who would be able to give the Minister support so that she could get the money?

Mr A Maginness: Naomi Long has made it very plain. Not the SDLP, but the Alliance Party, and indeed Billy Armstrong, have made it very plain that the motion and debate are part of the relentless pursuit of the Minister for Social Development. That is the situation. The Minister has made it very clear that she is under severe budgetary pressures. She has effectively lost £100 million of funding. I ask Sinn Féin: in similar circumstances, could a Minister from its party perform as well as the current Minister has performed, and would its Minister — *[Interruption.]*

Mr Deputy Speaker: Order. It has got to the stage where I am having difficulty hearing. Members should make their remarks through the Chair.

Mr A Maginness: I will speak more loudly.

Any other Minister, faced with a loss of £100 million in funding, would be presented with the same difficulties. The Minister has said that there are three priorities: the warm homes scheme, the Supporting People programme, and newbuild housing. From which of those priorities is the Minister to take in order to provide grants? In this situation, additional funding for the Department for Social Development is required so that the legitimate concerns of all our constituents can be met. We should all support the Minister in demanding that.

Have we heard one word of criticism from Sinn Féin of the Department of Finance or the Finance Minister? No; not one. That is because the motion is part of a political vendetta against the SDLP Minister. Innumerable motions have been brought by Mr McCann and his colleagues against the Minister, for which the only reason is political. It is not to defend the vulnerable —

Mr A Maskey: Will the Member give way?

Mr A Maginness: It is not to improve things for people —

Mr A Maskey: Will the Member give way?

Mr A Maginness: It is to attack the Minister and the SDLP because the Minister is performing well —

Mr A Maskey: Will the Member give way?

Mr A Maginness: And because the Minister has had an outstanding record.

Mr Deputy Speaker: Order. When it is obvious that a Member is not willing to give way, another Member should not persist in asking.

Mr A Maskey: Will the Member give way?

Mr A Maginness: I have given way; we do not get time added when making a winding-up speech.

I thank Anno Lo, Naomi Long, Billy Armstrong and my colleagues for supporting the Minister on this issue. What is now required is for the House to support the SDLP amendment, which asks for a thorough review so that we can get to grips with and resolve this problem in the same way as the special purchase of evicted dwellings problem was solved last week. That was done by two Ministers — the Minister of Finance and Personnel, Sammy Wilson, and the Minister for Social Development — coming together and working out that issue. However, that needs the support of all Members and all parties in the Assembly. I hope that people would not be perverse in pursuing a party-political attack on, or vendetta against, a Minister, to the detriment of the interests of their constituents. We want to resolve the issue for vulnerable people, not make the situation worse.

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

Mr A Maginness: All I ask is that colleagues are supportive and not critical of the Minister for Social Development in these circumstances and that they support the Minister so that she can get the extra funding that everyone wants her to.

Mr Deputy Speaker: I call Mr Mickey Brady to make a winding-up speech. I ask all Members please to give him the Floor.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. From the content of the debate so far, it is clear that the issue of grants being stopped is a serious one. Private-sector grants deal directly with unfitness and include replacement grants and potential unfitness with home-assistance repair grants. All those grants are means-tested and applicants have to prove their financial hardship. The grants are targeted at those homeowners who have no disposable income and they are primarily designed to ensure that owners and

residents of substandard private accommodation can acquire a decent standard of fit accommodation and remain in their homes. That will reduce the increasing burden on public-sector housing. Surely that is reason alone to ensure that the grants are prioritised.

The number of fit newbuild properties is decreasing dramatically, and as a consequence of the decision to stop grants, unfitness in the private sector will increase. The withdrawal of grant funding will cause unemployment, as such funding generated approximately 700-plus jobs in the construction industry, across all the trades and among component suppliers to that industry.

People who live in poor housing experience poor health and poor standards of living generally, and that affects their daily lives. Housing fitness needs to be made a priority and needs to be actively pursued.

The Minister, in responding to the debate, talked about vulnerable people and how sympathetic she is. However, at a recent public meeting in Newry that was hosted by the Minister for Social Development, I was appalled by the cavalier attitude of the Minister and her party colleagues. Some people who had come to the meeting to explain the dreadful condition of their homes — the dampness and disrepair — were heckled and ridiculed by an SDLP MLA and a number of SDLP councillors.

5.45 pm

Mrs D Kelly: Will the Member give way?

Mr Brady: No, I will not give way; I was at the meeting and the Member was not.

The SDLP representatives were not prepared to listen to, or sympathise with, people whose living conditions are dire and unacceptable. Given the tenor of Mrs Kelly's contribution today, it still seems to be a source of amusement to her that those people continue to live in those dire conditions.

Sinn Féin has always supported bids for more money for social housing, and it has supported the Minister, a fact of which she is well aware.

Ms J McCann: Will the Member give way?

Mr Brady: Of course I will.

Ms J McCann: Does the Member agree that there is an onus on all Ministers to be proactive in looking for moneys that are not there? In the Minister's answer to my earlier question about her discussions with the credit union organisation, which has indicated that it could provide a substantial sum of money for the social housing programme, she stated that she met that organisation several months ago, which is not acceptable. Does the Member agree that the Minister needs to be more proactive in chasing that funding?

Mr Brady: During the debate, several Members mentioned the substandard conditions in which people are living, and the types of repairs that are required, such as fixing leaking roofs and windows. Mr McCann referred to that issue.

Thomas Burns talked about the global economic downturn, which we all know about. He also said that Sammy Wilson, apparently, clearly understands the SDLP arguments. I am glad that someone does.

Mr D Bradley: Will the Member give way?

Mr Brady: No, I will not. Simon Hamilton, speaking as Chairperson of the Committee for Social Development —

Mr D Bradley: On a point of order, Mr Deputy Speaker. During Mr Brady's contribution, he referred to me. I was the only SDLP MLA present at the DSD meeting in Newry. He made an unfounded and spurious attack on me. I think that I deserve the right to answer.

Mr Deputy Speaker: That is not a point of order, but it can be referred to the Speaker.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. Simon Hamilton, as Chairperson of the Committee for Social Development, talked about the problems that the Committee and, indeed, the Department are facing because of the lack of funding. He made an appropriate point that there has to be a balance in the delivery of housing standards, and that budgeting difficulties — in the sense of moving money around — are not without consequences.

Billy Armstrong was something of a cheerleader for the Minister, so I will simply pass on his points. Anna Lo mentioned specific cases in her constituency, to which we can all relate. David Hilditch spoke about there being 20,000 people in housing stress and 17% of housing stock being below decent homes standards; that is an appalling statistic. Where is the £20 million that was allocated from the monitoring round for construction and the alleviation of social deprivation?

The Minister was asked about the issue of reapplying. People come into my constituency office with letters from the Housing Executive that state that they have to reapply. Perhaps the Minister should, and could, clarify that issue with her officials.

Paul Maskey talked about the difference between the words "remove" and "review". There is a vast difference. In her intervention, Dolores Kelly went into the semantics of defining the word "review". To be perfectly honest, I am not quite sure what she was on about, but if she did not know herself, that probably explains it.

Mary Bradley said that the housing budget was not fit for purpose. We all sympathise with the fact that not

enough money is there, but it has to be recognised that money is not available.

Dolores Kelly talked about Mr McCann whingeing and about his attack on the SDLP Minister. That is par for the course at the moment. I ask the same question that Fra McCann put to Naomi Long: if the Minister is not performing well, should we accept it?

Mrs Long: I am happy to answer that and to clarify my position. It is right that the Assembly should hold all Ministers to account. The problem is that one Minister is being singled out by one party for party-political reasons. If the Member wishes to look closer to home, there are a few underperforming Ministers to deal with. The Alliance Party has said that we support the Minister's request for additional funding, and we support a review of her decision; we do not support the current position.

Mr Brady: That is magnanimous, coming from a Member from a party that does not have a Minister. Mrs Long said that she does not come from a tradition that goes in for sainthood. Perhaps she recognises martyrdom, because it seems that, according to her party colleagues, the Minister is being sacrificed on the altar of the Department for Social Development.

The Minister talked a lot about the difficulties that she faces — the downturn in housing sales. We have heard her mantra of “give me the money and I will build the houses”, but many vulnerable people are not getting the service that they need and deserve. The Minister seems to be somewhat fixated with Mr McCann. I was trying to think whether they had a D H Lawrence kind of relationship. Is it “love-hate” or “hate-hate”? The SDLP appears to be paranoid about Mr McCann, and I am sure that he lies awake worrying about that. Alban Maginness also appears to be paranoid about the issue, but I shall rest our case there.

I support the motion, and I do not support the amendment. I ask the House to support the motion. Go raibh míle maith agat.

Question put, That the amendment be made.

The Assembly divided: Ayes 26; Noes 36.

AYES

Mr Armstrong, Mr Attwood, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Burns, Mr Cree, Mr Durkan, Sir Reg Empey, Dr Farry, Mr Gallagher, Mrs Hanna, Mrs D Kelly, Mr Kennedy, Ms Lo, Mrs Long, Mr A Maginness, Mr McCallister, Mr McCarthy, Mr B McCrea, Dr McDonnell, Mr McGlone, Mr Neeson, Mr O'Loan, Mr P Ramsey, Ms Ritchie.

Tellers for the Ayes: Mr P J Bradley and Mr Burns.

NOES

Mr Brady, Lord Browne, Mr Butler, Mr T Clarke, Mr Dodds, Mr Donaldson, Mr Easton, Mrs Foster, Ms Gildernew, Mr Hamilton, Mr Hilditch, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Mr I McCrea, Dr W McCrea, Mr McElduff, Miss McIlveen, Mr McKay, Mr McQuillan, Mr Molloy, Lord Morrow, Mr Murphy, Mr O'Dowd, Mr Paisley Jnr, Rev Dr Ian Paisley, Mr Poots, Ms S Ramsey, Mr Ross, Mr Shannon, Mr Simpson, Mr Spratt, Mr Weir, Mr S Wilson.

Tellers for the Noes: Ms J McCann and Ms S Ramsey.

Question accordingly negatived.

Main Question put and agreed to.

Resolved:

That this Assembly urges the Minister for Social Development to explain why the Housing Executive has suspended the payment of home improvement grants, despite the Department for Social Development being awarded an extra £20m in the June monitoring round for housing; and further calls on the Minister to remove the suspension of these grants, which are vital to meeting the Decent Homes Standards to enable essential maintenance and home improvements work to be carried out.

Motion made:

That the Assembly do now adjourn. — [*Mr Deputy Speaker.*]

ADJOURNMENT

Natural Gas: Strangford

Mr Deputy Speaker: I remind Members that the proposer of the topic for the Adjournment debate will have 15 minutes in which to speak. All other Members who wish to speak will have approximately seven minutes.

Mr Hamilton: It is a pleasure to speak in this debate. Indeed, it is a pleasure to participate in what should be a positive debate on energy. All too often, we have been used to energy debates that were framed by unfortunate price rises in oil, gas or electricity. This evening, we have an opportunity to debate something positive about energy, bringing energy choice and real economic and environmental benefits to more people in Northern Ireland.

As Members will be aware, the Strangford constituency already has natural gas. Towns in the old Strangford constituency, such as Carryduff and Dundonald, which will move out of the constituency, already enjoy the benefits of natural gas. Newtownards already has natural gas, and Phoenix Natural Gas recently had its licence extended to include Comber, which is now also enjoying the benefits of natural gas.

I and, I am sure, my colleagues in the constituency want to see further expansion. We consider ourselves fortunate that there is a natural gas supplier that wants to invest in the infrastructure in our area, namely Phoenix Natural Gas, which recently applied for a further extension of its licence area to include Saintfield in mid-Down. Many Members will know where Saintfield is and how it is growing. I consider Saintfield to be a strategic staging post and a very important area in the further development of natural gas, not just in Strangford but further afield.

In many ways, the application to extend natural gas to Saintfield is a no-brainer for three broad reasons: the energy choice that it will provide; the economic benefits that it will bring; and the resultant environmental benefits. With regard to energy choice, Saintfield is typical of many of the small rural towns in Northern Ireland in that there is little or no real energy choice. Householders and businesses have to choose between coal and oil for their heating, which some might say is a difficult and unacceptable choice in this day and age. We all know about the volatility of the price of oil and coal, and many of us will struggle to remember a time when the price of oil went down significantly; it

always seems to be on the rise. Likewise, the price of coal has been going up. Moreover, all Members will be mindful of the carbon-heavy nature of oil and coal and the damage that they do to the environment. Therefore, bringing natural gas to Saintfield and elsewhere in the Strangford constituency and beyond has created an energy choice.

There are obvious economic benefits to expansion, which I want to touch on. First and foremost, householders and businesses will benefit. In recent days, we have seen the 19% price cut by Phoenix Natural Gas, and Firmus Energy today announced a price cut of nearly 18%. In the case of Phoenix Natural Gas, the decrease is on the back of a similar price decrease earlier this year. Natural gas prices are as low as they have been for many a year, which provides an economic benefit for householders who use it.

It is not just the people who live in the Saintfield area and elsewhere in Strangford who would benefit; clearly, businesses would benefit. I am very mindful of the economic disadvantage that a lack of energy choice brings to our competitiveness and of the negative impact that it has on that competitiveness. For example, for businesses in the Saintfield area that could perhaps avail themselves of natural gas, particularly those that use a heavy load of gas, the benefits resulting from extending the network could be massive. Natural gas could reduce their overheads and bills significantly, and in the current climate for some businesses that might make the difference between keeping people in jobs and letting others go. Indeed, the savings that could be made might allow some small businesses to expand, such would be the impact on their bottom line if they had a wider energy choice.

The expansion of the natural gas network presents an opportunity for the public sector. Indeed, the public sector could lead by example in this matter. In some respects, the public sector has been leading by example already in the area of energy. For the past number of years, natural gas has been the fuel of choice for housing associations for newbuilds and conversions. In areas where natural gas is accessible and money has been available for conversions, homes have been switched to natural gas. In the Saintfield area and further afield, if we are lucky enough at a future date, Housing Executive stock and housing association newbuilds could be converted or built to use natural gas. Natural gas creates obvious savings for the householders who use it, and it is a much more efficient fuel, given that the efficiency standard in boilers is around 95% compared with that for very inefficient oil, Economy 7 or coal.

Natural gas is not just for housing. In the public sector, schools could convert to natural gas, and in some areas many have done so already. Leisure centres, community centres and clinics could convert

to natural gas and make some savings. The previous debate centred on a lack of resources in a particular area, and that resource challenge will only increase as the years go on. Anything that can save the public sector money is worth examining, and extending the natural gas network would provide that opportunity in the Strangford constituency.

Economically, there is great benefit to be had from the infrastructural investment that would come purely from putting the pipes into the ground. Roads have to be dug up and pipes have to be laid, and men and women have to be employed to prepare for the digging and laying of the pipes. It is my understanding that, if natural gas were brought to the Saintfield area, some £2.6 million of infrastructural investment in the natural gas network would be made. That is a huge amount of money, and it is certainly not to be sniffed at in these very difficult times. I wonder how many people that will keep in employment and how many others it will give jobs to. Money going to local contractors to lay those pipes and to put that infrastructure in place will obviously create a spin-off for the wider economy as workers spend their money in shops and services in the local area.

It is important to remember that that is £2.6 million of private investment; it does not represent a begging-bowl approach, and we are not looking for a handout from the public sector. The initial investment will come largely from the private sector, and that is an opportunity that is not to be sniffed at. When the pipes are laid and the infrastructure is in place, people will want to convert to natural gas. That, in turn, will bring economic benefit for small, local installers who make a living from converting homes, businesses and the public sector estate to natural gas. There are a lot of people out there who, through small jobs in converting, will do well out of any network extension.

From the beginning to the end of any such project, consumers, businesses, the public sector, investors and installers will feel a massive economic benefit as a result of that £2.6 million investment in the infrastructure. Economically, an extension has great potential for this part of the Strangford constituency.

There are also well-recognised environmental benefits to natural gas, as opposed to other carbon-heavy fossil fuels. It is a lower-carbon fuel, and gas can certainly help Northern Ireland to make a contribution to lowering harmful greenhouse gas emissions. It is widely recognised that a gas-condensing boiler emits up to 50% less carbon than, for example, an oil boiler. That is a huge difference, and, given that we are all increasingly conscious of the damage that carbon-heavy fuels do to the environment, we must not miss this opportunity to encourage more people, more businesses, and more of our public sector

estate to contribute to lowering carbon emissions in Northern Ireland.

6.15 pm

As we look to the future of energy in Northern Ireland, we should not accept natural gas being confined to a small area around greater Belfast and to 10 towns along the North/South pipeline from Newry to Londonderry. We should not take a narrow view that gas can only be viable in those places and that everybody else should make do with the old, inefficient, carbon-heavy fuels or some hotchpotch of micro-generation renewables. We need to consider expanding our natural gas network as far and wide as possible.

That has already happened in microcosm, in Comber, where the licence area was extended. It can happen again in Saintfield, which, as I said before, is a critical staging post for the expansion of the natural gas network. From there, we can, in the future, move further north to expanding towns, such as Ballygowan, or further south through Crossgar into big towns, such as Downpatrick, where benefits could be immense for business, consumers and the public sector estate. We should expand the network; this is an important first step towards expansion into the south-east.

I am heartened by the inclusion in the draft strategic energy framework of a reference to expanding the natural gas network, not only in the south-east of Northern Ireland but into the west. I commend the Minister for her efforts towards achieving that aim. She obviously has a constituency interest in the expansion of the natural gas network in that direction, and she is right to fight for that. There are particular benefits in moving west, especially for business. Many big businesses in the west of Northern Ireland would benefit immensely from the availability of natural gas.

I appreciate that technical issues need to be considered and that the Utility Regulator needs to complete an economic appraisal of the proposal. Every “i” must be dotted and every “t” crossed, and I expect nothing less. Although we are debating the matter today, and the Minister is present to reply, I appreciate that she cannot deal with the issue herself; it is a matter for the Utility Regulator. I am happy to leave him to do his job, but I urge and plead with him to listen to the people of Strangford when making his assessment. He should listen to the businesses there and, most importantly, to the views of the elected representatives of that constituency, which have been expressed here today. He should ensure that the natural gas network extends to Saintfield and, hopefully, with further investment in the future, beyond, so that the energy choice and economic and environmental benefits of natural gas reach as many people as possible in Northern Ireland.

Mr McCarthy: I support this evening's proposal. During the first period of devolution, my colleague Sean Neeson led the campaign to extend natural gas to the north-west and elsewhere in Northern Ireland. Sean and the Alliance Party continue to support that notion.

In its strategic energy framework, the Department of Enterprise, Trade and Investment committed to encouraging a shift away from domestic dependence on oil for home heating to natural gas. We certainly agree with that sentiment, and I am glad that the Minister is present in the Chamber.

The natural gas industry arrived in the 1990s, and there are now 125,000 gas customers in the greater Belfast, Larne and Lisburn licensed areas. In greater Belfast, the vast majority of Housing Executive homes have been connected to natural gas. Almost all newbuild properties, nearly every large business and, I am informed, over 60% of smaller businesses have gas as their means of energy. In the 10 years up to and including 2008, approximately 200 new customers were connected to the natural gas network every week right across Northern Ireland.

As Mr Hamilton said, natural gas will deliver real enterprise and economic value to the proposed new areas. In addition to their private shareholder natural gas investment, the wider natural gas industry is investing in the local economy. Over £500 million has been invested by all involved in the gas industry over the past 10 years, most of which has employed local labour to convert homes and businesses to natural gas.

Phoenix Gas estimates that rolling out the natural gas network to new areas could add approximately 1,000 new jobs to the local construction and service industries, which is surely good news for everyone in Northern Ireland, particularly in these trying times. Natural gas makes Northern Ireland more marketable to inward investors who wish to locate their businesses here. Diversification of energy supply reduces prices for consumers: Minister Ritchie mentioned that earlier, and we all welcome those efforts.

Along with Simon Hamilton, the Alliance Party welcomes the Phoenix Gas planning application to extend its network throughout the Strangford constituency and into the Saintfield area. Natural gas should be made more available to increase energy competition, leading to a further reduction in prices for consumers. Reducing fuel prices is a key weapon in the fight against fuel poverty, and extending the natural gas network will have a range of other benefits, including a reduction in greenhouse gases and the creation of jobs in installing the required infrastructures.

We welcome the recent 19% reduction in gas prices. It is not so long ago that we were on the opposite side of the fence, when there were huge increases in gas prices that would have been a deterrent to conversion.

Hopefully, we are entering a new dispensation; many will say that the 19% reduction is not before time. Let us hope that that trend continues.

The Alliance Party looks forward to natural gas being made more widely available to consumers in rural areas. I must mention my constituency now: I have a particular interest in the Ards Peninsula and mentioned it a number of times to the gas providers. They said at the time that, if there was sufficient demand in that area, they would consider it, but why should the residents of the Ards Peninsula or, indeed, any other area in the Strangford constituency be denied the choice of cheaper energy for their homes and businesses? In the meantime, we welcome the proposals that are afoot and support the Adjournment topic.

Mr Shannon: I support the Adjournment topic and congratulate Simon Hamilton on giving us the opportunity to comment on it. As a representative of the Strangford constituency, I am keen for natural gas to be installed and available for all the people there.

I do not wish to sound like an advertiser for Phoenix Gas or any other natural gas provider, nor do I want to repeat what everyone else has said. However, having read the Phoenix Gas information booklet, I want to take a slightly different angle and look at the benefits of natural gas for householders.

I read an information booklet from Phoenix Gas today, and I could not help but see the real benefits that come from using natural gas, whether at home or in business. The sales pitch states that natural gas offers choice and flexibility. It can be used to power central heating or single appliances. It is not unlike electricity in that appliances can be used for cooking, and, although I have never used a tumble dryer, those can still be used too.

Natural gas offers choice in how to run the home. It offers control, and that is an option that a lot of people in Strangford do not have. Natural gas central heating is ideal for all lifestyles: for someone like me, who comes home in the early hours of the morning, or my wife, who is at home all day with the boys. At the touch of a button, enjoy cosy warmth and plenty of hot water — I sound like an advert on the television — without the need for an expensive immersion heater. There are cost savings, which we should be encouraging.

I like an open fire, but living-flame fires look and feel like genuine coal fires without the soot, ash, dirt and cleaning. There are advantages for an almost single man: I am married, of course, but I am almost like a single man in relation to my home.

A natural gas cooker can transform the way in which one cooks, giving total control and an instant precise response from a gas hob. For someone who used to live on Chinese takeaways before becoming diabetic, that is of great advantage. I sound as if I am

making a sales pitch, but the choice of cookers, hobs and ranges has never been more exciting. As Members can hear, I am enthralled by natural gas appliances.

I will come to a serious point: natural gas costs less than electricity. That is why we want to have it in Strangford. A newspaper headline today pointed out that NIE has dropped its prices by 5%. “Bully for NIE” is all I can say. The prices were dropped by 10% a while ago. Every one of us receives an electricity bill. People regularly come to my office to tell me of their concerns about debt and the fact that their electricity bill is two or three times higher than it used to be. For NIE to drop prices by 5% or 10% is not sufficient. That can be balanced against the natural gas tariffs. Phoenix Gas has dropped its tariff by 19%. That matters. It was dropped by a significant figure a short time ago.

Gas-powered tumble dryers do not just cut back on charges compared with NIE, they also reduce electricity usage. That is the type of effect that we want to see. Here is an interesting fact for those who aspire to look after their own home — I am not sure whether I am one of those people: running costs of a natural gas tumble dryer are half that of an electric one. The typical annual running cost of a gas-powered tumble dryer is £25.20, compared with that of an electric tumble dryer, which costs £65.91. There is a clear difference.

It is all about choice. My colleagues Simon Hamilton and Kieran McCarthy have said that the people of Strangford deserve and should have a choice. I cannot sign up for this miracle of modern life, this gas, at my home address, because it is not available there. Nor can I do so at my work address. I cannot get natural gas at work or at the office. That is not just Jim Shannon talking; it is all the people in the Strangford area who live in Newtownards and who cannot get natural gas. I cannot get the wonderful money-saving aid in a time of economic depression to help my constituents in the Strangford area or anywhere down the Ards Peninsula. Some areas of Newtownards have access to natural gas, but there are a great many other areas that do not. On the whole, it is not readily available. We hope that gas will be available in Comber and Saintfield soon.

6.30 pm

It is long past time that our rural constituents have access to the gas network, especially given the well-publicised downturn in gas prices. For that reason, I join my colleague Simon Hamilton in asking the gas company to take note of the needs of the Strangford people and take action. It is very important that natural gas be made available to the new houses that have been built in Strangford over the last while and that people there can take advantage of the price reductions.

Northern Ireland has the best broadband coverage in the UK. If that can be achieved in rural areas, then surely natural gas can be made available to everyone who wishes to purchase it. It is long past time that our rural constituents are afforded the same opportunities as those in the rest of the Province. It is long past time that natural gas output was extended throughout Strangford: to the Ards Peninsula; all of Newtownards; Comber; Saintfield; and to Crossgar and Ballynahinch, which will soon become part of the Strangford territory. I support the motion.

Mr Deputy Speaker: I have no doubt that Phoenix Gas will be rushing to the Ards Peninsula in the morning to get Mr Shannon to sign a marketing contract. *[Laughter.]*

Mr P J Bradley: I thank Mr Hamilton for introducing the Adjournment debate on the extension of the natural gas network in the part of County Down that he represents. I fully support the views outlined by him and his constituency colleagues; I will call them the Strangford three from now on.

My support is twofold. First, I always support proposals that I consider to be of benefit to the people of County Down. Secondly, if the desired pipeline eventually makes its way further into the Strangford constituency, it will be just one step removed from South Down, which is the part of the county that I represent.

If the gas pipeline is extended within the Strangford constituency, and I sincerely hope that that it is, it would be relatively easy to make a similar case for the residents and businesspeople of Saintfield, Ballynahinch, Crossgar, Downpatrick, Castletwellan and Newcastle. The western part of South Down will be serviced by a different pipeline, thus my comments relate to the area bordering the Strangford constituency. However, I have fears regarding Kilkeel, which, geographically, is so far removed from both pipelines that it may have to wait for another day.

Extending the natural gas pipeline within the Strangford constituency will enable many new customers to be served. Towns, communities and individuals stand to benefit economically. Mr Hamilton referred to the potential benefits that an extension of the natural gas pipeline will bring, and I agree with him. New investment will provide valuable jobs in the gas installation industry. Heating engineers will have a role to play, and the private house-building sector will experience additional benefits in its field of expertise. From a social perspective, the introduction of a mains gas supply to family homes should improve the standard of living and leave occupants with more disposable income.

In its document ‘New Priorities in Difficult Times’, the SDLP proposes the establishment of a £12 million

investment fund in 2009-2010 to kick-start the facilitation of the maximum penetration of natural gas in Northern Ireland. It is not enough to run spurs from the main transmissions into adjacent towns. Distribution networks need to be rolled out to as many towns as possible, thereby offering choice to all customers. Phoenix Gas and Firmus Energy will require an element of public subsidy and/or sympathetic regulations to accelerate the development of the two networks into new areas.

I support the request that Mr Hamilton made on behalf of his Strangford constituents who are still without a gas supply. I have no doubt that the Members for Strangford will support me when the time comes for the pipeline to be extended to South Down.

The Minister of Enterprise, Trade and Investment (Mrs Foster): I am sure that we were all enthralled by Jim's description of domestic chores.

Mr Hamilton: He is a domestic goddess.

The Minister of Enterprise, Trade and Investment: He is a domestic god rather than a domestic goddess. He spoke about how he will do the cooking and the tumble-drying. I cannot wait, and Mrs Shannon must be very excited by the whole prospect. *[Laughter.]*

On a serious note, I congratulate Mr Hamilton for securing the Adjournment debate. I very much welcome the opportunity to discuss this important issue in the House today. The debate is timely because, as was mentioned, the new strategic energy framework for Northern Ireland is out for consultation. One of our chief goals is to improve the security and diversity of supply. The extension of Northern Ireland's gas network is a key element of our planning in that respect.

I want to set out a bit of the background to the gas industry in Northern Ireland. Natural gas is a relatively new phenomenon here. It arrived in 1996 via the Scotland to Northern Ireland pipeline, known as SNIP, which is the undersea gas pipeline. Initially, it was principally intended to help to fuel electricity generation by way of a new combined cycle gas turbine at Ballylumford.

Since then, the industry has expanded steadily. In addition to being Northern Ireland's primary source of power generation, gas now brings the cleanest burning fossil fuel to many homes and businesses throughout greater Belfast, including, as Mr Hamilton mentioned, areas in the Strangford constituency, as well as to other parts of the Province.

In the past decade, Phoenix Natural Gas has constructed significant networks, and it has grown its customer base in the licence areas of greater Belfast and Larne to approximately 125,000. That has helped to establish natural gas as a major competitive source

of fuel for the commercial and domestic energy sectors. I do, however, accept that the company operates in a specific area of Northern Ireland, and I will touch on that subject later.

Further development of the gas infrastructure has taken place over the past five years, with the construction of a major gas transmission pipeline to the north-west of Northern Ireland in 2004. That not only supplies fuel to the electricity power station at Coolkeeragh but brings gas to businesses and householders in the urban areas of Londonderry, Limavady, Coleraine, Ballymoney and Ballymena.

The construction of a gas transmission link with the Republic of Ireland through the South/North pipeline was completed in 2006 and provides security of supply in the event of the pipeline from Scotland becoming unavailable. It is important for Northern Ireland not to be reliant on only one source. That link has also led to natural gas being provided to the towns and cities of Newry, Banbridge, Craigavon and Antrim.

Firmus Energy has approximately 5,000 customers in the areas adjacent to the north-west and South/North pipelines. It continues to roll out the gas infrastructure in the area for which it is licensed. That sets the current network of gas in Northern Ireland in context.

To turn now to Strangford, natural gas has been available in the northern part of the constituency for some time. Phoenix Natural Gas, as part of its original development plans for greater Belfast, has been supplying customers in Newtownards, Dundonald and Carryduff for several years. In 2007, Phoenix applied for, and was granted from the regulator, permission to expand its gas network in the Strangford constituency to include Comber and a quarry on the edge of the constituency at Temple.

As Members know, and as was mentioned in the debate, other parts of the Ards Peninsula are less densely populated and, therefore, an economically viable gas network may not be possible. That is the position from an economic perspective, but bear with me and I speak more about that later.

We are undertaking work to consider the potential for the roll-out of natural gas elsewhere. That may have some direct relevance to rural areas in the rest of the Strangford constituency and in the South Down constituency.

I am aware that the gas industry has been considering how the roll-out of gas can be further increased. Within the past six weeks, Phoenix has applied to extend its licence area to bring natural gas to Saintfield. The application is with the Utility Regulator who has the main responsibility for issuing gas conveyance and supply licences. I spoke to him only yesterday, when he told me that he was working through the application. Work is, therefore, ongoing.

Indeed, Phoenix has been giving thought to how the gas network might be extended to east Down and further, to Downpatrick.

The Department is conscious of the need to encourage the continued development of the gas network to those rural areas that may not be covered. We are undertaking a number of initiatives to realise that. Along with the Utility Regulator, we recently commissioned consultants to undertake a study to consider the technical issues and the costs and benefits that are associated with extending the gas network. That will involve a feasibility study to look at the potential pipeline routes and gas loads in the towns to the west and north-west of Northern Ireland. That study's conclusions will provide me with some information that will not only be useful to the areas that are directly assessed but is likely to have direct relevance to other areas of Northern Ireland for which proposals are being considered by the wider gas industry.

We have heard from the Members present that there are clear benefits to be obtained from extending the natural gas network in Northern Ireland, such as the diversity of fuel supply and a reduction in carbon emissions. To that extent, we must consider the future development of the natural gas network to help us to encourage a shift in domestic use away from oil to more efficient use of gas. Therefore, in conjunction with the Utility Regulator and major gas stakeholders, it is proposed to establish a gas strategic development group, which will consider how the Northern Ireland gas market can be further developed.

However, it must be stressed that, at present, the expansion of the gas network to towns in the west, the north-west, the Strangford constituency or anywhere else in Northern Ireland can take place only where it is economically viable to do so. An important part of our gas extension study, and any consideration for extending the gas network, must be an assessment of the realisable gas loads in the respective areas. Indeed, there are locations in the existing gas licence areas in which the take-up of natural gas has been disappointing in some sectors. We are very keen for businesses and domestic users to consider gas and, perhaps, dual fuel as an option.

Mr McCarthy: I thank the Minister for giving way. On the last point that she made, does she agree that the enormous hike in the price of gas in the past year or so — I think that there were two huge increases — is enough to put off anyone converting to gas? Will she also ensure that the price of gas will be regulated when the number of customers is substantial? There should be some mechanism in place so that companies — whatever company it may be — do not have a monopoly and are unable to charge whatever price they like to the customers who use their supply.

The Minister of Enterprise, Trade and

Investment: Indeed. That is why we have the Utility Regulator to deal with those very issues. Although Members may think that I should not have to, it is important to state that the Utility Regulator is completely independent of the Government. He does not fall under my remit or the remit of anybody else: he is completely independent.

Last week, I had the opportunity to meet the head of all the European regulators. We made the point that all the regulators in Europe should be completely independent from Governments and should also be on a level playing field. We have concerns about some countries in that regard, but the Utility Regulator is completely independent in Northern Ireland. He will take into account the issues that the Member raised.

With natural gas now established as a major fuel source for industrial and domestic consumers in many parts of Northern Ireland, I very much welcome Phoenix Supply's recent announcement that it is to reduce its gas tariffs by 19%. Firmus Energy has brought down its price for domestic customers by nearly 18% in its licensed area. Those announcements are extremely welcome for their customers in what are, as many Members have said, very difficult economic times.

In conclusion, the debate is timely, given that we are developing a new strategic energy framework. It has given me another opportunity to underline the importance of people making known their views on that strategic framework, and to say that I regard our energy infrastructure, including extending our gas network, as a key element in that framework moving forward.

Adjourned at 6.45 pm.

NORTHERN IRELAND ASSEMBLY

Monday 21 September 2009

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

Members observed two minutes' silence.

ASSEMBLY BUSINESS

Mr Attwood: On a point of order, Mr Speaker. You will recall that, before the summer recess, I raised a point of order about the time that Ministers were taking to reply to questions from the Floor, and a useful ruling was made.

I wish to raise a point of order on a separate matter. There is concern about how much time Ministers are taking to reply on issues that have been raised by Committees. For example, on 7 July 2009, the Committee for the Office of the First Minister and deputy First Minister wrote to the Office of the First Minister and deputy First Minister (OFMDFM) about the Child Poverty Bill. The Ministers replied 71 days later, 36 minutes before a Committee meeting began. The late receipt of that 10-page letter gave Committee members little time to consider the issues that had been raised.

Requirements for how quickly Ministers reply to matters that are raised by Committees should be laid down, because replying 71 days after matters have been raised, and 36 minutes before the beginning of a Committee meeting, is ludicrous and unreasonable behaviour that needs to be rectified.

Mr Speaker: I hear what the Member said; he raised a number of issues. First, I do not see this as an issue for the Assembly. It is certainly an issue for the appropriate Committee, and the Member's remarks are now on record, so I would like to think that that Committee will take up and deal with that matter. However, at this moment in time, it is not a matter for the Assembly.

Mr Attwood: I acknowledge that, Mr Speaker.

Further to that point of order Mr Speaker. If it is necessary for you to safeguard the interests of the Assembly with respect to Ministers replying in good time to matters that have been raised on the Floor of the House, it seems consistent that the same principle should apply to Ministers replying to Committee

issues. I suggest that where there are clearly unreasonable periods of time before matters are replied to, and those replies are made beyond the eleventh hour, that is a matter not only for the Committees, but for you.

Mr Speaker: I have some sympathy for what the Member is saying. I suggest that, were he to table a motion to the House, it would further highlight the issue and the problems that relate to that particular Committee.

MINISTERIAL STATEMENT

North/South Ministerial Council Agriculture Sectoral Meeting

Mr Speaker: I have received notice from the Minister of Agriculture and Rural Development that she wishes to make a statement on the North/South Ministerial Council agriculture sectoral meeting.

The Minister of Agriculture and Rural Development (Ms Gildernew): Go raibh maith agat, a Cheann Comhairle. With your permission, I wish to make a statement in compliance with section 52 of the NI Act 1998, regarding the tenth meeting of the North/South Ministerial Council (NSMC) in the agriculture sector, held at the Greenmount Campus of the College of Agriculture, Food and Rural Enterprise (CAFRE) on 21 July 2009.

The Executive were represented by the Minister of the Environment, Edwin Poots, and me. The Irish Government were represented by Brendan Smith TD, Minister for Agriculture, Fisheries and Food, and Éamon Ó Cuív TD, Minister for Community, Rural and Gaeltacht Affairs. This statement has been agreed with Edwin Poots, and I am making it on behalf of us both.

At the meeting, Ministers reviewed developments on EU agriculture matters and welcomed the European Commission's actions in addressing the dairy market situation. Ministers also welcomed the recent concessions secured in Brussels in relation to the implementation of sheep electronic identification and emphasised the importance of ongoing co-operation on the matter.

Ministers noted progress on activities for the delivery of the draft all-island animal health and welfare strategy and welcomed arrangements for a cross-border event in the autumn. That event will bring together key stakeholders to discuss the delivery of the strategy. It will help to build genuine partnerships in the development of policy and will enable stakeholders to discuss a strategic approach and a forward work programme.

The Council noted that the final report from the plant health and pesticides steering group on a joint strategic approach to plant health and pesticides will be presented to a meeting of the North/South Ministerial Council in the autumn.

Ministers welcomed a presentation from the International Centre for Local and Regional Development on its recent study on rural restructuring, which considers the impact and future of rural restructuring policy and practice throughout the island.

The Council welcomed the positive impact of co-operation on the 2000-06 EU programmes for the

cross-border rural economy, including the creation of 80 new rural enterprises and assistance to 600 enterprises through the rural development measure of INTERREG IIIA.

Ministers also welcomed the opening of the rural development sub-theme of the EU INTERREG IVA programme for applications; the approval of a Peace III project that seeks to address issues of sectarianism and racism in a rural context, and the allocation of funding for co-operation projects, including cross-border projects, under the LEADER elements of the rural development programme 2007-2013.

The Council agreed that its next meeting in agriculture sectoral format will take place in November 2009.

Mr Speaker: Before I call any other Member to ask a question, I remind the House once again that the convention that the Speaker permits the relevant Committee Chairperson or Deputy Chairperson some latitude to raise more than one matter on behalf of the Committee does not extend to any other Member. I refer the House to my ruling of 26 January 2009 in which I dealt with the matter at some length. If it would be helpful for me to summarise what I said at that time, I will do so.

Questions following a ministerial statement are not an opportunity for speeches or debate; long introductions will not be allowed; and Members who are called may ask one question relating to the statement. If I, or my Deputy Speakers, consider that those simple conventions are being abused, the Member concerned will be asked to resume his or her seat and the next Member will be called.

In the House, I have often said that ministerial statements are important: they give Members an opportunity to ask a question and to hold the Minister and the Department to account. However, they are not an opportunity for debate, nor do they provide an opportunity for Members to make long introductions or ask multiple questions. If any Member abuses convention, my intention is to ask him or her to take his or her seat, and we will move on to the next Member. I hope that that is clear.

The Chairperson of the Committee for Agriculture and Rural Development (Mr Paisley Jnr): Thank you, Mr Speaker, for your invitation, generosity and latitude; they are most appreciated.

I welcome the Minister's statement. I think that everyone will welcome the measures that Commissioner Fischer Boel announced last week to help the dairy sector in the short, medium and long term. It is appropriate to pay tribute to the work of Commissioner Fischer Boel as she moves to another role, because she had particular and significant interest in what happened in this part of the European

Community. Given the weakened state of our industry, any help, no matter how little, is more than welcome. My Committee will meet with Commissioner Fischer Boel's cabinet next week, and we will be placing the state of the dairy industry high on the agenda. I am sure that the Minister agrees that price fluctuations create and generate uncertainty in the milk industry, and anything that can help us through that uncertainty will be beneficial to the sector.

Will the Minister advise the House of the outcomes, to date, of the dairy task force, and of what those outcomes mean in a practical sense to the dairy industry in Northern Ireland? Will she also tell the House whether she has succeeded in removing the overbearing bureaucracies in imposing the electronic identification scheme for sheep, which has caused some concern, and on which I would like her update.

Does the Minister agree that the draft all-island animal health and welfare strategy, as mentioned in her statement, has lost considerable credibility, given the dioxin issue? If we do not get access to all of the information all of the time, as was the case with the dioxin incident, any credibility that an all-island animal health and welfare strategy will have will be lessened. My Committee will be reporting very soon on that issue, so we will be following the Minister's comments with interest.

The Minister of Agriculture and Rural

Development: Go raibh maith agat, a Cheann Comhairle. I thank the Chairman of the Committee for Agriculture and Rural Development for his question. I also add my comments to his about the outgoing commissioner Mariann Fischer Boel, because we had a genuine working relationship with her. She understood fully the challenges that we were going through on a wide range of issues. At the September Agriculture Council meeting, she made a presentation on the dairy sector, and she used our example as an industry that was very hard hit by the depressed world market. She had a great grasp of the issues, and she understood fully the challenges of farming in the North. We were glad to welcome her to this year's Balmoral Show, at which she spoke at the Thursday morning breakfast event. In fact, now that she is moving on, we are especially glad that she attended this year's show. We have full admiration and respect for Commissioner Fischer Boel. We wish her well, and we will have to work hard to build up the same level of relationship with her successor.

Mr Paisley Jnr raised a question on the all-island animal health and welfare strategy. In view of the example of the dioxin incident that the Chairman gave, it is more important than ever that we have strong measures and protocols in place and that we work together to ensure that the difficulties that arose from the dioxin issue do not happen again. The likes of the

all-island animal health and welfare strategy will be crucially important in protecting us from difficulties such as those that arose from the dioxin incident last December.

On the day in October on which the auction price for the dairy sector came through, I had a meeting with the Department for Environment, Food and Rural Affairs (DEFRA) Minister, Hilary Benn, on another issue. When we got the auction price, we raised the issue of export refunds with him.

DEFRA's normal position is to stay away from intervention and such measures to support the market. The Department argued very strongly, as it did earlier in the year for the pig sector, that export refunds were required to protect the industry and to create a floor to prevent prices from falling further.

12.15 pm

I have just come from a meeting with our three MEPs in which that very issue was discussed. I told the MEPs that the European Commission must be made aware that export refunds are an invaluable tool and that without them many more of our dairy farmers would have gone out of business. Although prices have been slightly more encouraging of late, the Department accepts that there is still a long way to go before the industry returns to its previous levels of sustainability.

On the issue of sheep electronic identification (EID), the Chairperson of the Agriculture Committee will be aware that the Department worked very hard last year to ensure that our keepers were not forced into having to double-tag their sheep. Scotland, Wales and England all moved to double tagging in January 2009. The Department knew that the sheep EID system is to be introduced here by January 2010, and it felt that to put two systems in place in a very short space of time would have been hugely problematic for our sheep keepers. Therefore, it resisted moving to double tagging and is now set to move to the sheep EID system.

The EU has set a compulsory implementation date for sheep EID of 31 December 2009, so we have to have the system in place by the end of the year. The purpose of EID is to enable sheep movements to be recorded on an individual basis. The Department is working closely with the South and Britain to ensure that systems are put in place that will minimise the volume of administrative work and the cost burden that is placed on keepers here. As part of that, the Department published a consultation paper on the new rules for sheep EID on 11 September 2009, and I would encourage all who are involved in the sheep industry to submit their views.

The Department has received some very useful soundings from the industry already, and it has secured a number of very important derogations to help to minimise the risk of introducing sheep EID. It wants to

continue to work with the EU and the sheep industry to ensure that sheep EID does not pose a threat, but rather becomes a valuable tool. Go raibh míle maith agat.

Mr Doherty: Go raibh maith agat, a Cheann Comhairle. In some ways, the Chairperson of the Agriculture Committee has already touched on my question. Indeed, that reminds me of a comment that was made that the more we work together as a Committee, the more we become like each other — even politically.

Mr Paisley Jnr: You are setting yourself very high standards.

Mr Doherty: Absolutely.

My question is perhaps more specific than those posed by the Chairperson, and it is whether there are any plans to hold a stakeholders' conference on an island-wide basis to discuss how to advance the all-island animal health strategy? Furthermore, if such plans do exist, how advanced are they?

The Minister of Agriculture and Rural

Development: At the NSMC meeting in the agriculture sectoral format on 20 March 2009, Ministers agreed to convene a cross-border event later this year. That event will bring together key stakeholders from across the island to discuss the delivery of that strategy and the all-island strategic approach to animal health and welfare. The steering group met in early June, and again last week, to progress the plans for the event, and arrangements are well in hand to hold that meeting this autumn. The two Departments agree that cognisance of stakeholders' views must continue to be taken in the delivery of the strategy.

It is expected that a date for the event will be agreed soon, and the attendance of members of the Committee for Agriculture and Rural Development would be welcomed. Indeed, it would be beneficial if members of the Agriculture Committees on both parts of the island attended that event and made a positive contribution to it.

Mr Elliott: I also thank the Minister for her statement to the House today. Does the Minister accept that the operation of the sheep EID system will be unfair, given that a number of other European countries will not be required to implement it as they have smaller numbers of sheep than we do? Has the Minister had any discussion with European Commission members on that issue, because we are being placed at a significant disadvantage?

The Minister of Agriculture and Rural

Development: I have spoken with the relevant Commissioner, Commissioner Vassiliou, on the issue of electronic tagging. During those discussions, I stressed the need for us to have an appropriate system

in place, because I do not believe that a one-size-fits-all approach will work for everyone.

Our industry here has a huge amount of trade with the South. When we discussed the issue of double tagging, we told the commissioner that animals exported across the water would comply with the double tagging regime in Britain but we wanted to keep the trade going on the island, as it is absolutely massive compared with trade anywhere else.

We are still working on a number of issues relevant to us, especially cross-border trade, and we will continue to seek flexibility on that. There is a concern around traceability, as we saw during the outbreak of foot-and-mouth disease in 2001. We want to be able to protect our traceability. The industry has been very good and has worked closely with the Department. It recognises the benefits that EID would bring, especially in light of the derogations that we got, such as individual flock keepers not needing to purchase readers because their flocks can be read at the mart or the abattoir. We are trying to find a system that is as cost effective as possible and that will maximise the benefits of EID. I am co-operating and having discussions with European Commissioners and their officials on an ongoing basis.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. In paragraph 4 her statement, the Minister referred to reviewing developments in relation to EU agricultural matters. Will she expand on what those developments are and how they benefit the local agricultural and rural development sector?

The Minister of Agriculture and Rural

Development: I am not sure what the Member is referring to. Paragraph 4 covers sheep electronic identification and matters to address the dairy market situation. Hopefully, I have covered as much of the sheep EID as is necessary, but if I have not, I will be happy to reply to him in writing. With regard to the dairy market situation, the discussion at the meeting on 21 July was around global milk pricing and the difficulties that we were experiencing. The situation in the South is similar to ours. We also had a discussion about export refunds and the need for those to continue.

Mr Ford: I thank the Minister for her statement. She has given some very comprehensive answers regarding the early part of the report. Unfortunately, other aspects of the report are a bit like so many other reports. For example, we were told that Ministers welcomed the presentation on the issue of rural restructuring. Will the Minister explain what that report was? With reference to the report expected on plant health and pesticides, will the Minister give a commitment as to when it will be published, as opposed to it being discussed at the next NSMC?

The Minister of Agriculture and Rural

Development: A joint strategic approach on the issue of plant health and pesticides will be presented at the next meeting. The report is not ready for publication; I will come back to the Member when it is. The report will be presented to our meeting in the autumn, which I think will be in November.

I am glad that the Member asked the question about the International Centre for Local and Regional Development's (ICLRD) rural restructuring report. I had the privilege of officially launching that report at the Rural College in Draperstown in June this year. I thought that the report's findings were particularly relevant to the issues discussed at the NSMC agriculture and rural development meeting. On that basis, I invited the ICLR to come to the Council and make a presentation on the study. The report provides a comprehensive perspective on the challenges facing rural areas and on how we ensure that effective and sustainable solutions are developed through partnership and working with all stakeholders.

The social capital in our rural communities is highlighted as a means of ensuring a strong and vibrant economy. That fits well with the support available through my Department's rural development programme and other rurally focused initiatives, such as the rural aspect of the new INTERREG programme.

Over the next few years, our new anti-poverty and social exclusion programme will offer communities and people in rural areas the opportunity to tackle and address local poverty and exclusion issues in their areas. That will contribute to ensuring a balanced and inclusive rural society, which is so important in the overall challenge of rural restructuring. The presentation by ICLR generated interesting discussions between Ministers, and I am confident that that will help to further focus our collective efforts on rural development across the region.

As an aside, the report considered three areas: an area in Cork; Draperstown in County Derry; and the Aghnacloy/Emyvale area on the border between Tyrone and Monaghan. I would be delighted to pass on a copy of the report to the Member so that he can read it himself. Were I to list everything that was discussed at the meeting, Members would be shouting at me for boring them to tears. I try to give a summary and Members can ask questions on that basis.

Mr Shannon: I thank the Minister for her statement. The mind boggles when one thinks of electronic ID for sheep and, literally, hundreds of thousands of sheep with chips in their ears. There will be some work to do there.

The Minister mentioned the EU programmes for the cross-border rural economy, specifically 18 new rural enterprises and assistance to 600 enterprises. It seems

to be a massive undertaking. Will the Minister confirm that all parts of the Province will be involved in the rural economy through the rural enterprises and assistance, and, specifically, will that include my constituency of Strangford? It would be remiss of me not to ask. I am sure the Minister will tell me that it will —

Mr Speaker: The Member must come to the question; that is a long introduction.

Mr Shannon: Will the rural enterprise programme involve the Strangford constituency?

The Minister of Agriculture and Rural

Development: Absolutely. I hope that it will involve areas right across the Six Counties. I would be disappointed if the Member did not mention Strangford to me at least once a day. The Department's proposals, including a rural White Paper and the enhancement of rural proofing, were agreed by the Executive in July. The White Paper will be key to defining our vision for rural areas. I recognise that it is not an easy task, but one that can be developed only by harnessing the skills and experience of people who know what it is like to live and work in a rural area.

We have the tools in place to help us to ensure that every part of the rural economy can be involved in, and contribute to, the overall economy and can play a role in building a sustainable and vibrant rural community.

Mr W Clarke: Go raibh maith agat, a Cheann Comhairle. I too thank the Minister for her statement. What preventative measures has she put in place to deal with the threat of bluetongue?

The Minister of Agriculture and Rural

Development: At the meeting on 21 July we, thankfully, only touched on the issue of bluetongue. It is obviously an ongoing issue, and we are being very vigilant, but I am grateful that, at this stage, we are not having full-scale meetings about bluetongue and the need to protect our island. The range of preventative measures that we have in place to minimise the risk of bluetongue reaching the island are working. We carry out post-import testing of all imported sheep and cattle from Europe and Britain, and we are taking steps to ensure that importers know the risks and the measures that they can put in place to minimise them. For animals coming from bluetongue zones, pre-import testing is one of the conditions laid down by EU regulations, although is not always necessary if the animals satisfy other conditions. We have worked closely with industry stakeholders, and other measures are not considered necessary at this time.

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

I have asked the farming community to remain vigilant for bluetongue by inspecting their livestock at

least daily for signs of disease and to report any suspicions immediately. To help farmers to do that, my Department has issued all cattle and sheep owners with a leaflet that outlines the clinical signs and symptoms that they should look out for.

I will use this opportunity to reiterate the message that has been expressed many times in the House and in other forums. If we are to keep bluetongue out of the North, farmers must not import cattle from bluetongue-infected areas. That message was expressed very strongly earlier this year, and I reiterate it now and ask farmers and dealers not to import cattle from bluetongue-infected areas, so as to minimise the risk of our cattle catching the disease. We have been very fortunate so far in keeping it out, but I need the support and co-operation of the farming industry to ensure that that remains the case.

Mr Savage: I thank the Minister for her statement. Will she outline the benefits that her discussions with Minister Smith will bring to the agri-food industry here in Northern Ireland?

12.30 pm

The Minister of Agriculture and Rural

Development: My discussions with Minister Smith cover a wide range of work. Obviously, out of necessity, one of the areas that we discuss is disease control. We have to work closely to try to protect the island against infectious diseases. We also co-operate closely on diseases that have already had an impact; for example, we still have a problem with brucellosis, but the South has applied for brucellosis-free status.

Co-operation is important, especially given the nature of the farming industry on the island, as people tend to go to marts to buy stock wherever those marts may be on the island. There is cross-border trade between marts and abattoirs, and, as we saw from the dioxin incident, feed and other products cross the border. This is a small island, and farmers operate across the border every day. We want to ensure that the processes that the two Departments put in place support farmers, enable them to trade across the border and remove some of the burdens and difficulties that they face in keeping their stock levels up and in continuing to farm.

A lot of milk that is produced in the North is processed in the South, which raises issues with the dairy sector. Similarly, a lot of the South's pork is processed in the North. Therefore, co-operation is important. Discussions are ongoing between the Departments, and, as I said, we converse regularly on a wide range of issues.

We still have a long way to go, and a number of difficulties are still being experienced. For example, some Members have written to me about people who have shown cattle in one county but faced difficulties when they tried to show them in a neighbouring county

that happened to be across the border. We want to see an end to some of those difficulties for farmers so that they are able to compete across the island and maximise the profitability from their farming enterprises.

Mr Burns: I thank the Minister for her statement. She referred to an all-island animal health strategy. Will the Minister tell us whether there was any discussion about tuberculosis and its eradication on the other side of the border? I know that considerable work is being done on this side of the border, but what work is being done on the other side of the border?

The Minister of Agriculture and Rural

Development: The actions that are being taken in the South on TB vary slightly from the work that we are doing. For example, for a number of years, the South has been involved in a wildlife strategy, which is not necessarily the route that we are taking. We want to improve our figures on TB, and last December, we outlined a new strategic approach for how we will deal with TB, having taken on board the work of the TB core stakeholder working group. Therefore, the approach has been developed with our key stakeholders, and it is an agreed joint industry/Government approach.

Brendan Smith and my counterparts in the South have taken various decisions about TB, and their systems are different from ours. For example, they have a cap on animal disease compensation levels that we do not have. They also have different arrangements for social security benefits for when herds are bought out and farmers cannot reintroduce cattle to their holdings. Although there is a lot of co-operation, we may not necessarily want to go down the same route that they have taken. We will continue to liaise closely with our counterparts, but, in this instance, we do not have a strategy that covers all 32 counties; we have different strategies for tackling TB and brucellosis.

Mr Molloy: Go raibh maith agat, a Cheann Comhairle agus a Aire. Will the Minister consider taking a similar approach to that taken in the South, given that it now has brucellosis-free status?

The Minister of Agriculture and Rural

Development: The South has now applied for brucellosis-free status, and we look with envy at that situation. It is a terrible disease, and we have worked hard to try to eradicate it and to try to get us to the same situation that exists in the South. We are considering what further steps we can take to intensify our efforts to push towards achieving official brucellosis-free status in the North.

Obviously, there is nervousness. We were nearly free of brucellosis and the South was still facing difficulties with it. We got reinfected, and now it is back. We want the entire island to be brucellosis-free, and we are one of the very few places left in Europe

that still has a problem with the disease. We can take steps by working together, particularly with the Committee for Agriculture and Rural Development. We may need to continue to be creative and imaginative in how we deal with brucellosis.

It will be important how we deal with the disease at policy level, as well as at farm level. The Department has had very good co-operation from farmers, with three working groups set up in three areas to examine the problems of brucellosis and how to tackle it. More needs to be done, and we must not be found wanting.

EXECUTIVE COMMITTEE BUSINESS

Water and Sewerage Services (Amendment) Bill

First Stage

The Minister for Regional Development (Mr Murphy): I beg to introduce the Water and Sewerage Services (Amendment) Bill [NIA 3/09], which is a Bill to enable the Department for Regional Development to continue to make payments to water and sewerage undertakers for a limited period.

Mr Deputy Speaker: That constitutes the Bill's First Stage, and it shall now be printed. The Bill will be put on the list of future business until a date for its Second Stage is determined.

PRIVATE MEMBERS' BUSINESS

Financial Support for Sports Clubs

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 in which to propose the motion and 10 minutes in which to make a winding-up speech. All other Members who 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 in which to propose and five minutes in which to make a winding-up speech. All other Members who speak will have five minutes.

Mr Kennedy: I beg to move

That this Assembly calls on the Minister of Culture, Arts and Leisure to ensure that no sports club, which facilitates a commemoration or glorification of terrorism, receives financial support through his Department, either directly or indirectly.

I am grateful to have the opportunity to move this important motion. I hope that the tone of the debate will be appropriate. The debate needs to be held in the context of the wider debate on a shared future. Clearly, the GAA will be an important contributor to sporting and cultural life in Northern Ireland.

The motion is not an attempt to close down the GAA or to prohibit it from organising its games, or, indeed, from getting financial support. As a member of Newry and Mourne District Council, I have supported grant applications from GAA clubs in my area. However, the issue that is being raised today is that a leading sporting organisation, the GAA, is being used — and, to some extent, abused — by some elements to glorify terrorism, and thereby promote sectarian attitudes. That was represented at Galbally in early August.

I recognise that there are those in the GAA who are attempting to promote change and a role for the organisation in a shared future. However, Galbally is a sharp reminder that, alongside those elements, some are prepared to use the GAA to promote a very different future: one marked by division, sectarian attitudes and the glorification of terror and violence.

The motion calls on the Minister of Culture, Arts and Leisure to be a persuader for a shared future, and to use the influence and funding available to his Department — if necessary, by using his powers — to ensure that no sporting organisation facilitates the glorification of terrorism. I welcome the Minister's attendance and look forward to what he has to say.

All Members who believe in a genuinely shared future hope that the Minister will set out how he will seek to use his influence, and, if necessary, his powers, to ensure that no sporting organisation will allow its

premises, resources or grounds to be involved in acts that glorify terrorism.

The recent upsurge in republican activity underlines the importance of the motion. In my view, to glorify the terrorists and terrorism of the 1980s is to encourage the terrorists of 2009. To celebrate the cult and ideology of the violence that wreaked havoc in our society since the late 1960s is to encourage the young people of 2009 to again embrace violence and to again bring pain and suffering. For Sinn Féin to issue a document about a shared future after two years of that party delaying the process and being indecisive and to somehow defend the glorification of terrorism and sectarian violence at an event such as that which took place at Galbally only gives succour and encouragement to those in our society who are determined to repeat the history of recent decades.

The rules for administering public funds must be consistent. If public funds are not permitted to be used to support party political activities, how can they be permitted to be used to sponsor and support any organisation that permits its premises to be used for the type of heavily charged political or quasi-political event that occurred on Sunday 10 August 2009 at Galbally? The event in question was hardly even a political event in the normal sense of the term. It was a highly charged political event with strong paramilitary undertones that appeared to glorify violence as a means to achieve political objectives. That flies in the face of the normal politics that all sides of the House are supposed to espouse.

The Galbally GAA club has received some £200,000 of public money from Sport Northern Ireland in support of its sporting activities. That is a substantial sum of money, and with it, it brings a duty for the club to behave responsibly and to permit its premises to be used only for law-abiding events that do not glorify violence as a legitimate means of political expression.

As part and parcel of its letter of offer for the receipt of public money, the GAA club in question should have been made to give an undertaking that it would not permit its premises to be used for the glorification of paramilitary violence. In the days of the old Stormont Parliament, which some people continue to criticise, the terms of the grant aid that that Administration provided always included safety measures to ensure that the glorification of paramilitary activity would not take place.

The mixture of sport and politics can be fairly toxic. Questions still lurk in the background about the GAA's receipt of public money and about how it relates to some of the overtly political connotations of some of its aims and objectives. Those include the objective in rule 2 of its official guide, which states:

"The Association is a National Organisation which has as its basic aim the strengthening of the National Identity in a 32 County Ireland through the preservation and promotion of Gaelic Games and pastimes."

Rule 15 deals with the flying of the Irish flag at grounds where games are played. It is time that the GAA moved into the twenty-first century and addressed the issues around those rules. Post-Belfast Agreement, it must recognise that, under the principle of consent, there is no prospect of a united Ireland or a 32-county all-Ireland republic. It must realise that and change its rules accordingly.

Mr Boylan: After the Armagh minor team won the all-Ireland football final yesterday at Croke Park, will the Member agree that the funding that that club received went to good use? Go raibh maith agat.

12.45 pm

Mr Kennedy: The Member has fallen immediately into a trap, in that he has ignored the true purpose of the debate. On the basis of sporting achievement, I am happy to congratulate the Armagh team. Let us concentrate on the issues that are before us, which confront and face not only Sinn Féin and the nationalist community, but the GAA as an organisation. Why does it allow itself to be used and abused by a small number of people to promote a particular agenda?

In the past, the GAA has reached out to unionism, and a number of unionist politicians have accepted invitations to attend matches. I have no difficulty with that. However, the Galbally incident indicates clearly that the time has now come for all sports clubs that receive Government funding, either directly or indirectly, to be forced to give an undertaking about the use of their premises.

The motion aims to promote and support a shared future for all Northern Ireland's people. It is designed to ensure that the Minister of Culture, Arts and Leisure will advance the notion of a shared future and will also, if necessary, apply sanctions to those bodies that ignore or seek deliberately to undermine such a policy by their actions.

I note the Alliance Party's amendment. The motion is clear and deserves widespread support, and I commend it to the House.

Dr Farry: I beg to move amendment No 1: Leave out all after "ensure" and insert

'that his Department recognises the excellent work done by sports clubs, particularly in providing community facilities, encouraging healthy activity, and promoting a positive lifestyle for young people; further, noting cases of sectarianism and support for terrorism carried out in sports clubs, this Assembly urges the Minister to use his good offices with governing bodies to ensure that sporting facilities provide a welcoming atmosphere for everyone; and while recognising the excellent work that has already been done in this regard, this Assembly believes a withdrawal of funding would be appropriate after repeated and deliberate incidents of sectarianism or glorification of terrorism.'

The Alliance Party's amendment intends to provide a much more rounded view of the motion. I must say that Danny Kennedy made a decent fist of trying to be impartial and reasonable, although as he progressed through his speech, he drifted into a wider criticism of the GAA, rather than discussing the specific case that sparked the motion. I will perhaps deal with that in a few moments.

It is clear that the motion was sparked by the events that occurred in August at the Galbally GAA club in County Tyrone. That demonstration was not just political; that would, in itself, have raised questions about its appropriateness at a sports ground. The demonstration also raised the issue of the glorification of terrorism. To be quite frank, the Alliance Party has a fundamentally different view of the hunger strikes and their place in society than Sinn Féin. However, my party recognises that people have different views of history and want to have their own particular commemorations. In saying that, however, there can be no excuse whatever for any commemoration that has paramilitary or terrorist trappings.

Clearly, that event has given rise to many issues that Sinn Féin and the GAA must address. It has set a bad example, particularly to young people and especially to those who are involved with the club. Not only that, the event has sent a dangerous and sinister message to the rest of society at a time when it is trying to move towards democracy and the rule of law.

That said, it must be acknowledged that concern has been expressed in GAA circles about the incident. Certainly, that is appropriate and welcome. I stress that, in the first instance, it is for sports' governing bodies to address that type of situation. The GAA, as an organisation, is respected greatly in society, as, indeed, it should be. Certainly, I congratulate the Armagh minor team on its victory, albeit through gritted teeth, given that I am from County Down. I also extend our congratulations to Kerry, which is at the opposite end of the island of Ireland.

The GAA is a focus of communities, particularly in rural areas. It provides an important function, especially as it trains and develops young people and takes them away from less productive activities on the streets.

It is important, however, that we, as an Assembly, are not one-sided in the criticisms that we make and that we recognise that there are problems in sport in Northern Ireland as a whole, and in different areas of sporting activity in particular.

In many respects —

Mr T Clarke: Will the Member give way?

Dr Farry: Yes.

Mr T Clarke: You just referred to criticisms. I hope that you do not mind my criticising your amendment, because —

Mr Deputy Speaker: Order. All remarks should be made through the Chair, not directly to another Member.

Mr T Clarke: I apologise, Mr Deputy Speaker. Through your good office, Mr Deputy Speaker, I wish to say that the Alliance Party's amendment is very weak, because it states:

“a withdrawal of funding would be appropriate after repeated and deliberate incidents of sectarianism or glorification of terrorism.”

If the Alliance Party was being sincere, the whole emphasis of its amendment would have been on trying to stamp out any such incidents, not just “repeated and deliberate incidents”. The incident, whether it is repeated or not, was deliberate. One instance is deplorable enough. Does the Member agree?

Dr Farry: I understand from where Mr Clarke is coming. No doubt he is keen to protect certain things and direct his criticism at one aspect of society. The point that I was coming to is that if spectators chant sectarian songs and if paramilitary trappings or signs are on display at any sporting event, it is logical that funding be withdrawn from that club, if it is judged not to be sufficiently forceful in trying to tackle those issues.

We tabled an amendment because the implications of the Ulster Unionist Party's substantive motion are considerable and far-reaching and because we dispute how far the party has thought its motion through. Our amendment is much more reasoned, because it recognises the balance of problems in society and looks to the governing bodies, and to the Minister in particular, to work in a proactive manner to address them. It also recognises the fact that the potential threat of moneys being withdrawn from sports clubs is quite appropriate. It is more important, in the first instance, to use the carrot —

Mr T Clarke: Will the Member give way?

Dr Farry: No, I have already let the Member make one intervention

It is important that we try to encourage sports clubs to play their role in a shared future. That is the argument for our amendment. Sport is contentious in societies, and that fact is not unique to Northern Ireland. It is also a feature of many societies elsewhere in the world. I recognise the good work that different governing bodies have done, in particular the Irish Football Association (IFA) and the excellent work of its head of community relations, Michael Boyd. Tremendous moves forward have been made in recent years.

We must also recognise the fact that the Northern Ireland Office is carrying out a consultation exercise on legislation for the regulation of spectator sports, which should address problems such as inappropriate chanting and displays at sports grounds. Clearly, a problem exists that is not unique to the GAA but is

far-reaching across society. Clubs and a host of different sectors must face up to the issues. Let us move forward in a balanced way by looking at all the problems and issues and by ensuring that we are proactive in trying to address them.

This issue, and how we address it, will have an important role to play in moving towards a shared future. Sport is a major aspect of people's social lives in Northern Ireland. Several sports are organised on a cross-community basis and played in a genuine cross-community manner, and that is to be welcomed. However, there are aspects of sporting and leisure life in which segregation is implicit, sometimes for historical reasons and sometimes because barriers have been erected.

Sport must be part of the solution to building a shared future. It is important that that be worked into whichever approach we take. On another occasion, we will no doubt talk about the wider problems that the Executive face with their policy on community sharing and integration; however, that is not the topic that we are debating today.

In proposing the motion, Mr Kennedy focused, quite rightly, on the inappropriate political use of sports grounds and the glorification of paramilitarism, which I think that we all abhor.

However, he then stretched his remarks to criticise the GAA for its political aspirations towards a nation and a united Ireland. Neither I nor my party share that aspiration. However, the Good Friday Agreement, which, in case Mr Kennedy forgets, his party was central to, recognises the legitimacy of different aspirations and traditions on the island. Therefore, although the aspiration in question may not be to my taste, I do not see anything inherently wrong with it: it is the association's choice and is included in its rules. When we focus on what is inappropriate, it is important that we maintain the correct focus and do not stretch our remarks to make wider political points about organisations.

A shared future is about people living and working together, but it is also about how people are educated and play together. There is a huge opportunity to get that right through sport. Therefore, it is important that the Assembly sends out the constructive message that it is not out to bash any particular organisation, but that it recognises the problems in sport, which is, in a sense, a microcosm of society. It is important that we address those issues constructively.

Dr W McCrea: Let us be frank; the sight of men armed with replica guns and with balaclavas on their heads was an offence to sport and to this community, which has been through 30 years of terrorism. Surely, the Member should condemn that instead of trying to cover it up.

Dr Farry: If Dr McCrea had listened to the start of my speech, he would have heard me saying that any paramilitary display was completely inappropriate. I am more than happy to condemn that activity; my party has consistently condemned other similar displays of paramilitarism from loyalists and republicans across Northern Ireland and elsewhere. Our credibility on that issue is not in question.

Lord Browne: I support the motion. I am a keen supporter of sport. In many instances, sport has brought together people from all communities. However, events like the one at Galbally in August have had the opposite effect; they further divide our communities.

I have been a member of the Committee for Culture, Arts and Leisure for the past two years. During that time, I have had the opportunity to hear from and engage with officials from the GAA's Ulster Council. Surely, they must be aware of the deep suspicion with which their sports are viewed by people in the unionist community. The martyrdom afforded to a wide variety of terrorists and criminals, spanning well over a century, ensures that the sport remains firmly off limits for those who might otherwise be attracted by the various sporting activities that the GAA conducts.

I recognise that there are members of the GAA's Ulster Council who are motivated purely by sport and are endeavouring to remove the self-constructed barriers that for so long have tarnished Gaelic sports as just another political tool.

Mr Shannon: Does the Member agree that there is something obscene about a member of the Dungannon and South Tyrone district policing partnership (DPP) donning a paramilitary uniform and marching to commemorate the suicide of the terrorist hunger strikers? Does he also agree that that kind of behaviour is inappropriate for any member of a public body and does not contribute to good community relations or the celebration of support, which is what it is all about? The use of a sports facility for such a purpose, in this case a GAA club, is a misuse of that facility, which calls into question its real purpose and its place in Northern Ireland. That is the crux of the motion.

Lord Browne: I thank the Member for his intervention and agree that the behaviour of that member of the Dungannon and South Tyrone DPP could be considered as divisive. We should all be working together to improve community relations, not to alienate one another.

As I said, the events at Galbally in August can only detract from and destroy the efforts to remove the barriers that I mentioned. Nothing can be more distasteful to the unionist community than the use of GAA stadiums for paramilitary commemorations. As a sporting body, that is something that the GAA should distance itself from unequivocally.

Mrs Long: Does the Member agree that it is not just members of the unionist community who find the glorification of terrorism offensive in that context? Many people across the community would also find that offensive.

1.00 pm

Lord Browne: I take the point; I am sure that many people from all communities would condemn displays of paramilitarism. The sight of masked men carrying what we presume to be, at best, replica weapons, is not only alarming, but provocative and illegal. It is a destabilising move that has once again shone a bright light of suspicion on Gaelic sport within the Province.

The role of Sinn Féin is even more depressing, if not entirely predictable. In an attempt to justify those actions as role play, the Member for West Tyrone Mr McElduff displayed either a huge level of naivety or, as I suspect, scant regard for the view of the GAA within wider society and the real damage that such actions can do to sport in general. We know that such commemorations are contrary to rules 1.11 and 5.1 of that sporting association's constitution, namely, that the GAA should remain non-political and that all grounds and stadia are to be used solely for sporting purposes.

We can all recall the view of the GAA's ruling body and, indeed, the editorial of 'The Irish News', when, in 2006, Casement Park was to be a venue for a similarly provocative parade. 'The Irish News' said that Sinn Féin had placed the GAA in an unenviable position, and it appears to have done so once again.

Members opposite may try to defend the GAA; however, they are indirectly responsible for the motion coming to the House, and they will be responsible for any consequences. If we link this debate with last week's debacle over the cohesive strategy to tackle sectarianism, it is clear that although Sinn Féin members may talk the talk, they are left severely wanting when it comes to substance.

Sport in society is moving on. Look, for example, at the tremendous work that has been done by the Northern Ireland amalgamated supporters club, and the IFA's effort to give bigotry in football the red card. I believe that Sinn Féin's short-sighted initiatives are greatly damaging to the GAA. Commemorations such as the one at Galbally may play well among some core supporters, but they do nothing to promote Gaelic sports or to enable progress towards the shared and inclusive society that Sinn Féin so often talks about but does nothing to promote. I support the motion.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. I am speaking in a personal capacity, not as Cathaoirleach an Choiste Cultúir, Ealaíon agus Fóillíochta. I am a member of St Colmcille's GAC in Carrickmore, County Tyrone. At the weekend, I attended a series of underage championship matches

— a blitz — a big championship match in Carrickmore, where 6,000 people watched Dromore beat Errigal Ciaran, and, of course, the all-Ireland finals were yesterday.

I will make history as a Tyrone man by commending the Armagh minor team and the Kerry senior team for winning the all-Ireland titles yesterday. I respectfully suggest that, at least for the Armagh minor team, we have a proper Stormont reception for those who carried the Tommy Markham Cup back over the border.

I oppose the proposed amendment. Sinn Féin tried to table an amendment that said that there should not be discrimination against any sports club. To me, the Ulster Unionist Party motion smacks of an old-style unionist desire to show who is boss and to enter into discrimination. Sinn Féin will not tolerate discrimination in this society as regards this matter or any other matter. Discrimination lies beneath the surface of modern-day unionism, and, occasionally, finds expression in a motion such as this.

Definitions of terrorism are always interesting and contested. One man's freedom fighter —

Mr T Clarke: You say that our definition of terrorism is limited. What is your interpretation —

Mr Deputy Speaker: Order, order. Please make your remarks through the Chair.

Mr T Clarke: Sorry. What is the Member's interpretation of a man carrying either an imitation or a real Armalite or someone wearing a balaclava?

Mr McElduff: Are you talking about the SAS?

Mr Deputy Speaker: Order. My ruling applies to both Members. If you have something to say, you must direct your remarks through the Chair.

Mr McElduff: I ask the LeasCheann Comhairle whether the Member is referring to the SAS. One man's freedom fighter is another person's terrorist. One of the proposers of the motion was a member of the Ulster Defence Regiment, which was so good that it had to be disbanded. In our part of the world in rural County Tyrone and in many other places, the question of who is a terrorist is very interesting.

The Galbally community has been mentioned a lot today. That community has an excellent sports club and excellent facilities, as do all other GAA clubs throughout Ireland. It does not have a hand-out mentality and has built up the bulk of the facilities itself. Why would that community not apply to the Government for additional assistance to provide facilities at its heart?

The commemoration has been severely misrepresented. The parade comprised a series of role plays and re-enactments, which fully complied with Parades Commission rules and regulations. It was legal in every sense. The parade was attended by thousands

of people within sight of the home of Martin Hurson, a highly respected, politically motivated hunger striker who died for the cause of Irish freedom.

Mr Campbell: Will the Member give way?

Mr McElduff: I will not give way.

He died for the cause of Irish freedom in 1981. Martin Hurson was the president of the local club. Kevin Lynch, another hunger striker, captained Derry's under-16 hurling team to an all-Ireland title. I contest the assertion that those hunger strikers were terrorists; they were not. They were politically motivated and were supported by their community. In fact, another hunger striker, Bobby Sands, secured 31,000 votes and became MP for Fermanagh and South Tyrone during his imprisonment and hunger strike.

All the sports governing bodies are doing their best to reach out into the future and to broaden their appeal. The GAA is not like the Orange Order, and I will tell the House why: GAA membership is open to everyone, unlike the Orange Order. Therefore, comparisons between the two organisations are spurious. When tabling the motion, Danny Kennedy drifted, in the words of Stephen Farry, into sectarian criticism of the Gaelic Athletic Association. Sinn Féin will not tolerate that.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. I declare my membership of St Patrick's Gaelic Athletic Football Club, Carrickcruppen, County Armagh.

Mr Kennedy: Are you going for the leadership?

Mr D Bradley: It is a bit early for that.

On the day after the biggest event in the Irish sporting calendar, the all-Ireland Gaelic football finals in Croke Park, I want to congratulate a young Ulster team that, in the 125th year of the GAA, is celebrating a famous victory in the minor football final and has brought the trophy back to its native county of Armagh after an absence of 60 years. I extend my congratulations to the Kerry senior team, which has achieved yet another great feat.

I pay tribute to the young players of Armagh who have trained hard all year to achieve the highest honour that they could achieve. That is a cause for joy and celebration, and I urge the House to join in that joy and celebration and to congratulate those young men. I have already written to the Minister of Culture, Arts and Leisure to ask him to host a reception for the team at Parliament Buildings. I hope that he will respond positively.

All our sporting organisations have much to be proud of, much to celebrate and much to offer society. They are, generally, forward-looking organisations that make a huge investment in people across the age spectrum, regardless of race, creed or colour in areas of health and fitness, and in social and cultural life.

They do so in an exemplary and professional manner and with the help of thousands of volunteers who give their time and expertise freely for the good of their communities and society as a whole. The work of those volunteers is supported and extended by a relatively small number of full-time staff. The sporting bodies invest huge amounts of their resources back into their clubs at the grass roots, and they are also funded by Departments here, as is right and proper.

The Ulster Council of the GAA and the Irish Football Association have joined forces to support the Unite Against Hate campaign. The campaign's message is simple:

"Hate crime is violent, wrong and will not be tolerated. There is no room in society for this."

That campaign will promote leadership, optimism and hope and will offer a practical channel to encourage, empower and support people to express their opposition to hate crime. That is a positive contribution to society under present conditions. I welcome the fact that the sporting bodies also have programmes to promote health and well-being, to include people with a disability or special needs, to welcome new populations, to include all educational sectors in their games and to promote a shared future.

The motion is misdirected: it misses the point. It would be more accurately directed at censuring those who exploit sporting organisations, whether for political or sectarian motives. We must get the message across to them that political or sectarian exploitation is unacceptable. It was not acceptable when it took the form of robberies at Casement Park, at Thurles or at other grounds, nor is it acceptable in any other form.

The way to end political or sectarian exploitation is not by threatening clubs, which are doing sterling work, with the withdrawal of funding, but by harnessing public opinion against such exploitation and by co-operating with the sporting bodies. We have seen the problem of sectarianism at sporting venues being tackled and hugely reduced.

Mr Deputy Speaker: The Member must bring his remarks to a close.

Mr D Bradley: That was achieved through the influence of public opinion. We can deal with this particular problem in that way. The Alliance Party's amendment —

Mr Deputy Speaker: The Member's time is up.

Mr D Bradley: The Alliance Party's amendment more accurately supports the views of the SDLP, and we will support that amendment.

Lord Morrow: Needless to say, I support the motion. I am sorry that it looks as though it will not get universal support in the House. That is regrettable, because there was a golden opportunity for — to say

“everyone” may be taking it a bit far — most parties, at least, to support the motion as tabled by Mr Kennedy and his colleagues.

We would not expect Sinn Féin to support the motion. No doubt it is playing to the gallery; it must reassure its foot soldiers. *[Interruption.]*

Well, Sinn Féin could have said that it took on board the concerns that were being expressed in the House and that it could see exactly where unionists were coming from. However, Sinn Féin never attempts to stand in the shoes of others; it always wants to stand in its own shoes because, I suspect, it feels more comfortable in them, and it is more difficult for it to take on board the views of those whom it regards as its political opponents.

What happened at Galbally on that particular day fell far short of the expectations of decent and right-thinking people; it was a tragedy beyond degree. I suspect that we will never get the true answer as to whether the GAA allowed its premises to be used or whether they were hijacked. It appears that there was some degree of being less than factual and truthful with Galbally GAA.

I am prepared to give the benefit of the doubt at times, and it is up to Galbally GAA to prove otherwise as time goes on. I understand that Galbally GAA is holding an inquiry into exactly what happened on that dreadful day.

1.15 pm

The PSNI has not covered itself in glory on this occasion. It had a distinct and profound responsibility to move in and take control of a situation that, as Lord Browne said, will doubtless have a destabilising effect on communities across Northern Ireland. It is a challenge for Sinn Féin: where does it stand on law and order? Where does it stand on the future for Northern Ireland? What is it trying to prove to those who do not think as it does?

We are often told that it is time to move on. Sinn Féin repeatedly uses that mantra and says that it has moved on to a new era. Have we moved on? Some of us feel that every time that there is a possibility of moving on, Sinn Féin will use a situation to ensure that its foot soldiers are reassured and kept happy. If Sinn Féin feels that all the risks are going to be taken by the unionist community, it must learn a wee bit quicker. It also has to take some risks. It must be able to bring its community along and say that things have to be done differently from here on in.

In press coverage after the event, one newspaper referred to mass morons — uniformed teenage Provos pointing replica guns at kids.

Mr McElduff: Was that ‘The Sun’?

Lord Morrow: If anyone thinks for a second that that is the way to move that community on by dressing in combat gear, trying to commemorate the most atrocious activities of the past 30 years —

Mr McElduff: Was that ‘The Sun’?

Mr Deputy Speaker: Order.

Lord Morrow: If Sinn Féin feels that that is the way to move communities forward, it does not get it.

Mr McElduff: Was that ‘The Sun’?

Mr Deputy Speaker: Order.

Lord Morrow: Sinn Féin will have to learn.

If the Member wants to know which newspaper it was, I suspect that there are plenty of people who will run around and get you that press. As a matter of fact, I will see that you get a copy of it; I will put it in your pigeonhole. Will that do? Perhaps that will keep you happy. I assure you that it does not bring any credit to your organisation. Perhaps you would prefer not to receive a copy.

Mr Deputy Speaker: Order, order. As I advised colleagues and other Members from across the Chamber earlier, you should direct all your remarks through the Chair. Visual aids are not allowed to be used in your speeches.

Lord Morrow: I apologise; I thought that visual aids were allowed when one was making a reference. I understand what you have said.

Mr Deputy Speaker: Will the Member draw his remarks to a close?

Lord Morrow: As I thought I had made clear, I was trying to report back, through the Chair at all times, to Mr McElduff, who seems to either not understand or not be able to hear. Perhaps it is a combination of both.

Mr Molloy: Go raibh míle maith agat. It is important to put this event in the right context. The event took place on Sunday 16 August not 10 August. It did not glorify anyone; it simply commemorated the hunger strike of 1980-81. For Irish republicans, that was an important turning point in Irish politics.

The event took place at Galbally Community Centre, which was built by local people at a cost of £600,000, without any grant aid. The event spilled over into the surrounding GAA grounds. Like the GAA club, Galbally Community Centre has provided its facilities itself. The facilities did not come about as a result of a begging bowl held out to the Department, unlike some other bodies that depend on official local authority fields.

I declare membership of Clonmore Robert Emmets GFC. I commend the people of Galbally for commemorating Martin Hurson. As my colleague said,

Martin Hurson was born a short distance — one field — away from where the event took place.

The event was a re-enactment, and others across the Chamber know exactly what re-enactments are about. The re-enactment incorporated the Parachute Regiment, the UDR, the RUC reserve, and the RUC, all in full gear; there were no B-Specials uniforms, so they could not be included. The re-enactment also had IRA imagery, but it was all about imagery. There was imagery of all the events that took place at the time of the hunger strikes, and it was not a glorification of anyone. Indeed, depending on how one looks at it, perhaps the event's inclusion of RUC men and the Parachute Regiment was a glorification of terrorism.

If people are so concerned, perhaps we should look again at all re-enactments. The sham fight at Scarva on 13 July has been going on for hundreds of years, but the same people win no matter how many times it happens. It includes violence, with people going at each other with swords.

We also need to look at the use of council property and other places. The Orange Order, for example, has used public parks in Belfast and elsewhere for the field and assemblies. That is quite right; there is no problem with that, because those places are public property. The DUP uses the council chamber in Castlereagh for party meetings, electing leaders, and so on. We need to look at a number of issues concerning the use of public property and public places.

Local people did not have a problem with the re-enactment. I do not think that the local unionist community had a problem, apart from Tom Elliott and some others.

A Member: Were you there?

Mr Molloy: I am sure that quite a number of people passed there. About 8,000 people took part in the event, and there was not one incident of disorder in the whole day. Compare that with the millions of pounds that it costs to police Orange Order parades in Ardoyne. The re-enactment did not cost the public sector anything at all.

Mr Kennedy: Will the Member specifically address the motion's objection to the glorification of terrorism? It is all very well to lease football fields and other facilities for cultural events. However, we are talking specifically about the glorification of terrorism at Galbally.

Mr Molloy: I said at the beginning of my speech that there was no glorification of terrorism. This week's 'Farm Week' includes a piece about a boot camp at Ballykinler army base. The young farmers' clubs, which have connections with Mr Kennedy and other members of his party, are pictured in British Army uniforms and carrying British Army guns. I am

sure that none of those young farmers is a member of the British Army. Across the page is a photograph of the Minister meeting the young farmers' clubs to discuss how his Department can fund their activities. Will the Minister now say that the Department cannot fund them because they have been photographed carrying British Army weapons and wearing British Army uniform?

Mr McElduff: On viewing that newspaper article, my colleague could have run to the Business Office and tabled a motion for discussion today. He could have asked for funding to be withdrawn from young farmers' clubs if they are going to glorify British Army terrorism in the way that they are pictured doing in the farming newspaper. It is a disgrace.

Mr Molloy: I thank my colleague —

Mr T Clarke: Will the Member give way?

Mr Molloy: No; I have given way enough already.

The Department funds various events and organisations, and the Ulster-Scots Agency gives funding to loyalist bands. Some of those bands glorify terrorism through depictions on their banners and drums of organisations such as the UVF and the Young Citizen Volunteers. One of the bands that receives funding is the Burntollet Sons of Ulster Flute Band, which is a name that strikes a chord within nationalism. There does not seem to be a problem with those organisations being funded by the Ulster-Scots Agency or the Arts Council.

What is the real complaint? Is it simply that unionism is so against the hunger strikes, having realised the effect that they had and the commitment and dedication of the hunger strikers? I am proud to say that I was part of the organising committee for the event at which the republican community of Galbally commemorated one of its young people who died in tragic circumstances at the hands of Maggie Thatcher.

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

Mr Molloy: It is very important to recognise that those young people are being commemorated in their local areas to this day.

Mr I McCrea: I thank the Members who tabled the motion for debate in the House today.

Recently in my constituency, we witnessed the ugly side of the GAA when its premises were permitted to be used for a sickening event that glorified terrorism. The Member who spoke previously questioned the fact that that event glorified terrorism. I am not sure what planet he is living on because it certainly did.

[Interruption.]

The Deputy Speaker: Order.

Mr T Clarke: Does the Member agree that it was a bit funny that when the Sinn Féin member spoke about a re-enactment of the hunger strike, he did not refer to empty chip boxes being given out?

Mr I McCrea: I thank the Member for his intervention.

The GAA cannot wash its hands of the hunger strike rally that took place in August this year in the grounds of Galbally GAA club. Photographs of that event show masked men carrying firearms and men wearing paramilitary-style uniforms while marching in GAA grounds. That event was nothing other than the sickening glorification —

Mr Molloy: I will clarify the situation for the Member: all the re-enactments took place on the county road, not in the GAA grounds.

Mr I McCrea: Perhaps it will be in order to speak to Roads Service about that issue. However, men in uniform did walk on grass at that event, and I do not think that there are too many grassy roads in that area.

As my colleague Lord Morrow said, the police have a lot to answer for regarding what took place, and that is certainly the case if it was held on the county road, as has been suggested. I have raised my concerns with the police and am glad that they will investigate the matter. I am also glad that those responsible, who openly broke the law and brandished weapons — I am yet to be informed whether they were actual guns or replicas —

Mr P Maskey: On a point of order, Mr Deputy Speaker. We are being told that people have broken the law. I want to know what legislation is being referred to, because that is an important part of this debate. Maybe the Member will point out what laws were broken.

The Deputy Speaker: Thank you for that point of order, Mr Maskey. It is not for me to make a ruling on that issue; it is up to the Member to explain his remarks.

Mr I McCrea: Members will know exactly what I am talking about. Carrying weapons, whether they are replicas or not, is not legal, nor is wearing balaclavas.

Dr Farry: Will the Member give way?

Mr I McCrea: No; I have to finish my remarks.

I call on Sinn Féin to unreservedly condemn the activities that took place at Galbally, and I ask its members to come out and strongly state that such events are no longer required in society.

That was not the first time that the GAA allowed its grounds to be used to glorify terrorists. In August 2006 at Casement Park, a hunger strike commemoration rally was held. In July 2008 at Plunkett Park in Pomeroy, events were held to commemorate Seamus

Woods, an IRA terrorist who was killed by his own bomb while he and his fellow terrorists attempted a murderous attack on Pomeroy police station.

Mr Molloy: On a point of order, Mr Deputy Speaker. The event in Pomeroy did not take place in GAA grounds. I ask that the Member withdraws that remark.

The Deputy Speaker: Again, that is not a point of order. Mr McCrea can respond.

Mr I McCrea: It is obvious that a raw nerve has been hit. The Member should listen; I said that events were held to commemorate Seamus Woods, parts of which were on the GAA pitch. Pictures were taken that show what I am talking about.

In August 2008, the Loughmacrory GFC rooms were used by the so-called Drumnakilly Martyrs Commemoration Committee for a lecture, exhibition, parade and football tournament to honour IRA terrorists Gerard Harte, Martin Harte and Brian Mullin.

1.30 pm

As well as events being held in GAA grounds, some of the grounds are named after terrorists. The Kevin Lynch Park is named after a terrorist from Dungiven. The Louis Leonard Memorial Park is named after a Fermanagh terrorist. The Lochrie/Campbell Park is named after a south Armagh IRA terrorist. There are also teams that are named after republican terrorists.

Mr Brolly: Will the Member give way?

Mr I McCrea: No. In my constituency, we have the Pomeroy Plunketts, which is named after Joseph Plunkett, who was a republican terrorist of the 1916 era. There is Galbally Pearses GAC, which is named after Patrick Pearse, who was also a republican terrorist of the 1916 era. There is also Ardboe O'Donovan Rossa, which is named after a prominent republican terrorist of the early 1900s, who was responsible for organising the first-ever Irish republican bombing campaign of English cities, known as the dynamite campaign.

Following the IRA hunger strike event that was held at the GAA grounds in Galbally, I called upon the sponsors of GAA teams to take into consideration the thousands of people across Ulster, both Protestant and Catholic, who were murdered by republican terrorists and the thousands more who suffered as a result of those terrorists' evil and murderous deeds. The GAA must earn the right to be recognised and accepted as a legitimate sporting body by taking decisive steps to address the naked sectarianism that is at its heart and foundation.

Mr Deputy Speaker: The Member should draw his remarks to a close.

Mr I McCrea: It needs to extend parity of esteem to all sections of the community and to all other sports without exception. I call on this House to ensure that no sports clubs that facilitate the commemoration or glorification of terrorism receives financial support from any Department.

Mr McNarry: At a time when deplorable difficulties have arisen when agreeing the definition of “victim”, surely no such party political prevarication will be tolerated in this House when defining a terrorist, particularly the Provo type to which this motion clearly refers and that Mr McElduff sets on a pedestal.

It is abominable that the Provo franchise has been conveniently carried on by those who are now called “dissidents”, which, to unionists, is a crass and meaningless distinction. Some were recently called “traitors” without explanation of their treachery and without stipulation of which cause they had betrayed. That left people to ask what the difference is between the man who made the “traitors” charge and the terrorists to whom his remark was directed.

Is there now some kind of code of honourable hierarchy that exists in the defunct Provo wing of Irish republicanism, which distinguishes between one brand of republican terrorism and another? From what unionists saw of the disturbing proceedings at the Galbally Pearses GAA ground, the bad old days of the past were commemorated and the glorification of past terrorist activities were celebrated.

However, the focus did not shine on the Provo organisers alone; the glare of that obscene event rebounded on the GAA in one provocative act of Provo self-glorification. The skilful PR charm offensive in which the GAA was participating fell apart when the photographs that we saw shattered the professional work that had been carried out by the GAA in what I thought was a genuine effort to engage with unionists.

The GAA had reached highly commendable standards with its community involvement and its explanations about its sporting achievements. In its public presentations, the clear message to unionists was that the GAA is a sporting organisation that is moving on and with the mood that wishes to keep sport apart from the deep-rooted nuances of past beliefs and perceptions. Now, after Galbally, unionists must wrestle with the thinking that their ideas about the GAA were, perhaps, correct all the time. How inglorious the event turned out to be is something that unionists must react to because, from the minute that the Provo event hit the news, the focus on the GAA took on a new complexion.

The GAA's charm offensive was destroyed. For many unionists, that single, predetermined act of Provo militancy was a demonstration of incitement in which the GAA was a willing, culpable supporter. Many

unionists view that defiant act of provocative glorification on a GAA sports ground as a betrayal.

I was one of those willing to look upon the GAA as a sporting organisation and to listen to how the association saw itself in our society. The incident at Galbally swung the door in my face and reversed it shut, closing it to the extent that the sport itself must feel ashamed and abused by what took place in a sporting stadium. Is the GAA embarrassed or remorseful? Is it guaranteeing that such an event will not happen again? Has the GAA unwittingly allowed its sport to be brought into disrepute? Or has what happened at Galbally exposed the real normality of the GAA movement? I do not know, but I would like someone to tell me whether that is GAA normality.

Mr Deputy Speaker: The Member must draw his remarks to a close.

Mr McNarry: Apart from the Galbally incident, what impact will the answer to that question have on the Minister's outlook on future funding for the GAA?

The Minister of Culture, Arts and Leisure (Mr McCausland): I welcome the opportunity to debate the issues raised. I have listened carefully and have noted all the comments on the motion, the amendment and, more directly, the events at Galbally GAA ground in County Tyrone on 16 August.

The issue raised is not new; it has been around for some time. In 2001, there was an IRA colour party at Casement Park as part of that year's commemoration and again in 2006, when a Member of the House, Francie Brolly, was the soloist and another Member, Fra McCann, was dressed as a hunger striker.
[Laughter.]

I have publicly and clearly expressed my deep concern and alarm about what took place during last month's commemoration at Galbally GAA ground. I have seen photographic evidence of the event, which was, frankly, appalling, and demonstrated the totally inappropriate use of a sports facility. I have already called on the GAA to investigate the matter, and I am pleased to say that an investigation is being conducted. I also understand that the police are making their own inquiries. Since both investigations are under way, I consider it right that we reserve any final judgement on the Galbally event until those investigations are concluded.

However, the motion and the amendment raise broader issues. Both are underpinned by a desire to move Northern Ireland away from the sort of past that was re-enacted at Galbally and forward into a shared and better future that is based firmly on equitability, diversity and interdependency. In that context, the motion and the amendment pose questions about the appropriateness of using sport as a political platform or for the glorification of terrorism.

I will consider that question in the context of the Executive's priorities. The Executive are committed to working to heal divisions in our society and to building a more peaceful and inclusive community. For instance, the Programme for Government is underpinned by two cross-cutting themes, one of which is a shared and better future for all.

That vision, which has at its heart the promotion of good relations among the people of Northern Ireland, should pervade the work of all Departments. Good relations, as defined by the Equality Commission, are relationships that:

“acknowledge the religious, political and racial context of this society, and that seek to promote respect, equity and trust, and embrace diversity in all its forms.”

That good-relations vision applies to all sectors of my Department: culture, arts and leisure. My Department has a particular responsibility to contribute to good relations and to a shared and better future, which is something that I have already made a priority in the Department.

Sport is a major part of culture and leisure. Government recognises the importance of sport and its tremendous potential to contribute to a range of priorities, including health, education, economic development and the improvement of Northern Ireland's image at home and abroad. Sport can also do much to help to bring the community together and to contribute to the promotion of good relations in a way that is consistent with the aims of a shared and better future.

People across Northern Ireland enjoy participating in a wide range of field sports, including football, Gaelic football, rugby, hurling, hockey and cricket, to name but a few, and sport enriches the lives of the participants. The vast majority of the adults and young people participating in such sports do so as sportsmen and sportswomen to achieve the best that they can as members of a team and, in turn, they enjoy the health and social benefits that such sports bring. As Minister for sport, I cannot commend too highly the many organisations and volunteers who freely give up their time and effort to ensure that such activities continue to a high standard.

That however is not the whole picture. Like many other activities, sport reflects the society from which it comes; sadly, therefore, some sports can on occasion be seen to perpetuate community tensions, division and exclusion. The key question is how we overcome that problem. How do we ensure that the benefits of sport are maximised in the interests of all? How do we protect sport from influences that would draw it away from the agenda of a shared and better future?

First, the Government have a responsibility to act for the good of the whole community and to support what is best for that community. Government also has

a responsibility to declare publicly what is acceptable to the wider community and what is not. Government has a further and important responsibility to press and encourage sports to recognise their shortcomings and to support them in doing what is necessary to move from exclusion to inclusion and to become more accessible. My Department, together with its arm's-length body, Sport NI, is already taking active steps in that regard.

The role of sport in helping to deliver the shared and better future has been identified as an important factor in the emerging sports strategy for Northern Ireland. The need to overcome traditional patterns of exclusion and segregation in sport has also been recognised as a key requirement. Improving representation and promoting community cohesion through sport is recognised as a major priority in the strategy.

Responsibility in that area does not rest wholly with me, the Department or Sport NI; there is also a requirement for sports bodies, clubs and associations to demonstrate commitment in that regard. Some do so already. The IFA has a “Football for All” initiative, which is an excellent example of good practice in that respect.

1.45 pm

The GAA, which has been mentioned frequently in the debate, has, in recent years, started to address some long-standing concerns about its ethos, rules and wider relationship with the entire community. I am glad that it has started that process. The association has abolished some of its more contentious rules, particularly the one that prevented members from participating in non-Gaelic games and the one that excluded members of the security forces. One of the leadership programmes that is run on behalf of my Department through Sport Northern Ireland is entitled “Sport for All”, and that is the way that it should be; not sport for nationalists or sport for unionists, but sport for all.

Turning to the local, grass roots level, some GAA clubs have clearly adopted practices that drag us back to the past, instead of taking us forward, including naming clubs, grounds and competitions after Irish republican terrorists. Some examples have been given, and such practices should be totally unacceptable in any sport. I am particularly alarmed that some of the competitions that have been named after Irish republican terrorists are for children under the age of 12. It will seem to most people that that is an attempt by the organisers to use sport for political indoctrination. Let me ask the House: are terrorists good role models for children?

Turning to the Galbally incident, which, as I said, was certainly not the first occasion on which GAA grounds have been used to host Irish republican rallies that are designed to celebrate terrorism. In passing, I note Francie Molloy's comment that all re-enactments took place on the road. It is clear from photographs

that are circulating and that have already been published in some newspapers that a number of things that happened on the pitch were totally unacceptable; ranks of people dressed in paramilitary uniform and, indeed, masked men with guns being photographed in the car park adjacent to the pitch.

Of course, I am aware that the GAA is investigating those circumstances, and I welcome that investigation, but I also hope that it will prompt a broader and urgent debate in the association about particular aspects of its rules and policies and the practices of some constituent members. Many of those things are, no doubt, products of a bygone age. However, in my view, they have no place in a modern, twenty-first century sports body, or in a shared and better future.

Sport Northern Ireland, acting on behalf of DCAL, is responsible for developing sport, including the distribution of funding. In discharging that responsibility, Sport Northern Ireland provides Exchequer grants to voluntary sports clubs. All clubs in receipt of such awards are required to comply with specific terms and conditions of award, including the requirement to operate an equal-opportunities policy and equality of access for membership, facilities etc. Those conditions are entirely in keeping with the principles of a shared and better future.

However, given recent public concerns, I believe that there is a need for the Government and their arm's-length bodies to do more. I have already written to Sport Northern Ireland, which is the body that dispenses funding, and I also intend to engage with the Community Relations Council about those matters. Sports' support and encouragement to question existing practices and to draw away from such activities are an essential part of that process, but equally, so is firm action to impose penalties, where necessary, on those who celebrate terrorism and ignore, or refuse to heed, the call for a shared and better future.

I believe that the Government must look to see what more can be done, particularly in specifying what constitutes the proper and improper use of facilities that have been developed with the assistance of public funds.

In response to what occurred at Galbally, I have asked for an urgent review to be undertaken of existing terms and conditions of public grants to sport. That review will focus specifically on strengthening the requirement to promote a shared and better future. In that way, we can ensure that commemorations of terrorism in any form would not be in keeping with conditions of award. The review has already been raised with Sport NI —

Mr Molloy: Will the Minister give way?

The Minister of Culture, Arts and Leisure: No, I am running out of time. I have commissioned the work

to be undertaken by Sport NI. I have asked that it be completed and any necessary and practical changes be implemented as soon as possible.

For the most part, sport in Northern Ireland offers a valuable and constructive service to the community. Through the emerging sports strategy for Northern Ireland, sports bodies have shown that they are willing to embrace the principles of a shared and better future and have expressed a wish to play their part in delivering that vision. Progress has been made, but there remains, in some areas, a distance to go. However, all at least publicly recognise the need to promote the role of sport in creating that shared and better future. Any sports body that sincerely strives to move further in that direction can count on my full support.

Mrs Long: I thank the Members for bringing this matter to the House for discussion and hope that we will reach an agreed way forward. Along with Danny Kennedy, who proposed the motion, I believe that the emphasis must be on a shared future. That is a theme to which I will return a number of times.

There are issues around the justification of violence and the glorification of a conflict, and people need to be cautious as they discuss this issue because, when Danny referred to the often toxic mix of sport and politics, he was touching on something that runs very deeply in our community. He was raising deeper questions about whether sports and cultural organisations can or, indeed, should express political aspirations; whether doing so, even in a peaceful way, is a problem; and how we recognise that although they are allowing wide participation, organisations may still be grappling with their grass roots. Those questions raise a number of issues that need to be addressed.

As Stephen Farry said when he was proposing our amendment, it is never acceptable to have paramilitary flags and trappings and overtures in any situation in public or private life. For that reason, we utterly condemn the commemoration and are unreserved in that.

There is a particular risk to young people, and I hope that those who are calling for me to give way are listening. Young people are extremely impressionable and that sort of activity can groom them into thinking that the way to get respect in their community is to be a hero of the kind that is commemorated in those events. They are then ripe pickings for those who would continue to recruit into dissident organisations. We need to find ways of recognising our past without perpetuating its damage.

A lot of people in GAA circles also have concerns around the commemorations. That is why we would like, in the first instance, to give governing bodies the opportunity to rectify those situations internally, through working with their memberships, rather than applying punitive measures from external forces. We believe that the message would be much stronger if

conveyed internally. However, our amendment recognises that the Minister should have the opportunity to introduce punitive measures if those corrections are not taking place.

A number of Members raised issues about individuals hijacking events, for example. I think that Trevor Clarke raised that issue and I know that Lord Morrow did. Lord Morrow mentioned giving people the benefit of the doubt. We believe that it is not enough to simply have a knee-jerk reaction to one set of circumstances; we need to look at the wider situation and at how to get organisations to respond. That does not mean that we should be lenient in circumstances in which people are being blatantly offensive, but we should give clubs and others an opportunity to rectify situations. It is important that we do that.

Francie Molloy, in his contribution, referred to the commemoration as only “imagery”. We all know in this society just how potent imagery can be. It has been proven under the Terrorism Act 2006 that imagery can be seen to glorify terrorism. For example, the Terrorism Act 2006 has been used to deal with flags and emblems. There is no question, therefore, that the use of imagery is an important aspect.

Francie Molloy also raised some wide-ranging questions, as did Danny Kennedy. We will not answer those questions in this debate, but they need to be answered at some stage. They asked questions about how we should commemorate, mark and interpret contentious periods in our history; how we develop shared values and protocols for the use of public spaces for such commemorations; and whether sports grounds and other public spaces are appropriate places for such events to take place. That brings me back to the issue of a shared future, because the cohesion, sharing and integration strategy was an opportunity to explore those issues. There has been an abject failure by the Executive to grasp the nettle and deliver collectively on that challenge.

I welcome the Minister’s statement with regard to what he said about his Department, but this issue cannot be advanced in departmental silos, despite the enthusiasm of some Ministers. Nor can it be advanced by independent political parties producing their own documents. It requires joint leadership and vision for which we need collective governance on the issues.

I am glad that we had the opportunity to hold this debate, but the issues that it raises are more fundamental and wider than the scope of the motion. If we want to tackle the issue in any real way, we need the cohesion, sharing and integration strategy to be brought forward jointly by OFMDFM, and we need to see an end to the failure to deliver on that issue.

Mr Elliott: I thank Members who took part in the debate. The House will not be surprised to hear that I

agreed with some of the comments that were made and disagreed with others.

The first Member to speak in the debate was my colleague Danny Kennedy, who proposed the motion. He highlighted the reasons underlying the intention of the motion, and the importance of working together towards a shared future — something that the Alliance Party has talked about, and an issue on which I thought that it would have been keen to base support for the Ulster Unionist Party motion, particularly when one looks at the issues around Galbally. Those were highlighted by Mr Kennedy in his opening remarks and by Mr Farry, who tabled the amendment. He deliberately referred to the Galbally rally as well, and that was no surprise. I hope that the Alliance Party will support our substantive motion.

Lord Browne from the DUP was the next Member to speak. I thank him and his colleagues for their support for the motion. He acknowledged that many in the GAA authorities are concentrated solely on the sporting element of the organisation. That is correct. However, he also highlighted the fact that many of those who are involved with the organisation are interested only in its wider cultural and political elements. It is right that we point out that difference.

The debate continued with Mr McElduff from Sinn Féin. It was no surprise that he went back to his old position of the protection and defence of republican terrorists, and he lowered the tone of the debate in that respect. It is obvious that he had written his speech before he heard the tone in which the debate began. We know where he was coming from. He said that the GAA was open to everyone. Will he tell that to young Darren Graham of County Fermanagh? He is a young Protestant whose father was in the UDR and was murdered by IRA terrorists. Darren Graham played GAA games, and he was intimidated so much that he gave up those sports. Perhaps the Member would like to explain to Mr Graham that the organisation is open to everyone.

Mr Molloy: Does the Member accept that the GAA authorities made sure that that young man was able to play Gaelic football back in Fermanagh? Perhaps he should tell the whole story. Will he also clarify his role in respect of the motion, which ignores a lot of the issues that are in front of us with regard to funding from DCAL for UVF groups and bands that promote terrorism in its real form?

Mr Elliott: The Member is at liberty to take up those issues with the Minister of Culture, Arts and Leisure, if he wishes.

I am trying to deal with the motion that has been tabled, and the fact was that Darren Graham had to go to America to continue his sporting activities. What a shame on this Province that someone, because of his

religion, had to leave his GAA club or sporting organisation and move to America.

2.00 pm

Dominic Bradley spoke next and insinuated that the GAA held the biggest sporting occasions in Ireland. I cannot remember what event he referred to, but I feel that I must remind him of the North West 200, which is one of the biggest sporting events in this Province, and which is clearly non-sectarian and non-political.

Lord Morrow spoke next, and I thank him for supporting the motion. He highlighted the issue of how Galbally GAA club may have been used by the organisers of the event. He also suggested that Sinn Féin has no wish to move forward in this society or to progress to a much better society for us all.

Mr Molloy, who has just intervened, spoke next. He alluded to the fact that the demonstration at Galbally was only about imagery, and other members have agreed with that view. However, we must remember what that imagery was. It concerned those who murdered their fellow citizens in this Province — members of the IRA who skulked about at night and shot and blew up the people of this community, some of whom were their neighbours.

Mr Molloy: Will the Member give way?

Mr Elliott: No. The Member has had his say.

Mr Ian McCrea developed the topic of the event at Galbally and gave some significant information.

My colleague David McNarry spoke next, and he described, in some detail, the operation of the “Provo franchise,” which is being carried on by the dissident republicans and which, in my opinion, is being supported by many in the mainstream republican movement. His allusion to a code of republican hierarchy was a nice turn of phrase and one that I must remember to use in the future.

I thank the Minister of Culture, Arts and Leisure for his response to the debate, his deliberations on the matter and for sensibly and sensitively exploring the issues around it. He said that the event at Galbally was nothing new and that similar events have occurred before in Northern Ireland.

The Minister said that the Government must act for the good of all in the community, and those who are involved in sports must recognise that they must do more to incorporate a wider representation. He also said the clubs must take action in that respect and that DCAL is there to assist them with that process. I am pleased that the Minister has taken up the issue with Sport NI and other organisations. We look forward to the result of those deliberations.

Naomi Long made the winding-up speech for the Alliance Party’s amendment. She reminded the House how damaging such events as the Galbally event can be

for our society. She particularly highlighted the effect and influence those events have on our young people, and she made it clear that such matters must be addressed.

Interestingly, a few weeks ago Colm Bradley, the GAA correspondent for my local newspaper, the ‘Fermanagh Herald’, wrote a significant article on the Galbally incident. Colm plays GAA sports, including Gaelic football, and he wrote:

“I was disappointed to see GAA people profess the oft held belief that the GAA is not political and worse still that it was just a sporting organisation ... The GAA is about the promotion of Irish culture and we should all be proud of that fact ... Thank God for the GAA and their promotion of Irish culture. So please, no more pandering to others by claiming the GAA is just a sporting organisation. It’s not. It is much more.”

That is from someone from within the GAA.

Furthermore, he states that rule 2 of the GAA was amended back in the 1970s to read:

“The Association is a National Organisation which has as its basic aim the strengthening of the National Identity in a 32 County Ireland through the preservation and promotion of Gaelic Games and pastimes.”

The wording of that rule was changed and strengthened from the previous, much weaker rule, which simply alluded to preservation of Ireland’s national games and pastimes. Why was there a need to harden that attitude in a time of difficulty in our society in the 1970s? That gives me great concern.

Colm Bradley also wrote in his article that:

“In all honesty the reaction to the event at Galbally has no doubt made it more difficult for the GAA as it tries to extend the hand to the Unionist community.”

There, I am afraid, we have it. There are, unfortunately, people in the GAA who want to use it for their own political and cultural ends.

I do not mind people being involved in the GAA; that is their right, and I am quite happy to accept that. I accept their playing their sport on Sundays and closing off towns and villages when there is a big game on. I am willing to accept that in this society. However, there must also be an acceptance of other people’s culture, which is what many people from that community fail to do. They fail to recognise other people’s culture and tradition, and they want it all for themselves. Unfortunately, that sentiment has been demonstrated at Galbally and other places. It was a charade, and we cannot allow it to be repeated.

The motion asks the Minister and his Department to ensure that such acts are not repeated, otherwise the Province will not move on. I will leave Members with a sentiment that I received from a constituent:

“The GAA does not have to ask Foreign Orange Planter Bigots about flying their colours. The GAA colours will be flown in all of our 32 counties at football matches and nobody cares whether Foreigners are glad or sorry Fermanagh won or lost the match, it’s just none of your business.”

That is the type of people who are in our society — GAA supporters who do not want to give us a say in this community.

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

Main Question put.

The Assembly divided: Ayes 53; Noes 38.

AYES

Mr Armstrong, Mr Beggs, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Craig, Mr Cree, Mr Dodds, Mr Donaldson, Mr Elliott, Dr Farry, Mr Ford, Mr Gardiner, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mrs Long, Mr Lunn, Mr McCallister, Mr McCarthy, Mr McCausland, Mr B McCrea, Mr I McCrea, Dr W McCrea, Mr McFarland, Miss McIlveen, Mr McNarry, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Neeson, Mr Newton, Mr Paisley Jnr, Rev Dr Ian Paisley, Mr Poots, Mr G Robinson, Mrs I Robinson, Mr K 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 Ayes: Mr Elliott and Mr Kennedy.

NOES

Mr Attwood, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Brolly, Mr Burns, Mr Butler, Mr W Clarke, Mr Durkan, Mr Gallagher, Ms Gildernew, Mrs Hanna, Mrs D Kelly, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Dr McDonnell, Mr McElduff, Mrs McGill, Mr McGlone, Mr M McGuinness, Mr McKay, Mr McLaughlin, Mr Molloy, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Ms Ruane.

Tellers for the Noes: Mr Butler and Mr McCartney.

Main Question accordingly agreed to.

Resolved:

That this Assembly calls on the Minister of Culture, Arts and Leisure to ensure that no sports club, which facilitates a commemoration or glorification of terrorism, receives financial support through his Department, either directly or indirectly.

PRIVATE MEMBERS' BUSINESS

Civil Service Recruitment

Mr Deputy Speaker: In accordance with the Business Committee's agreement to allocate additional time when two or more amendments have been selected, up to one hour and 45 minutes will be allowed 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. 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 wish to speak will have five minutes.

Mr Campbell: I beg to move

That this Assembly notes the efforts made by the Northern Ireland Civil Service in recent years to address the under-representation of Protestants among those applying for, and being recruited to, occupational groups which have most employees in the Civil Service; and calls for continued monitoring of all the grades, but particularly those grades where thousands of people are employed, in order that those from all community backgrounds can have confidence in the recruitment process.

The subject of the motion is one on which myself and my party have campaigned, advocated and lobbied for a considerable time throughout Northern Ireland, in the House of Commons, in other countries such as the Irish Republic, and in Europe and America.

We carried out that intensive lobbying over a considerable period because of the importance of the issue and because of its resonance for tens of thousands of families in Northern Ireland.

Some progress has been made. We have had meetings with previous Finance Ministers, previous direct rule Ministers and a number of successive Equality Commission chiefs. All of those meetings were designed to restore equity to the Civil Service, particularly in the areas where most civil servants are employed.

The problem is partially that the Equality Commission in particular, and others, keep repeating the mistake of using figures on the overall composition of the Civil Service to try to prove or disprove fair participation and to demonstrate what they say is happening in the Civil Service or with other large employers. They keep doing that despite the fact that we keep telling them that they need to show us the trends in the people joining the Civil Service. Over time, a trend becomes the factual position; if the Protestant community is under-represented in large parts of the Civil Service, which it is, it will become significantly under-represented in the entire Civil Service if the trend is not addressed and changed.

The Assembly's Research Service has provided a very good information pack, but it falls into a similar trap in that it does not refer to the wording of the motion, which addresses recruitment. Recruitment is always the key. Over time, it becomes difficult to change the situation if there has been a problem with recruitment.

There are two main problem areas in the Civil Service, and the motion does not intend to, nor does it, sidestep or put one aside at the expense of the other. One is the under-representation of Protestants in the general service grades, and the other is the under-representation of Roman Catholics in the Senior Civil Service.

Both amendments mention the Senior Civil Service. The problem is not a denial that either problem exists; it appears that some people are determined to put more emphasis on one than on the other. The general service grades, where the under-representation of Protestants occurs, employ 20,000 people; they are a huge area of employment. The Senior Civil Service employs less than 300 people, but some people keep on and on and on about those grades.

I come to the nub of the issue: although there are two main problem areas, the under-representation of Catholics in the Senior Civil Service is declining year on year. The documentation, including that which the Department of Finance and Personnel released during the summer, shows that the number of Roman Catholics in the Senior Civil Service continues to increase each year. The problem of under-representation is, therefore, lessening among the 300 people who work at that grade. On the other hand, a minuscule change has taken place in the grades that employ 20,000 people. In fact, in some cases, there is a lack of any improvement. As I mentioned at the outset, there has been improvement in other cases.

For the information of Members and the wider public, I turn to the '2007 Review of Fair Participation', which was released by the Department of Finance and Personnel during summer 2009. Page 18 has a section entitled 'Progress towards past goals'. It demonstrates that in 2005, when the most recent review of the Civil Service was carried out, there was a lack of fair participation, or under-representation, in four categories.

In one category, the upper grades — grade 5 and above — there was a lack of fair participation by Roman Catholics in 2005. According to that document, the achievement that was required in that category by 2007 has, indeed, been reached. Therefore, the problem that used to exist in the Senior Civil Service is no longer an issue.

In three other categories, there was under-representation of Protestants; at EO2, AO and AA

level. Those categories just happen to employ 20,000 people. Here, we find that the goal of a 10% increase in Protestant applications for EO2 posts by 2007, the year that is covered by the review, has not been achieved. The same occurs at AO level: a 10% increase in Protestant applications has not been achieved. In the final category, AA — administrative assistant level — the 10% increase in Protestant applications has been achieved.

Therefore, Protestant under-representation applied to three of the four categories where there were problems in 2005. Goals have not been achieved in two of the three categories. They have been achieved in only one of those categories. In the one problem area where there was unfair participation by Roman Catholics, goals have been achieved. That is the precise area to which the amendments refer. I would have thought that that would have negated the need for those amendments. Seemingly, it has not.

At present, those ongoing problems remain. I do not criticise the Department of Finance and Personnel at all: as I have said, some progress has been made. That progress has taken a long time. I recall that I met Richard Needham, who people will remember. I also met the late Bob Cooper, who, at that time, was the chairman of the Fair Employment Agency. We raised the issues with them, and with subsequent Ministers.

Therefore, the matter has been ongoing for a long time. Progress is being made very slowly. We need to keep that going. In 20 years' time, I do not want either me or a successor to have to stand in the Chamber and say, "We are nearly there: we have almost achieved fair participation for Protestants in the Northern Ireland Civil Service". That must be achieved much more quickly than has been the case in the past. We have made significant progress towards that. However, it seems to be halting.

Therefore, the motion's purpose is to ensure that civil servants who are involved with the Equality Commission do not take their eyes off the ball, and that the wider public understands that regardless of who else takes their eyes off the ball, the DUP will not. Our campaign is for equality and fair participation in the workplace. We intend to proceed until we get it.

Mr Deputy Speaker: Order. As Question Time begins at 2.30 pm, I suggest that the House takes its ease until then. The debate will continue after Question Time, when the next Member to speak will be Mitchel McLaughlin, who will move amendment No 1.

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

Shared Future

1. **Mr D Bradley** asked the First Minister and deputy First Minister to explain why undertakings on producing and publishing a shared future strategy have not been honoured. (AQO 46/10)

Cohesion, Sharing and Integration Strategy

5. **Mr Kinahan** asked the First Minister and deputy First Minister for an update on the cohesion, sharing and integration strategy. (AQO 50/10)

The First Minister (Mr P Robinson): With your permission, Mr Speaker, I will answer questions one and five together. The draft programme for cohesion, sharing and integration was originally meant to have been brought forward before the end of last year. That and subsequent commitments on timing were made in good faith, and it was our expectation that those would be met. It was not possible to meet that date. However, reaching agreement on the cohesion, sharing and integration strategy (CSI) remains one of the top policy priorities of OFMDFM.

While we continue to work intensively towards an agreed strategy that will benefit everyone now and over the longer term, work to promote community relations and good race relations has continued over the past two years, led and supported by the deputy First Minister, me and the whole ministerial team.

There are many examples of that commitment: we have invested £29 million in good relations work in the current comprehensive spending review (CSR) period to build a shared and better future. That, in my view, is not insubstantial. Additionally, we provide match funding to EU funding under the Peace III programme. OFMDFM, as the Department that is accountable for three priorities in the programme, is strategically placed to ensure co-ordination of local activities at the local level.

The junior Ministers continue to chair the north Belfast working group, which focuses on interface issues in Belfast and across Northern Ireland. During

the summer, we have spent £500,000 on resourcing work for summer intervention programmes.

After the death of Mr Kevin McDaid in May, we worked proactively with our key partners, both statutory and non-statutory, in Coleraine, and we are providing an additional £23,000 to Coleraine Borough Council for diversionary work on top of the £86,000 that was awarded to the council for good relations activities. The junior Ministers will meet key partners again on 23 September as part of our ongoing commitment to the area.

Similarly, in Craigavon, the junior Ministers have been chairing meetings with all key partners on the issues and tensions there, and we are supporting and facilitating diversionary work on a multi-agency basis.

Since 2006, the Institute of Irish Studies at Queen's University has undertaken flags monitoring on our behalf. Its last survey will be conducted at the end of this month, and we expect to receive the report by the end of the year.

Mr D Bradley: Go raibh míle maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Chéad Aire as an fhreagra a thug sé. I thank the First Minister for his answer. After last week's farce, when there was a clear demonstration of a divided future, what is being done to resolve the logjam on this issue at the heart of the Government? Will the First Minister give us a definitive date for the strategy's official publication?

The First Minister: I do not think that the SDLP has any reason to be smug about the issue, because it and the Ulster Unionists failed to agree such a strategy themselves. Indeed, the strategy being employed is that which was agreed by the direct rule Administration. I understand that the Member probably practised asking his questions in front of the mirror and that he, therefore, did not bother listening to what I had to say. However, as I indicated in my response, a very considerable amount of work has been done on the overall policy for cohesion, sharing and inclusivity.

The Member is smiling, but the strategy is not just the responsibility of OFMDFM. Whether or not the Member agrees with the way in which documents on a shared future strategy were published, there are two such documents in the public arena — the recently published Sinn Féin document and the document on which OFMDFM officials and both my officials and the deputy First Minister's officials had been working.

Therefore, the Committee has the information before it, and it should remember that the Assembly can take decisions and Ministers are legally bound to comply with the decisions of the Assembly. So if the Committee, or indeed any Member of the Assembly, were to bring forward one of those documents or one of those documents as amended and it were to be

passed by the Assembly, we all have a legal obligation to follow through.

I would like the strategy to have a Northern Ireland thumbprint, instead of it being a product of direct rule. However, irrespective of the strategy that we are operating under, the work on the ground will continue. The deputy First Minister and I are committed to that and have both been deeply involved in ensuring that that moves forward.

Mr Kinahan: I thank the First Minister for answering part of the question. Documents have been published, but does he accept that there is a continuing failure to have a vision or a will to deliver a cohesion, sharing and integration strategy, particularly in the House? Does he also accept that that in itself is a contributory factor to the ongoing community tensions that manifested themselves in the summer?

The First Minister: I accept that the failure of the SDLP and the Ulster Unionists to agree has been followed, thus far, by a failure by others to agree. We want to see that issue resolved. We know what the differences are, and we can discuss them in detail; I am content to go into in detail on the differences between the DUP and Sinn Féin on the matter.

There seems to be a sense of surprise, particularly among the press, that two parties do not agree on a particular issue. I suspect that there is a greater level of agreement on many of the issues that we have faced than there would have been if the Conservative and Labour parties were in Government together at Westminster. The fact that there are some issues on which we take a different approach should not surprise anybody. I emphasise that the Committee now has been provided, in an open way, with the type of documentation on which it can give us its view.

Mrs Long: Has taking into the public domain the dispute over the strategy, which it is fair to say most people were aware was ongoing, furthered community cohesion and a shared future, or detracted from it? Will the First Minister provide an assurance that, despite the public nature of the dispute, he and the deputy First Minister will continue to pursue the strategy, because their joint leadership on the matter is of huge importance to its ultimate delivery?

The First Minister: Mr Speaker, you would not allow me the words that I want to use in answer to the Member, because they might be considered unparliamentary. The Member has stood up time after time after time to make public the differences on the issue. Perhaps a little more honesty would do us some good — I am not talking about honesty from the Member; I am talking about honesty on our part by having transparency so that people can understand where the differences are.

If the differences are real and not synthetic, the public are more likely to understand them. Incidentally, we have not had the debate on what those differences are in public. I readily agree with the Member; I want to see agreement on those issues. Maybe the Member will tell us in due time, if not now, which of the documents, if any, she can endorse.

Mr Donaldson: If a single party continues to resist agreement on an issue as important as this, will the First Minister clarify whether a mechanism is available to the Assembly or Executive to enable us to move on?

The First Minister: During Question Time, I am not going to go back over remarks that were made in the Ulster Hall. However, under the Pledge of Office and the ministerial code, the existing rules, regulations and procedures require that every Minister complies with the decisions of the Assembly. If the Assembly takes a decision, it is the responsibility and obligation of Ministers to comply with that decision. That is the present legal position; it shows strength in the system and respect for the Assembly.

If, in the circumstances under discussion, the Assembly took the view that it was worth while for the Committee to bring forward one or other of those documents or, indeed, an amended document, and the Assembly were to support it, my ministerial colleagues and I would have to implement that and carry it out. Those are the rules of the Assembly.

Mr P Maskey: Go raibh maith agat, a Cheann Comhairle agus a Aire. Given the recent public statement by the former OFMDFM junior Minister about the relationship between equality and good relations, and given that the Programme for Government was agreed by the Executive, will the Minister remind the former junior Minister and the Assembly of PSA 7, and the aligned objective 5, for which the agreed target is to implement a programme of cohesion and integration?

The First Minister: The Member asked that question in a way that I do not quite understand. However, every Minister has a responsibility to act in accordance with the Programme for Government. That document has been agreed not only by the Executive but by the Assembly. All Members are entitled to their own views on any issue. However, in working out Government policy, we are bound by the Programme for Government.

Mr Speaker: I warn those Members, on all sides of the House, who are reading out supplementary questions that I will rule them out of order and move on to the next Member.

Policing and Justice: Budget

2. **Mr K Robinson** asked the First Minister and deputy First Minister for an update on any financial negotiations in respect of the devolution of policing and justice. (AQO 47/10)

4. **Mr O'Loan** asked the First Minister and deputy First Minister for an update on the current negotiations in respect of the budget for policing and justice following devolution. (AQO 49/10)

The First Minister: With your permission, Mr Speaker, I will answer questions 2 and 4 together.

Preparations for the devolution of policing and justice powers have progressed in line with the process paper that we made public after our attendance at the Assembly and Executive Review Committee (AERC) on 18 November 2008. Following the Assembly's approval of the AERC's report on the arrangements for the devolution of policing and justice matters on 20 January 2009, the Committee has been working on a second report to deal with a further range of issues, including financial provisions, that need to be resolved before devolution. On 29 June, the deputy First Minister and I attended a briefing by the Committee's specialist adviser on those financial issues. We look forward to the outcome of the Committee's consideration.

On a number of occasions over the past year, the deputy First Minister and I met senior Whitehall Ministers to discuss financing issues in relation to devolution. On Wednesday 16 September, we met the Prime Minister, and we intend to meet him again early this evening at Downing Street.

In addition, our officials, and those from the Department of Finance and Personnel, engaged in detailed discussions with Whitehall Departments, including the Treasury, the NIO and the Northern Ireland Court Service, to establish the financial implications of devolution. A series of meetings has also been held with front line justice and policing agencies to examine the pressures that they will face in delivering services in the coming years.

It is our firm view that devolution should be accompanied by adequate resources to meet the challenge of the new responsibilities and to deal with financial pressures. We remain committed to the achievement of a satisfactory conclusion to the ongoing financial discussions and to working faithfully through the other remaining steps that were identified in the November process paper.

Mr K Robinson: I thank the First Minister for that very detailed reply and for setting the issues out chronologically.

Given the sums involved, the potential that exists for derailing the entire process of devolution and the

impact that it will have on the Assembly Budget, have the First Minister and his colleagues, at any stage, engaged in a procedure whereby there could be a process of rolling devolution for policing and justice?

2.45 pm

The First Minister: The Member is right; the Assembly and Executive Review Committee identified some considerable additional pressures. Indeed, it even assisted us in dividing those pressures into those that were truly inescapable; that is, those that involved legal or contractual obligations that could not be escaped in any way. Moreover, it helped to identify areas for which there was high pressure to put funding in place although they did not legally or contractually require additional funds. Other elements were clearly discretionary.

When we look through the report, we can see several areas that we might have expected a Department, in any circumstances, to deal with using its own budget. For example, slippage may have been allowed in one area to deal with additional pressure on another. However, the Assembly and Executive Review Committee's report involved some significant big-ticket issues, if I may use that term. In my view, it would be unwise for this Administration to take devolution on while those issues remain in their present form, because it would require those payments to be made. If the funds were not in the initial baseline, it is clear that the money would come from areas such as health, education, housing, agriculture and the environment, and so forth. We have been dealing with those issues seriously.

The Member asked about rolling devolution. The answer to his question is that not much is left to roll. If we look at the responsibilities that the Chief Constable and the police carry out independently and impartially, and if we look at the role of the Policing Board, it is clear that, beyond policy, nothing else is left to be rolled. Similarly, the judiciary is independent, and only policy and legislation would need to be rolled. Therefore, the high-end level remains. I do not see how that can be desegregated further in any way before one final move towards devolution. As we have indicated, that requires us to have other things in place.

Mr O'Loan: Members will note that the First Minister is a little tetchy today. Perhaps public criticism of him for the Office of the First Minister and the deputy First Minister's failure to deliver on cohesion, sharing and other matters is getting to him. He is unable to indicate a firm date for the devolution of justice and policing. Will a date not be absolutely necessary before Downing Street commits to its bottom line on funding?

The First Minister: I understand why the Member wants to take attention away from his party's problems

— they will see the leader standing down for an older man or woman.

If one accepts the Member's argument, the situation is one of chicken and egg. I argue that if one were to set a date for the devolution of policing and justice, all that the Government would have to do is sit there with their arms folded, do absolutely nothing and wait for the date. That forces us to devolve those powers before the funding issue has been resolved adequately. We all know that it is vital to resolve the funding issue before devolution, because it will not be possible to resolve it thereafter, particularly as financial pressures and restraints continue to press down on the Treasury. That is particularly the case if there is to be a new Government that will talk about even more cuts.

Mr Kennedy: I am grateful for the opportunity to ask the First Minister a question. In coming to conclusions, will he take the advice of his party's deputy leader, Mr Dodds, or that of one of his party's Policing Board members, Mr Ian Paisley Jnr? Given recent events, is he prepared to express full confidence in Mr Paisley?

Mr Speaker: Order. Once again, the Member is abusing the House's procedures. That question in no way relates to the supplementary question, and the Member knows that quite well.

Mr A Maskey: I thank the First Minister for his responses so far. On a general point of principle, the First Minister, aside from all the commentaries made so far, has made the point that further public expenditure cuts will be made in future comprehensive spending reviews. In light of that, is it wise or appropriate that the future financial arrangements for policing and justice here be left in the hands of a British Government Minister?

The First Minister: I hope that there is a desire throughout the Chamber for us to have the maximum level of devolution in Northern Ireland, including policing and justice. I am not embarrassed to say that; I follow a long line of unionist leaders who believed that it was an imperative. The founding fathers of this state, Carson and Craigavon, would not have accepted devolution at Stormont without policing and justice powers being devolved. Even Brian Faulkner, in his day, would not allow the continuation of devolution in Northern Ireland because policing and justice powers were taken away. My clear view is that I want to see policing and justice powers come to Northern Ireland. However, we must remember that even if policing and justice powers lie in Northern Ireland, the budgetary arrangements will still lie with the Treasury. Simply having the responsibility here allows the Treasury, to some extent, to have it at arm's length. That is why it is vital that we get the right arrangements from the Treasury before we take the responsibility.

Mr Hamilton: Will the First Minister outline to the House what role he envisages that the Assembly and Executive Review Committee might have in considering any package that Her Majesty's Government would propose for the devolution of policing and justice powers?

The First Minister: The Assembly appreciates the role that the Assembly and Executive Review Committee has already played. It brought a report to the House on the institutional arrangements that found favour with Members, and I believe that our institutional arrangements will enjoy the confidence of the community. The Committee has moved on to the next stage, which is to examine the funding arrangements. I know that it has done a considerable amount of work and has brought in a specialist adviser to assist it.

The deputy First Minister and I have taken many of the Committee's suggestions on board in our discussions with the Prime Minister and others. I understand that the Committee will want to finalise its report on the financial arrangements. It may want to see the deputy First Minister and me again before it does so, and I am pretty sure that we will be content to meet the Committee once again. The Committee's report is one of the essential elements of the process that we agreed last November: that the Committee would come back to the Assembly with its report on funding and other arrangements.

Investment Strategy

3. **Mr Irwin** asked the First Minister and deputy First Minister for their assessment on the delivery of the Executive's investment strategy. (AQO 48/10)

The First Minister: The investment strategy for Northern Ireland (ISNI) has enabled the Executive to concentrate on the delivery of our capital investment programmes and projects in these most difficult of times, in which the credit crunch has hit our local economy. In 2008-09, gross capital investment in public works totalled almost £1.7 billion, up 20% on the year before, and without significant underspend. In contrast, investment levels in the first part of this decade were typically around £650 million per annum up to 2002-03.

New capital investment is at record levels, and the Executive are determined to continue investing in our future to the maximum extent possible, with the resources that are available to us. We will do that not only because to do so is to support essential services but because it gives our local construction industry an important stimulus in these difficult times. Some examples of the progress that we have made include the completion of the M2 roads project ahead of

schedule at a cost of £20 million; the construction of a new further education campus for Belfast Metropolitan College in the Titanic Quarter, which is now under way; and the commencement of the construction of the new £270 million acute hospital outside Enniskillen, which will sustain 850 jobs, 180 of which will be newly created.

There are 55 projects, worth about £265 million in total, for which the construction contract was recently signed; there are a further 40 projects, worth about £950 million in total, for which procurement is in progress. That includes a £600 million design-and-build contract for the A5 road upgrade. In addition, there are about 40 construction projects across Departments, worth £200 million in total, for which procurement is planned for the near term, but which have not yet commenced.

Our investment programme is making an enormous impact on the local economy, particularly on the construction industry. In many of the cases that I mentioned, there are opportunities for subcontractors and suppliers to bid for work in the supply chain. The bulk of investment strategy for Northern Ireland projects are planned and delivered by local firms using local materials and labour. We are very conscious of the key role that the local construction industry plays in the economy of Northern Ireland, a topic on which Members have frequently raised concerns.

Although the Government cannot substitute for the loss of business in the private sector housing market, we have done all that we can to maximise the implementation of Government spending to support the construction sector. That is evidenced by the record outturns in 2008-09, and by the ongoing work programme.

More public works are being undertaken today in Northern Ireland than at any time in our history. This Executive and their achievements to date in bringing forward their programme of infrastructure investment have been significant, and we are confident — subject to resources — that we will be in a position to build on that success for the benefit of our people in future as we climb out of recession.

Mr Irwin: In the past week, both the SDLP and UUP published documents in relation to the Budget, claiming that there is a £2 billion hole. Does the Minister have any comments to make on that?

The First Minister: We all know the wonky economics in both those documents. It does this community no service for people deliberately to inflate areas where there is expenditure and to ignore entirely areas where we have been bringing in funds in order to cause concern and fear. I say “deliberately”, as there is always the possibility that they are economically illiterate and do not know any better.

The Executive will be able to fund their Budget like any other Executive. There will be pressures for additional funds; swine flu and water charges will put pressure on the Budget. However, there are always slippages, particularly in the capital budget. Almost £600 million was underspent in the 2006-07 financial year, as opposed to the additional Budget that was supplied for capital. There is always slippage to compensate in a Budget, to some extent, and where it does not compensate, the Executive have to look at their programmes to identify their priorities.

Dr Farry: I thank the First Minister for his answer. Although we recognise the scale of the capital investment and its effect on the pump-priming of our economy, will the First Minister outline whether any opportunity has been taken of the scale of capital investment to change the fundamentals of our economy to tackle the structural weaknesses that have been identified and to modernise and rebalance our economy?

The First Minister: As I said, we are now investing more than twice as much as in previous CSR periods, with £1.7 billion being spent on housing, roads, education and hospitals. That is a very significant sum. Under the procurement directives, we can examine the social implications of our spend in how we purchase those services and assets.

The Executive have had the growth of our economy as their priority. Many an Executive might have been blown off course by the recession, but because we have always had the growth of the economy as our priority, we have continued on course, although, at times, it has become difficult. The Executive found that it was important that capital spend was made to fulfil the Programme for Government, particularly in relation to the construction industry and the gap that it was feeling through the lack of house building.

Coming out of recession, we are well-positioned to take advantage of all the work that we have done.

3.00 pm

AGRICULTURE AND RURAL DEVELOPMENT

Ambulance Service

1. **Mr McCarthy** asked the Minister of Agriculture and Rural Development what discussions she has held with the Minister for Health, Social Services and Public Safety regarding adequate ambulance service cover in rural areas. (AQO 60/10)

The Minister of Agriculture and Rural Development (Ms Gildernew): Go raibh maith agat, a Cheann Comhairle. Provision of adequate ambulance cover is obviously a very important issue for rural communities. Being mindful of that, I requested a meeting with the Minister of Health, Social Services and Public Safety when the proposals for the Ambulance Service efficiency savings were published in July 2009. A meeting has been arranged for next week, at which I intend to discuss the Minister's decision to support those proposals. I will also seek assurances that the potential impact of the changes on rural areas has been fully investigated and that there will be ongoing monitoring of those changes.

Mr McCarthy: I thank the Minister for her response. She is getting to talk to the Health Minister about ambulance provision earlier than me. The Minister acknowledged the Health Minister's endorsement only last week of a document that will lead to the loss of 70,000 ambulance-staff hours. Does the Minister, who, like me, represents a rural constituency, fear that cutbacks and a lack of ambulance provision will put extra strain on rural communities and put lives at risk?

The Minister of Agriculture and Rural Development: I am speaking as a Minister and not as a constituency MP. As the Minister of Agriculture and Rural Development, it is my responsibility to advocate across Government on behalf of rural communities and rural constituencies, such as the Member's. I sought a meeting with Minister McGimpsey to ensure that the issues that the rural community highlighted during consultation have been fully considered and that there is a realisation of the potential impacts on rural areas.

It is of great concern to me that, in the past, rural proofing has been shown not to work. I am keen that that the needs of rural people and rural communities are met by all Departments, which is why I brought my proposals for a rural-wide paper to the Executive. I am pleased that they are supporting me as that project is worked through.

Mr Shannon: The Minister will be aware that there is an Assembly all-party group on rural sustainability. Ambulance cover in rural areas is a key issue that has been raised by that all-party group. The Minister said that it is her job, as the Minister of Agriculture and Rural Development, to represent the rural community. We need her to assure us today that her Department will make every effort to ensure that there is sufficient ambulance cover for the rural areas that we represent and that lives will not be lost as a result of road traffic accidents or accidents on the farm. Those are the key issues for representatives of rural communities.

The Minister of Agriculture and Rural Development: We must ensure that there is adequate

ambulance provision. There have been reductions in services at some hospitals, and rural dwellers rely on ambulance cover, given that they have to travel further to hospitals. Ambulance cover is one of the issues that I will discuss with Minister McGimpsey. I will be keen to ensure that there is adequate provision in rural areas. We already have to deal with difficult conditions on the roads to some hospitals, so it is more important than ever that rural areas have adequate provision of ambulances and, indeed, all primary care. I hope that we will have a good, constructive discussion about all those matters next week.

Mr McElduff: Go raibh maith agat, a Cheann Comhairle. What rural proofing has been undertaken in the development of the proposal? Has the Minister's Department had a role in the matter?

The Minister of Agriculture and Rural Development: As I said, rural proofing did not work in the past, hence the recent announcement for a reinvigorated rural-proofing process. Departments need to take full account of the way in which their policies will be delivered to all communities. My Department's role in rural proofing is to provide support for the process. That role is reinforced by consultation and approved by the Executive. My Department will advise on the how and why of rural proofing, but individual Departments are ultimately responsible for obtaining all the evidence and information that is required to define their priorities and to predict impacts on rural communities.

Through the Executive, I have undertaken actions to deliver and enhance the rural-proofing process and training programme for all of Government.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. Go raibh maith agat, a Aire, as ucht an fhreagra sin.

As the Minister represents and lives in a rural area, as I do, she will presumably be aware of some of the concerns about the provision of services in rural areas, particularly to the likes of the Mid-Ulster Hospital at Magherafelt. The Minister revealed that she would meet the Health Minister. Will she provide or put on record the detail of any objections or concerns that she has about the proposals for the rapid-response vehicles and the level of ambulance provision in our rural areas?

The Minister of Agriculture and Rural Development: The use of rapid-response vehicles is the responsibility of the Minister of Health, Social Services and Public Safety. Although I recognise the potential benefits of the use of rapid-response vehicles and do not doubt the standard of treatment that individuals will receive, I want to explore further with Minister McGimpsey the use of those vehicles in rural communities. I will happily make the outworkings of that meeting known to the Member.

Farm Modernisation Programme

3. **Mr Donaldson** asked the Minister of Agriculture and Rural Development to outline the criteria to be used for distributing funds under the next round of the Farm Modernisation Scheme. (AQO 62/10)

10. **Mr McFarland** asked the Minister of Agriculture and Rural Development, in relation to the Farm Modernisation Programme, how many and what percentage of applicants have received letters of offer. (AQO 69/10)

The Minister of Agriculture and Rural

Development: With your permission, a Cheann Comhairle, I will answer questions 3 and 10 together. In relation to the criteria for distributing funds under the next round of the farm modernisation programme, my officials are still developing the additional criteria for tranche two. I have asked for a paper on that matter by the end of this week. It is my intention to seek the industry's views on the additional criteria for that important and popular programme as soon as I can.

As regards letters of offer, 1,268 farmers received a letter of offer under tranche one of the programme, which is 13.68% of the large number that applied. It is well known that the scheme was hugely oversubscribed, and I am happy to reiterate my intention to work to secure more money for the programme. All applicants under tranche one have now been notified of the outcome of their application.

Mr Donaldson: The Minister rightly points to the popularity of the programme. Will the Minister consider widening the criteria for the next round of the programme to enable farms that keep pigs or grow cereals to be included, so that farmers from that kind of background are able to benefit from the scheme?

The Minister of Agriculture and Rural

Development: It was my hope that all farmers, whatever their focus, would be able to buy into the scheme. We tried to include items in the programme that would be of benefit to a wide range of people, so no sector was purposely left out. However, the programme is for farm modernisation, and the items that a pig farmer needs to modernise are very different from the items that a dairy farmer, for example, needs to modernise. We want to look again at the list, and we will take views from the industry as soon as we can, when the additional work is done on tranche two. We want to include additional criteria so that the programme is as effective as it can be.

Mr McFarland: I thank the Minister for her answer. Presumably those who were unsuccessful in the first round will be able to reapply. Do they have to apply again, or will the Department automatically consider their first-round application as their subsequent-round application?

The Minister of Agriculture and Rural

Development: The short answer is that they will have to apply again. As the Member knows, the application form is very succinct and simple to fill out. We want to go through the process again because a farmer who did not apply the first time because no items on the list pertained to him or her may find that the new list is more appropriate to their needs. We do not want anybody to be disadvantaged, so we are asking farmers to reapply and to look at the new list to see what they need. Farmers can apply for all of the tranches providing that they do not go above the threshold that has been set down. What each individual farmer wants to do is up to them.

Mr Irwin: When does the Minister expect the scheme's second tranche to be opened?

The Minister of Agriculture and Rural

Development: I have said that the second tranche will not open until at least spring 2010; it will be worth in the region of £6 million. As I said earlier, I will do all in my power, in light of other urgent priorities and financial restrictions, to get more money into the programme. There is likely to be an opportunity to move money from one scheme to another, but it will be next spring before tranche 2 opens.

Mr Savage: It is interesting to hear the Minister say that the second tranche will be available in 2010. When will people have their applications approved?

The Minister of Agriculture and Rural

Development: Is the Member asking about approvals for tranche 1 or tranche 2?

Mr Savage: Sorry, tranche 2.

The Minister of Agriculture and Rural

Development: The Department has a great deal of work to do before tranche 2 is finalised and the criteria set. We will talk to the industry, and we want to get the money out as quickly as possible after tranche 2 closes. I cannot yet say, categorically, how long that will take.

Food Processing

4. **Mr I McCrea** asked the Minister of Agriculture and Rural Development if the Processing and Marketing Grant scheme is the sole capital support for food processing businesses. (AQO 63/10)

The Minister of Agriculture and Rural

Development: The agrifood and forestry industries in the North account for a significant proportion of economic activity. Therefore, they have a vital role to play in the evolution and restructuring of the local economy and are highly dependent on external markets. The aim of the processing and marketing grant scheme (PMG) is to improve economic performance and international competitiveness in those sectors.

The PMG is my Department's main vehicle to support the food-processing sector. The rural development programme (RDP) that was approved by the European Commission has utilised a provision under article 28 of the programme legislation, which provides easement for funding of annex-1 products otherwise excluded under state-aid rules. Subject to fairly strict conditions, those products can be funded under axis 1 of the rural development programme.

To date, the processing and marketing grant scheme has received 63 applications and issued 16 letters of offer, committing almost £5 million of funding. Added to private funding, that comes to a total investment in the sector of more than £12 million, which is a significant amount in difficult economic times.

A number of food processors of non-annex-1 products is being signposted to axis 3 of the RDP. I know that a small number of cases does not fit comfortably in the processing and marketing grant scheme or access 3, and I have asked my officials to review all the support mechanisms available to the processing and marketing sector. Cross-axes meetings have already been held and I await a report and recommendations. Invest NI also has a range of measures under which food businesses can receive aid. Those complement aid available from my Department and mean that the Executive are providing substantial support to food-processing businesses.

Mr I McCrea: I welcome the fact that there will be, hopefully, some clarity on cross-axes issues, because there was some uncertainty about whether businesses could apply. Will support for farm shops under axis 3 include capital grant aid for food-processing equipment?

The Minister of Agriculture and Rural

Development: I cannot say exactly what will be covered under that grant scheme or whether we will be able to find a mechanism to do anything for farm shops until I see my officials' report and recommendations on those cross-sectoral meetings. I certainly intend to try, but I do not yet have that detail.

Mr Cree: Will the Minister clarify the level of funding available for food-processing companies outside the rural development programme?

3.15 pm

The Minister of Agriculture and Rural

Development: I apologise to the Member; I do not have that information with me, but I will happily write to him with it.

Mr W Clarke: Go raibh maith agat, a Cheann Comhairle. Will the Minister outline why applicants to the process and marketing grant scheme under axis 1 cannot purchase second-hand equipment?

The Minister of Agriculture and Rural

Development: Although I accept that it is important for the agrifood industry to be at the cutting edge of new technology and to avail itself of the most efficient equipment, I also acknowledge that being able to purchase second-hand equipment may provide a more cost-effective way forward in these difficult financial times. Therefore, I have asked my officials to carry out a review of the procedures under the processing and marketing grant scheme as quickly as possible, with a remit to examine the options to purchase second-hand equipment that is fit for purpose. I want to assess the outcome of that review before making a final decision.

Mr Speaker: The Member is not in his place to ask question 5.

Community Relations

6. **Mr Neeson** asked the Minister of Agriculture and Rural Development what action she is taking to promote community relations in rural areas.

(AQO 65/10)

The Minister of Agriculture and Rural

Development: In recent years, my Department has been instrumental in fostering good community relations in rural areas through the rural development programme and other rural initiatives. For example, under axis 3 of the current programme, local action groups are required to reflect the agenda of the shared future triennial action plan in their local development strategies. At the same time, community groups that are funded through the rural community network and sub-networks are cross-community based and work to principles that promote the shared development of rural needs.

Other initiatives include the funding of a programme aimed at supporting the specific needs of isolated Protestant communities in border areas. Furthermore, funding the Rural Women's Network helps to ensure that the rural women's sector is able to embrace many cross-community themes in its rural work programmes. Young people, too, are not overlooked. Through my rural childcare programme, exciting opportunities exist for early-years integration, which can only establish and foster good community relations for generations to come.

Mr Neeson: I thank the Minister for her answer. Many people regard community relations as an urban issue, but that is clearly not the case; one need only look at the numerous sectarian attacks on Orange halls and GAA clubs in rural areas. Will the Minister assure me that her Department will make every effort to improve community relations in rural areas, which could be done, in particular, through the rural networks?

The Minister of Agriculture and Rural

Development: The rural networks are very much a vehicle for doing that, and all parts of the North have had a rural support network for a considerable time. In the current funding round, two networks could not meet the pre-funding conditions, one of which decided to close. However, as a result of that and due to the nature of the sector, neighbouring rural support networks are providing cover across boundaries to ensure that the sector continues to carry out its valuable work in all areas.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom buíochas a ghabháil leis an Aire as an fhreagra sin.

I thank the Minister for her answer. What work has her Department carried out to promote equality and good relations throughout all areas of its work?

The Minister of Agriculture and Rural

Development: Since I took office in May 2007, the promotion of equality and good relations across the range of my Department's work has been a key objective of mine. In this year's business plan, I outlined that I am committed to ensuring that equality and good relations are at the heart of our business and that we work to achieve measurable outcomes.

An equality steering group, comprising senior officials from across the Department and chaired by the permanent secretary, meets quarterly and reports to me on a regular basis. In addition, my Department is fully represented on all interdepartmental working groups and at equality-related meetings to provide the rural input to various strategies and action plans, such as the anti-poverty strategy, the gender action plan, the children's strategy, the sexual-orientation action plan and the racial equality strategy.

Mr Kinahan: In the Minister's efforts to promote community relations, has she abandoned plans to develop the Forkhill army base?

The Minister of Agriculture and Rural

Development: No, I have not abandoned either the project or the good people of Forkhill, and I believe that that project has the ability to strengthen good community relations, as opposed to the Member's inference that it might diminish them.

Fertiliser

7. **Mr P J Bradley** asked the Minister of Agriculture and Rural Development, in light of the poor weather conditions, what consideration she has given to an extension of the dates for (i) the application of nitrogen to grasslands; and (ii) the start of the closed period for slurry spreading. (AQO 66/10)

The Minister of Agriculture and Rural

Development: The closed period for spreading chemical nitrogen fertiliser is based on sound scientific evidence. Chemical fertiliser that is supplied up to mid-September, together with the mineralisation of nitrogen that is already in the soil and organic manures that can be applied up to 15 October, is sufficient to meet the requirements of reduced grass growth in the autumn. There is no need for the application of chemical nitrogen fertiliser after the cut-off date of 15 September 2009. A three-year research study has been conducted at the Agri-Food and Biosciences Institute (AFBI) Hillsborough, and no scientific evidence was found to support applications of chemical nitrogen fertiliser after mid-September. National fertiliser recommendations RB209 state that there is no economic response to chemical fertiliser application on grassland after mid-September.

Dealing with the second part of the question, I recognise that the poor weather conditions this summer mean that some farmers are experiencing practical difficulties with spreading slurry. The closed period for slurry spreading is a regulatory requirement under the Nitrates Action Programme Regulations. The NI Environment Agency is responsible for the inspection and enforcement of those regulations. Therefore, any regulatory matters are primarily for the Minister of the Environment to consider. I have provided him with details of the advice that my Department has been able to offer farmers recently, and I explained some of the difficulties that farmers are having with managing slurry. I certainly recognise the challenges that exist, and I sympathise with farmers about them.

Mr P J Bradley: I thank the Minister for her answer. I want to ask a supplementary question on the first part of my question. It is 15°C outside, and summertime does not end until the end of October. Does the Minister not agree that application of fertiliser through September and even into early October would cut down the use of winter feeding stuffs? There is a valuable saving for the farmer to be made in so doing. Indeed, the cut-off date of 15 September is anti-farming.

The Minister of Agriculture and Rural

Development: As I said, AFBI's research showed no benefit in applying chemical fertiliser to the soil after 15 September. I am not a scientist, and I would not want to argue with a three-year programme. Given the professionalism and the nature of the team at AFBI, I have no reason to misdoubt the findings of the research.

Dr W McCrea: Does the Minister agree that, in the light of the change in weather patterns, she should work with the Department of the Environment to ensure that there is flexibility on slurry spreading and that she should not be tied to an unacceptable timetable? Sense tells us that there should be such flexibility.

The Minister of Agriculture and Rural

Development: The deadline for slurry spreading is 15 October. The Member asked questions that Sinn Féin raised during the consultation process about the fact that the weather can be suitable for spreading slurry during the closed period. However, again, the evidence exists. The Minister of the Environment had a derogation last winter; I understand that that flexibility is not available to him this year. That is not of his or my making; it is a European Commission regulation. I am sure that the Minister of the Environment would be happy to take questions that are directed to him about that.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. Mr Bradley has been encouraging me recently in our local press to take an interest in agricultural affairs, so I thought that I would ask a question. *[Laughter.]*

The closed period for the spreading of chemical fertiliser has been extended in the South. Why has that not happened here?

The Minister of Agriculture and Rural

Development: The growing season, particularly in the south-west of Ireland, is longer than that in the North. Given his extensive agricultural knowledge, the Member will know that there is quite a bit of arable land in that area. Spreading chemical fertilisers for a further short period can help to boost grass growth in the South. As I said, the local scientific research that was conducted at AFBI Hillsborough supports the closed period for the application of chemical nitrogen fertiliser in the North, and there is no scientific evidence to support applications of fertiliser after mid-September.

Mr K Robinson: Has the Minister considered carefully the impact that any extension of the slurry period will have on urban dwellers, streams and rivers? If so, what steps will she take to minimise that impact?

The Minister of Agriculture and Rural

Development: I am pleased to report that it is not only urban dwellers who benefit from clean streams and rivers; we in the rural community have an interest in them as well. Spreading slurry in adverse weather conditions is dangerous to our water quality and water courses; that is why we have advisers who advise farmers on when and, more importantly, when not to spread slurry. Farmers are not allowed to spread slurry if heavy rain is imminent or if the ground is waterlogged.

My Department's advisers also work with farmers to provide advice on how to cope if they find that they have a shorter fodder later in the year. Clean water courses are of equal importance to rural and urban dwellers, and we are keen to achieve that. Furthermore, slurry spills or seepage into a river can have a terrible impact on fish, especially when water levels are low.

Hunting with Dogs

8. **Mr B Wilson** asked the Minister of Agriculture and Rural Development if she would consider introducing legislation to ban hunting with dogs similar to the Hunting Act 2004 for England and Wales and the Protection of Wild Mammals (Scotland) Act 2002. (AQO 67/10)

The Minister of Agriculture and Rural

Development: There has been little political or public debate on hunting in the North. Any decision to introduce a ban on hunting here is not solely a matter for my Department and would have to be taken in conjunction with ministerial colleagues in the Executive. My Department has limited responsibilities towards animals in the wild and it has no powers to prohibit or regulate hunting or coursing with dogs.

Section 15 of the Welfare of Animals Act 1972 exempts from its provision the coursing or hunting of any animal other than a domestic animal. That provision does not legitimise hunting or coursing, but excludes those activities from the offences of cruelty contained in the Act. However, it should be noted that the hunting exemption in the Welfare of Animals Act 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, a prosecution can be made here under existing legislation — unlike in Britain — if sufficient evidence is forthcoming that unnecessary suffering has been caused to an animal during a hunt.

Mr B Wilson: I thank the Minister for her response. However, given that the rest of the United Kingdom has banned this barbaric and cruel sport, I am disappointed that the Minister appears to have no powers. She refers to the Welfare of Animals Act 1972, which provides the power to prosecute in instances in which an animal is injured, mutilated or exhausted. Will the Minister use that power? It is obvious that most animals will be in such a state if they are being hunted. Therefore, there are grounds for prosecution under the Welfare of Animals Act 1972.

The Minister of Agriculture and Rural

Development: The Member is right. We can legislate for animals that are released in an exhausted or mutilated state. It is clear that any decision to introduce legislation to ban hunting with dogs is a matter for the Executive. We are introducing some major pieces of legislation. The legislation should be enforced, and the PSNI has the power to enforce the Welfare of Animals Act 1972.

Mr Shannon: I love this question. *[Laughter.]* Why would the Minister want to introduce legislation that is

immoral and unwise? Why would she want to alienate large groups of people in the rural communities? That is what happened when such legislation was introduced across the water. Why would she want to introduce legislation that has not even been able to be arrived at through the courts? Why would she bother introducing the legislation that Brian Wilson wants when she knows that it is unworkable?

The Minister of Agriculture and Rural Development: I do not want to comment on what the Member says. There is little public appetite for a debate on this matter. However, I would welcome a debate if Brian Wilson chose to bring it to the Floor. I would not be guided in what I do by what Mr Shannon said about alienating people in the rural community; I will be guided by doing the right thing for animal welfare. There is much more in our legislation than was in place in Britain before the ban was introduced.

Mr Speaker: That ends today's Question Time.

3.30 pm

ASSEMBLY BUSINESS

Mr B McCrea: On a point of order, Mr Speaker. Earlier today, in response to a question from my colleague Mr Kinahan, the First Minister said:

“the Assembly can take decisions and Ministers are legally bound to comply with the decisions of the Assembly. So, if the Committee, or indeed any Member of the Assembly, were to bring forward one of those documents or one of those documents as amended and it were to be passed by the Assembly, we all have a legal obligation to follow through.”

That is not the first time that the First Minister has made that assertion.

On 10 November 2008, the Assembly passed a motion that stated:

“That this Assembly calls on the Minister of Education to end the uncertainty facing parents and teachers of children in Primary 6 by continuing with the existing post-primary transfer test until a replacement is designed and piloted by CCEA.” — [*Official Report, Vol 35, No 1, p19, col 1*].

Does that resolution of the Assembly have legal standing and is it legally binding on the Minister of Education? If that is not the case, could Members please have some advice about how we should frame future resolutions, so as to meet the assertion made by the First Minister?

Mr Speaker: I thank the Member for his point of order. The Member will be aware that his question deals with the complex issue of the powers of the Assembly, including its power to direct Ministers. The Assembly has not, as such, asserted that power; inasmuch as it has, it has not done so in a way that tested the limits and extent of that power. I ask the Member, and any other Members who are concerned about that issue, to speak to me outside the Chamber because, as I have said, those issues are complex. I would be extremely happy to talk to the Member outside the Chamber.

Mr McLaughlin: Further to that point of order, Mr Speaker. It was unclear whether Mr McCrea was directing his concerns towards the Minister of Education. It is a matter of record that the Minister had developed firm proposals that she wished to put to the Executive but was prevented from doing so by other Ministers. Therefore, is the Member's concern about those who prevented the debate occurring rather than being about the Minister of Education failing in her duty to put proposals in front of the Executive and the Assembly?

Mr Speaker: I hear what the Member has said, although I am not sure that it was a point of order. However, there seems to be a general issue with

respect to the power that the Assembly has in directing Ministers. I have said to the whole House in the past that those are complex issues, and if any Members wish to speak to me about that issue outside the Chamber, I would be happy to do so.

Mr B McCrea: Further to that point of order, Mr Speaker.

Mr Speaker: Is it a further point of order to the one that has been discussed?

Mr B McCrea: Mr Speaker —

Mr Speaker: Order. I ask the Member to take his seat. I cannot add anything more to what I have said on that issue. If the Member wishes to discuss a different issue or to make a different point of order, I will be happy to allow him to speak.

PRIVATE MEMBERS' BUSINESS

Civil Service Recruitment

Debated resumed on motion:

That this Assembly notes the efforts made by the Northern Ireland Civil Service in recent years to address the under-representation of Protestants among those applying for, and being recruited to, occupational groups which have most employees in the Civil Service; and calls for continued monitoring of all the grades, but particularly those grades where thousands of people are employed, in order that those from all community backgrounds can have confidence in the recruitment process. — [*Mr Campbell.*]

Mr McLaughlin: I beg to move amendment No 1: Leave out all after the second “Civil Service;” and insert

‘notes the continued under-representation of Catholics and women in the most senior grades of the Civil Service; and calls for continued monitoring of all grades, the immediate publication of the ninth Equal Opportunities Unit report which the DFP Equality and Diversity Plan (para. 6.2) stated, in October 2008, would be published by the end of 2008 and the continued publication, in their traditional format, of the major DFP Equal Opportunities Unit reports detailing NICS workforce recruitment, composition and promotion patterns in order that those from all community backgrounds can have confidence in the recruitment and promotion processes.’

Go raibh maith agat, a Cheann Comhairle. It is important to emphasize that the proposed amendment is not an attempt to dilute or divert the concern that exists about under-representation of Protestants in the occupational groups that have the most employees in the Civil Service. I regret that Gregory Campbell is not in the Chamber at the moment. We share a long history of being elected representatives from the city where he, I and the Speaker come from. However, this is the first time — and I really want to get this off my chest — that I have been able to state that I agree with what Gregory Campbell has said on a particular issue. My party also shares that concern and strongly supports effective and legally permissible affirmative action to redress that injustice. Of course, my party wants to apply that scrutiny to every level and structure in the Civil Service, and I expect that all parties would agree that that is a laudable and worthwhile exercise.

I urge all parties, particularly the party whose members proposed the motion, to consider in an open-minded fashion how the Sinn Féin amendment will have the effect of addressing each of the issues that have been identified in the motion. The amendment adds, in a constructive manner and intent, the issues that will deliver the employment and monitoring processes of the Civil Service that will command the confidence of all sections of our community.

We must address the question of why we need special measures, fair employment legislation, anti-discrimination measures, section 75 and ongoing

monitoring. The reason is obvious: our history reflects systematic and institutionalised discrimination. When we accept that that has been the case for generations, that legacy will be with us for some time. There is a need to have an affirmative action programme designed to meet milestones on the way to creating a truly representative workforce. Sinn Féin acknowledges that those issues are being addressed. However, the question is whether they are being addressed in the most effective and the most timely fashion. The report indicates that more needs to be done.

The fact that, in some of the lower grades, we have 50:50 representation — or a figure approaching it — does not in itself indicate a fair reflection of the workforce as a whole. It is the benchmark against which we must test the effectiveness of policies that are developed to ensure an end to discrimination on political or religious allegiance — or perceived allegiance — and to determine whether one would have a career, a job opportunity or a fair opportunity in all circumstances. It behoves us all to develop those robust, stringent and ongoing measures.

The Sinn Féin amendment adds a caveat: it is not a departure; it is an addition to the issues that were addressed by Gregory Campbell in proposing the motion. It argues for the continuation of the publication of the monitoring processes that are already in place. Those monitoring processes are resourced and have been utilised over time. Mr Campbell and I relied on those reports in compiling our contributions to the debate, as, I am sure, did all party spokespersons. Equally, the useful briefing paper, which Gregory also acknowledged, was prepared on the basis of those various monitoring processes and the periodic reports that they have generated.

Information is the key, and the differences or the potential divisions on the issue are more apparent than real when we recognise that we are all relying on the same data and on the objective accumulation of that information. If the information shows that there is Catholic or Protestant under-representation, we should be fearless in pursuing and developing our responses to it, wherever it may be, and we should do that on the basis of negotiated and agreed timetables and targets for redressing such imbalances.

Our unfortunate history means that we will have to address legacy issues for some time; however, that does not justify any perpetuation of those patterns. All new employment should be carried out using rigorous criteria when addressing suitability. If we acknowledge and accept that there has been progress, we can, in a spirit of co-operation, agree that we can develop agreed processes on the way forward.

Sinn Féin's amendment does not take away one iota from the motion; it genuinely adds to the basis on

which we can assess, identify and highlight under-representation, irrespective of which community it reflects.

I ask for support for our amendment, hopefully from the proposers of the motion as well as the rest of the Assembly. It will ensure that the full range of the monitoring processes, which have been developed over a considerable period of time in response to the endemic problems caused by discrimination in the past, will not continue to blight our approach in the future. I ask for support for the Sinn Féin amendment. Go raibh maith agat.

Mr O'Loan: I beg to move amendment No 2: Leave out all after "people are employed" and insert:

"to ensure that achievements made to address historic imbalances throughout the Civil Service workforce are sustained; and recognises the continued need for a specific focus on encouraging religious and gender equality and ethnic diversity, not least in the Senior Civil Service, in order that those from all community backgrounds can have confidence in the recruitment and appointment processes."

In one sense I strongly welcome the original motion. I will make some, hopefully measured, criticisms of it, but I welcome the implicit DUP support for the fair employment process and the legislation that underlies it. We know that that party stood very strongly against the whole concept of fair employment legislation — as did its unionist colleagues in the Ulster Unionist Party — and did so until very recent times. I welcome the fact that, in the wording of the motion, the DUP is embracing the mechanisms laid down in the fair employment legislation and urging that they be used in particular ways.

The motion specifically calls for monitoring of the workforce. I recall that, when the concept of monitoring was first proposed, the DUP said that our businesses and organisations would be overwhelmed if they had to do that work. Now that party is obviously totally persuaded of the value of that legislation, and is embracing it to the extent of wishing it to be used in the ways proposed in the motion. However, I am very critical of the DUP's focus on the Protestant workforce exclusively. The proposer, Gregory Campbell, did not clear the decks on that with the words that he said, because the words as printed are as printed. For a party that needs to be demonstrating its fundamental belief in a shared future for us all to bring forward a motion worded in partisan terms does us no good at all. The DUP is failing to exert the leadership that it should when it does that.

I will now make some comments on the factual accuracy of the motion. I take a lot of my information from the most important report issued in June of this year, the '2007 Review of Fair Participation' published by the Department — the article 55 review — which gives the state of play in 2007. It states that, in relation

to the overall Northern Ireland Civil Service workforce, the Protestant component is 51.9% and the Catholic component is 45.6 %. Now, all statistics should be used carefully. The report makes comparisons with the 2001 census, and there is obviously a six-year gap. The proportions that we might expect in the workforce, particularly for individual sections of the Civil Service, are not necessarily exactly in accordance with other categories that one can discover in the census.

With all those caveats presented, most people would conclude that there is something like broad, fair participation across the Northern Ireland Civil Service by the two major religious communities in Northern Ireland. That is a very major statement to be able to make. The proportion of females is described as 50.4%, and I presume that the remainder are males. Therefore, once again, there is a remarkable degree of balance. Taken broadly, if there is a variation in favour of, for example, Catholics in one place, there is going to be compensation in favour of Protestants in another place. Therefore, the fundamental premise presented in the original motion is false.

Using the words “grades where thousands of people are employed” creates an utterly false impression, because, taken as a whole, the statistics present a picture of a balanced workforce with regard to gender and religious composition. That did not use to be the case; however, it is now broadly the case. The achievements are that the headline figures, as I stated, show broad fairness in gender and religious participation.

3.45 pm

The second major achievement is that we have religious balance in the Senior Civil Service. The report tells us that, for the first time, there is fair participation for Catholics in the senior levels at grade 5 and above. That is the group of approximately 199 persons generally referred to as the Senior Civil Service. For that reason, I am not quite sure of the factual basis for that element of the Sinn Féin amendment.

That is the report as presented. I can only assume that those facts are accurate, and for them to be reported for the first time is a hugely important achievement that we should mark. When we first embarked on fair employment legislation, the lack of balance in our public service was one of the key areas that needed to be addressed. To find now, for the first time, that Catholics are fairly represented at the highest levels of the Civil Service is an important achievement, and an absolute vindication of the fight to achieve fair employment legislation — a fight that was hard fought and hard won. It is also a vindication of the quality of that legislation, because it is achieving what it is supposed to do. I will not aim at commenting on whether there are nuances in those figures on the

Senior Civil Service. However, certainly on that group, the report says what it says.

What remains to be done? On the religious category, there are significant imbalances in certain sections and grades. I might summarise those as the need to ensure fair participation by Protestants in the administrative assistant, administrative officer and executive officer grades of the general service group, and by Protestants and Catholics in the professional and specialist groups. Therefore, there are weaknesses. There is substantial work to be done and deep analysis of those areas as to why participation is not even, and further methods need to be adopted to address those weaknesses. In AO grades, for example, the report says that the lack of fair participation by Protestants is likely to continue. Such a message should sound alarm bells and make managers look further and more deeply and attempt to find measures that will remedy that situation.

The 2007 report is not specifically about gender; indeed, it identifies the need to do a further in-depth report on gender. However, it presents provisional conclusions, some of which are worrying. I again point out the headline figure, which shows that there is broad equality, but the report says that in the general service group, men are under-represented in the administrative AA and AO grades, in which only 32% of staff are male, and that in the general service group, women are under-represented at senior levels of grade 5 and above, in which 24.1% of staff are female. Women are also under-represented in some professional and specialist occupational groups. The report does not refer to the fact — and I have little doubt that it is true — that women are under-represented in the Senior Civil Service. That is my own observation, and, I think, probably the observation of most people. There is significant work to be done on gender in some areas.

There is also a job to be done on ethnic diversity. In the Programme for Government, PSA 21, objective 2.3, has as its target:

“The NICS is more reflective of the diversity of Northern Ireland’s society by 2011.”

However, it is a very modestly presented target, and all that has been done so far is to set in place a plan to achieve that.

I wish to qualify the following words, which appear in the motion and in both amendments:

“can have confidence in the recruitment ... process”.

My party and I use those words in a different sense to that in which they are used in the motion, which tells the Protestant community that it cannot currently have confidence in the recruitment process. That is not fair to the managers in the Civil Service. The system is broadly fair, but, because of the elements that I have pointed out, further work needs to be done to enhance that.

The Prison Service makes up a small percentage of the Civil Service, but its results are stark. Catholics comprise 9·8% of the workforce, and 17·8% of the workforce is female.

Mr Speaker: The Member must draw his remarks to a close.

Mr O'Loan: The serious reports that have been produced recently on Maghaberry prison suggest major cultural problems that may well be associated with those religious and gender issues.

Mr Kinahan: I will digress for a second. I feel that this is the time for the people who are in the Building today to test blood pressure to come and test ours.

Due to our circumstances, recruitment to the Civil Service is an issue that we may be destined to debate back and forth for years to come. We must pay attention to two undeniable facts. First, there is a shortage of applications from Protestants for recruitment to the Civil Service, which results in a widening gap between Protestants and Catholics in the junior grades. Secondly, it is also true that Catholics are underrepresented in the senior grades of the Civil Service. Neither of those indicators is desirable; nor is the shortage of women in some grades and men in others. However, we must not get involved in a phoney argument about discrimination. It must be recognised that Northern Ireland has a difficult past that means that it is often correct to take the levels of representation in the public sector workforce into consideration. The motion correctly draws attention to one of those instances. In 1990, twice as many Protestants as Catholics were employed in the Northern Ireland Civil Service. By 2007, that gap had been closed to the point at which the overall figure is at a balance that fits well with the overall demographic picture.

As the motion highlights, a lack of Protestants are applying for positions in the Civil Service, resulting in fewer Protestants at administrative and junior management grades. If that trend were to continue, there would be a danger of reaching a reverse position to that of the 1990s, and all Members will agree that that would not be an ideal outcome.

I remind Members that successive DUP Finance Ministers have been aware of those issues and have assured the House that there is no need to change employment practices. The current First Minister, in his previous job as Minister of Finance and Personnel, said in July 2007:

“The latest statutory review by the Northern Ireland Civil Service shows that employment and selection policies and systems are fair, objective and non-discriminatory. Protestants and Catholics are fairly represented in many grades and good progress has been made in some areas of under-representation.”

By all accounts, that is a fair representation of the situation. There is no systematic or structural

discrimination in recruitment to the Civil Service. Although that may have existed to some extent in the past, there is certainly none today.

It is bordering on the reckless for the motion to imply, if not to state, that there could or should be a lack of confidence in the recruitment process due to discrimination. There is a problem with the number of applications from Protestants to the Civil Service, and there is a range of different reasons for that. The recruitment process is surely not one of them. Just over two years ago, the First Minister said that the process was fair. Is Mr Campbell now saying that it is not fair?

My party wishes to see representative numbers of Catholics and Protestants, men and women and all other groups applying and being appointed to positions in the Civil Service on the basis of merit. We are mindful of the words of the now First Minister, who said in 2007 that the Civil Service's employment practices are “fair, objective and non-discriminatory”. However, there is a problem with other elements of those practices. I am sure that the Finance Minister will inform the House as to how he will deal with those issues.

Dr Farry: To follow Mr Kinahan of the Ulster Unionists, I should say that it is only appropriate that we acknowledge the appointment on Friday 18 September 2009 of a former UUP Minister to the Equality Commission. There is no doubt that the House wishes the new commissioners well; they will have an interesting relationship.

The Alliance Party finds itself in the position of being able to support any of the three proposals that have been made. They each address the issue in their own different ways, although I do not believe that any of them is brilliant. Indeed, I would probably say that the SDLP's amendment is the best. However, they are not mutually exclusive. The spirit of the Alliance Party is always to be optimistic, so we are happy to give support. We shall see which way the voting goes at the end of the debate.

That said, I want to make a number of points from my party's perspective on the motion, and perhaps I will discuss a few of the flaws of Members' arguments. At the outset, I stress that I agree that recruitment should always be carried out on the basis of merit — the best person should get the job. That is the only fair way to recruit people. However, it is only right and proper to look at any imbalances that exist in the pool of applicants for positions, to encourage diversity, and to address any barriers that may exist — and I stress the word “may”.

We must also recognise that, in certain respects, the issues may lie beyond what the employer — in this case, the Civil Service — can do and look to what

governance as regards policymaking can do to address underlying imbalances in society.

Mrs Long: I thank the Member for giving way. Does he agree that when such debates take place and there is, if you like, political and partial discourse on the matter, that in itself can often create barriers for people who may feel that it is not worth their while applying?

Mr Speaker: The Member will have an extra minute added to his time.

Dr Farry: That is correct. We must be careful with the language that we use and the approach that we take to such debates, particularly the notion that one side of the House battles for Protestants and the other side battles for Catholics. That does not do justice to the issue.

Mr O'Loan: Will the Member care to say who is battling for Protestants and who is battling for Catholics? I certainly would not like to hear it suggested that I was battling for one group more than the other in my speech.

Dr Farry: One only has to look at the Order Paper and the Marshalled List. The motion mentions only Protestants, while one of the amendments mentions only Catholics. That makes the point fairly clearly.

My party's concern is the approach that is taken to monitoring in Northern Ireland. The Alliance Party certainly supports the concept of fair employment, with which it has no difficulty; indeed, an Alliance Party member was instrumental in setting up the former Fair Employment Agency in the 1970s. My party has a problem with the approach that is taken to monitoring, in that it misses many of the subtleties that exist in our society.

We must recognise that whenever we use the terms "Protestant" and "Catholic", we are often talking about "unionist" and "nationalist". Those are code words. However, it is fallacious to assume that everyone's identity lines up as neatly as that and that every Protestant is a unionist and is also British and that every Catholic is a nationalist and is also Irish. That does not reflect how people see themselves as individuals; rather, it pigeonholes people and puts them into blocks of voting fodder.

Using those terms does not recognise mixed identities or the fact that someone may have differing political, national and religious identities. It does not take into account the fact that there is a growing number of people who are the product of mixed marriages or who are in mixed marriages or relationships.

It does not take into account the fact that new residents come to Northern Ireland who do not fit into the traditional paradigm that is used. They are cast aside and are not part of the equation when the number

of Protestants is measured against the number of Catholics. The joke is that if the previous Pope had to come to Northern Ireland to look for a job, he would not have been treated as a Catholic.

Whenever we talk about the under-representation of Protestants or Catholics, we may miss some of the dynamics that occur in the different traditions in Northern Ireland.

It is worth pointing out that some in the Protestant population have the highest level of educational attainment in society and some have the lowest. As my colleague pointed out earlier, we are running the risk of polarising the issue and making it extremely contentious.

4.00 pm

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

We need to be careful not to fall into the trap of assuming that an imbalance means that there is a fundamental problem that must be addressed. An imbalance may be benign or malign, depending on the reasons for it. For example, an imbalance can easily occur within the range of statistical error.

When looking for solutions to the problem, we need to be clear that we are talking about equality of access and treatment. I believe that our procedures are fair and provide for that. Equality of access is a different concept from equality of outcome. Some Members have come very close to demanding the latter by calling for a precise balance of representation throughout every grade in the Civil Service. Equality of treatment and access is where the line should be drawn. That may or may not produce equality of outcome for perfectly good and acceptable reasons. With those reservations, we are happy to support the flow of the debate.

Mr Hamilton: The debate has been interesting thus far. Although differing positions have been stated, most contributions have been well researched and well thought out. Hopefully, Members will be able to say that at the end of my contribution.

As a young unionist growing up in Northern Ireland, my contemporaries and I heard the prevailing propaganda that discrimination or under-representation in employment was one-sided in Northern Ireland for many years. We heard that Catholics were under-represented in all walks of life and that Protestants were over-represented. That sort of propaganda was rammed down our throats for decades.

It will be interesting for many people to note the argument that my colleagues Mr Campbell and Mr Weir put forward in respect of under-representation among tens of thousands of civil servants at general service grades. I appreciate that it is impossible to reach exact and fair representation in any walk of life

or any employment sphere; that is well accepted. However, historically and at present, it is right and proper that we should endeavour to address the prevailing problems behind under-representation.

Although I accept the principles or desire behind fair employment — I say that in acknowledgement of Mr O'Loan's point — we need to debate the detrimental impact that the legislation can have on some small businesses, such as a typical two-, three-, four- or five-man company in Northern Ireland. We should debate that issue in a proper and mature way at a later date.

Dr Farry: I am grateful to the Member for giving way. He makes a valid point about the burdens that are placed on businesses. I will be happy to engage in that discussion. Does the Member recognise that the thresholds for monitoring apply to only certain sizes of businesses and that there is a danger that a large degree of segregation in the labour market in Northern Ireland will fall under the radar, particularly in very small, one- or two-person companies?

Mr Hamilton: I understand the Member's point. My party and I resist the imposition of draconian, far-reaching and expensive monitoring requirements on very small companies in Northern Ireland. That would be a retrograde step for that sector as it tries to increase its competitiveness, particularly in the current situation. That is a debate for another day, and I will not go into that now.

Mr O'Loan criticised the substantive motion for not addressing Catholic under-representation at senior grades. On more careful reading of the motion, he will see that it calls for representation at all grades of the Civil Service, and that includes the problem that we acknowledge exists at senior levels for Catholics and women. Indeed, the amendment that Mr O'Loan and Mr Attwood proposed does not take away from Mr Campbell and Mr Weir's substantive motion in respect of the focus on Protestant under-representation at the general service grades, so they might want to reflect on that.

The make-up of Civil Service staff is more or less where it should be in its reflection of the wider community. However, as Danny Kinahan mentioned, a worrying trend is developing, which could result in the situation being flipped, going from a historical under-representation of Catholics to an under-representation of Protestants.

The concentration on the percentage of Protestants in the general service grades is due to the much bigger numbers involved. Roughly 20,000 people work in the general service grades. There are 3,000 people employed at AO grade alone, compared with 260 people employed at grade 5 and above.

There has been a worrying change where there has been action to address the under-representation of

Catholics at the higher grades. Between 1997 and 2007, the number of Catholics working at grade 5, grade 6 and grade 7 increased from 17% to 35%, 21% to 39% and 26% to 40% respectively. The employment of Catholics at those grades has almost doubled in that 10-year period, yet in the same period the percentage of Protestants working at the AO grade has decreased from 54% to 48%, which reflects the overall general service grades, in which 48.6% of the 19,000 employees are Protestant and 49.8% are Catholic. Therefore, although there has been an improvement in Catholic under-representation at the senior grades, there has been a fallback in the representation of Protestants at the lower grades. That is the problem that we need to get to grips with.

I am not saying that the system is unfair, but we need to look at the prevailing factors behind the issue and find a way for the system and the recruitment process to address them. I welcome the acknowledgement from the Minister's predecessor that there was an increase of some 10% in applications from Protestants in a recent recruitment drive. Part of the problem is that simply not enough Protestants were applying for such positions, so hopefully that increase will yield some positive results.

I do not have time to talk about problems with other aspects of the public service, such as the Housing Executive and the Equality Commission — it is ironic that the body charged with monitoring the issue is so under-representative of Protestants.

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

Mr Hamilton: Member must recognise that there is a problem that we need to get to grips with. If we do not, the trend will get worse and a problem that some might have baulked at when the shoe was on the other foot will develop in the Protestant community.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. Thus far, the debate has been somewhat predictable, but it is unfair, particularly of Dr Farry, to present it as being one that we have heard before and a case of one side being as bad of the other. Dr Farry needs to read the Sinn Féin amendment — it does not exclude the section on Protestant under-representation at the lower grades of the Civil Service. Mr McLaughlin was at pains — and was in pain — to agree with Gregory Campbell on some of the points that he raised about the under-representation of the Protestant community at the lower grades of the Civil Service.

Members on this side of the House are not saying that Catholics are being discriminated against and that we do not need to worry about the Protestant section of the community. If there is a difficulty with that, it should be pointed out. I always find Dr Farry's speeches interesting and I have a lot of respect for him,

but his speech today was all over the place. He was trying so much to walk the middle ground, he fell off the tightrope and missed an opportunity.

The debate should be about equality of opportunity, equality of employment and quality of employment. Regardless of community background, my party believes that people should be employed on merit; both qualifications and experience should be taken into account. If there is a concern about the Civil Service recruitment process, that concern should be expanded on and the process should be examined.

Mr O'Loan said that the senior grades in the Civil Service now have a fair balance. I am paraphrasing him, so I am open to correction. I am not sure of the figures that he is working with to conclude that there is a fair representation of the Catholic and Protestant communities in the Civil Service.

If one looks at the report and lumps a cohort together, one can come to that conclusion. However, on further examination, there is still a discrepancy between employment of Catholics and Protestants among the most senior posts in the Civil Service, with Catholics, and women in particular, losing out. Although there has been work done, and we welcome that work, there is clearly much more to do if we are to reach equality of opportunity and equality of posts, particularly in the Civil Service. I am not sure if I am misquoting the Member on that point.

In debates, facts and figures can be used to support either argument. However, sticking to the heart of the debate and to what the motion should be about, we must ensure that when someone goes for interview they are judged on the merit of their application, experience and qualifications, and not on their community background.

Mr Spratt: What about the Police Service?

Mr O'Dowd: I will come back to that comment.

Mr O'Loan: I was very clear in my remarks. Read the '2007 Review of Fair Participation in the Northern Ireland Civil Service under article 55 of the Fair Employment and Treatment (Northern Ireland) Order 1998'. It states, quite specifically, that in relation to religious composition, there is now fair participation in the Senior Civil Service at grade 5 and above.

I believe that the Member is right about the gender issue, which I referred to. Although no figures are presented, further studies are being done on gender across the Civil Service, and I have little doubt that that will expose gender issues as a major problem at senior levels.

Mr O'Dowd: I am dealing with figures from a written answer to a question from March 2008; and, to me, the position is not balanced. We recognise that work has been done, but more work needs to be done

to ensure that there is equality of opportunity and equality in the workforce.

Applications, regardless of the level, must be judged on the basis of qualifications, experience, and the value that the applicant will bring to the post. Judgement should not be based on community background. Where there is evidence of discrimination against any section of the community or any individual, it must be investigated. Robust measures must be taken against the groups or individuals involved in such discrimination.

A Member has just said that it does not work like that when it comes to the Police Service. That was a unique set of circumstances, which has had to be corrected through positive discrimination. Many years ago, the same argument could have been used about the Civil Service; that positive discrimination was necessary to ensure that a state of fair play was reached.

Dr Farry: Does the Member accept that there is a potential difficulty with respect to police recruitment? Looking at the Catholic nationalist community in very broad terms could result in the quota being filled by people from a particular background, particularly a middle-class background. It runs the risk, in the Member's own words, of under-representing people from a working-class, republican background. Perhaps that type of bi-national quota misses those subtleties.

Mr O'Dowd: I am not sure that I want to get into a debate on policing, but perhaps I will.

Mr O'Loan has a point, and I think that Mr Mandelson, the former British Secretary of State here, has a lot of questions to answer in relation to that. If memory serves me, the Patten report included a reflection of the republican nationalist community. Republicans come in all brands: they are not just working class; there are middle-class republicans too.

I support the amendment and I ask the House to do the same. It is not about Protestant or Catholic; it is about fair employment, equality of opportunity and equality of jobs.

Mr Paisley Jnr: I was already in shock about the debate being tabled, and I listened in shock as the Member for Upper Bann extolled the virtues of a merit only employment system. For the past number of years, we have been berated for suggesting that that is applied that to policing and justice and the recruitment of police officers. If police officers were employed on the basis of their ability to do the job and not on the basis of the community that they come from, we would hear a cry that that is not acceptable, will not be allowed, and has to be changed. Today, a marker has been put down. If employment is going to be a meritocracy, Sinn Féin, the SDLP and others should accept that police officers can no longer be employed on a 50:50 recruitment basis: they must be employed on merit alone.

4.15 pm

I will outline why we are having today's debate. At a meeting of the Committee for Finance and Personnel, I remember clearly that Mr O'Loan asked a senior civil servant to outline discrimination in the Civil Service. I remember the shock on that Member's face when he was told about the levels of discrimination against Protestants, because he expected the years-old propaganda that only Roman Catholics are discriminated against in Northern Ireland to be confirmed. The vast majority of people —

Mrs Long: Will the Member give way?

Mr Paisley Jnr: I will give way in a moment. The vast majority of people discriminated against in the Civil Service are Protestants. That is the point. That matter should be addressed, and that is why we tabled the motion. It is most disappointing that Members on the other side of the House will not join the debate and recognise that the issue must be reconciled and resolved. They could resolve the matter if they join with us and support the motion.

Mrs Long: Does the Member accept the difference between under-representation and discrimination? Does he accept that evidence of under-representation is not necessarily evidence of discrimination? The use of the two words interchangeably can create more of a problem than it solves.

Mr Paisley Jnr: The Member has obviously fallen for the years-old propaganda used by nationalists on the issue, through which they wrongly describe under-representation as discrimination. The Member's point is well made; if the perception is created about under-representation, a whole generation, class and community are discriminated against. The Protestant community is under-represented in the largest section of the Civil Service. That must be fixed. It can be fixed, and I hope that the House supports the motion, which will give the Minister the encouragement to try to resolve those issues so that under-representation and discrimination against the largest section of the community in Northern Ireland are addressed once and for all. I have considered the amendment —

Mr O'Loan: Will the Member give way?

Mr Paisley Jnr: No. I have considered the amendment in the name of Mr O'Dowd, Mr McLaughlin and Ms McCann, which mentions under-representation in the most senior grades. Those grades account for only a small proportion — approximately 250 or 260 — of civil servants. It does not consider the 19,000 staff in general Civil Service grades. That is why the matter should be addressed urgently, before our ability to address it runs out. The Government should make a decisive drive to address the issue. The House should unite behind that drive, because any under-representation affects the

confidence of the entire community and the entire House. I support the motion.

Mr Shannon: I support the motion. Some Members raised the issue of 50:50 recruitment. I do not, in any way, support that principle. It is wrong, and I believe, as other Members have said, that recruits must be fit for purpose. There is a need for greater monitoring of the process. That was highlighted in July 2007 when Peter Robinson, who was the Minister of Finance and Personnel at the time, released a statement that highlighted under-representation at some levels of Civil Service employment. The DUP previously noted that issue, and, as such, the matter was flagged. A better spread of job allocation has been applied since our time in Administration.

This aw bein saed it cleerly haesnae reeched tha staeg yit whor ther is reel equality an this haes bin brought tae me bi' sim o' tha fowk that A represent, whau hae passed ther entrance exam intae tha Civil Sarvis but er noo waetin tae be placed alang wi' mony ithers.

Whun this metter cums up ther seems tae be a questyin as hoo they er selected an oan whut basis. It seems tae me tae be daft whun fowk whau leev in Portavogie trevel tae Bilfaust whun they cud be soarted oot wi' a joab oan tha saem level in Rathgael in Bangor. Shairly it wud mak maer sense tae keep fowk closer tae whor they wrocht. This needs lukin at again.

However, we have clearly not reached the stage of real equality. The issue has been flagged up to me by constituents who have passed their Civil Service entrance exam but have been waiting for positions longer than many others.

When that issue arises, there are questions about how people are selected and on what basis. It seems absurd to me that there are people who live in Portavogie who travel to Belfast to work in the Civil Service while, at the same time, the Department of Education employs people at the same level who travel from Belfast to work in Rathgael House in Bangor. It would make more sense to keep people in the closest available and suitable posts: that should be considered.

I have every confidence that that issue will be looked into, but it is not the only issue that must be examined. A February 2009 National Audit Office (NAO) report, 'Recruiting civil servants efficiently', found that it costs between £556 and £1,921 to recruit each Civil Service position in central government. The report claimed that those costs could be slashed by 68%, delivering savings across government by up to £35 million a year and:

“without compromising the quality of the candidates recruited.”

The NAO report also suggested that having online application forms and contacting only successful

applicants could save the Ministry of Justice in Westminster approximately £250,000 a year. In a related article about the report, the head of the NAO, Tim Burr, said:

“External recruitment is a key component of ensuring that the Civil Service has the right skills and the capacity to deliver. Departments often pay too little attention to how they manage the recruitment process. External recruitment currently takes longer and consumes more internal staff than it should.”

The article went on to say:

“Anticipating recruitment demands, using resources more effectively and, where possible, standardising the recruitment process — which currently takes up to 16 weeks — would help speed up the process, says the report.

Other failings in the Civil Service’s recruitment process included a lack of quality testing of the recruitment process and little information on staff turnover or surveys of candidates. The NAO questioned why managers were not routinely used to identify the successes and failings of the recruitment process.”

I believe that a new process should be implemented in which people from all sections of the community could have confidence. At present, a great many people in the Protestant community do not have that confidence. The fact that the candidate surveys and staff turnover are also issues on the mainland shows that any new-style process will have a positive effect throughout the UK. We can lead the way in implementing a new way of recruitment that will benefit all civil servants and prospective civil servants in the UK.

I am confident that the new Minister of Finance and Personnel, Sammy Wilson, will continue to address those matters, among others, with the Civil Service. Members will agree that monitoring must be put in place to ensure that people who are best equipped to do the job are given employment. However, we must also ensure that the dearth of Protestants in the categories stated in the motion be continuously gauged. We cannot and must not have alienation in the Protestant community or of people in that section of the community who feel that they cannot apply for a job or receive equality.

The wording of the motion is clear. Our Minister continues to work hard, and he will make the Civil Service a more efficient and sensible place for business. I support the motion.

The Minister of Finance and Personnel (Mr S Wilson): I notice that the Member for South Antrim Mr Kinahan is not in his seat. He said that perhaps the people who were monitoring blood pressure in the Building today should be doing so in the Assembly this afternoon. That may have been a wise comment on the part of the person who wrote his speech before the debate took place. However, no one could describe the debate as one that has caused blood pressure to rise or faces to redden. I will, perhaps, seek to do that in the next 15 minutes, if I can.

I thank all those who participated in the debate, and I will deal with some of the issues that have been raised. At the outset, however, I will make two or three points. First, as the Minister of Finance and Personnel, I believe that when we recruit people to the Civil Service, the only criteria should be whether they are fit to do the job. There is no point in having a public service that is more concerned about political correctness or being pushed in one direction by one pressure group or the other if we do not get the people who can do the job properly.

I rely on my officials to give me advice. I do not always take it, but I rely on them to do so in the most professional way. I do not care about their name, their background, or what church they go to.

As far as I am concerned, the question is whether the advice is good and whether the person is capable of doing their job. I believe that most Ministers and people who interface with the public service are only interested in that.

Secondly, we now have an equality industry that has grown up around recruitment; an expensive equality industry. That has now permeated, because, as Members have pointed out, people will listen to the monitoring figures that they like and dismiss the ones that they do not like. I sometimes wonder what the use of monitoring is.

The monitoring and accompanying figures do not come about by magic. They require resources, personnel, documentation and databases to produce the figures. That is costly, and monitoring in the Civil Service costs hundreds of thousands of pounds. Some Members have mentioned the costs to industry and small firms.

People will still bring their prejudices to the figures. I will give an example: Mr O’Loan started making a very moderate speech, recognising that Protestants sometimes faced disadvantage, and Catholics faced disadvantage, but that by and large, the Civil Service was an equal employer, and we should not be cherry-picking. However, he could not resist a bit of cherry-picking. In the very last sentence of his speech, he had to mention the Prison Service.

Mr O’Loan: There was no cherry-picking. This is a serious debate, and my points deserve to be properly presented. I said that there was overall balance, and I said that there are specific areas and grades where there was imbalance, and that all of those areas need to be addressed.

We need to be grown-up enough to recognise that, if there is overall balance, then if there is compensation for one particular religious grouping in one area, there is bound to be compensation in another way in another area. That must be analysed, and an attempt needs to be made to iron it out. I am totally consistent in my

position. I feel absolutely entitled to point out particular areas that are problematic, including the Prison Service.

The Minister of Finance and Personnel: I do not know whether that was an intervention or another speech, but the fact that the Member rose to justify himself in such a long intervention shows that I struck a chord.

The words “cherry-picking” were used by the Member. He did cherry-pick, and his proposed amendment does not even reflect the report to which he referred. Mr O’Dowd made the same points, as did Mr McLaughlin, about the imbalance at Senior Civil Service level. Mr McLaughlin and Mr O’Dowd, who claimed ignorance of the report, could not be blamed for deliberately ignoring some figures, because they had not read the June report. Mr O’Loan, by his own admission, has read the report. In fact, he waved the report in the air. That report makes it clear that there is fair participation at the senior level of the Civil Service.

Mr O’Loan: I said so.

The Minister of Finance and Personnel: Well, what does the SDLP’s proposed amendment say? It states that there is a need for continued, specific focus, not least at Senior Civil Service level. Either the Member read the report, or he did not. Maybe he read the report and still needed to say something about it, because historically the SDLP has believed that there is an imbalance, so he just ignored that part of the report.

Mr O’Loan: Will the Member give way?

The Minister of Finance and Personnel: I gave the Member a long intervention last time. Regardless of what monitoring figures are available, people will still believe what they want to about those figures. Mr O’Loan has identified that today.

I will address some of the other points that were made during the debate.

Mr Campbell talked about the importance of looking at trends in the figures. He is right: we should look at trends for the longer-term picture. Indeed, some encouragement can be found in those trends. Appointments of people from a Protestant background to AO level increased from 45% to 58% between 2005 and 2007. Appointments of people from a Protestant background to AA level increased from 47% to 58% between 2006 and 2007. That trend bears out the point, which was made by my predecessor, that action is being taken to make improvements. That action includes visiting schools, advertising on radio, and so on.

4.30 pm

Mr McLaughlin argued the traditional Sinn Féin view that imbalances are a result of systematic discrimination, but I have some difficulty with that.

Since there was neither a unionist Government nor a nationalist Government, the figures must have come about as a result of systematic discrimination on the part of direct rule Ministers. Perhaps the imbalances were brought about by unionists 30 years ago? Is Sinn Féin now so paranoid that it believes that what unionists did, or what it claims that unionists did, was continued by direct rule Ministers? There have been Administrations here periodically since 1998. Therefore, in the past 11 years, have nationalist, unionist, Sinn Féin and DUP Ministers engaged in systematic discrimination? That is the implication of Mr McLaughlin’s words if he is putting the figures down to systematic discrimination.

Mr McLaughlin talked about under-representation at Senior Civil Service levels. I make the case again that the most recent monitoring, which was done in June 2009, indicates that there is fair participation. That finding is based on methodology that was laid down, and accepted, by the Equality Commission, so it cannot be argued that the Civil Service has somehow set its own rules to produce the right figures.

I wish that Mr Kinahan had got the facts right in his contribution. First, he also did not get the figures right on Senior Civil Service grades. Secondly, he claimed that the motion referred to discrimination in recruitment — I do not see that in the motion — and claimed that there must then be discrimination in recruitment in the Civil Service. He ruled that out, but I think that he misread the motion in the first place. I emphasise the fact that action has been taken where monitoring has shown there to be an imbalance. Action has been taken by visiting schools; by advertising on radio; by changing qualification requirements; and by doing a whole host of other things. At a time of very low recruitment, there is a difficulty in trying to make the changes quickly.

Dr Farry talked about the importance of equality in access and treatment, and my earlier comments make it clear that I agree with him. Provided that there is equality of treatment in recruitment and equality of access to encourage people to apply for jobs, it is important that people are chosen on merit. That, of course, brings its own benefits, because the wider the recruitment pool, the better the choice of candidates will be. All employers would want that. That is why the initiative of going into schools to highlight the opportunities in the Civil Service is important.

Mr O’Dowd mixed his metaphors. He said that Dr Farry was walking the middle ground, but falling off the tightrope. I do not know which of the two it is, but either he is on the ground or he is on the tightrope. More importantly, Mr O’Dowd also mixed up the facts. He showed that he had not done his research very well. For a debate such as this, I thought that he would have at least examined the latest figures. Had he

done so, he would have realised that the amendment that was proposed by Sinn Féin — and I emphasise this point — does not bear any relation to the facts regarding the senior grades in the Civil Service. Indeed, an imbalance at the senior grades in the Civil Service was identified, and the proposer of the motion accepted that progress was made on that issue. Furthermore, DFP's own monitoring system shows that progress has been made on that issue and that there are now fair levels of representation. Therefore, as I said, Mr O'Dowd mixed up the facts.

If the position on the grade of AO is as a result of discrimination, I am surprised that Sinn Féin, and maybe even the SDLP, did not suggest 50:50 recruitment. That was what I was waiting for, but they did not do that. I do not advocate 50:50 recruitment and I would not like to see it used for the Civil Service, but, for consistency, I thought that we may have heard some suggestions about that from the nationalist side of the House.

DFP has taken the appropriate actions. Through our monitoring system, we are aware of the issues that have been raised about the Civil Service. Through the actions that have been taken on the senior grades, by the trends that I outlined for AA and AO grades, and by the actions that we have taken to try to widen recruitment and get more applicants, we have shown that the issue has been taken seriously and is being dealt with. Furthermore, we will continue to work at it.

Mr Attwood: The essential problem with the Minister's reply is that it reflects a lack of understanding and breadth of knowledge about the issues that need to be addressed, particularly those that are addressed by the SDLP amendment. The Minister stuck to one single theme, namely that the June 2009 figures show fair levels of participation in respect of religion. He beat up Declan O'Loan on that issue, but the SDLP amendment does not simply refer to fair levels of participation based on religious background; it refers to gender and ethnic diversity.

Mr Campbell: It does not say that.

Mr Attwood: The amendment does say that. The fact that the Minister parked himself on the sole issue of religious representation in the Civil Service, and the fact that he failed to comment on gender and ethnic diversity, and the equality of those groups across the Civil Service, including at the senior grades, suggests that the Minister has missed an opportunity to demonstrate a breadth of understanding and knowledge about the vast array of equality issues that face him and the public services in Northern Ireland generally.

Mr Campbell: Does the honourable Member accept the figures that I outlined and that others indicated, which reveal that, in total, there are fewer than 300 people of all genders and ethnic backgrounds in the

Northern Ireland Senior Civil Service, and that there are almost 20,000 in the general service grades? Does he accept those facts?

Mr Deputy Speaker: The Member has an extra minute in which to speak.

Mr Attwood: Of course. That is a matter of fact and public evidence. However, our amendment goes beyond the issue of religious representation and covers the full range of participation in the Civil Service. The broader issues were not taken up at all in Mr Campbell's opening speech or in the Minister's reply. It was the same for all the speeches from the DUP ranks. Not one of them referred to the broader equality issues in the Northern Ireland Civil Service, which was the very essence of the SDLP amendment.

The Minister of Finance and Personnel: I thank the Member for giving way. He should recognise that all the speeches concentrated on the religious aspect of Civil Service recruitment. Even though the Member's amendment referred to ethnic diversity and gender equality, those issues accounted for a very small part of any of the speeches that were made. I make it clear that, when it comes to ethnic diversity, the Civil Service in Northern Ireland is broadly in line with the Civil Service in the rest of the United Kingdom, so we have addressed that issue.

Mr Attwood: I welcome the fact that the Minister thinks that the issues of ethnic diversity and gender equality in the Northern Ireland Civil Service have been addressed. That will come as a hell of a shock to women and to people from ethnic minorities in the North. The Police Service, for example, has not yet addressed the issue of ethnic minorities and still has not fully addressed the issue of the women's representation. There is an unmet need across a range of employers out there that the Minister only now, when he has been put in the spotlight, suddenly thinks that he has to comment on. That says a lot.

I am also concerned because the Minister referred, in rather contemptuous ways, to the "equality industry". By now nodding his head, the Minister is confirming that he meant it contemptuously. Let me say this to the Minister and to the DUP ranks: if it had not have been for the equality architecture — the powers, legislation and penalties — and the fact that the inequality on the religious side of things was a source of alienation over many decades in our society, that boil would not have been lanced over the past 20 or 30 years and would have remained a rubbing point in our politics.

Mr Campbell: That is the case now.

Mr Attwood: I will come to that. It is simply not a credible position to beat up on the so-called equality industry if people do not recognise that that industry was essential over 20 or 30 years to move Northern

Ireland to the point at which the Minister can rely on the information that he put before the Assembly today. It is because of that industry, those laws and that architecture that the DUP today can say that there is under-representation of Protestants in certain ranks of the Civil Service. We can all say that equality in the North is at a place where it has never been before.

I will not even reply on the issue of 50:50 recruitment. If it were the case that 8% of the Northern Ireland Civil Service was Protestant and 92% was Catholic, as was the case in 2001 with the police, I would be arguing for 50:50 recruitment in the Northern Ireland Civil Service. We do not object to the principle of 50:50 recruitment; we wanted it for women in the police, but the European Court of Human Rights would not allow it. We do not walk away from any of those issues. The DUP has come to the table late. I welcome that it has come at all.

Ms J McCann: This is a very important debate. It is unfortunate that the proposer of the motion referred only to under-representation at the lower levels of the Civil Service. There is huge under-representation of young Protestants at that level. I know that people have already spoken about that. The Minister has said that measures have been taken to try to challenge that under-representation by sending people into schools and by setting entrance criteria at NVQ level, so that working class people who apply to the Civil Service have equality of opportunity.

4.45 pm

Members have touched on two areas of under-representation that were not mentioned by Gregory Campbell when he moved the motion. One of them is in the higher, very senior grades. It was said that fewer than 300 staff occupy those grades, but those staff should still reflect the make-up of wider society. It is unfortunate that the under-representation of women in higher grades of the Civil Service was not included in the debate. I welcome the proposer's campaign to get equality in the workplace, and I hope that that campaign will include people from all backgrounds — ethnic minorities, women and the gay and lesbian community — because equality is important for all those people.

In moving the amendment, my colleague Mitchel McLaughlin supported affirmative action to challenge all forms of under-representation at every level in the Civil Service. It is important that we agree to consider under-representation at all levels and right across the board. He mentioned that legislation and robust measures were needed to proactively challenge institutional discrimination and inequalities in the workplace. That is what our amendment looks to do; it argues for the publication of the report of the equal

opportunities unit so that we can monitor, agree and be proactive about putting measures in place.

Some Members have referred to positive discrimination or action, and I have argued in the Chamber on previous occasions for positive action to be taken to address the lack of female representatives in the Chamber and on public bodies. Our amendment calls for the report from DFP's equal opportunities unit to be published. We must have that type of robust monitoring, and it must be public so that every aspect of it can be considered.

Declan O'Loan welcomed the fact that the DUP is now embracing fair employment measures, including monitoring. I disagree with what Mr O'Loan said about there being fair participation across all the higher grades in the Civil Service. The figure quoted — that 30.4% of the Senior Civil Service are Catholics — does not reflect equality of participation right across the board. I am not citing a whole load of statistics, because, as everybody, including the Minister, has mentioned, we must be aware that statistics can be used to support everybody's arguments. We must take a broader view.

Danny Kinahan from the Ulster Unionist Party felt that the recruitment process was fair, and he was a bit at odds with the DUP's motion. Stephen Farry said that he could support the motion and all the amendments. He also believed in appointing on merit — that the best person for the job should be appointed. I do not think that anybody could disagree with that. However, I do not believe that someone should be denied equality of opportunity in getting the best-paid jobs just for being a Catholic. That is very important.

Mrs Long: I thank the Member for giving way, but I am afraid that there is a conflict in her stated position. One cannot accept the principle of merit-based appointments in all cases while at the same time talk about favouring positive discrimination. If merit-based appointment is believed in, the only thing that should matter is the quality of the person and not their background, which can be monitored subsequently. Therefore, some conflict is opening up in what Sinn Féin has said in the debate.

Ms J McCann: I do not think that. What I am saying is that the educational qualifications of a person from an area of disadvantage may not be as good as those of someone from a middle-class area. Sometimes there has to be positive action to ensure that all people have equality of opportunity. That is what I am saying. I am not saying that there should necessarily be discrimination against any particular section, but that sometimes we need to look at taking positive action where there are inequalities.

Mr Deputy Speaker: The Member's time is up. She should bring her remarks to a close.

Ms J McCann: I ask that people support the Sinn Féin amendment. It does not exclude the fact, which has been mentioned by my colleagues, that Protestants are under-represented at the lower levels of the Civil Service; that is wrong. Everyone should have equality of opportunity and the amendment is the best way to take that forward.

Mr Weir: As the Minister said, we have had a fairly reasoned debate in which we avoided the temptation — raised as a concern by Mr Kinahan — of raising the blood pressure too much. Nevertheless, we have had a robust debate, and that is to be welcomed. In summing up, I will address a few of the remarks that have been made.

I will deal first with the motion's proposer, Gregory Campbell. Gregory hit the nail on the head with the three key points in the debate. First, the debate is not about Civil Service promotion or composition, but about recruitment and its trends. That goes to the heart of the debate. Mr Campbell, Mr Kinahan and others pointed out that trends in recruitment potentially lead to long-term imbalances in composition if they are not addressed correctly.

Secondly, Mr Campbell dealt with the other key point that we are looking at the vast bulk of the Civil Service. In dealing with those grades, as opposed to the senior grades, we are dealing with roughly 99% of the Civil Service. Numerically, that is where the focus should be. Thirdly, the trends that we are trying to tackle have, until very recently, been getting worse rather than better; gaps in the expected outcome have been widening rather than narrowing. To some extent, that deals with a number of the points that were raised by other Members.

Some Members mentioned under-representation in the Senior Civil Service. Indeed, that is one of the main thrusts of the Sinn Féin amendment. Yet that involves fewer than 300 people. Mr Hamilton highlighted that the trend has led to a narrowing of the gap year on year, to the extent that the number of Catholics in Senior Civil Service posts doubled between 1997 and 2007. Even Mr O'Loan and others acknowledged that we are very close to a balance.

Gender issues were similarly highlighted. There needs to be a clear focus on the important issue of the promotion of women in the Civil Service. Any cursory examination of the trends, even in the Senior Civil Service, will show that there has been a massive improvement over the past 10 years, with the number of women in senior posts virtually trebling during that period. Therefore, although work remains to be done, at least the gaps are closing.

By contrast, as was highlighted by Mr Hamilton, Mr Campbell and others, the under-representation — at least it was the case up to 2007 — of people from the

Protestant community at the lower grades has got worse instead of better. That is why the focus of the motion is as it is. It also highlights why the two amendments offer a degree of diversion from what should be the main focus, despite the best attempts of the Members who tabled them. The main focus should be on where there is a problem; where, despite the efforts that have been made in the past couple of years, a problem remains; where a marker needs to be put down, to which a number of Members referred; and where we need to keep an eye on the ball.

5.00 pm

Mitchel McLaughlin proposed amendment No 1. I do not know whether he or Gregory Campbell should be more worried, because Mr McLaughlin started off by saying that he agreed, to a large extent, with Gregory Campbell. It is fortunate that Mr Campbell was not in the Chamber when that statement was made. Mr McLaughlin went on to say that the key point is that we need to look at the most effective way in which to deal with the problem. I agree with him in that regard: if we are to be effective, we must deal with the main problem. It is clear that the main problem has been the under-representation of the Protestant community at the lower Civil Service grades.

Mr O'Loan, in proposing amendment No 2, said that he was embracing a wider motion. I am not sure whether he read the SDLP amendment, because he indicated that he wanted to create a motion that was not discriminatory and that did not refer to one community only. However, the SDLP amendment leaves in all about the under-representation of the Protestant community and does not mention the Catholic community. I suspect that the amendment that the SDLP tabled was not the amendment that it wished to table, but its Members have gone into it nonetheless.

I wondered whether Mr O'Loan's speech and Mr Attwood's speech were merely speeches or, given the events of the past 24 hours, more an audition for future vacancies that may arise. It was the early stages of an SDLP 'The X Factor'.

Mr Hamilton: Mark Durkan is the ex factor.

Mr Weir: Indeed.

I was reminded by a colleague that it is perhaps appropriate that the leader of the SDLP is not in the Chamber, given the presence of Mr Shannon, and his penchant for aiming at lame ducks. It is just as well that the SDLP leader was absent from the Chamber during Mr Shannon's contribution.

Mr Shannon: I do not aim at lame ducks; I make sure that the ducks that I aim at are flying fast and strong. When I hit them, it is a job well done.

Mr Weir: I do not want to question the prowess of Mr Shannon.

Mr Kinahan made a number of important points when he talked about the long-term trend and the widening gap. My only concern about Mr Kinahan's remarks was that the more that he went on, the less clear I became on the position that he was taking on the motion. Despite some of the good remarks that he made, I was not clear by the end of his speech whether the Ulster Unionist Party supported the motion. No other Ulster Unionists took the opportunity to speak in the debate, so I look forward with interest and no little trepidation to see which Lobby its Members go through.

Stephen Farry made a lot of valid points, albeit in an ecumenical manner that was in keeping with the Alliance's Party's position. He indicated that the Alliance Party would support just about everything in the debate in respect of any resolution. I am sure that that generosity, which was spread around the Chamber, was welcomed by all. There can be a situation in which there is a difference between equality of treatment and equality of outcome, as was highlighted. Dr Farry also said that underlying discrimination can occur at low levels. I have a slight concern that if the equality legislation were to be employed to a greater extent on very small firms, it would merely add to their burden.

Mr Paisley Jnr and Mr Shannon highlighted the hypocrisy of some of the parties opposite, particularly the SDLP and Sinn Féin. The watchword is always "equality". They talk about equality of opportunity yet support 50:50 recruitment for policing. It seems that it is all very well to have equality, except in particular circumstances. Long queues of people from the Protestant community have been discriminated against in PSNI recruitment in the past number of years. Fortunately, and thanks to the efforts of my party, an end to 50:50 recruitment has been negotiated. I welcome a time in which recruitment is based purely on merit.

The Minister said that we need something that is fit for purpose, and he highlighted the genuine progress that has been made in the past two years on such issues as advertising and the targeting of particular schools. Such initiatives have started to improve the imbalance in the lower ranks of the Civil Service. That is to be welcomed, and it is acknowledged in the DUP motion.

The motion is to ensure that a level playing field is created for everyone. That means tackling the problems where they exist and allowing progress to continue where it has already been made. We must ensure that the eye is kept on the ball, and that the marker is put down, as several Members have called for today. I call on Members to keep the focus on the problem and to support the motion.

Mr Deputy Speaker: Order. Before I put the Question on amendment No 1, I advise Members that if

amendment No 1 is made, amendment No 2 will fall. The Question on the motion, as amended, will then be put.

Question, That amendment No 1 be made, put and negatived.

Question, That amendment No 2 be made, put and negatived.

Main Question put and agreed to.

Resolved:

That this Assembly notes the efforts made by the Northern Ireland Civil Service in recent years to address the under-representation of Protestants among those applying for, and being recruited to, occupational groups which have most employees in the Civil Service; and calls for continued monitoring of all the grades, but particularly those grades where thousands of people are employed, in order that those from all community backgrounds can have confidence in the recruitment process.

Adjourned at 5.01 pm.

NORTHERN IRELAND ASSEMBLY

Tuesday 22 September 2009

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

Members observed two minutes' silence.

MINISTERIAL STATEMENT

North/South Ministerial Council

Health and Food Safety Sectoral Format

Mr Speaker: I have received notice from the Minister of Health, Social Services and Public Safety that he wishes to make a statement on the North/South Ministerial Council (NSMC) meeting in health and food safety sectoral format.

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): I wish to make the following statement on the eighth North/South Ministerial Council meeting in health and food safety sectoral format, which took place in Farmleigh House, Dublin, on Wednesday 10 June 2009. I represented the Executive as Minister of Health, Social Services and Public Safety, along with Michelle Gildernew MP MLA, Minister of Agriculture and Rural Development. Minister Gildernew has endorsed this statement.

The Irish Government were represented by Mary Harney TD, Minister for Health and Children, and Barry Andrews TD, Minister for Children and Youth Affairs, who, because Minister Harney was required to attend the Dáil for the latter part of the meeting, shared the chairing role.

Ministers discussed the priorities for health promotion on the basis of a paper prepared by the Institute of Public Health. Those priorities are likely to include programmes in school and/or workplace settings; prevention and management of chronic and preventable diseases; shared learning on population health and tackling health inequalities; and shared skills development. We also agreed that co-operation will take account of feasibility and sustainability, especially in the current economic climate.

We welcomed progress to date on the prevention of suicide and endorsed proposals for the Irish Association of Suicidology and the Samaritans, in association with

the two Health Departments, to issue revised media guidelines, incorporating advice on new technologies, including Internet-related suicides.

We also welcomed the progress that had been made on co-operation on child protection. That included a valuable exchange of information and ideas on issues such as Internet safety, the development of a protocol for the movement of vulnerable children and families across the border, and the development of advice and guidance material for parents, carers and employers, aimed at strengthening safeguarding arrangements on both sides of the border. The continuing collaborative work in both jurisdictions on the management of sex offenders was also welcomed.

The Ministers received a progress report on the work of Safefood, the food safety promotion board, since its last meeting in May 2008. The report was presented by the chairperson Mr John Dardis, the vice-chairperson Mr Campbell Tweedie and the chief executive Mr Martin Higgins. We noted the following points: progress made on the development of the obesity action forum, which the Council had endorsed at its meeting in May 2008; the range of promotional activities undertaken by Safefood, including a healthy-eating campaign targeted at parents, and various seasonal campaigns; and the completion of three consumer-focused reviews in 2008 on beef, milk and pork. Those reviews highlighted that consumer confidence in those products remains high.

Ministers also received a presentation on proposals for the development of an enteric reference service for the island of Ireland. They noted the work done to date by Safefood. The Council also discussed Safefood's business plan for 2009 and noted its annual report and accounts for 2007.

It was agreed in June to plan towards holding the next meeting in those sectors in the autumn of 2009. Both Departments are currently assessing progress across the ongoing areas of co-operation in health and food safety with a view to finalising an agenda and agreeing a date for the next meeting.

Mr Wells: I thank the Minister for his statement. I note that the issue of swine flu did not feature in that meeting, although I suspect that that was because concern about swine flu was only starting to emerge at the time of the meeting. I note that the Minister intends to call a second sectoral meeting in the autumn of 2009. Can he assure us that the issue of swine flu will be discussed at that meeting?

Can the Minister also assure us that he believes that the authorities in the Irish Republic are doing everything possible not only to control swine flu in their own country, but to ensure that there is no possible spread of the disease across the border? Is he

content that the authorities are doing everything they can to stop that happening?

The Minister of Health, Social Services and Public Safety: In relation to Mr Wells's first point, I did, in fact, have a discussion on swine flu with Mary Harney and her officials at Farmleigh House in June, prior to the meeting of the North/South Ministerial Council. That discussion included both of our Chief Medical Officers and was very wide-ranging. I was able to give her some of the information that I had received the previous day from COBRA. The two Departments keep in constant contact, and it is my intention that swine flu will be the main issue on the agenda at the next North/South Ministerial Council meeting, so Mr Wells has sensibly predicted what the main issue will be.

In relation to the performance of the Irish Republic, authorities there are following much the same steps as we are following. They are not part of the UK-wide response, but their response matches the national response in the UK, and we share progress as we go along. Citizens in the Irish Republic can also take confidence from the fact that their Government, as far as I can ascertain, are at the point where they should be as far as protecting the population is concerned. The Member mentioned crossing borders, but he will be aware that there will be no border as far as swine flu is concerned. It is the fastest-moving virus that we have seen for many generations, and when the surge comes it will engulf us all.

Ms S Ramsey: Go raibh maith agat, a Cheann Comhairle. It is great to hear the Minister say that there is no border in Ireland when dealing with health and health inequalities.

It is important that we welcome the statement, because many important issues were covered at the meeting. It is great to see both Health Departments on the island working together and being proactive on those issues.

The Minister mentioned the issues of suicide prevention and of child protection. It is important that the Committee for Health, Social Services and Public Safety receives, if possible, a copy of the papers that were provided on the issues that the Health Departments have endorsed. The Committee regularly deals with issues to do with children and vulnerable adults and with the issue of suicide.

The Minister is well aware that the Health Committee is due to sign off on its report on its inquiry into obesity. What progress has been made on the issue of obesity? Will the Minister assure us that the Committee's inquiry will be brought to the next meeting at which obesity is on the agenda? It is important not only that Departments and Ministers across the island work

together but that Committees across the island tackle the issue.

The Minister of Health, Social Services and Public Safety: Sue Ramsey will be aware of the Institute of Public Health in Ireland, which has provided an amount of salient advice on that ongoing work. Since that body was established, a Public Health Agency has been set up in Northern Ireland, which will take the lead on obesity and a number of other issues, although it has been somewhat ambushed by the swine flu pandemic.

I am happy to share information on obesity and suicide as the Health Departments work together on them. It is a shared experience and some issues are universal; for example, how new technologies such as the Internet impact on the well-being of children and, in turn, issues such as suicide. We are working on a number of areas and are developing protocols, particularly on child protection, that overlap with suicide prevention. When I next come to the Committee, which will be within the next month, I will be happy to share the information that I have.

Mrs Hanna: I welcome the Minister's statement, particularly his comments on co-operation on child protection. Has any discussion taken place on potential European funding for cross-border initiatives, perhaps through the Lisbon Treaty?

The Minister of Health, Social Services and Public Safety: I do not have to hand information on European funding for cross-border initiatives through routes such as the Lisbon Treaty. I can write to the Member with the information that she seeks. Funding is a serious issue and, as with other areas, the area of North/South initiatives is one that I look at carefully.

Mr McCallister: I welcome the Minister's statement, which covered some important issues of mutual concern. Do the 3% efficiency savings, which the Department of Health, Social Services and Public Safety is required to make, apply to North/South bodies, such as Safefood?

The Minister of Health, Social Services and Public Safety: The 3% efficiency savings apply to all Health Service activities. As Members are aware, I am required to find some £700 million in efficiency savings over three years. That is on top of the fact that our budget is £600 million behind providing the same Health Service provision as that in England. Trusts are in financial distress. Efficiency savings are being considered throughout the Health Service and that, of course, includes North/South bodies. Health Service activity is constantly rising in a number of areas because birth rates, the number of older people, the number of people using accident and emergency and the number of inpatients as a result of that are all rising

extremely quickly. In some cases, the numbers are rising by 8% or 9%.

In 2009, the increase in real terms, which includes inflation and excludes GDP at 2.7%, is 0.9%. That sum is not difficult. In many areas, there are increases of around 9%.

10.45 am

Mr McCarthy: I, too, welcome the Minister's statement and the progress that has been made on various issues. As regards suicide prevention, can the Minister tell the House how information on new technologies, and so on, will be filtered down to all those important groups, particularly in Northern Ireland, who work continuously to improve suicide-prevention initiatives and, it is to be hoped, to prevent suicide in the first place.

The Minister of Health, Social Services and Public Safety: The groups to which Mr McCarthy refers are very much at the cutting edge of finding initiatives in the drive against suicide. A sizeable part of the North/South work on suicide involves sharing information, because a large number of groups in the South have equally valuable experience. We ensure that that information is shared. That is our initial step.

We also have an all-Ireland suicide action plan. Therefore, a number of initiatives is ongoing that concern sharing information, and ensuring that all groups get that information. That is what we aim to do.

Mrs McGill: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. I welcome particularly, under the heading "Health Promotion", the reference to shared learning on population health and tackling health inequalities.

In order to tackle health inequalities, has a mapping exercise been carried out throughout the island to identify where those inequalities occur? If that exercise does not exist at present, can that information be obtained for the Committee for Health, Social Services and Public Safety? To assist the all-island agenda and information-sharing, it would be welcome.

The Minister of Health, Social Services and Public Safety: As far as Northern Ireland is concerned, that mapping exercise has existed for a number of years. We are well aware of where pockets of health inequalities are located. There is a considerable number of them. Similarly, Mary Harney has knowledge of where pockets of health inequalities are located in the Irish Republic. We are able to share information where necessary. Health inequality is a common problem on both sides of the border.

As Members are aware, health inequalities go hand in hand with social disadvantage, educational disadvantage and unemployment, as well as with misuse of alcohol, tobacco and drugs, with obesity, and

so on. That is very much the focus of the Public Health Agency that I set up, and a feature of shared experiences that are brought to the table at North/South meetings.

Mrs D Kelly: I thank the Minister for his report. Can he indicate when the results of the North/South Ministerial Council's review on health matters will be published or made available?

Moreover, I understand that the number of suicides in the North has increased in 2009. I am not entirely sure whether the pattern has been similar in the South. As we are all aware, health funding is under intense pressure on both sides of the border. Was bed sharing in acute admissions for people who are at risk of suicide discussed at the meeting? I understand that there is a shortage of such beds in the North.

The Minister of Health, Social Services and Public Safety: The Member has mentioned suicide numbers, which, in the past three years for which figures are available — 2006, 2007, and 2008 — have been 255, 242, and 282 respectively. There are underlying reasons for that, not least the increased likelihood of people to report and more accurate reporting of numbers. Nevertheless, it remains for me a consistent anxiety and worry and a consistent target, which we are taking steps to reach.

The Member asked about bed sharing. In fact, a new mental-health hospital is being completed near Forestside in south Belfast. That hospital will have a unit for children and adolescents, as well as a family unit, and it will create around 33 additional beds. In fact, I think that that number can be stretched a bit further. We seek to address — and are addressing — the issue of bed sharing to ensure that we have an adequate number of beds available and that they come on stream.

I have noticed that a new private mental-health hospital for adolescents is being built in Templepatrick. I have no knowledge of that hospital, except for the details that I have read in newspapers and seen on television. The hospital certainly has no contact whatever with the Health Service. The one thing that a recent report that I saw neglected to say about the hospital was that in order to be admitted, one must pay. However, the new mental-health hospital in south Belfast is provided by the Health Service, and access to it is controlled by a person's citizenship, not their ability to pay.

My Department and I, together with Minister Harney, are considering the results of the review on health matters that the North/South Ministerial Council in health and food safety sectoral format carried out.

EXECUTIVE COMMITTEE BUSINESS

Department of Justice Bill

Second Stage

The First Minister (Mr P Robinson): I beg to move.

That the Second Stage of the Department of Justice Bill [NIA 1/09] be agreed.

Last November, following our attendance at a meeting of the Assembly and Executive Review Committee, the deputy First Minister and I announced that we had reached agreement on a number of key issues relating to the devolution of policing and justice matters.

The arrangements that we proposed will apply on an interim basis until 2012 and will be subject to review before permanent arrangements are put in place. Following that meeting in November 2008, we made public a paper that set out the process by which devolution can be achieved and the clear steps that will need to be taken to achieve devolution without undue delay.

One of those steps was the drafting and introduction of Assembly legislation. That legislation is the Department of Justice Bill, which we are debating today. The Bill flows from the Assembly's approval on 20 January 2009 of the report of the Assembly and Executive Review Committee on the arrangements for devolution of policing and justice matters and is not the result of any subsequent negotiations. The report and the Assembly endorsed our view that there should be a single justice Department with a single Minister who is elected by the Assembly.

Earlier this year, legislation was enacted at Westminster to make the necessary legislative amendments that arose from the Assembly and Executive Review Committee's report and from our decisions, which were announced on 18 November 2008. That legislation was the Northern Ireland Act 2009, and it provides the essential framework for the present Bill. The Act includes a sunset clause that will dissolve the new Department of justice in 2012 if the Assembly has not extended the arrangements in the Bill or adopted new arrangements by that time.

The Secretary of State has also made an Order to increase the maximum permitted number of ministerial offices to accommodate a Minister of justice. That Westminster legislation was also among the steps that were identified in our November process paper.

Another step is now being taken with the introduction of this Bill. The Bill itself does not seek to give effect to devolution. That can happen only when the Assembly passes a specific resolution requesting that the Secretary of State transfer the relevant

responsibilities and when the necessary legislation has been passed at Westminster. However, the Bill makes preparations in advance of those final stages so that the process at that time is as straightforward as possible. It is, therefore, enabling legislation.

Its purpose is to facilitate the creation of a future Department of justice, which will assume most of the responsibilities that are planned to transfer. The Bill will also establish a legislative basis through which the Assembly can appoint a Minister of justice. The Bill reflects the arrangements that were proposed by the Assembly and Executive Review Committee, endorsed by the Assembly and legislated for at Westminster by the Northern Ireland Act 2009.

The Bill is quite succinct. Clause 1 establishes the Department of justice, and clause 2 sets out a process for the appointment of a Minister of justice by vote of the Assembly, requiring that not only a majority of Members vote on the resolution, but that a majority of designated nationalists and designated unionists vote.

That condition ensures cross-community support for the new Minister. The deputy First Minister and I have already stated that, initially, neither of our parties would nominate one of its own members for the post of Minister of justice.

Significantly, the third clause ensures that the preceding clauses, which are the operative parts of the Bill, will not come into operation until the deputy First Minister and I jointly make a commencement order. That would take place in the final stages before devolution and, as I said, would happen only after a cross-community vote in the Assembly.

There is also a technical schedule to the Bill, which will tidy up a number of references to the future Department in existing legislation by amending them to use the new title of Department of justice. The content of the Bill and its introduction have been agreed by the Executive. The OFMDFM Committee has been briefed on the Bill's contents, and I look forward to its further engagement during the Committee Stage.

This enabling Bill gives legislative authority to put in place the arrangements that the Assembly has already agreed are necessary for the future devolution of policing and justice. The Bill's passage will enable us to act decisively, once the Assembly resolves that the time is right to request the transfer of those powers. 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): As the Chairperson of the OFMDFM Committee, I am grateful for the opportunity to talk about the Bill. I will then add my own party-political views.

At its meeting on Wednesday 9 September, the Committee received a briefing from departmental officials. A number of questions was asked and answers given; officials undertook to send further information to the Committee, which was provided in a reply dated 21 September and circulated to all members of the Committee.

It was proposed in the Committee that the Bill should not proceed in the Assembly until the publication of the next report of the Assembly and Executive Review Committee. That proposal was defeated, and the Committee agreed to place a public notice in newspapers after the First Stage of the Bill to advertise a closing date — a fortnight later — for receipt of submissions. I can confirm that that notice was published on Friday 18 September, and it indicates a closing date of 12 noon on 2 October. At its meeting on 7 October, the OFMDFM Committee will consider likely oral evidence sessions and whether to extend the Committee Stage of the Bill. That is an accurate reflection of how the OFMDFM Committee has dealt with the Bill in its statutory role.

As a member of the Ulster Unionist Party, I will now address some issues raised by the potential devolution of policing and justice to the Assembly. I declare an interest as a member of the Assembly and Executive Review Committee.

In principle, the Ulster Unionist Party is not opposed to the devolution of policing and justice at a proper point in time. However, that point has not yet been reached, so we will oppose the Bill's passage today.

11.00 am

We are consistently told that we are part of a four-party mandatory coalition. However, the Ulster Unionist Party has not been consulted on, or involved in any way in, the ongoing negotiations at Downing Street and with senior Treasury figures. We are not, therefore, involved in briefings and meetings with officials.

The First Minister: Are you sure about that?

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister: We believe that we have no ownership —

The First Minister: Your leader has not had any discussions?

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister: The Ulster Unionist Party believes that it has no ownership of the process.

Mr Speaker: Order.

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister: If

the First Minister wishes to say something, I am happy to give way.

The First Minister: That would be useful. Is the Member telling the House that his party leader has not had any discussions with the Northern Ireland Office on the devolution of policing and justice powers?

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister:

That is altogether different. There may well have been discussions and conversations with the Secretary of State and others; however, we have not been involved in the ongoing, detailed negotiations, and, therefore, our fingers are not in this pie. The First Minister will have to explain to his own party, and to the wider community, how and when decisions are to be made.

Mr Poots: Will the Member give way?

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister:

Sorry, I have progress to make.

I simply reiterate that we feel that we have no ownership of the process. It is a bit rich for the First Minister, who often reminds us that this is allegedly a four-party mandatory coalition, to expect the blind support of other parties, particularly the Ulster Unionist Party, for the early devolution of policing and justice powers.

Dr Farry: Will the Member give way?

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister: I am sorry, but I will not give way.

We need to consider community confidence. In the wider community, the prevailing view is that the Assembly and Executive have not yet substantially proved themselves before the people of Northern Ireland. Devolution is not all that it was cracked up to be or what was promised, and we see that in the business of the Assembly. For example, the issue of education is in deadlock.

Mr Speaker: Order. I remind the House that, at Second Stage, Members must speak to the principles of the Bill. If Members decide to wander outside the principles of the Bill, I will very quickly bring them back. In Committee and at Consideration Stage, Members will have an opportunity to discuss all the issues. However, today's debate concerns the principles of the Bill, and only the principles of the Bill.

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister: I am happy to bear that in mind, Mr Speaker. I was attempting to allude to the wider perceptions that affect the conditions under which this enabling legislation could be progressed. I am striving to make the point that there is no community confidence in the Assembly

or the Executive to permit the early enactment and realisation of the devolution of policing and justice powers.

Community confidence has been shaken by recent events, and by the ongoing serious threat from republican dissidents. That is a matter that concerns us all and, in the context of devolving policing and justice powers, is surely an important consideration. I detect a very strong concern in the unionist community, which believes that republicans, even those in the House who are directly involved in the negotiations for the possible devolution of policing and justice powers, are not doing enough to bring the necessary information to the PSNI so that it can deal with those republican dissidents, as they are called. We need to see information that details the activities of some of the erstwhile colleagues of those in the mainstream republican movement.

Mr Poots: Will the Member give way? I hear what the Member says —

Mr O'Dowd: Will the Member give way?

Mr Poots: Mr O'Dowd will get his chance to speak later.

I hear what the Member says, and I am at somewhat of a loss to understand him. In 2005, when republicans had not signed up to policing and justice, the Member's party wanted to rush headlong into the devolution of those powers. Now that republicans have signed up to the devolution of policing and justice powers, he wants to delay the process. I am somewhat confused by his stance.

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister: I am happy to confirm that the Member seems to be confused permanently. The situation that he described was not the case; therefore, his comments are not relevant to today's debate.

Given past performance, serious questions must be asked about the ability of DUP/Sinn Féin to negotiate a proper financial package to support the devolution of policing and justice. Any financial package for the transfer of policing and justice powers needs to be tested rigorously for financial sustainability, risk management and contingency planning against potential shortfalls. Only then, and only after a period of time, should powers be transferred fully. Clear, robust guarantees must be given that Westminster will not allow the Northern Ireland Budget to suffer in the event of additional demands being made on policing, such as those that are created by civil disorder. Only on that basis can we consider the devolution of policing and justice powers responsibly.

For well over a year, my party has been saying that the time is not right to devolve those powers unless and until this place steps up to the mark on other issues. A year later, there has been no movement; we

have had only more paralysis from the DUP/Sinn Féin axis. Simply adding the Alliance Party to that axis is hardly a recipe that inspires confidence. Therefore, we oppose the Bill, not because we oppose the principle of the Northern Ireland Assembly having charge of the powers, as is the plan, but because we do not believe that the community has confidence in devolution at this point. Moreover, given that the Executive cannot sort out the mess in education and other areas, how on earth can they be expected to deal effectively and efficiently with policing and justice? The Ulster Unionist Party will, therefore, oppose the motion.

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

Mr Spratt: I am pleased to have the opportunity to speak during today's debate. I declare an interest as Chairperson of the Assembly and Executive Review Committee and as a member of the Northern Ireland Policing Board. I clarify that I am not speaking in my capacity as Chairperson of the Assembly and Executive Review Committee.

As Members are aware, the issue of the devolution of policing and justice has been in the political arena for some time. I support the Bill, the creation of a Department of justice and the appointment of a justice Minister when the necessary conditions are met. However, as Members are aware, the purpose of the Bill is merely to create a Department of justice and to enable the appointment of a justice Minister. It does not state when devolution will happen or, indeed, what powers will be devolved. It is simply a stepping stone along the way. However, we are making progress and are moving in the right direction.

Before policing and justice functions can be devolved, two things need to happen. First, we need to ensure that appropriate funding is in place, and I know that the First Minister and the deputy First Minister have been lobbying the Prime Minister and the Treasury to ensure that that happens. Secondly, we need to safeguard the continuity of the justice Department beyond 2012. To do so, we must ensure that community confidence exists. If devolution is to be sustainable, all sections of the community must have confidence in it.

The Assembly and Executive Review Committee has made a number of practical recommendations about devolution, which begin with suggesting that there should, in fact, be an additional and separate Department for policing and justice, which should be known as the Department of justice. Following on from that, the Committee recommended a number of control measures for the removal and replacement of a Minister, which would apply until 2012. Those measures would be contained in what is known as a sunset clause, which means that the Department would dissolve in 2012 if the Assembly did not agree on a

more permanent arrangement. In the interim, it was also agreed that neither the DUP nor Sinn Féin will nominate a Member from their respective parties to be justice Minister.

Bearing in mind what I said about community confidence, it is important that any future justice Minister ultimately be appointed by a majority of unionists and a majority of nationalists, as well as an overall majority of Members. To those Members who are concerned that that is a departure from d'Hondt, and it is, I can say that the Assembly will have an opportunity to revisit the proposal before 2012.

The Assembly and Executive Review Committee —

Mrs D Kelly: In confirming that that measure is a departure from d'Hondt, and, therefore, a departure from the principles of the Good Friday Agreement, does the Member agree that Sinn Féin has conceded that veto to the DUP?

Mr Poots: Does the Member agree that that measure would be part of the dismantling of the “ugly scaffolding” of the Good Friday Agreement, a phrase which was used by the soon-to-be former leader of the lady's party?

Mr Spratt: I am happy to agree with that. *[Laughter.]* I am also happy to hear what Mrs Kelly said; I have heard it many times before, not only from her, but from her colleague Mr Attwood, who is sitting beside her.

The Assembly and Executive Review Committee still has work to do before the devolution of policing and justice can take place. I mentioned earlier that finance is key; I want to commend the work of the First Minister and the deputy First Minister in their negotiations with the Prime Minister and the Treasury. Those talks have taken place against the background of particularly difficult economic times, and it is certainly not an easy task.

The Assembly and Executive Review Committee will continue to consider the non-modality issues, and will finalise its second report soon. There was some discussion about that in the Committee's meeting earlier this morning. The Committee aims to present its second report to the Assembly before the end of 2009. I commend the Bill to the House.

Mr A Maskey: Go raibh maith agat, a LeasCheann Comhairle. Obviously, on behalf of Sinn Féin, I support the Bill. As the First Minister said, it is a succinct Bill, which contains three clauses that simply provide for the establishment of a justice Department and the appointment of a justice Minister. The Bill, in my view, ably and simply speaks for itself.

I heard some of the comments that Danny Kennedy made when he was speaking as a member of the Ulster Unionist Party. Although I wish it were different, the

Bill does not specify when the Department will be established. That is something that we are working on. I welcome the fact that Jimmy Spratt mentioned that the First Minister and the deputy First Minister are engaged in ongoing discussions with the British Government and others to try to ensure that we make the necessary progress on issues such as the budget, and that we can move speedily towards the establishment of a justice Department in the near future.

Members will have become familiar with the phrase “revolving justice”. We have all heard members of the public, particularly victims' families and others, who have regularly and routinely complained to us about the revolving nature of the justice system, whereby repeat offenders are in and out of the courts. Most members of the public feel that the levels of justice that are meted out are inappropriate or not balanced.

What we have heard from Danny Kennedy this morning is an example not only of a revolving policy, but of the UUP going round in circles. He finished his remarks by saying that the UUP would oppose the Bill, not because it is against the principle of the transfer of policing and justice powers, but because it does not think that the time is right. That is a familiar unionist phrase; we often hear that the time is not right or that the Assembly has not stepped up to the mark.

11.15 am

Although I wish that it did, the Bill does not provide a date for the transfer of powers. Therefore, there is no reason —

Mr Kennedy: Does the Member accept that the Bill's passage through the various Stages in the Assembly raises an expectation that the date for the devolution of policing and justice is not far off and is not a political lifetime away, as some people once predicted?

Mr A Maskey: The Member needs to make up his mind whether he wishes to be mischievous or whether he wishes to contribute to the debate. In my view, much of what he said this morning has done neither.

The fact is that the Ulster Unionist Party signed up to the Good Friday Agreement. The St Andrews Agreement was an add-on to that. Further discussions took place; some of the topics we supported and some we were not so happy about. Nevertheless, the Ulster Unionist Party has two Ministers in the Executive as a result of the Good Friday and St Andrews Agreements.

Mr Cobain: As the Ulster Unionist Party is represented on the Executive, has it been in detailed discussions with the First Minister and deputy First Minister about the devolution of policing and justice?

Mr A Maskey: I think if the Member — *[Interruption.]*

Mr Deputy Speaker: Order.

Mr A Maskey: Had the Member been in the House earlier, he would have heard reference to the fact that his party leader has already been part of a number of discussions. *[Interruption.]* I must also point out that members of his party sit on the Assembly and Executive Review Committee. In fact, Danny Kennedy chairs the relevant scrutiny Committee, so the UUP has had ample opportunities to be involved in discussions.

The difficulty for the Ulster Unionist Party — and Mr Kennedy alluded to it earlier, possibly inadvertently — is that it did not get the mandate to be among the leadership of those negotiations. That is a problem that the party has to square in its own mind. I do not believe that it has squared that circle just yet. Other parties suffer from the same problem. As a result of the choice of the electorate, the DUP and Sinn Féin are the two lead parties, in that they are the holders of the Office of the First Minister and deputy First Minister. They are mandated and obligated to take those discussions and negotiations forward.

Mr Kennedy: Will the Member give way?

Mr A Maskey: No, I am sorry, but I have already done so. The Member will have plenty of time to speak later on if he wishes to. He has stated that he will deal with that in the later stages of the Bill, and I look forward to that.

The reality for the Ulster Unionist Party is that it did not get that mandate. It is free to seek a new mandate later on, but, for the time being, the current First Minister and deputy First Minister are leading the discussions with the British Government on a budget. They are not doing that in isolation. Members of all parties, with the exception of the Alliance Party, sit on the Policing Board, which has also been routinely involved in discussions on the necessary budget for policing — and I should declare an interest as a member of the Assembly and Executive Review Committee and as a member of the Policing Board. I am sure that members of Mr Kennedy's party have made representations directly to the NIO on budgetary and other matters. Indeed, I think that that has already been acknowledged.

The Ulster Unionist Party still has ample opportunity to input into this very important debate. What it has not shown, in my opinion, is any sense of leadership whatsoever. I am not a unionist, but I can tell the Member that Policing Board members who are here today would acknowledge that the board frequently meets people from every community across the North who routinely complain that the system is not joined up and that good aspects of police work fall foul of the Magistrate's Court or the Public Prosecution Service (PPS). Those disputes are taking place. People from all communities want a justice system that is joined up, effective and solves problems collectively. They, and

members of all parties, including the Ulster Unionist Party, routinely make representations to the Policing Board about the need to ensure that the system is joined up more effectively so that the general public, whom we serve collectively, get the justice system that they are entitled to, that they want and, more importantly, that they can shape in the future.

The only real opportunities for many people to have an input into important justice matters are through current affairs programmes or the letters pages of newspapers. Everyone here will acknowledge and accept that it is simply not good enough that the public have no real input into how the criminal justice system works. Some people want to have legislation introduced on a whole range of matters, others want to change Government policies. However, they do not have a local Minister whom they can hold to account for the rights and wrongs of the system or to whom they can suggest changes that would benefit the community.

The legislation is necessary simply to ensure the realisation of the agreement that I hope is imminent. The vast majority of the public welcome that and, indeed, want it to happen sooner rather than later. Considerable community confidence will be built if members of the parties represented in the Chamber today come together to establish the justice Department and to appoint a Minister and a scrutiny Committee. That will also help the budget process. I do not accept that there is not widespread community support. However, other parties have made that argument, and so be it. Along with the vast majority of the public, a LeasCheann Comhairle, I look forward to the transfer of power on justice matters: that is very important to all the people whom we serve collectively from the Chamber.

Mr Spratt referred to the fact that the appointment will be made outside of the d'Hondt procedures, and I accept that. However, I make it clear on the record yet again that the arrangements are temporary. The DUP and Sinn Féin have generously abstained from taking the post for the first period.

Mr P Ramsey: Why is Sinn Féin so spooked by the prospect of an SDLP justice Minister? Will the Member and his party support an SDLP nomination?

Mr A Maskey: The Member might want to refer to the former leader of his party, or is he still the leader? I am not quite sure of the leadership situation in that party. Nevertheless, the former, or current, or putative in/out leader, has had discussions on the matter. We are on public record as saying that our preference is for an SDLP Minister of justice, although I must say that I would not have a lot of confidence in many of the SDLP Members on the Benches to be competent Ministers.

Mr P Ramsey: Would you support an SDLP nomination?

Mr A Maskey: Our preference is an SDLP Minister of justice, and we would support that nomination. I am not sure what part of that the Member cannot understand. We have said that repeatedly, and I repeat it again today.

The Good Friday Agreement and the St Andrews Agreement contain an absolute requirement that we establish the institutions and maximise devolution and the transfer of powers. It is not a cherry-picking exercise: it is an absolute requirement. Policing and justice is an essential element of what was agreed in both the Good Friday Agreement and the subsequent St Andrews talks.

The purpose of the Bill, a *LeasCheann Comhairle*, is to ensure that a Department will be established as soon as possible. I have already said that the DUP and Sinn Féin have generously abstained from nominating a Minister of justice at this point. Given the difficult circumstances in which we all find ourselves, we have made an accommodation to ensure that a Department of justice will be established and that a Member of the House will be appointed as Minister of justice. That will also ensure that the general public are given a sense of the justice system's twin pillars of accountability and independence. The people whom we represent collectively will have a say over how those matters are delivered in the time ahead.

As Mr Jimmy Spratt said, the Bill contains a sunset clause that means that the interim arrangements have to come to an end by May 2012. There is no fallback position. If we wish to continue with the devolution of policing and justice powers after 1 May 2012, it is up to any Member or any party to make alternative proposals prior to that date. As I said, the current arrangements are temporary and are merely an accommodation.

If policing and justice powers are transferred in the near future, I imagine that the practical outworkings and the experience that will be gained by the parties between that time and May 2012 will be important. Danny Kennedy said that power sharing is not working. However, that practical experience, along with other work, will inform us by May 2012 of whether it is appropriate to continue with the arrangements beyond that time. If it is not appropriate to do so, we will make other arrangements. Any such alternative arrangements will be discussed and will have to be in place by 1 May 2012. That is important.

Mr Durkan: Will the Member take a question?

Mr A Maskey: I will, as long as it is a question. Please keep it brief.

Mr Durkan: I thank the Member for giving way. He said that arrangements will have to be in place before May 2012. If arrangements are not in place before then, what will happen?

Mr A Maskey: The Member has been involved in politics for a few years — he did say, though, that he is only 49, so I will take that as an indication of his political experience — and as he has said in the past, we do not know what will happen. His former deputy leader, Séamus Mallon, was on record as saying that we can only legislate for what we can legislate for ourselves. We cannot legislate into the future. I do not know what the situation will be in 2012. I do not know what the situation will be next week; I have a fair idea, and I am working on that basis, but who knows?

The fact is that the arrangements are in place, and I hope that they will get the support of the parties in the Assembly, because those arrangements provide for the establishment of a Department of justice and the appointment of a Minister of justice. By 1 May 2012, alternative arrangements will have to be in place. The Bill does not provide for a fallback position. Therefore, if such arrangements are not in place, there will not be a Department of justice. If an impasse —
[*Interruption.*]

Mr Durkan may wish to hear himself talking, but I do not want to hear him. I want to get on with the debate.

If we reach an impasse at that time, one would presume that there are other political difficulties, and we will have to deal with those in the round.

I will make one simple point in response to Mr Durkan: at no time during his leadership of his party, or during Seamus Mallon's leadership in the Assembly, did they make any specific proposals to the House for the delivery of policing and justice powers, nor indeed, if I recall correctly, did they even publicly put forward such a strategy. It is all very well to say that it was in the Good Friday Agreement. Sinn Féin supported the Good Friday Agreement, and I remind the Member, although he does not like to acknowledge it very often, that we were involved in the negotiations that led to the Good Friday Agreement. It was not solely the SDLP that tidied up that bit of business; a number of people, including those from Sinn Féin, were involved in those talks. At no time did the SDLP put forward any strategy for the delivery of policing and justice powers. Its members can criticise Sinn Féin —

Mrs D Kelly: Will the Member give way?

Mr A Maskey: I have already given way a number of times. The Member will have ample opportunity to state her case.

People can state that they want something to happen; however, the general public want their political leaders to deliver. How can we do that? This Bill, as an accommodation between Sinn Féin, the Democratic Unionist Party and OFMDFM, sets out the means for the establishment of a Department of justice.

11.30 am

I want the SDLP to tell people whether it supports the Bill. When Mark Durkan spoke against the Westminster Bill on the matter, he got his party into quite a kerfuffle by leaving — he did not stay for the vote. Therefore, we must be clear about our positions. The SDLP must tell the general public whether it supports the transfer of policing and justice powers and whether it will support the current legislation to enable that transfer.

Earlier, in answer to Pat Ramsey, I stated that Sinn Féin would prefer a member of the SDLP to be the justice Minister; that may or not happen. However, our priority is to facilitate the transfer of powers on policing and justice to ensure that the general public whom we represent receive the best policing and criminal justice system that we can deliver.

That means putting our shoulder to the wheel, establishing the Department and taking responsibility for delivering those matters into the hands of locally elected people who are accountable to the public and who will be able to answer those families who ask why they have not received justice. Instead of people having to run headline campaigns in the ‘Belfast Telegraph’ or having to appear on ‘The Stephen Nolan Show’, perhaps the Assembly will take responsibility by passing the relevant and appropriate laws and by developing a policy for the wider criminal justice system that will help to prevent crime and enable the police to detect more crime. That would enable the judicial system to deal appropriately with offenders while being respectful of, and responsive to, the victims.

I conclude by reiterating that the arrangement is temporary, based on an accommodation reached by the DUP and Sinn Féin through OFMDFM. I have no difficulty with that because as part of the ongoing negotiations on the budget and other matters, Sinn Féin is determined that a Department be established. Sinn Féin and the DUP have absented themselves from consideration for the ministerial post. That demonstrates that Sinn Féin’s priority, through the establishment of the Department, is to meet not our narrower party political interests, important as those may be, but the wider public interest, whoever the Minister may be and to whichever party he or she belongs.

Others who want to contest the Bill must tell the public how they intend to meet their need. Communities are experiencing problems with crime, and there is a lack of confidence in the criminal justice system and in many aspects of its delivery. Other parties may criticise Sinn Féin and the DUP as much as they wish. However, they must tell the public how they intend to achieve the establishment of the

Department and the appointment of a Minister, so that, collectively, we can get on with the job of delivering and servicing the needs of the people whom we are all supposed to represent. Go raibh mile maith agat.

Mr A Maginness: I am interested in what Mr Maskey said about the “temporary” arrangement with the DUP. I recall that Lloyd George described partition as temporary; the term, therefore, has some historical resonance.

I want to make it clear that the SDLP supports fully the devolution of justice and policing powers to the House and to Northern Ireland. However, we do not support it on the basis of the Bill. The Bill is defective and flawed because it does not permit a stable and inclusive method by which justice and policing powers can be transferred.

Let us take an example —

Mr Hamilton: Will the Member give way?

Mr A Maginness: No; the Member may intervene all he wants after allowing me to develop my argument.

All Members should be aware that a sunset clause builds into any transfer of justice and policing powers a continuous instability in the Department and in its future. The temporary arrangement to which Mr Alex Maskey referred will create all sorts of political difficulties throughout the life of the Department, if it comes about. Therefore, the Bill is defective at least on that basis. That is a fundamental flaw in relation to this legislation.

Another point, which was made very openly by Mr Spratt in his observations of the Bill, is that the process is a departure from the d’Hondt mechanism. Mr Alex Maskey endorsed that and openly admitted that it was a departure from d’Hondt. Of course, the d’Hondt system is central to the Good Friday Agreement. Once one starts to chip away at a fundamental aspect of the agreement, one undermines the entire agreement.

Dr W McCrea: Hear, hear.

Mr A Maginness: I hear some echoes from the DUP Benches that are in support of that proposition. Of course, Sinn Féin has sold the pass in relation to the Good Friday Agreement. By accepting that there should be a departure from d’Hondt in relation to the justice and policing Ministry, the party is accepting that the principle of d’Hondt is expendable. That is what Sinn Féin is doing by accepting the departure that the DUP has welcomed. Of course, this is a DUP agenda and not a Sinn Féin agenda. It is an agenda to which Sinn Féin has acquiesced. In fact, the party has betrayed a basic principle of the Good Friday Agreement.

The leader of the Ulster Unionist Party called —

Mr Kennedy: He is not here. *[Laughter.]*

Mr Deputy Speaker: Order.

Mr A Maginness: I thought that Mr Kennedy was a little confused. *[Interruption.]*

Mr Deputy Speaker: Order.

Mr A Maginness: The leader of the Ulster Unionist Party, outside this House, is on record as referring to the arrangement as a gerrymander. It is a gerrymander by the DUP and Sinn Féin. They have agreed to all sorts of carve-ups, but they cannot agree on this one. They are implacably deadlocked in relation to this issue, so the alternative that they have used is a gerrymander of the office. It is a crucial office in government; one that is very contentious and is very important for the future of justice and security here in Northern Ireland. Their agreement is quite wrong indeed.

What is required is to adhere to the method of selecting Ministers, which is a basic principle of the Good Friday Agreement. The d'Hondt mechanism is to be preferred because it is fair. It allows parties, in a fair manner, to select the Departments in which they wish to involve themselves.

Mr M McGuinness: For the purposes of this debate, will the Member outline for the Assembly one occasion when the SDLP proposed that policing and justice powers should be transferred to the Assembly and the Executive under the d'Hondt mechanism during the time when Séamus Mallon and Mark Durkan were in the lead in regard to the nationalist community and respectively held the position of deputy First Minister alongside David Trimble?

Mr A Maginness: The SDLP has never departed from the principle of d'Hondt, because —

Mr M McGuinness: Will the Member give way? I have asked a simple question.

Mr A Maginness: I am answering that question. The principle of d'Hondt is central to the Good Friday Agreement, because it is a fair system by which to appoint Ministers and distribute offices — *[Interruption.]*

Just listen to me: d'Hondt establishes a reasonable and fair pecking order, and that is why that system was adopted. What Mr McGuinness is doing — *[Interruption.]*

Mr Deputy Speaker: Order. Members must not make references or statements from a sedentary position.

Mr A Maginness: The deputy First Minister, Martin McGuinness, in leading his party in the Assembly, has departed from a fundamental principle of the Good Friday Agreement. Therefore, he has undermined that principle itself. The next time we form an Administration, the DUP may decide to get rid of

d'Hondt altogether and have Ministers based — *[Interruption.]*

That is the response that one gets. They have sold the pass in relation to d'Hondt, and I emphasise that.

Mr M McGuinness: Will the Member give way?

Mr A Maginness: I have already given way to the deputy First Minister. I will not give way again. Let me develop my argument. The point — *[Interruption.]*

Mr Deputy Speaker, the deputy First Minister is very exercised by this issue, because he realises that he has sold the pass in relation to d'Hondt and that that is a betrayal — *[Interruption.]*

Mr Deputy Speaker: Order. Which part of not making comments from a sedentary position does the deputy First Minister not understand?

Mr Durkan: The record shows that when I was deputy First Minister, I advocated beginning to work towards the devolution of justice and policing powers. The record also shows that the First Minister at that time did not agree with that position. The record further shows that Sinn Féin was completely opposed to the Policing Board at that time and was attacking and criticising those of us who were on it and who were trying to make the Patten Commission's reforms work.

Mr A Maginness: I thank the Member for his intervention. I go back to the point about the cross-community election of a Minister, which, in reality, in contrast with d'Hondt, allows a veto over the appointment. That is reflected in the statement of the Ulster Unionist leader, Sir Reg Empey, who said that the process would be a gerrymander because it would permit a veto.

Sinn Féin and Alex Maskey in particular have generously decided not to seek the justice Ministry: some generosity. Sinn Féin also said, very disingenuously, that it would support an SDLP appointment to the justice Ministry. That is so generous — *[Interruption.]*

Mr Deputy Speaker: Order.

Mr A Maskey: On a point of order, Mr Deputy Speaker. How can the Member refer to the fact that we "disingenuously" said that we would support an SDLP Member being appointed Minister of justice? That is a negative implication, which I reject absolutely. My party put it clearly on the record, and I have repeated during the debate, that Sinn Féin's preference was for an SDLP Member to be appointed Minister for justice. I resent Alban Maginness describing that offer as disingenuous; it was far from it.

Mr Deputy Speaker: Mr Maskey, you have adequately clarified your position.

11.45 am

Mr A Maginness: I am not sure whether that was, in fact, a point of order. It was more of an intervention. Nonetheless, Sinn Féin has professed support for the SDLP taking the justice Ministry, but that is a disingenuous position to adopt because it knows well that, some months ago, outside 10 Downing Street, the First Minister said that he would veto any SDLP nomination for the justice Ministry. So, Sinn Féin claimed to be supporting the SDLP, knowing quite well that there would be a veto from the First Minister. Of course, that is the veto to which Sinn Féin agreed by openly departing from d'Hondt.

Mrs D Kelly: Will the Member give way?

Mr A Maginness: In one moment. If d'Hondt had remained in place, the SDLP would certainly have had a claim on that Department, except in circumstances in which d'Hondt were rerun completely. If there were a topping-up according to d'Hondt, the SDLP would certainly have that position. However, whether or not the SDLP gets the justice Ministry is immaterial. The important thing is to preserve d'Hondt, because it guarantees fairness to everyone in the House, and that is central to the Good Friday Agreement. I am sure that most parties, apart from the DUP and Sinn Féin, would agree.

Mrs D Kelly: On the question of whether Sinn Féin was being disingenuous, it is a matter of public record that Martina Anderson said that the Alliance Party would be entitled to the justice Ministry. In fact, in the Assembly and Executive Review Committee, did it not fall to Alex Attwood to point out to Sinn Féin what, in a letter from the OFMDFM to the Committee, "at all times" meant in relation to a cross-community vote for the justice Ministry?

Mr A Maginness: I am grateful to my friend for raising that issue because when Martina Anderson said that she was accepting the position "at all times", she certainly sold the pass on this issue. Of course, Sinn Féin hastily unscrambled that position, by which it was deeply embarrassed, and from which it had to resile as quickly as possible.

However, my point is that once one departs from d'Hondt for exceptional reasons — and Mr Maskey has attempted to make the best of a bad case — one undermines the basic principle and the mandate of everyone in the House.

Mr Paisley Jnr: Does the Member recognise that the spectacle between nationalism and republicanism that we are witnessing from this side of the House is the clearest possible manifestation of the fact that, no matter which party is in the lead position in this place for nationalism, those parties have collectively failed to deliver their republican agenda on policing and justice? That is what we are witnessing today.

Mr A Maginness: If the Member wants me to go through the SDLP's history with respect to policing and justice and the way in which it brought about a new departure on policing by creating a new Police Service in Northern Ireland, I will do so. However, the Deputy Speaker would probably stop me. In answer to the Member's intervention, the SDLP has a proud record on policing, justice and human rights, and it will stand by that record and commit itself to justice, policing and human rights, which have been ignored by the party to my right.

I was interrupted while speaking about mandates. Mr Maskey has a peculiar attitude to them. He maintains that there are superior and inferior mandates. He does not accept that mandates are equal in this House. He does not accept that my mandate is equal to his. He maintains that, as he is a Sinn Féin member, he has a mandate plus; DUP members have a mandate plus; and, perhaps, SDLP members have a mandate minus.

In fact, all Members of the House have an equal mandate. We all have a right to be consulted and a right to inclusive decision-making in relation to important and contentious matters such as justice and policing. The SDLP has been excluded from that process, and it is excluded from consideration of which party should head that Department.

Mrs M Bradley: I remind Mr Paisley Jnr of the 'Hearts and Minds' programme in February 2009, on which he stated:

"I do believe that, if the SDLP had more people here, we certainly would not have been able to get away with some of the things that we have been able to get away with."

That means that the nationalists on these Benches did not fail, and I thank him for his words. *[Interruption.]*

Mr Paisley Jnr: Collectively, you have failed.

Mr Deputy Speaker: Order, Mr Paisley.

Mr McNarry: What planet are you on, Ian?

Mr Deputy Speaker: You are in this Chamber and on this planet, so please, Mr Paisley. Mr Maginness may continue.

Mr A Maginness: I find it strange that Mr Paisley should talk about failure, because there have been certain failures in respect of Mr Paisley and his party in recent days.

I return to the subject of mandates. Mandates are equal in this House. The Assembly is inclusive, not exclusive. However, the two major parties have adopted a position of exclusion. They are inclusive to one another, but they exclude other parties. They exclude the Ulster Unionist Party and the SDLP, and they would exclude anyone who does not suit their purposes.

My party believes that every Member has a mandate and a right to be included in decision-making. The Assembly was established on a power-sharing basis. Every Assembly Committee is constructed proportionately. That is the spirit of partnership, and the DUP and Sinn Féin are forgetting that. Partnership involves a coming together of all parties. That is reflected in the d'Hondt system but not in the Bill.

The Sinn Féin attitude to the SDLP is difficult to fathom. During the long argument over decommissioning, when there was great pressure on the SDLP in relation to the exclusion of Sinn Féin, the SDLP remained firm to the principle of inclusion in Government, because it wanted everyone to be involved in decision-making. This fractured society demands that everyone be included in decision-making. That spirit of partnership and inclusivity is important. I hope —

Mr A Maskey: Will the Member give way?

Mr A Maginness: I have already given way, but if the Member wants to speak, I will do so again.

Mr A Maskey: I respond to Mr Alban Maginness's last point. It is not that long since the SDLP joined unionist parties on Belfast City Council to exclude Bobby Lavery from the chairmanship of a relatively minor council committee. Mr Maginness knows that his colleague Alex Attwood has tried to defend that publicly. Bobby Lavery was an elected member of the council who had secured exactly the same mandate as Mr Maginness. Mr Lavery's brother and son had been shot dead by loyalists. Yet the SDLP unseated Mr Lavery from the chairmanship of a silly committee in Belfast City Council. That is an example of the SDLP's inclusivity.

Mr A Maginness: If that is Mr Maskey's strongest point, it is not really a point at all.

The SDLP's involvement in Government has been to include people, not to exclude them, and we are committed to that process, which is based and founded on the Good Friday Agreement.

I wish to refer to the financing of the Department. There are indications that progress has been made on the financing of policing, in particular, and justice, which is to be welcomed. However, I warn the House that the prospect of a Labour or Conservative Government taking power over the next months means that very firm guarantees are needed. Either of those parties, individually, or in a coalition with the Liberal Democrats, could bring about severe public sector cuts that could affect policing and justice in Northern Ireland. There must be guarantees to prevent that happening.

In conclusion, I am pleased to see that there is a better attitude towards the whole issue of devolution. At some stages, it was felt in the House that the DUP

was not intrinsically in favour of the devolution of justice and policing. I remind Members that the last Prime Minister of Northern Ireland, Brian Faulkner, resigned over the taking away of policing and justice powers from the Northern Ireland Parliament and Government, so serious did he view that. Therefore, I sometimes have difficulty with unionists being reluctant to see the transfer of justice and policing. Clearly, it is an important power and something that all of us want to see happening sooner rather than later.

Dr Farry: The Alliance Party will be supporting the second reading of this important legislation, and —
[Interruption.]

Mr Kennedy: Does the Member have any more revelations?

Dr Farry: As I hear the heckling coming from both my left and my right, I will express my extreme disappointment that two parties in the Chamber are intent on opposing the legislation. Mr Maginness has just praised the DUP for getting us this far down the road to devolution, and yet the SDLP will vote against the Second Stage of the Bill today: that is a very confused message.

I am under no illusions: this is not the perfect way to deliver the devolution of policing and justice. However, we have to be realistic about where we are coming from. We do not have devolution of policing and justice at present. The history of the Northern Ireland peace process over the past years has been about making arrangements that may seem to be unusual, but that is what we have had to do to get over the various humps in the road and to ensure that we keep the journey going. Clearly, devolution is at a critical stage, and it is a critical step that has to be taken for confidence in the wider political process. Let us not make the perfect the enemy of the good. Let us accept what is before us in a pragmatic manner and recognise that this is a means to an end, and that that end is the devolution of policing and justice.

Devolution is important for three reasons. First, it is a critical step in our peace process. Policing and justice have been held back; they should be part of the devolution settlement. Secondly, it brings important accountability in relation to control over policymaking and resource considerations, which is something that the House should have. Thirdly, and perhaps most critically, it gives us opportunities for joined-up government. Policing and justice do not sit by themselves in a silo. The issues that they deal with cut across boundaries. For instance, levels of offending involves the areas of health, education and housing, and requires co-operation by different Departments. Devolution provides opportunities for enhanced joined-up government and better solutions for the people of Northern Ireland.

A lot of reference has been made to the issue of confidence. I want to say a few words on that.

The confidence needed for the devolution of policing and justice does exist. When I go round the doors, I do not hear people say that we should hold it back; they are ready for it to happen. Reference has been made to the problems in the Executive. Let me be clear: the devolution of policing and justice is part of the solution for overcoming those difficulties in the Executive, given that the lack of progress on devolution until now has been a source of discontent. Therefore, the logic follows that if policing and justice is devolved and there is agreement between the main parties in the Executive, we will be in a much better position.

12.00 noon

Developing confidence has to be seen as a process; it will not be achieved by devolution happening on a certain day. It will be an ongoing process, even after devolution happens, and it is about showing the people of Northern Ireland that the devolution of policing and justice can make a real difference to people's lives and will result in tangible differences.

Mrs D Kelly: Some 53 papers are being held up in the Executive by the two main parties. How does that inspire confidence in the public?

Dr Farry: The Member is aware of what the Alliance Party has been saying about its frustrations with the performance of the Executive, but devolution will help overcome the existing problems rather than add to them. I thought that the SDLP was in favour of devolution and not against it, as its members seem to be arguing today.

Wider points have been made about confidence. At the outset, Danny Kennedy stressed that his party is opposed to the devolution of policing and justice at this stage. In particular, he raised the spectre of the problems of dissident republicans and said that it would be unwise to devolve policing and justice at the moment. Holding back the devolution of policing and justice plays into the hands of dissident republicans. The Ulster Unionists need to reflect seriously on why they find themselves in common cause with the dissident republicans on that agenda. That is a sobering reality that they have to face up to. Dissident republicans will feed propaganda about devolution not being in local hands and being under the control of the British state. It is important that we undermine any arguments that are being used by dissident republicans and allow the security forces to deal with the continued threat that they pose.

Mr Kennedy: In an earlier media broadcast, Dr Farry described the Ulster Unionist Party as a "can't do" party. It seems that the Alliance Party cannot do enough to please the DUP and Sinn Féin in order to get the feet of one of its Members — not necessarily Dr

Farry's — under the ministerial table. Any linkage, or suggestion of there being common cause, between us and republican dissidents or paramilitaries is offensive. The Member has made a foolish and regrettable statement against the Ulster Unionist Party on his own behalf and on behalf of his party. He should be ashamed of himself.

Dr Farry: It may not be a deliberate and co-ordinated agenda, but the two parties share a common objective, which is to frustrate the devolution of policing and justice. It is clear that that is what the dissident republicans want to achieve, and the Ulster Unionist Party has said here today that it wants to frustrate the devolution of policing and justice. Therefore, they are working to the same objective.

Mr Kennedy: For the avoidance of doubt, the Ulster Unionist Party's position is that, in principle, we favour devolution. We have worked hard to create the right conditions in which to devolve policing and justice. We are different from the Alliance Party in that it wants to rush the devolution of policing and justice before it is dealt with properly, and we are significantly different from the dissident republicans because they do not want it under any conditions. Those are the clear differences between the Ulster Unionist Party and the Alliance Party and republican dissidents.

Dr Farry: It is over 10 years since the Good Friday Agreement, so we are hardly rushing the devolution of policing and justice; it has been a long-standing objective for many people. The Ulster Unionist Party says that it supports the devolution of policing and justice, but when does it want it to happen? The issue is a dot on the horizon that seems to be going further and further away rather than coming closer to us. They have to reflect upon that.

With regard to confidence and coalitions, I remind Mr Kennedy that not only is the Ulster Unionist Party a part of the four-party mandatory coalition; it is also a member of another coalition with the Conservative Party, as part of UCUNF.

Mr Kennedy: So is Ian Parsley.

Dr Farry: Indeed, and you are welcome to him — *[Interruption.]*

The central point with that arrangement is that the Conservative Party is committed to devolving policing and justice powers to Northern Ireland today — as of now. Indeed, I have spoken to Owen Paterson about that issue and he has assured me that that is the case. Therefore, the Ulster Unionist Party and the Conservative Party are in coalition, yet on one of the most significant issues facing the devolution settlement, they are at odds with each other. If Danny Kennedy has said that the Alliance Party is naive for championing the devolution of policing and justice, what has he said to

David Cameron and Owen Paterson, whose position is the same as ours?

I have a number of comments to make in relation to the method of electing the new justice Minister, which is at the heart of the Bill. The Alliance Party welcomes the fact that a cross-community vote will be used to elect the new Minister. Indeed, my party has been advocating that approach for some time. That approach sends out a powerful signal, because a cross-community vote demonstrates that all sections of the House have given their assent to whoever is appointed to the post, and that backing from all quarters of the Chamber also sends out an important signal of legitimacy for any Minister. “All quarters” may be a step too far given some of the comments that have been made during the debate today, and “two sides of the Chamber” may be more apt, but cross-community support is something that we should all welcome.

The opposite of that cross-community support for the new Minister would be the continued use of the d’Hondt methodology, which allows Ministers to essentially pick their portfolios based on a randomly generated list. That process does not add to power sharing or legitimacy; rather, it leads to a system of carve-up whereby the spoils of office are handed out to different parties. Furthermore, the connectivity in the system is weak at best, and, as a result, Ministers are very powerful in their own fiefdoms, and are able to impose their own party political agendas on policies, rather than reflecting the consensus of the House. One example of that non-consensus is demonstrated in our education system. At least four parties in the House have called on the Department to avoid the current anarchical situation in relation to the 11-plus by introducing some form of interim testing. However, the Sinn Féin Minister of Education has her own ideas, which prevail over the overwhelming democratic wish of the Chamber, and thus of our society. Similarly, four parties also supported the creation of an independent environmental protection agency, but the DUP, the party that controls the Department of the Environment, did not support that view, and that agency was not created.

That is not democratic, and it does not reflect power sharing. Power sharing means parties coming together to compromise and work through difficult issues and produce shared outcomes. That is not what we have at the moment, and the d’Hondt system contributes to that.

The d’Hondt system is not an underlying principle of the Good Friday Agreement, which is about power sharing and proportionality. There is a whole host of means of achieving proportionality, and d’Hondt is only one method. D’Hondt produces many anomalies, and, in fact, produces a very strange system of proportionality —

Mr Campbell: I thank the Member for giving way, and I am glad that he has raised that issue. In some areas of Northern Ireland, district policing partnerships were appointed on the basis of d’Hondt, and in Londonderry, where the unionist community make up 22% of the elected members of the council, unionist members received only 10% of the seats because d’Hondt was used. Does the Member agree with me that d’Hondt is not the precise mechanism that some try to make it out to be?

Dr Farry: I agree entirely with the Member’s comment; it is a very good example. I will also refer to the elections to the Northern Ireland Forum in 1996 in which no unionists were returned in the Foyle constituency. The mirror image of that was the Lagan Valley constituency, where there is a considerable non-unionist population. In the same election, five unionists were returned in that constituency, which was not a proportional outcome.

Let us look at the central example. Due to the way in which the first mandate of the Assembly worked out mathematically, the d’Hondt system produced an equal number of unionists and nationalists in the Executive. In subsequent elections, the overall number of nationalist seats in the Chamber has increased. However, using the d’Hondt method of so-called proportionality, the ratio in the Executive is 60:40, unionist and nationalist. How can a so-called proportional system produce such a bizarre result?

The anomalies that Mr Campbell referred to, and that I have mentioned, appear when the d’Hondt method is used right across the system. When it is applied to a small number of individuals, it produces very bizarre results: therefore, we need to be acutely aware of the limitations of that system.

If we were to run the d’Hondt system for the justice Ministry, the notion that it would be left to the last pick and that the party that qualified next for a seat would automatically get that Ministry is a major fallacy. We must recognise that policing and justice will be one of the most important Departments for this society, and I would be stunned if it were left to the end. If we were to use the d’Hondt system, we would have to rerun it completely, and I imagine that policing and justice would be one of the first Departments to be chosen, if not the first.

I welcome a move away from using the d’Hondt system. A useful message can be sent out that there is a different way of providing power sharing and legitimacy in this society. I have ambitions to see a voluntary coalition established in the Chamber. A voluntary coalition is consistent with power sharing under the Good Friday Agreement, and any party would be eligible to be part of such a voluntary coalition, including Sinn Féin. However, it would

provide greater coherence of policymaking in advance and greater collectivity. Having said that, I realise that this is not a Trojan Horse for a voluntary coalition, and I reassure Sinn Féin on that point. I wish that it were otherwise, but it is not. We will have to have that debate on another day. I am aware that a number of parties are interested in having such discussions. I stress that different methods are consistent with the underlying principles of the Good Friday Agreement: it is not a threat to that agreement. What happened in 1998 was never meant to be set in stone for perpetuity; we must evolve with the times to meet the needs of a changing society.

The Alliance Party has been referred to a lot in relation to the post, and we have heard the speculation in the media. However, we had not heard the comment from Martina Anderson, and we will let her off the hook on that one.

Ms Anderson: Totally untrue.

Dr Farry: I accept what Martina Anderson says about it being untrue, for different perspectives, and we probably share that analysis.

The Alliance Party wants to see the devolution of policing and justice, irrespective of who takes the post, as it is important for our society. The Alliance Party has always looked to the wider interests of the people of Northern Ireland and has always tried to be constructive. The Alliance Party does not look to its own internal interests only: it has a wider concern. However, in the event that the post is offered to a member of the Alliance Party, or if one of its members is proposed for the post, it will need to reflect on whether what is being put forward is in the best interests of the people of Northern Ireland. I want to make it clear that that is far from automatic.

The Alliance Party has a number of concerns about the way in which the issue is being taken forward. Although we support the legislation and the methodology put forward for the election of a Minister, a number of implications arise as a result of that and it is right that they are put on the record. We feel that those concerns should be addressed between the point of the legislation being passed in the House and devolution eventually coming.

12.15 pm

First, the method of electing a Minister is the mirror image of the method for the removal of a Minister; it is done by a cross-community vote in the Chamber, as established by the Westminster legislation. At present, the terms of removal of any Minister are left wide open and are not defined. No criteria have to be met for the removal of a Minister. That would leave a potential Minister somewhat exposed and open to being removed from office by a cross-community vote

in the Chamber, although parties might come to that vote from entirely different angles.

It is important to respect that any justice Minister will have to take a number of very tough decisions, particularly over sensitive matters. That Minister must have the freedom to do that. No Minister should be given a blank cheque and allowed to do things without accountability, but there must be some protection against a situation wherein Ministers are routinely removed from office through a cross-community vote. Although some might say that a Minister from the same party may well be reappointed, a situation involving a series of mini crises is not in the interest of stability. A stop/start situation is never in the interest of any Department. In the context of policing and justice, where important decisions have to be taken, it is important to have stability.

I also want to stress the point that I made earlier about confidence being an ongoing issue. Building confidence is not something that happens in a day; it is an ongoing process. It is important that, when devolution does happen, irrespective of which party holds the post, there is an active agenda for the Minister of justice, the Executive and Assembly in relation to what they do on the different issues. Confidence will come when the Assembly is able to prove to the people of Northern Ireland that justice can make a real difference to their lives. We cannot have a situation in which devolution happens and we are then in an almost free situation until the 2012 deadline comes along, at which stage we try to renegotiate a different way of doing things. That first number of months and years will be critical to how the issue is going to be moved forward.

Similarly, returning to the issue of confidence and the ability of a Minister to deliver, I take on board Dolores Kelly's point about the problems in the Executive. It is important that any Minister is not pulled in a number of different directions by the big parties in the Executive and there is an understanding of the need for a Minister to move ahead with actions.

Mr A Maginness: The Member raised an interesting point about accountability to the Assembly on a cross-community basis and the possibility of removing a Minister through a cross-community vote. That situation would not arise were the Minister appointed under d'Hondt. That reinforces the value of d'Hondt, because d'Hondt prevents vetoes.

Dr Farry: My point is that the system outlined in the Bill is, to our minds, the lesser of two evils. The d'Hondt system, as I have already outlined, is completely flawed and creates a situation in which Ministers have no accountability whatsoever. A lot of the anomalies that I have mentioned so far in my critique of the methods set out in the Bill would be

addressed and removed if there were a purely voluntary coalition. However, we do not have such a coalition; that is not on the table at this stage and I accept that. While recognising that a cross-community vote is the better way of doing things, we are also quite right to point out the potential drawbacks and negative implications of that. It is then important that we turn our minds to overcoming those potential pitfalls.

The Alliance Party's conclusion is that it is important that parties discuss policy issues regarding policing and justice as far in advance of devolution as possible. The greater consensus there is in the House on what should be done on policing and justice in those critical initial months and years, the better placed we will be and the less likely it will be that there are crises and political fallout.

I fully accept that events will happen that will create major difficulties for any Minister, the Executive and the Assembly, but the more planning that is done in advance and the greater the policy discussions that take place on what can be done under devolution, the greater the chance of minimising the risks of those things happening. Our party leader, David Ford, has written to the other party leaders in the Chamber to seek discussions on those issues, notwithstanding who the Minister will be. I stress that that issue is open to the House. Given our concern that devolution must happen and that it must be done right so that it delivers, the discussions regarding policy are critical and they need to start as soon as possible, if not now.

Mr M McGuinness: Will the Member agree that the point that was raised about d'Hondt is an interesting one, specifically because it came from the SDLP? The SDLP has argued that, in the interests of inclusivity, a proposal should be put to the Executive and the Assembly that a justice Minister be appointed under the d'Hondt mechanisms. Is the Member aware of any occasion during Seamus Mallon's or Mark Durkan's time as deputy First Minister when any such proposal was put to the Alliance Party? No such proposal was made to Sinn Féin.

Dr Farry: I am certainly not aware of that happening. Much progress was made on the reform of policing under Patten, but devolution was always the big issue that was left. I welcome the progress on the issue, and we are now on the brink of the critical moment when devolution is agreed.

Alban Maginness stressed the importance of inclusivity. The system of designations in the Chamber requires the Alliance Party to designate as "other" because it is not a unionist party or a nationalist party. Our votes, therefore, count for less when a cross-community vote is taken. How is that voting system inclusive? Is the SDLP saying that it is in favour of inclusivity but that the votes of unionists and

nationalists are more inclusive than those of the Alliance Party, the Green Party, Kieran Deeny and the people who we represent? The subject of inclusivity must be considered from a wider perspective to ensure that all voices in the Chamber count equally, because, at present, they do not.

Mr Campbell: A considerable amount of effort has been expended in discussing the timing of the devolution of policing and justice. I am somewhat surprised by the pronouncements from the SDLP and the Ulster Unionist Party, because no matter when the devolution of policing and justice occurs, the step that is being taken today must be taken, whether it is taken this year, next year or the year after that. It is necessary that a set of stages be undertaken, and the Second Stage of the Bill is one of them. I would have thought that everyone who supports the devolution of policing and justice would support a necessary stage in the Justice Bill being enacted. There is no serious opposition to the principle of devolving powers, as Mr Kennedy and others said.

For the DUP's part, we have stated that both cash and confidence is needed for the powers to be devolved. The fact is that neither of those is currently in place. The physical act of proceeding to accomplish devolution receives setbacks when Sinn Féin and others keep trying to bring the date forward when neither of the two criteria has been met. The public have not been made aware of the possible additional resources that would be required if the dissident threat were to continue at the present level or if the situation were to worsen. That is in addition to what the public are only too well aware of: the less than adequate Sinn Féin response over the summer to, for example, the closing of Mountpottinger police station; its attitude and response to the burning of Orange Halls in rural areas; and its attitude to Loyal Order parades. All those issues set back community confidence rather than bring it forward.

That is not to say that progress has not been made; we must keep reiterating that: progress has been made. Sinn Féin is in a different place now than it was five, 10 or 20 years ago. The key is to ensure that it continues to make progress. My party intends to do that.

During the past few months, Sinn Féin has allowed the briefing of journalists to continue, which indicates that it will raise the stakes on policing and justice in the autumn. In the short term, it would be disadvantageous for that party to pursue the dangerous game of edging the Assembly towards the so-called political abyss, as it did in 2008. Sinn Féin, and everyone else, knows what happened then.

Sinn Féin's pursuit of that agenda, in the mistaken belief that it might force another impasse that, this time, will be followed by an Assembly election, could

have the doubly negative effect for that party of precipitating the required change that is needed in the designation and underlying system in the Assembly before it could resume.

Let no one be under any illusion: the political realities in Northern Ireland in autumn 2009 are similar to how they will be in 18 months' time. Therefore, my party sees no big distinction in facing an Assembly election in autumn 2009 or in 18 months' time.

Mr O'Dowd: On a point of order, Mr Deputy Speaker. Although it might be interesting to explore the dark recesses of Gregory Campbell's mind, I am at a loss as to what any of that has to do with the Bill's principles.

Mr Deputy Speaker: Thank you for that point of order, Mr O'Dowd. I remind Members to stick to the subject, which is the Department of Justice Bill.

Mr Campbell: Thank you, Mr Deputy Speaker. I note the total irrelevance of that point of order. However —

Mr O'Dowd: Further to that point of order, Mr Deputy Speaker. Does the Member suggest that your ruling was incorrect and that my point of order was not a point of order at all? I am sure that I would not rely on a ruling from him, the muppet.

Mr Campbell: As I said, the facts are what they are. People who believe that those facts will change will find that they are mistaken.

The changes to which I have referred are necessary. It would be deeply unfortunate if the wider community had to go through another impasse in order to arrive at a destination that will have to be reached in any case.

It is pointless and counterproductive to keep falsely raising people's hopes and expectations that the criteria for the devolution of policing and justice will be met soon, when everyone in the Chamber knows that that simply will not happen in the immediate future. However much we might like it to be the case, and must work towards its being the case, it is not the case at present.

In the past, in the wider political realm of requiring Sinn Féin's support for the police and courts before proceeding to establish a system of government, it has been proven that insisting on such criteria is better for everyone in the long run. Even if that necessitates those of us who want to do the right thing and get the right deal being lambasted yet again, we intend to keep doing that.

If Sinn Féin is serious, the job of Martin McGuinness and other senior representatives in that party is to convince me and hundreds of thousands of others by their actions, not by their words, that they can agree and deal with the perfectly reasonable and

legitimate criteria that we have set out. At that point, the Assembly can move forward with the entire community's confidence. I support the Bill.

12.30 pm

Mr Deputy Speaker: The Business Committee has arranged to meet immediately upon the lunchtime suspension. I therefore propose, by leave of the Assembly, to suspend the sitting until 2.00 pm.

The sitting was suspended at 12.31 pm.

On resuming (Mr Deputy Speaker [Mr Molloy] in the Chair) —

2.00 pm

Ms Anderson: Go raibh míle maith agat, a LeasCheann Comhairle. I declare an interest as a member of the Policing Board.

Arrangements are in place for the process to deliver policing and justice powers into the hands of locally elected politicians. The Bill represents the fact that the process is moving forward. Key stages in that process have already been implemented, including the Assembly and Executive Review Committee's report and legislation that has passed through the Executive and on to the Assembly. Undoubtedly, there is more work to be done, and we heard reference to that today, not least the securing of a suitable financial package and arrangements post-2012. I note the First Minister's positive comments last night, when he said that significant progress had been made on the financial package, and I wish him and his deputy, Martin McGuinness, well in their efforts to secure a financial package.

A sunset clause makes it imperative for all of us to secure agreement post-2012, particularly as a local Minister would do a better job than a British Minister. Many in our society would concur with that. The SDLP flagged up the issue of the sunset clause; I remind its members that they said that the sunset clause in the St Andrew's Agreement was a success and claimed credit for it. Whatever the truth about that claim, the SDLP's 2007 manifesto stated:

"Above all, we have ensured a sunset clause — so that the DUP will not get any of the changes conceded by others to the workings of the Agreement if they do not go into Government by 26 March 2007."

So, the SDLP does agree, in principle, to sunset clauses. If a sunset clause is the mechanism that we need to secure the devolution of policing and justice, there is no more important time than now to support it. However, the SDLP may have changed its mind, because after that manifesto assertion, the former, or current, leader — whatever sort of leader the SDLP has — talked about the ugly scaffolding of the Good Friday Agreement and how it should be dismantled. That was news to me, and it was news to the Alliance Party.

I see Dolores Kelly coming into the Chamber. Earlier, she claimed that I said that the Alliance Party should get the policing and justice ministerial position. I want to make my position clear. I took part in a radio interview with the leader of the Alliance Party in which I said that his party should not assume that it will get the ministerial post. I have also stated that Sinn Féin supports the allocation of the ministerial post to the SDLP.

At this juncture, it is important to remind all the parties that supported the 1998 Act, which emanated

from the Good Friday Agreement, of its detail. Section 17(4) of that Act states:

"The number of Ministerial offices shall not exceed 10 or such greater number as the Secretary of State may by order provide."

Section 17(5) states:

"A determination under subsection (1) shall not have effect unless it is approved by a resolution of the Assembly passed with cross-community support."

That was agreed by all the nationalist parties in the Assembly and some of the unionist parties.

I understand that some parties have difficulties with the arrangements for appointing a Minister. However, what is proposed is a temporary measure, necessary to move the process forward. It is Sinn Féin's position that, post-2012, the process should refer to d'Hondt.

That notwithstanding, Sinn Féin and the DUP have shown great leadership by saying that we do not intend to nominate at this point. In taking that position, we are prepared to set aside our party interests in the interests of all the people of the North.

Mrs D Kelly: Will the Member agree that those two parties are being generous in setting aside not only their own selfish party interests but in setting aside nationalists' interests, because the Member is saying that under the procedures of this legislation, no nationalist need apply for the ministry of justice?

Ms Anderson: No; that is totally wrong. The Member was not in the Chamber when I quoted the SDLP manifesto with regard to the principle of a sunset clause, so it is worth repeating:

"Above all, we have ensured a sunset clause — so that the DUP will not get any of the changes conceded by others to the workings of the Agreement if they do not go into Government by 26 March 2007."

The SDLP was quite prepared to accept and support the principle of a sunset clause in those circumstances.

We should not forget that some of the parties that criticised the process are the same parties that said that the transfer of policing and justice could never happen. They did nothing to bring it about, and now that it is happening, they prefer to snipe from the sidelines rather than admit to their failures. Whatever they say, however, the transfer of policing and justice powers from London into the hands of locally elected politicians is part of the St Andrews Agreement. It is not an optional extra; it is a British Government obligation.

The people are demanding a justice system that delivers for everyone in the North regardless of religious denomination or political affiliation. They are sick and tired of the revolving-door justice system that allows hoods and thugs back onto the street hours after being arrested. *[Laughter.]* Members may find that funny, but people in the North are very concerned

about the judiciary and the kind of sentences that are being meted out.

It strikes me as odd, when one considers what has happened in our society, that some parties oppose a statutory framework being put in place as a result of the transfer of policing and justice powers to allow people access to a local Minister. That is crucial. I would like the SDLP to clarify — because I was a little confused about their contribution — whether it supports the Bill. I know that Dolores Kelly will speak on the debate, and I am sure that Alex Attwood will clarify the situation, because when the OFMDFM Committee dealt with the issue last Wednesday, the SDLP member voted with the rest of us. The only Committee members who did not vote for this crucial Bill were from the UUP, although I thought that they indicated this morning that they opposed the Bill. Therefore it would be extremely helpful if the SDLP provided clarification.

Mr A Maskey: Perhaps the parties that oppose the Bill could explain to the rest of us how they intend to bring about the transfer of policing and justice powers. It is all very well criticising us on those matters, but it would be more relevant if those parties told us how they would seek to do that rather than just talk about it.

Ms Anderson: I agree with the Member, and hopefully, by the end of the debate —

Mr B McCrea: Does the Member agree that more than just a two-party coalition should be talking about these issues and that all parties should be involved, that all parties should be aware of any deals that are on offer, and that if we had open and transparent discussions in this place, we might get somewhere?

Ms Anderson: The Member should talk to his party leader about that. If he had been here earlier — *[Interruption.]* I would say to you that UUP members are on the Assembly and Executive Review Committee and on the Committee for the Office of the First Minister and deputy First Minister, which the Bill has been proceeding through. It is our role to scrutinise the Bill.

Mr Deputy Speaker: Order. I ask all Members to make their remarks through the Chair.

Ms Anderson: I am sorry about that. The Member knows that there is UUP representation in the forums that I listed.

People have had enough. They have had enough of seeing death drivers walk free on bail, able to continue to attack our communities, whether that happens in the Shankill, the Falls, the Bogside or anywhere else. A lot of people are very sickened by the revolving-door sentencing policy of the type of judiciary that has been in place for a long time. Following the transfer of policing and justice powers to the Assembly, the statutory framework governing what constitutes a

crime and what appropriate penalties should be put in place will become the responsibility of the Assembly's justice Minister. Sexual offences, for example, could be dealt with more appropriately in that framework. That is what people in our society want.

We accept, without doubt, that there are issues that we still need to resolve, discuss and engage with each other on. We must use the time ahead to secure the consensus that is needed. The process is moving ahead. That is the reality, and I think that people will be very grateful for that. In common with many other things, the process will move on with or without the UUP or the SDLP. That will happen, regardless of whether they vote against the motion; however, as I said earlier, I was a bit confused by what happened in the OFMDFM Committee last week. Those parties now face a choice.

Mr Attwood: I was going to respond at the end of the debate. However, given that the Member has raised the matter for a second time, I must interrupt. I know that she is quite new to politics, especially legislative politics, and, therefore, perhaps does not quite understand Committee procedures. The procedures are simply that a Committee decides to vote in favour of consideration of a Bill, and it then votes in favour of consulting and taking evidence on that Bill. Voting in favour of a discussion of a Bill is very different from voting in the Assembly to reject a Bill.

If the Member cannot understand that difference, I refer her to the Committee on Procedures, to any of the Committee Clerks, or to anybody else in the Assembly who knows fully the difference between a vote in the Assembly and a procedural vote at a Committee to allow legislation to be considered. If the Member has not learned that much in two and a half years, that says a lot.

Ms Anderson: The Member had ample opportunity at the Committee to raise any —

The First Minister: It seems that even those who have been around for more than two and a half years do not quite understand the purpose of the debate. This is a Second Stage debate, which is the equivalent of a Second Reading debate in the House of Commons. The purpose of the debate is to consider the general principles of the Bill, not the details of the Bill, which can be amended at Committee Stage. The principles that we are dealing with is whether a Department of justice should be set up and whether a mechanism should be in place in to appoint a justice Minister. Those are the two principles of the Bill; the mechanisms can be dealt with, if necessary, by amendment at the Committee Stage. It is the Committee that has to deal with the detail; this debate deals with the principles. On the basis of what the SDLP said, I thought that it agreed with the principles of the Bill.

Ms Anderson: I thank the First Minister for his intervention, and I agree with him. Those of us who sit on the OFMDFM Committee with the SDLP would have expected to hear opposition or concerns raised about the Department of Justice Bill. However, there was no utterance whatever from the SDLP.

Those parties opposing the Bill now face a choice. They can either continue to ignore the political reality or they can become involved in the process and play a constructive and meaningful role in building the sort of justice system that people are demanding and that they deserve. Go raibh míle maith agat.

2.15 pm

Mr Moutray: I welcome the opportunity to speak during the Second Stage of the Department of Justice Bill. The devolution of policing and justice powers is a prevalent issue, and I welcome the fact that the Bill is before the House today.

The Department of Justice Bill puts in place the framework to progress towards the transfer of policing and justice powers. It goes without saying that policing and justice is one of the most important issues that our society faces. If devolved, we will have responsibility for several issues that we do not currently have responsibility for, many of which are of particular concern to people in our community.

At this stage, it is important to note that my party's position on the devolution of policing and justice powers has been very clear. We, as a party, will insist that there be no devolution of policing and justice powers until all our conditions have been met, particularly on community confidence, Treasury financing and other issues. Although, owing to the complexity of its architecture and structure, massive issues have been overcome, the Bill will serve two purposes: first, it will allow, at some stage, for the creation of a Department of justice; and, secondly, it will make arrangements to enable the appointment of a justice Minister. However, both elements will not happen until the conditions laid out by my party have been met. Furthermore, I welcome the fact that the Bill in no way states a specific time frame for devolution. Its three clauses are a result of work carried out by the Assembly and Executive Review Committee and by the First Minister and the deputy First Minister.

The content of clause 1 is logical. If the conditions that the DUP has outlined are met, I will welcome the establishment of a Department of justice, which will be responsible mainly for the devolvment of policing and justice powers. Devolution is a long-term requirement, as it was for all the other Northern Ireland Departments.

I have heard others in the Chamber complain about an issue in clause 2, and, to be honest, their argument is flawed. Quite simply, the arrangements in the Bill for appointing a Minister of justice are clearly different

from those used to appoint other Executive Ministers. I have heard much reference to the Belfast Agreement, which envisaged that all ministerial portfolios would be allocated under d'Hondt and that a cross-community vote would be used to elect the First Minister and the deputy First Minister. Those Members who have complained must realise that what was negotiated as part of the Belfast Agreement was rewritten in the St Andrews Agreement, which ensured that the DUP had a veto over when devolution of policing and justice powers would take place. The party also ensured a veto over who the Minister would be, by virtue of the fact that the appointment of a justice Minister will require cross-community support.

On clause 3, some Members are obsessed with setting a date for the devolution of policing and justice powers. Again, my party's view is that, for the institutions to succeed, it is essential that the financial resources be made available and that the public have confidence in how the institutions will operate. It is, therefore, important that the necessary safeguards be put in place to ensure that cross-community support exists. That is why our party leader has stated that he will seek discussions on the confidence issue with the leaders of all the parties in the House.

Finally, much work must be done on the issue, and it is not a case of setting dates. The Bill is an important element in the devolution process. However, it will not give effect to devolution. It will, in essence, pave a path for other essential legislation in the process towards the implementation of devolution. Our party believes that conditions need to be fulfilled before any devolution; the triple lock will inhibit that end until they are fulfilled. The Bill in no way expedites the process to devolve policing and justice powers but is merely one of several essential pieces of legislation that are needed to give effect to devolution.

It is my position, and that of my party, that devolution should be accompanied by adequate resources and community confidence. Today is a demonstration of how we are working in good faith towards that goal. I support the Bill's being granted its Second Stage.

Mr McFarland: I declare an interest as a member of the Assembly and Executive Review Committee.

Before I put these matters in context, it is worth pointing out that colleagues talked earlier about how important it is to devolve policing. However, policing has been devolved to the Assembly and to Northern Ireland since 2001; it has been here for eight years. We should remind ourselves that the Policing Board looks after the buildings, finance and personnel for policing in Northern Ireland, while the Chief Constable is independent and responsible for operational matters. That is all here and has been in place for eight years.

The Court Service is being turned into an agency before its responsibilities are devolved, and the judiciary is independent and makes its own rules according to United Kingdom-wide norms. Despite what Ms Anderson might wish, the thought that a justice Minister — from the Alliance Party or otherwise — would be able to interfere with the judicial system when policing and justice are devolved, is a serious proposal even from Sinn Féin.

Mr A Maskey: At no time did Martina Anderson, or anyone else, suggest that. The Member should reflect on what Martina Anderson actually said. Earlier, I made it clear that the twin pillars of the justice system were democratic accountability and the independence of the judiciary. That is the clear position of our members. With all due respect to Alan McFarland, what Martina Anderson was reflecting on was that, in the context of the transfer of powers, the Assembly and the wider public would have an opportunity to input into those matters; it was not that they would be able to take away from the independence of the judiciary.

Mr McFarland: The Member has heard what he has heard; no doubt the Hansard report will reflect what I suggested.

Mr B McCrea: I am not sure that I heard Ms Anderson's point properly, but I think that I heard her talk about the sentencing of sex offenders and how the justice Minister would have an input into that. I wonder whether Mr McFarland finds that surprising, given the independence of the Parole Commissioners for Northern Ireland, which is the sentencing review body. In reference to Alex Maskey's intervention, how can there be input without it affecting independence?

Mr McFarland: My colleague has made good points; Members will be able to reflect on those issues in due course. I will move on.

The Minister, therefore, is left with making policy. As we know, the law can only be changed by bringing forward new legislation to the Assembly. In the end, the Assembly has a say in what the Minister can bring into law. The Bill paves the way for the devolution of policing and justice, but the key question, which my colleagues have referred to today, is whether we are ready. Are the Assembly and the Executive ready for the devolution of policing and justice? At the moment we have a DUP/Sinn Féin axis in the Executive that is not inclusive, despite what they say. Two parties in the Executive are left out of most decisions, and the DUP and Sinn Féin go into a huddle before Executive meetings to decide how they are going to operate. There is no consultation in the Executive.

Those of us who are members of the Assembly and Executive Review Committee know that when the time came to make moves, they were driven through by Sinn Féin and the DUP against the opposition of other

parties here. However, such moves only happen when that axis can reach an agreement. Mostly, of course, the relationship is totally dysfunctional. We had over 150 days of paralysis. Just to refresh Member's memories as to why that happened, the DUP would not do as it was told on policing, so Sinn Féin called the whole thing to a halt until November 2008, when the DUP agreed to do what it was told on policing. It was then that we had the famous Robinson/McGuinness letter.

Mr A Maskey: When are you going to address the Bill?

Mr Deputy Speaker: I remind Members to make their remarks through the Chair.

Mr McFarland: What other evidence does the Assembly need that this edifice that we have is unstable?

Let us examine those policing and justice issues that have been pushed through the Executive. The method of selection of the justice Minister is a corruption of a system that has stood us well since the formation of the Assembly. We may not like it, but it is our system. It is called d'Hondt, and under that system, each party gets a turn at choosing which ministry it wants and the party leader gets to choose how long that person stays in that job. The d'Hondt system stops other parties interfering with what is going on. It is a tried-and-tested method, and we mess around with it at our peril.

If we want to devolve policing and justice and create a new Department, we should use a system that works: we should run d'Hondt again. The justice Department will be very important, and colleagues made the point that some parties may want to choose that Department ahead of others.

Ms Anderson: I remind the Member that his party supported the 1998 Act. He was not in the Chamber earlier when I quoted directly from section 17, subsections 4 and 5 of the 1998 Act, which state:

"(4) The number of Ministerial offices shall not exceed 10 or such greater number as the Secretary of State may by order provide.

(5) A determination under subsection (1) shall not have effect unless it is approved by a resolution of the Assembly passed with cross-community support."

That is what the Member, and others, agreed to, and he should reflect on that. It was in the 1998 Act, and it is relevant.

Mr McFarland: I pride myself on being fairly astute, but I am completely baffled as to what that was about. *[Laughter.]*

Mr Deputy Speaker: Order, please. Mr McFarland has the Floor.

Mr McFarland: An additional Department is being created. Logically, d'Hondt should be run again, and each party, according to its strength, will get to nominate to the Department that it wants. That is the

standard system. We disagree with the SDLP: just because it is next in line to make a nomination under d'Hondt does not mean that the justice portfolio should be its for the asking. If we are to have this extra important Department, we should run d'Hondt again so that every party would have a choice.

Mrs D Kelly: At no time has the SDLP stated that it was opposed to the rerunning of d'Hondt. Does the Member agree that under the rerunning of d'Hondt, the SDLP would have two Departments?

Mr McFarland: The choice of the honourable Member's colleagues on the Assembly and Executive Review Committee was that the justice portfolio would be added on to the end since the SDLP was next in line to nominate. That was the SDLP's position. Our position was that d'Hondt should be run again.

Earlier, we discussed why the DUP or Sinn Féin should or should not nominate to the justice Department; they made the right decision in not doing so. The logic is perfectly obvious: can you imagine a senior member of the IRA army council who had been serving life sentences in jail for murder and who was released under the Good Friday Agreement becoming our policing and justice Minister? Can you imagine the chaos that that would cause?

I know from discussions with Sinn Féin over the years that it views some DUP colleagues as having a similar ability to give impartial justice. I understand why those parties do not want to have that Department, but why should the Alliance Party have it? It appears that the Alliance Party is being chosen because the DUP and Sinn Féin want a tame Minister. We have no agreement on the links between the Minister, the Executive and the Assembly because the politburo is trying to concoct a system whereby it can wheel the tame Alliance Minister in for policing and justice matters and promptly wheel them out again when any important Executive business arises so that they do not interfere with the balance of power in the Executive.

I do not know how the Alliance Party feels, but it seems to be a slightly daft way of agreeing to operate, if that is what they have agreed to.

Dr Farry: The Member talks of a huge conspiracy, but he should read the legislation. The Northern Ireland Act 2009 states that the Minister, irrespective of their party, will be a full member of the Executive — there will be no wheeling in or out. The issue was settled in Westminster legislation that was supported by the Conservative Party.

Mr McFarland: The Member will find that that is not the conception that the politburo has.
[Interruption.]

Mr Deputy Speaker: Order, please.

Mr McFarland: However, let us dwell on the Alliance Party for a moment: so much for it being Her Majesty's principled opposition. We have been hefted for two years by the Alliance Party as its being the only party of opposition. Purity is their call: they are the only people holding the entire Executive to account. How good it is that they are prepared to sacrifice themselves for the good of Ulster. What a decent thing to do; to sacrifice one's principles for Ulster.

It is worth reminding ourselves that the 154-day logjam was broken by the Robinson/McGuinness letter of November 2008 that produced a detailed timescale. One of the things that struck me at that time about the letter was that it got round to discussing public confidence in a blurred way. Its bottom line on that point was that public confidence will exist when Peter and Martin decide it exists. On careful reading, that is what the letter means: public confidence will exist when the First Minister and the deputy First Minister decide it exists.

Mr Hamilton: I have seen the timetable to which the Member refers. It is actually a list of 37 points or processes that need to be gone through. Will he enlighten me and the rest of the House by pointing out one exact date or time in that process paper? I am sure that he will not be able to, if previous experience is anything to go by.

Mr McFarland: I cannot. [Interruption]. However, I can point out that several of the Member's colleagues said that it would be an entire political lifetime or ten political lifetimes. [Interruption]. Barking, or what?

Mr B McCrea: Does the Member care to hazard a guess, in years, about how long a political lifetime might be?

Mr McFarland: It will be interesting to see how long the elected lifetime of the DUP will be, given the current rise of the TUV.

I want to move to the outstanding issues. On finance, it looks as though we are getting somewhere. As many Members around the House have said, that is absolutely vital. If we do not get the finances right, we can pack up and go home. We also have a major issue that has not yet been highlighted over parades. There is no room for error. If we do not tie that issue down and get a set of rules with which we can all operate and with which we are all happy, there will be no point in having policing and justice. Every summer, the parading issue will rise up and bite whoever the Minister may be.

The third issue is a pet one of mine, the Eames/Bradley Consultative Group on the Past. My view is that we need to leave this back with the NIO to deal with and pay for. At the moment, although the NIO is keeping responsibility for inquiries, it is trying to move the Eames/Bradley work over with policing and justice. In

my view, that would be an absolute disaster. Trying to deal with the past is something could haunt us for 50 years. We will have enough trouble in accepting policing and justice in its current form. If we accept the Eames/Bradley work into this House, we will never get policing and justice going in a sensible way.

The Ulster Unionist Party supports the devolution of policing and justice, but not yet. There is a lovely Civil Service axiom, “the doctrine of unripe time”, which, if one thinks about it, is quite clever. The time is not right for doing this.

Ms Ní Chuilín: It is worth reminding the Member that on 21 October 2000, David Trimble, the Member’s former party colleague, or perhaps he still is the Member’s party colleague, 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.”

I will leave that with the Member.

Mr McFarland: I agree. We are keen for policing and justice powers to be devolved. Indeed, as has been mentioned, our party brought down the entire edifice over policing and justice. There is no point in accepting the proposals if the structure at the top is completely dysfunctional and wobbly and if every serious challenge, on every issue from education onwards, causes a complete furore. What chance do we have if we bring about the devolution of policing and justice now?

2.30 pm

Mr Cobain: Do they know what they were saying in 2000 or in 1998 or in 1997?

Mr Deputy Speaker: Order. I have reminded Members a few times already that all remarks should be made through the Chair. Mr McFarland has the Floor.

Mr McFarland: The proposals that are being put forward today would mean that Peter and Martin could sack the Alliance Minister the moment he or she does not do as he or she is told. The system for electing the Minister of justice will be down to the two largest parties in the House, and the system for removing that Minister will also be down to the two largest parties. The Minister of justice will be a puppet Minister, subject to the whims of Peter and Martin. The Minister of justice will be out as soon as he or she does not do as he or she is told. Imagine an Alliance Minister trying to stand up to the politburo here in a disagreement about parades or how to deal with the dissidents.

On ‘The Stephen Nolan Show’, on the radio this morning, Mr Alex Maskey said that it was dreadful that police were stopping people around the countryside. A member of the Policing Board is complaining about the police stopping people in their attempt to deal with

the dissident threat. As justice Minister, what chance would “Lord” Farry or “Lord” Ford have of dealing with such issues on the Floor of the House if the two largest parties disagreed with their methods?

Dr Farry: In his opening remarks, the Member made a great play of the importance of the operational independence of the police and the other agencies that are involved in taking decisions on the ground. Rather than contradicting himself, can he make up his mind on what point he is making?

Mr McFarland: The point that I am making is that, at some stage, the justice Minister may wish to give advice on a policy decision to the Policing Board and the Chief Constable. The Chief Constable does not have to listen to him at all, but the justice Minister may wish to give advice.

Dr Farry: That is a breach of his independence.

Mr McFarland: No; the Policing Board can give its views to the Chief Constable, but he may or may not listen. If the two largest parties disagree with the Alliance Minister’s view on a parading issue or how to deal with the dissidents, that Minister will get a thick ear and will be told to behave or be sacked.

Mr M McGuinness: Does the Member recall 12 Ministers being sacked at the whim of one party on several occasions in the early 2000s?

Mr McFarland: As the Member knows only too well, that happened because there was an understanding that his organisation would take certain measures, and, if those things were not done, my party was to stop the operation of the Assembly. His organisation did not do what was required of it, and we stopped the Assembly. *[Interruption.]*

Mr Deputy Speaker: I hope that Members will return to discussion of the Bill and address their remarks through the Chair.

Mr McFarland: Earlier, Dr Farry wiggled us about the Conservative Party’s views on the devolution of policing and justice. I remind the House of the words of the Conservative Party’s Northern Ireland spokesperson when the Bill was being discussed in March 2009. He said:

“We have therefore always supported the eventual devolution of criminal justice and policing, when the conditions were right and once the proposed model for devolution had the support of all communities.”

I am afraid that that sounds a bit like my party’s position; it is not different as Dr Farry claimed earlier.

I will draw my remarks to a close.

Mr A Maskey: Will the Member give way?

Mr McFarland: No; I have been bobbing up and down, and my legs are getting sore. *[Laughter.]*

The Ulster Unionist Party is fully supportive of the devolution of policing and justice, but not until government is stable. We hope that that will be soon and that we will be able to get on with it. However, there is no point in bringing contentious issues to the House when we cannot even do the basics yet. We oppose the Bill.

Some Members: Hear, hear.

Mr Ford: On a point of order, Mr Deputy Speaker. Mr McFarland referred to “Lord Farry” and “Lord Ford”. He may be unaware of this, but, on two occasions, I told his former party leader that I was not interested in a peerage, which was being offered as a bribe.

Mr Deputy Speaker: That is not a point of order. The Member should resume his seat.

Mr Ford: I request that Members be properly referred to in the House.

Mrs D Kelly: The guarantees of equality, partnership and inclusion are benchmarks for the conduct of government in the North, and they were hard won. However, during the negotiations about the devolution of policing and justice powers, the DUP, with the consent of Sinn Féin, took bites out of those guarantees. By altering the selection method for the Ministry, Sinn Féin conceded that a nationalist cannot now be justice Minister. Its belated concerns for the SDLP are regarded as hypocrisy.

The SDLP has a right to have a second Minister at the Executive table. However, we will end up with another unionist Minister at that table, while the mandate of another party is ignored. Democratic rights get turned on their heads by the DUP on Sinn Féin’s watch.

Mr Campbell, Mr Moutray and others talked about how they support the devolution of policing and justice powers. Similar contributions were made by members of Sinn Féin and other parties. My party colleague Mr Alban Maginness said that we are very much alive to the needs of the community, and said that legislation is required. Indeed, legislation is required to address a number of issues, not least to allow the police to do their job more effectively and efficiently.

I was somewhat bemused by Martina Anderson’s contribution, because Sinn Féin now seems to have become the “lock them up and leave them” party. She talked about the revolving doors of justice, but she did not mention anything about a fair trial.

When I was a young girl, my grandmother told me to tell all the boys that I would marry them, but not to tell them when. *[Laughter.]*

Mr Kennedy: Did you take that advice?

Mrs D Kelly: I did not. It seems as though Mr Peter Robinson got similar advice, because he has been told to tell Sinn Féin that policing and justice powers will

be devolved, but he will not say when. We still do not have a time frame for the devolution of those powers. The Bill is simply about creating a Department of justice and providing a method to appoint a Minister of justice, rather than electing one. That is all that is in the Bill.

What was all of last year about? What was the stalemate about? What is the paralysis and logjam at the heart of government about? The DUP says that it is a party of devolution. It has devolved powers, so where are the decisions that are needed daily and that matter to people in their everyday lives? Rather than taking decisions for the greater good, those decisions are held up by the mutual veto of the DUP and Sinn Féin, and their selfish party political interests. That is what is happening with all decisions and across all public services. *[Interruption.]*

Mr Simpson is one to shout across the Chamber. Other Members may be reticent about naming him, but I am not: it was Mr Simpson who said that the devolution of policing and justice powers would not happen in a political lifetime.

Mr Simpson: On a point of order, Mr Deputy Speaker. I want Mrs Kelly to confirm in writing where I said that, whether in this House or another House, because I did not say it. Had I said it, I would stand over it. The Member should prove that I said it.

Mrs D Kelly: I am sure that members of the media who work in Stormont can do a trawl of numerous interviews.

Mr Simpson: Further to that point of order, Mr Deputy Speaker, if Mrs Kelly checks the House of Commons Hansard report, she will realise that I did not say that.

Mr Deputy Speaker: I ask that Members return to the issue of the Bill. *[Interruption.]*

Order. Members should pay attention and speak through the Chair. Once again, I ask that Members return to the subject of the Bill.

2.45 pm

Mrs D Kelly: I will happily return to the subject of the Bill. However, first I will try to allay Mr Simpson’s concerns. Had he listened carefully in the first place he would know that I did not say that he made that comment in the House. I said that I had heard it in the media. Does Mr Simpson now deny that his colleagues have made such a comment?

Mr Simpson: On a point of order, Mr Deputy Speaker. Will Mrs Kelly please make up her mind? First, I understood her to say that I made that comment, but she now attributes it to one of my colleagues. Will Mrs Kelly please confirm what she said?

Mr Deputy Speaker: That is not a point of order. I asked Mrs Kelly to return to the subject of the Bill.

Mrs D Kelly: I will return to the debate, but my recollection is that Mr Simpson made that comment — Mr Dodds and Lord Morrow certainly did. Does Mr Simpson now agree — *[Interruption.]*

Mr Deputy Speaker: Order. Mrs Kelly, I ask you to return to the Bill, because that is the subject of the debate.

Mrs D Kelly: The Bill is deficient, because it does not include a time frame for the devolution of policing and justice.

Mr Campbell: *[Interruption.]*

Mrs D Kelly: You are delaying the process, Mr Campbell. Mr Robinson has a problem with getting all members of his party to agree on the devolution of policing of justice, regardless of what the community wants, says or needs. How many times have Members heard on the doorsteps that the devolution of policing and justice is a matter of concern? It is not; people want policing and justice powers to be devolved. However, they also want the Good Friday Agreement to be protected because they know that, time and time again, Sinn Féin has been hoodwinked by the DUP in negotiations at St Andrews and elsewhere.

Mr O'Dowd: I assume that the last time that the Member was canvassing was for the European election, as a result of which the good people to whom she refers endorsed Sinn Féin. Where, therefore, did she hear that message?

Mrs D Kelly: The clue is in the title: it was a European election.

By referring to Sinn Féin's inability to negotiate and its having been blindsided on a number of fronts by the DUP, I seem to have touched on a sore point for those sitting on that party's Benches.

The First Minister: The Member was getting a little excited; perhaps she has now calmed down a bit and may be able to take in what I am about to say. The Bill specifically does not contain a date for devolution; it is not required to do so because it is enabling legislation. Other legislation already exists that sets out the process under which devolution takes place. There is, therefore, no requirement on the deputy First Minister and me to encourage anyone to include a specific date in the Bill. That does not make the Bill "deficient", as Mrs Kelly described it. The Bill is simply enabling legislation and has nothing to do with the date on which devolution will take place. The debate from that end of the Chamber, however, has concentrated solely on when devolution will happen. It is an enabling Bill, and Members should be addressing that aspect of it.

Mrs D Kelly: The First Minister may be used to speaking in a patronising tone to people in his party, but he will not refer to me in that tenor. He does not

speak in that manner to Margaret Ritchie at meetings of the Executive; perhaps that is why the DUP does not want another SDLP Minister. *[Interruption.]*

Mr Deputy Speaker: Order, please. I remind Members to make their remarks through the Chair, and I ask Mrs Kelly to return to the subject of the Bill.

Mrs D Kelly: A date is important to provide some surety. The fact that the date was also important to Sinn Féin resulted in a delay of four or five months and a suspension of the Assembly. Why should the date not be important? At this stage, why not have clarity by setting a time frame? Perhaps, in responding to the debate, the First Minister will inform the House of the date that he may have agreed last night with Gordon Brown and Sinn Féin. He did not, however, include the Ulster Unionist Party, the SDLP or the Alliance Party in those discussions. As Mr McFarland said, the so-called mandatory coalition is more of a "DUP/Sinn Féin axis".

We are well used to Sinn Féin's somersaults and cave-ins on a wide range of issues. However, we will have our voices heard and we will let the nationalist people know what Sinn Féin is doing on its watch. The SDLP will protect, and always has protected, the Good Friday Agreement. We will not be silent and turn a blind eye when vetoes are handed to the DUP, which has a record of not sharing power in any council in the North of Ireland.

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. I support the Bill and I declare an interest as a member of the Policing Board. The Bill will pave the way for the transfer of policing and justice powers. The fact that the Bill is before the House is further evidence of the agreements that have been reached in the Office of the First Minister and deputy First Minister.

There is support in the wider community for the transfer of powers. The public want to see the criminal justice system being made more accountable. The best way to do that is through locally elected representatives. Those arrangements are, of course, temporary. The process provides for a sunset clause to take effect in May 2012, by which time new arrangements are required to be in place for the continuation of the Department of justice.

Scotland has shown some initiative since having policing and justice powers devolved. The Scottish Government have led the way in introducing drugs courts, which are now being copied in other jurisdictions in Europe. Last year, a cross-party delegation from the Policing Board met the Minister with responsibility for policing and justice in Scotland, Kenny MacAskill. The benefits of having those powers devolved to locally accountable representatives are blatantly obvious, and were made blatantly obvious to those representatives who were on that trip.

Already, the four main parties work together on the Policing Board to hold the PSNI to account. We need policing and justice powers to be devolved to deal effectively and holistically with issues such as antisocial behaviour, death-driving, drug dealing, the PPS and sentence remission. Many victims of crime have suffered as a result of the serious flaws in the criminal justice system. As we are aware, hardly a week goes by when the issue is not mentioned on the news or through the media, which, in itself, highlights the extreme urgency of the problem. Victims will continue to suffer as a result of those shortcomings if the transfer of those powers continues to be put on the long finger.

Mr A Maskey: Can the Member recall, and perhaps seek clarification from, a Member who may speak later for the Ulster Unionist Party? During an intervention, Alan McFarland referred to the position of the Conservative Party in the Westminster debate on the policing and justice transfer legislation. The Ulster Unionist Party should remind this House that the Conservative Party supported the legislation that was going through the British Parliament, despite the protestations from the Ulster Unionist Party. Which part of the Ulster Unionist Party, UCUNF or the Tory Party are those Members talking about today?

Mr McKay: I thank the Member for his intervention. As other Members on this side of the House have done, he highlights all the holes in the arguments that the Ulster Unionist Party and others have put forward. All that we have heard today is a series of contradictions in relation to its position and its past positions. At the end of the day —

Mr B McCrea: We are quite prepared to engage in debate. In fact, the reason why we are doing this today is to let Members know that we have opinions — considered opinions. We are quite prepared to give answers to all the questions that Mr Maskey asked.

Mr A Maskey: Give them now.

Mr B McCrea: We will, when the questions are put to our party. It seems a little incredible that you asked a member of your own party for an answer that he does not have. We will address —

Mr Deputy Speaker: The Member should address his remarks through the Chair.

Mr B McCrea: We will address those issues, Mr Deputy Speaker. It is important that all parties are involved in these issues. Rather than keeping itself in the dark, why does Sinn Féin not try talking to the rest of us?

Mr McKay: The Member had the opportunity to answer the question, but he clearly did not have the ability to do so.

What we have seen today is a number of parties putting political opportunism and point-scoring ahead of the interests of the wider community. Ultimately, the community wants powers that relate to a wide array of policing and justice issues, including antisocial behaviour and drug dealing, which is a big concern in my constituency, to be devolved. People want those powers to be devolved because they want their communities to be made safer and they want to see crime reduced. That will not be achieved by the pathetic comments that have been made by Members at the other end of the House.

The Bill represents immense political progress, and the public wants to see it progressed because criminal justice is a major issue for all our communities. It is important that adequate finance is put in place to provide an effective community service, and I acknowledge the work being done to secure that funding by the First Minister and the deputy First Minister in negotiations with the British Government.

In conclusion, I support the Bill. I encourage other parties in the House to put aside their own narrow political self-interest in the wider interests of the community, because the policing and justice issue must move forward. Therefore, I urge those parties to reconsider their very inconsiderate positions.

Mr Deputy Speaker: Questions to the Minister of Culture, Arts and Leisure will commence at 3.00 pm, so I propose that Members take their ease until that time.

3.00 pm

Oral Answers to Questions

CULTURE, ARTS AND LEISURE

GAA: Hunger Strike Commemoration

1. **Mr B McCrea** asked the Minister of Culture, Arts and Leisure if the use of Galbally Gaelic Athletic Club for a hunger strike commemoration rally meets with his Department's criteria for funding of the GAA. (AQO 75/10)

15. **Mr I McCrea** asked the Minister of Culture, Arts and Leisure, following the recent commemoration of the hunger strikes at a Tyrone GAA facility, what steps he has taken with the GAA to ensure sports grounds are not used for this type of event. (AQO 89/10)

The Minister of Culture, Arts and Leisure (Mr McCausland): With your permission, Mr Speaker, I will answer questions 1 and 15 together.

I have publically expressed my concerns about what took place at Galbally on 16 August 2009, and I have called for the GAA to carry out a full investigation into the matter. I understand that the GAA's central council has already asked its Ulster council to establish the exact circumstances surrounding the use of the Galbally Pearses GAA ground for a commemoration of deceased members of the Provisional IRA. I await those findings, and I look forward to receiving the completed report.

I am also aware that, following claims that there was a paramilitary display during the event, the PSNI is making enquiries to see whether any laws were broken.

Mr B McCrea: Surely there should be consistency in the rules for administering public funds. If there is an outright ban on the use of public funds to support party political activities, surely the use of facilities that are largely supported by public funds should be subject to a similar caveat. Instead of looking to other agencies, should the Minister's Department not be taking corrective action on the matter?

The Minister of Culture, Arts and Leisure: This is not a new issue; it has been around for quite a few years, and I assure the Member that I am doing what is appropriate in the circumstances and what will be effective in dealing with it.

There is already a requirement that any body that seeks funding for ground improvements must sign

what is termed an equity statement. I am in discussions with Sport NI, and, later this week, I will speak to its representatives about the nature of that commitment, its implementation and whether it needs to be reviewed. I have already asked Sport NI to review the situation, so that we can deal effectively with the sort of appalling situation that we saw last month.

Mr I McCrea: Will the Minister outline what funding Galbally Pearses Gaelic Athletic Club has received from Sport NI, and, in the light of the events on 16 August, will he inform the House of any intentions that he might have to withhold future funding?

The Minister of Culture, Arts and Leisure: In January 2009, Galbally Pearses GAC was awarded an Exchequer grant of £200,565 under Sport NI's Places for Sport programme to assist with the construction of a full-size Gaelic games grass pitch. That work is ongoing, and Sport NI has advised that, to date, the club has drawn down approximately £166,000 of the award.

Sport NI funding programmes have an equity clause as a standard condition of its grants, and, although on this occasion the situation has yet to be clarified, Sport NI has been asked to review its existing terms and conditions of grants to sport. I look forward to receiving Sport NI's analysis and, if appropriate, its recommendations for change by the end of November.

I also met informally with senior representatives of the GAA's Ulster council, when, as a public representative and the Minister for sport, I had an opportunity to represent the concerns and comments that I had received from across the community following recent publicity around the use of GAA property. In addition, I was able to emphasise my belief in the importance of sport, culture and art in building a shared and better future.

The meeting also afforded the GAA an opportunity to brief me on the governance and work of the association, including what it is doing at council and provincial level to deal with the issues around Galbally and other matters of concern. Personally, I found the exchange to be informative, and I appreciated the opportunity to express my concerns to the organisation.

Mr Brolly: Go raibh míle maith agat, a LeasCheann Comhairle. Does the Minister accept that it would be illegal for his Department to discriminate against any sports club with regard to its funding criteria?

The Minister of Culture, Arts and Leisure: One of the fundamental principles that I have taken forward in the Department is the creation of a shared and better future that will be based on equity, diversity and interdependence. The principle of equity is very important, and, when I met them in July, I assured the three major sporting bodies that I would treat them all with fairness in every way. There will be no

discrimination. I hope that folk at the grass-roots level of sport will remember the importance of social cohesion, tolerance, respect and interdependence in the future.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. Does the Minister agree that the most important element is the protection of sporting and cultural organisations from political and sectarian exploitation, not the victimisation of any particular sporting body or political influence at departmental level?

The Minister of Culture, Arts and Leisure: I agree entirely with the Member. It would be wrong for any organisation — political or otherwise — to exert the sort of pressure to which the Member refers on any sporting club. I have no difficulty in agreeing with that. Many people in the GAA at the highest level were as horrified as the rest of us at the sort of event that took place at Galbally in August.

Re-imaging Communities

2. **Mrs Long** asked the Minister of Culture, Arts and Leisure for his assessment of the Re-imaging Communities programme. (AQO 76/10)

3. **Ms Purvis** asked the Minister of Culture, Arts and Leisure for an update on the costs to date of the Re-imaging Communities programme; and for an assessment of the success of the programme and its contribution to community cohesion. (AQO 77/10)

The Minister of Culture, Arts and Leisure: With your permission, Mr Deputy Speaker, I will answer questions 2 and 3 together.

The Re-imaging Communities programme was launched in July 2006. It is delivered by the Arts Council of Northern Ireland and overseen by the Shared Communities Consortium. The programme has been allocated some £3·8 million and, to date, 136 projects have been awarded a total of £3,007,634. Some 70 project proposals are also at various stages of development. There are many excellent examples of the work of the Re-imaging Communities programme across Northern Ireland. Those include the East Belfast Historical and Cultural Society project on the industrial heritage of the area; the Glenbryn project depicting prominent figures from the history of north Belfast; and the Kilcooley project in north Down, which is held up as a model of best practice by the Arts Council.

An independent interim evaluation of the Re-imaging Communities programme was completed in December 2008. The findings indicate that the programme has been a success. A survey of 2,000 participants in 10 areas in which projects have been completed showed that the majority believed that the project had been of high quality, had improved the appearance of the area and had been generally

beneficial. The programme has been very successful and has met its key objectives. As a direct result of the programme, many displays of paramilitary symbolism have been removed and/or replaced with new imagery that reflects the aspirations of local communities in a more positive manner.

The interim evaluation indicated that the programme has had a significant effect on community cohesion by strengthening relationships; restoring relationships between communities and councils; developing a sense of achievement and ownership of the artwork; helping to reduce delinquency and antisocial behaviour; transforming the character of areas; encouraging community responsibility for its own environment; and highlighting the fact that the community no longer wants to be associated with division and hostility.

Mrs Long: I thank the Minister for his answer, which reflects the value of the projects. I declare my interest as a member of Belfast City Council, which was involved in the programme's delivery.

Given that it transforms not only physical places but the people in those places, is the Minister of a mind to further invest in this kind of vehicle for transformation? The programme has had a massive impact on people's confidence and sense of place and their ability to move on to other projects that will enhance their local communities.

The Minister of Culture, Arts and Leisure: The programme has, indeed, been very successful, and there is a continued demand from local communities, as evidenced by the number of proposals still being developed. Consequently, I am supportive in principle of the continuation of the programme. However, doing so will require significant additional funding, and Members will be well aware of the challenging financial environment and the increasing pressures on all areas of expenditure.

My officials and I are working together and exploring options for ways in which the Department of Culture, Arts and Leisure (DCAL) may be able to provide some support to the programme. I am aware that the Arts Council is in discussions with various other stakeholders to explore potential funding streams in order to extend the programme. However, Members will be aware that we are facing a much more challenging financial environment, and there are significant numbers of pressing priorities for public funding.

Ms Purvis: I thank the Minister for his detailed response. I have first-hand experience of the Re-imaging Communities programme that exists in a number of communities, and I can see the practical benefit that it brings to all sections of the community. Has there been a difference between the uptake of the programme in unionist and nationalist areas or in the number of proposals that have been submitted to the

Arts Council from each group? Is there a difference in the outcomes for those areas? Will the Minister assure the House that he will do all that he can to ensure that the programme continues, given the positive outcomes that have been experienced and the amount of work that remains to be done in deprived communities?

The Minister of Culture, Arts and Leisure: I do not have to hand a breakdown in respect of unionist and nationalist areas. I have a complete list of all the projects, but they have not been identified in that way. However, I have a breakdown by constituency across Northern Ireland, which may be of some help. It is clear that there has been a lower uptake in some constituencies than there has been in others. For instance, there was an uptake of £191,576 in East Belfast, £351,094 in North Belfast and £422,000 in South Belfast. However, there was a smaller uptake in other constituencies: only £27,000 in one case; £21,000 in another; and £15,000 in a third constituency. There is, therefore, an issue regarding the uptake across different areas.

Work is being, and has been, undertaken by the Arts Council to ensure that the programme is rolled out across Northern Ireland as far as possible. To date, projects have been undertaken in all but two district council areas in Northern Ireland — Fermanagh and Strabane — but all other council areas were included and involved.

The Arts Council has sought to address the lack of uptake by holding roadshows and funding clinics and through direct liaison with district councils. The council has been reasonably successful in that regard, and work is under way in the areas that it is targeting, including Coleraine, Ballymoney and Omagh. I understand that the Arts Council has had initial discussions with groups in Fermanagh and Strabane regarding potential projects, but progress on those will be dependent on future funding.

Mr T Clarke: Does the Minister accept that it is difficult to measure the difference that the Re-imaging Communities programme has made to the quality of people's lives? I speak from my experience in my constituency of South Antrim, particularly in Randalstown. A proposal has also been submitted for a re-imaging programme in Antrim. I ask the Minister to think about the changes that such programmes make to the lives of the people who live in the areas, particularly when funding is being considered. It is difficult to quantify that in financial terms at the outset, when an application is made, but does the Minister accept that it makes an immeasurable difference to the lives of the ordinary people who live on the estates in which the re-imaging is taking place? I invite the Minister to Antrim to see some of the work that has taken place.

The Minister of Culture, Arts and Leisure: The Member is right: the improvements are more qualitative

than quantitative. It is difficult to put a value or a number on those things and to measure them in that way. That is why, in my initial answer, I indicated the areas of improvements and the help that such projects delivered. I spoke about them strengthening relationships and the sense of achievement that is felt by the people who are involved in them, and I commented on how they address antisocial behaviour, transform areas and create a more positive image of the community. Therefore, I agree with the Member that it is difficult to quantify the effects of such programmes, but that is not a reason for failing in any way to pursue the additional funding that we would seek.

Mr K Robinson: I thank the Minister for his reply. I agree with all the Members who have spoken on this question. There is no doubt that it is difficult to quantify the benefits that the programme brings to communities that have suffered and which need the re-imaging programme.

The Minister listed some of the huge sums of money that have been made available for the projects. However, given that those resources are fairly limited, will any sustainable jobs be created in those communities after the schemes have finished?

3.15 pm

The Minister of Culture, Arts and Leisure: It is more a case of additional skills being left behind when the projects have finished. As a result of those projects, people will have enhanced their experiences and acquired skills, and, in many instances, they will have been able to work with voluntary and statutory agencies and local authorities in a way that they may not have been able to do previously. Therefore, apart from the physical changes that will come about, the main improvements, and the lasting benefits and legacy, are in enhanced skills.

Mr Deputy Speaker: Question 4 has been withdrawn.

2012 Olympic Games

5. **Mr Savage** asked the Minister of Culture, Arts and Leisure what plans there are to host in Northern Ireland athletes attending the 2012 Olympic Games. (AQO 79/10)

The Minister of Culture, Arts and Leisure: Northern Ireland is seeking to attract 10 countries or teams for pre-games training. I have asked Sport Northern Ireland to lead a small cross-organisational working group to progress that work with representatives of local government, Invest Northern Ireland, the Northern Ireland Tourist Board and Disability Sports Northern Ireland. Twenty-six sports facilities here have registered in the London 2012 pre-games training

camp guide (PGTC) for the Olympic Games, and eight sports facilities here have registered in the PGTC guide for the 2012 Paralympic Games. The Department is working already with the London 2012 Organising Committee (LOCOG) and through our sports governing bodies to attract those countries or sports to Northern Ireland.

Mr Savage: Will any of the athletes who are linked in any way, however remotely, to the 2012 Olympic Games be taking part in any sporting events in Northern Ireland?

The Minister of Culture, Arts and Leisure: The intention is to bring those athletes here for training camps; however, it would be premature of me to comment on what else they might do when they are training here. If I am to comment, I would need some information on what teams and countries are coming and what sports those athletes are involved in. I get the gist of what the Member is getting at, and I will keep it in mind.

Dr McDonnell: I thank the Minister for his answers so far. Will he give the House his assessment of the financial gains or, indeed, losses that will result from hosting athletes who are attending the 2012 Olympics? Has any assessment been made of the financial outcomes of hosting those athletes?

The Minister of Culture, Arts and Leisure: Again, the difficulty is that unless one knows what teams and sports will be coming here, it is very difficult to put a figure on it. It is clear that there will be a benefit, but to put a figure on it is difficult at this stage. Therefore, I find it difficult to respond to that question at this stage.

Mrs McGill: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister assure the House that sports facilities in Counties Tyrone, Fermanagh and Derry will have a fair chance of hosting athletes who may come here during the Olympic Games in 2012?

The Minister of Culture, Arts and Leisure: I indicated already that 26 sports facilities have registered for the 2012 Olympics and that eight have registered for the 2012 Paralympic Games. Those facilities are spread across Northern Ireland.

Mr Craig: Will the Minister outline what financial assistance will be available to facilities such as the Salto National Gymnastics Centre in Lagan Valley? That centre has succeeded already in attracting international gymnastics teams to Northern Ireland, and staff there would be very keen to support the 2012 Olympics programme.

The Minister of Culture, Arts and Leisure: My officials have liaised with the governing body of gymnastics here, Gymnastics Northern Ireland, about the Salto centre in Lisburn. Gymnastics NI, together with all the other governing bodies of sport here, will

shortly be invited to apply, through Sport NI, for limited funding to assist them in securing teams in the run-up to the 2012 Olympics. I understand that through that funding, Gymnastics Northern Ireland will support Salto's efforts to attract teams for pre-games training in 2012.

Mr Deputy Speaker: Question 6 has been withdrawn.

Maze Prison Site

7. **Mr Kennedy** asked the Minister of Culture, Arts and Leisure to outline his Department's involvement in the development of the Maze site. (AQO 81/10)

The Minister of Culture, Arts and Leisure: The Department, in conjunction with the Strategic Investment Board, was involved in the development of proposals for a multi-sports stadium to be used by the three main ball sports in Northern Ireland. That included the production of a robust business plan by independent consultants. The Department worked closely with the governing bodies of the three sports — football, rugby and Gaelic games — in finalising and agreeing the business plan for the multi-sports stadium.

It was the responsibility of the Office of the First Minister and deputy First Minister, supported by the Strategic Investment Board, to identify a preferred developer for the whole Maze site, including the stadium. In January 2009, the then Minister, Gregory Campbell, having reviewed all the material available to him, advised the Northern Ireland Executive of his decision not to proceed with the proposed multi-sports stadium at the Maze. My Department has, therefore, no further involvement in the future development of the Maze site.

Mr Kennedy: I am grateful to the Minister for his answer. Now that plans for a multi-sports stadium have been abandoned, will the Minister outline the current culture, arts and leisure proposals that he and his Department are considering in respect of the Maze site? Will he take this opportunity to confirm that no part of the site will be used to create a shrine to republican terrorists?

The Minister of Culture, Arts and Leisure: In reply to the second part of the Member's question, I have already said that the Maze site is not within my domain. With regard to the first part of his question about the stadium development, earlier in the year my predecessor asked the three governing bodies to bring forward their preferred options on regional stadium provision. In June 2009, the Executive received an update on stadium development and a broad outline of the options that those bodies had submitted, and the Executive agreed the process for advancing the regional stadium development.

Since becoming Minister at the beginning of July, I have been actively progressing that process. I have met, collectively, with representatives of the governing bodies. A strategic outline case, which confirmed the options to be tested in a full economic appraisal, has been produced and approved by the Department of Finance and Personnel (DFP), and the commissioning of consultants to undertake an economic appraisal of the options has commenced. I expect to be able to return to the Executive by the end of the year with the outcome and the proposals to take forward the strategic development of regional sports stadia.

Mr Butler: Go raibh maith agat, a LeasCheann Comhairle. The Minister referred to the development corporation and the future of the Maze/Long Kesh site. Has he given any consideration to other sporting or arts facilities being placed there as part of the development corporation's plan? When I and other party members sat on the Maze/Long Kesh monitoring group, the stadium was the main feature of the sporting facilities. However, there were also discussions and plans to have other sporting facilities on that site. Will the Minister consider those plans as part of the future of the site?

The Minister of Culture, Arts and Leisure: I am unaware of any proposals for other sporting facilities at the Maze site, and I have none under consideration.

Mr Moutray: Will the Minister say when consultants will be appointed, how long he expects the consultancy to last, and how much it will cost?

The Minister of Culture, Arts and Leisure: I expect consultants to be appointed by early October — within a few weeks — and the results of their work to be available later this year. The total cost of that work will not exceed £80,000.

Mr McCarthy: The Minister will be aware that the Department has spent almost £4 million on the Maze site to date. Has the Minister any regrets or any apology to make to the taxpayer? It has been a complete and absolute waste of almost £4 million, given that the Department probably knew from day one that the site would not be used to promote the shared future through a multi-sports stadium?

The Minister of Culture, Arts and Leisure: I will deal with the issue of a shared future, in case the Member was not listening to me earlier. I have put the creation of a shared and better future right at the top of my list of priorities. That will be implemented in all areas, whether in culture, arts or leisure. As for money that was spent in previous years, the Member will be well aware that most of that expenditure was committed at the time of direct rule, and that it was an initiative of direct rule. The decision of my predecessor, Gregory Campbell, not to proceed with the plans for the Maze site, but to provide separately for the three main ball

sports was taken under devolution, and I believe that it was the right decision.

We are carrying matters forward as quickly as we can, because the real issue now is about getting decisions made, getting developments on the ground, and rolling out the sort of work that is demanded and expected — rightly — by those three sporting bodies. That is why I have set a very clear timetable. The consultants will be in place by early next month, and will report back to my Department by the end of the year. I will then be able to take the matter to the Executive.

Sport Matters

8. **Mr P J Bradley** asked the Minister of Culture, Arts and Leisure for an update on the sports strategy document 'Sport Matters'. (AQO 82/10)

The Minister of Culture, Arts and Leisure: The Department of Culture, Arts and Leisure, in partnership with Sport Northern Ireland, has prepared a final version of a planned new Northern Ireland sports strategy, which is now entitled 'Sport Matters: The Northern Ireland Strategy for Sport and Physical Recreation 2009-2019'. The final version of that strategy has been forwarded to the Northern Ireland Executive for consideration at a future meeting. I have been pressing, and will continue to press, for that to be considered and agreed by the Executive as soon as possible.

Mr P J Bradley: I thank the Minister for his answer. From what the Minister has learned since taking up office in July, how much of the 'Sport Matters' strategy can be delivered — I am being optimistic — in the remaining 19 or 20 months of this Assembly?

The Minister of Culture, Arts and Leisure: The difficulty with answering that question is that I am not clear when the sports strategy will be fully endorsed by the Executive. However, we are already working on the assumption that it will be endorsed, and sporting bodies are also working on that assumption. It is also difficult to provide a figure in answer to the Member's question, because the strategy covers 10 years. To ask me today how much will be done in a number of months is perhaps asking too much. What is proposed for the 10-year period is a realistic proposal; it can be delivered, and it is my hope that it will be delivered. In the remaining months of this Assembly I will certainly be doing all that I can to ensure that it will be delivered.

Mr Kinahan: Has the Minister had any discussions with the Education Minister on how his Department could augment and improve sport in schools as part of the overall sports strategy?

The Minister of Culture, Arts and Leisure: Since coming into office at the beginning of July, I have not had discussions with the Education Minister, but the Member picks up on a very important point. The sports

strategy is not simply an issue for DCAL; it involves a number of other Departments. It has implications for health, because one of the great benefits of sport is that it helps to address the issue of obesity. It has implications for the Education Department, because the issue of making schools and schools' facilities more accessible to the wider community is obviously very important. I know that that has been discussed in the Education Committee and elsewhere in the past. The Member is absolutely right to say that the sports strategy is a cross-departmental issue. That is a good thing, because good government should be joined-up government that stretches right across Departments.

3.30 pm

QUESTION FOR URGENT ORAL ANSWER

Belfast Health and Social Care Trust

Mr Deputy Speaker: The Speaker has received notice of a question for urgent oral answer to the Minister of Health, Social Services and Public Safety.

Mr McCarthy asked the Minister of Health, Social Services and Public Safety for his assessment of the leaked proposal that the Belfast Health and Social Care Trust is to axe a total of 150 beds in the Royal Victoria and Belfast City Hospitals.

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): For months, I have been saying that times are hard in the Health Service, with challenging efficiency savings of some £700 million and increasing demands. However, in April 2009, the Assembly refused to exempt the Health Service from efficiency savings. As I said at the time of the Budget settlement, it was as good as it gets, but it was not enough. The situation has been further exacerbated by the cost of the swine flu pandemic.

I am still in the position of having to fight for the money that I need to protect the people of Northern Ireland, and I trust that the Executive recognise that in their response to the September monitoring round. My Department has now received proposals from the trusts, including the Belfast Health and Social Care Trust, to achieve break-even, and those proposals are currently being considered. No decisions have been made.

Mr McCarthy: I thank the Minister for coming to the Chamber to answer the question. Devolution to the Assembly was meant to bring benefits to everyone in Northern Ireland. The diabolical news of the loss of some 150 hospital beds is a shattering blow to the many patients who are already waiting for a hospital bed. Indeed, Health Service redundancies are completely outrageous.

Will the Minister of Health, Social Services and Public Safety, the Minister of Finance and Personnel, the First Minister, the deputy First Minister and the entire Executive give some cognisance to the catastrophic effect that those cutbacks will have, bearing in mind the threat of swine flu this winter, which the Minister mentioned. The Minister must be as aware as anyone else that, unless those hospital beds are saved, people throughout Northern Ireland will die during the winter.

The Minister of Health, Social Services and Public Safety: As I explained in April 2009, when the

House debated an amendment to exempt the Department of Health, Social Services and Public Safety from the process of efficiency savings, £700 million of efficiency savings must be found. In addition, resources for health are inadequate; as I said at the time of the Budget settlement, an extra £600 million is needed to provide the same standard of Health Service as that provided in England. In that regard, England is behind Wales, and Wales is behind Scotland. Therefore, the resource is already severely stretched, and it is a huge stretch to catch an additional £700 million from it.

The Health Service must also face the issue of swine flu. Under the Budget settlement, the deal that I did with Peter Robinson when he was Minister of Finance and Personnel, it was agreed that the first £20 million from in-year resources would go to health, but I have still not seen a penny of that. The reason why I have been able to manage the health budget so well is because of the efficient use of money through flexibility. As part of the Budget settlement, I was given the right to bid for resources for pandemic flu, but I have still not seen a halfpenny of those or received a guarantee.

Against that, all the trusts report seriously increased demand. The birth rate has increased by 20% since 2002, and we all know about the stretch at maternity units. The older population is steadily increasing and in receipt of even more sophisticated life-enhancing treatment packages. Attendance at accident and emergency is up by 7.2%, and the number of emergency admissions via accident and emergency is up by 9%. Total inpatient activity is also up. The demand is constantly rising.

The Appleby report on efficiency recommended that the Health Service receive an increase to its budget of 4.3% a year in real terms. The Health Service never received that or anything like it, and increased demand is, in fact, around 9%. Even allowing for inflation, over the past two years, the increase has been around 1.75% in real terms. Therefore, there is a gap, and there is not enough money to do the job.

By Treasury rules, the trusts are required to break even. They have been asked for contingency plans, and those plans have been prepared and will come to me. I will look at those and determine a way forward.

If there is more activity than had been anticipated, and there is not enough money to cover it, everybody can see that that creates a gap. It is a matter for the House to determine how that gap needs to be addressed. Do we want to do some of the other things that we do, or do we want to address the gap in health?

Are curbs more important? In an ideal world, they are important, but are those sorts of activities in other areas and Departments really where we want to spend our money? Mr McCarthy is quite right: if we do not

spend the money on health, patients come to harm. I made that point in April 2008. Since then, I have made it over and over again.

The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells): The fact that the Minister has failed to deny the claims that have been made by the unions this morning shows that they must contain some truth. It is quite clear that 150 beds will be removed from the system. As Mr McCarthy has, quite rightly, said, that has profound implications for the ability of both the Royal Group of Hospitals and the City Hospital to deliver.

Part of the package that was given to the Minister was that, in return for not claiming money through the monitoring round, he could have total flexibility in his £4 billion budget. If the budget cuts that he suggests do have to be made, surely the last services that should suffer are front line services in the main acute hospitals.

We need clarity from the Minister about what has actually been agreed with the Belfast Health and Social Care Trust under the comprehensive spending review (CSR) plans. We need to hear very soon what implications the CSR process has for the other trusts. The Committee and the Assembly need that information immediately. We want to hear a good reason why major front line services are being cut, rather than management, bureaucracy and administration.

The Minister of Health, Social Services and Public Safety: For Mr Wells's benefit, I remind him that, as far as the review of public administration (RPA) is concerned, the Department of Health is the one Department that has achieved its RPA targets. It has reduced the number of trusts from 19 to six and the number of boards from four to one. It has reduced administration by around 1,700 jobs, which saves £53 million each year. It has reduced the number of front line management staff from 180 to 61. My Department has done all of that. It has also increased its efficiency rating by 7% during the past two years. As far as productivity and the RPA are concerned, my Department's performance is better than that of any other Department.

As I have said, the fact is that demand has increased throughout the Health Service. There is increasing demand for services from an older population, as well as on maternity services and A&E attendances and admissions. All of those have gone up. Against that increasing demand, resources have not gone up. Money must be found. I have no choice.

The House voted for £700 million of efficiency savings to be made. Indeed, I have the list of Members who voted for that. Mr McCarthy was one of those Members who insisted prominently on that £700 million, as were members of the Health Committee.

The House must make up its mind where it wants to spend money. It is no use coming to me and saying that I must do this, that and the other; telling me that I must make efficiency savings, yet, when efficiency proposals are made, Members do not want to know and they oppose them. The Assembly will not put its money where its mouth is. It will not vote for that money. Therefore, there is not enough money going to the Health Service.

Funding for mental-health services is 25% pro rata below what it is in England. Demand for those services is 25% higher than in England. In the past two and a half years, I have made those points over and over again. Despite that, due to my Department's efforts, efficiency in the Health Service is up by over 7% in the past two years. It has achieved more than any other Department on RPA and productivity. However, it must also deal with increased demand.

The budget settlement promised the Health Department the first £20 million of available funds. I have not seen a penny. It also promised that my Department could bid for funding for pandemic flu.

I have not seen a penny for that either. That is the reality. However, money is being spent on other things. *[Interruption.]* I hear the First Minister talking from a sedentary position. I notice that resource for his office in the past year has risen from £60 million to £85 million, which is a 30% rise. Do Members want money to be spent on Peter Robinson's office, or do they want it to be spent on front-line health services? That is the issue.

Those plans — and they are plans — were brought forward to me. I asked every single trust to come forward with contingency plans; in fact, they have already done so, and I have to look at them. I keep telling Members that I have tough decisions to make, but it is not only me who has to make this decision; the Executive and the Assembly must do so, too. The Assembly cannot continue to tell me willy-nilly to increase services and provision for this, that and the other — and Mr McCarthy has been one of the most prominent in calling for more money to be spent here and there — yet, at the same time, refuse to vote to give me more money and insist that £700 million of efficiency savings be made over three years.

I have said that we can make those efficiency savings, just not in the time frame required. There is not enough money in the system to do that right now. I do not have enough money to pay the bills; I am in the position that I have been placed in. I remind Members that I put it to the House that the Health Service should be exempted from making those efficiencies. The Health Service can be exempted because moneys for efficiencies are supposed to come from the Executive: they do not have to come from each Department. By the way, it was decided in Scotland that the efficiency

requirement for the Health Service should be 2% rather than 3%, because it was decided that healthcare was a key provision. Only the PUP supported my party; every other party voted against my party's motion. An opportunity exists for Members to look at the issue again, and they must do that.

The debate on policing and justice is about to resume, and I have absolutely no doubt that there will be plenty of money for policing and justice. That will be no problem. However, I think that the Health Service is at least as important as the devolution of policing and justice. I think that Members agree with me, and I am absolutely certain that the public agree with me.

EXECUTIVE COMMITTEE BUSINESS

Department of Justice Bill

Second Stage

Debate resumed on motion:

That the Second Stage of the Department of Justice Bill [NIA 1/09] be agreed. — [*The First Minister (Mr P Robinson).*]

Dr W McCrea: We return to the Department of Justice Bill, which is enabling legislation that will simply permit the devolution of policing and justice to happen at some time. Most parties have said that they believe in the devolution of policing and justice and that the powers of policing and justice should be returned to the Assembly.

I must set that in the context of the many other challenges that we face. I listened with interest to the closing remarks of Mr McGimpsey. The Assembly certainly faces many challenges. My constituents have told me that the economy is top of their agendas and that they are worried about how we are going to get through the hard times of the recession. They have also told me that the banks are still crippling small and medium-sized businesses and that those businesses have not the clout to withstand the excessive charges that are being forced upon them. My constituents have said that they are concerned about whether they will have jobs at the end of the recession. They worry that even businesses with high productivity will not be able to survive the recession.

My constituents have said that they are concerned about whether they will be able to afford their mortgages and keep their homes. They are also worried about the number of hospital beds, some of which have been lost through the Department's foolish direction in policy, and about the cuts in which we will all have to play a part.

Bearing all those points in mind, we know that Sinn Féin has held up vital decisions in the Executive in the past. There was a logjam of necessary legislation simply because that party was not getting its own way. Members may say that that is childish. It is not only childish; it is damaging to the prosperity of Northern Ireland.

3.45 pm

So, we ask ourselves what the recipe is for combating the hard economic times that we are living in. Sinn Féin's answer is to simply increase the financial burden on the Executive and the people of Northern Ireland. I want to address Sinn Féin's demand for the immediate devolution of policing and justice powers.

Given that there is a recession and that people are losing their jobs, homes and other things, why is there such undue haste? The answer is political dogma and

the unrealistic promises that Sinn Féin made to its supporters. The House has no responsibility for any promises made by any party; each party will either stand or fall on its own promises at an election. We cannot be held to any timetable that is suggested by a particular party in the House just because it made promises and is unable to fulfil some of them.

My party has made it abundantly clear that there are two issues that must be addressed. The first issue is cash, which my friend from East Londonderry Mr Gregory Campbell alluded to in his speech. The second issue is confidence. I want to address both of those issues, because they are relevant to our discussion.

The First Minister and his deputy have been in talks with the Prime Minister and Treasury officials about money for the devolution of policing and justice powers. What has been the Government's response? We all know that there is a black hole in the policing budget and that the demands for increased policing have not been realised in the community. In the midst of their demand that we should immediately devolve policing and justice powers, the Government recently added to the pain by demanding £17 million of further cuts.

We also know that there are increasing demands on the police. For example, there is no package in place for members of the part-time police Reserve, who gave excellent and sterling service throughout the years of Provisional IRA terror, murder and mayhem. We have to provide financial support to deal with that demand, because it will not go away.

One of today's papers carries the headline:

"Axe falls on PSNI Drugs Squad".

In the midst of everything, we have a situation where the drugs squad will be removed despite the community wanting more police on the streets to deal with the drugs that are out there. Let us not close our eyes to the real drug problem that exists in Northern Ireland. There is a major drug problem here, although many people want to close their eyes to it and suggest that it is not as big as it is. That problem is causing the destruction of the lives of both young and old.

On top of that, there is a demand on us from the Patten report. I listened carefully to Mr Kennedy's opening remarks when he said:

"our fingers are not in this".

Let me tell him what his and his party's fingers are on. At the time of the Patten discussions, one of the leading politicians in his party at the time, Lord Maginnis, the then MP for Fermanagh and South Tyrone, entered into negotiations on the Patten proposals and agreed to a change in the name of the RUC and the destruction of that organisation. Let not Mr Kennedy try to be pious and say that their fingers were not involved: we know exactly where the fingers of the

Ulster Unionist Party were. Its fingerprints are all over this; they were also all over the Weston Park talks when the Ulster Unionist Party was ready to devolve the powers of policing and justice without anything —

Mr Deputy Speaker: Order, please. I remind the Member to speak to the Bill.

Dr W McCrea: I am endeavouring to point out, Mr Deputy Speaker, that Mr Kennedy was supposed to be dealing with the same Bill, yet he spoke about this very issue. Therefore, if it is being suggested that the matter is not within the Bill's remit, Mr Kennedy, too, must have been totally without the Bill's remit, because I am dealing with the issues that have been raised. It must be very uncomfortable listening for him, but rest assured that the Ulster Unionists are not getting let off on this issue.

Under Patten, there was a demand for the axe to fall on the full-time Reserve. At a time when there is a demand out there for more police on the ground, what is happening? The axe is falling on a vital part of the Police Service of Northern Ireland. Not only has the full-time Reserve given sterling service, but its members want to continue to give sterling service, yet the axe is going to fall on them. That is a recipe for disaster. Therefore, it is not enough to say that we have the devolution of policing and justice powers; the accompanying cash must be made available. Failure to provide that, and failure to put adequate numbers of police on the ground, means that drug lords and community Hitlers will continue to take control of estates and desire to take greater control of estates that they had previously lost.

I have constituents in my office daily demanding action on antisocial behaviour, which is thuggery under another name, and it is not being tackled. When I bring in the police, they tell me that they do not have the manpower to deal with antisocial behaviour. Therefore, although it is important to say that, yes, we need the devolution of policing and justice powers, we had also better face up to the reality that we need sufficient people on the ground in order to be able to do the job. Without the money to pay for them, we will not have the men on the ground. Therefore, let us not live in cloud cuckoo land.

That may be unpalatable for Sinn Féin —

Mr Beggs: Will the Member give way?

Dr W McCrea: No; the Member will, I am sure, want to make a vital contribution to this debate at some later stage.

However, Sinn Féin is saying that we must have policing and justice powers devolved now. Of course, if it closes its eyes to the reality check that is those community challenges, it is living in cloud cuckoo land.

We are told that the answer to those community challenges is police chiefs recommending the closure of police stations and cutting police numbers and overtime. That has led to a lack of confidence in the community. The First Minister said, "Let us go to Mr Brown." I appreciate the efforts that the First Minister has been making to try to get the Treasury and Mr Brown to come up with money.

However, what money can he come up with? Remember that words are cheap. Mr Brown has the certainty of tenure of only a few months before a general election is held. He has no certainty that he will be there beyond then. He can promise the world, but can he keep his promises? When we look to the past and see how easily promises have been set aside, we would be absolutely foolish not to learn lessons.

Others will say, "But what about the Treasury? It will still be there." However, let us look at Treasury figures. We know that its figures have been suspect in the past, because often when the Chancellor of the Exchequer stands up in the House of Commons, he is recirculating money that he had already promised. It is simply a recirculation. Promises have not been realised in the past.

What happens if this Prime Minister's tenure is almost over? Ah, we say, we will look to the Conservatives. Of course, we will then look to their sidekicks, or their tail: the Ulster Unionist Party will guarantee us money. There will be no problem, because Mr Kennedy will say that his party has such influence with the Conservative Party. Although the Ulster Unionists may be only the tail of the cow, they will, nevertheless, be able to assure us that we will have all the money that we need.

That is living in cloud cuckoo land. Without the money, there cannot be the proper devolution of policing and justice.

Mr B McCrea: On a point of order, Mr Deputy Speaker. I understand that, in Standing Orders, there is a rule that states that you are not allowed to compare people to animals. I distinctly heard the Member say that we were a cow. I think that Dr McCrea should withdraw those remarks.

Mr Deputy Speaker: I do not think that that is really a point of order. I will go back to the other Mr McCrea.

Dr W McCrea: I feel sorry for Basil; he is so sensitive today. I never referred to any Member as an animal, I mentioned a party. With the greatest respect, Basil, I have been in politics for a long time, so do not try to lecture me about what we are allowed to do or say.

Mr B McCrea: On a point of order, Mr Deputy Speaker. I think that it is the protocol in this place not to refer to Members by their Christian names.

The Deputy Speaker: I ask the Member to remember that.

Dr W McCrea: That is rich. I am led to believe that one of Mr McCrea's colleagues Alan McFarland used someone's Christian name earlier. Pardon me, is that "Colonel" McFarland? How am I supposed to refer to Mr McFarland? This really shows that the Ulster Unionist Party is on the run on this issue. They are certainly scared of being exposed for exactly what they are. *[Interruption.]*

Where was I before that interruption?

Mr Deputy Speaker: Order. I ask all Members to address their remarks through the Chair and to face the Chair when speaking.

Dr W McCrea: Mr Deputy Speaker, I am very happy to address my remarks through the Chair. I was always told that it is very bad manners to turn one's back on people and refer to them at the same time. Being a good parliamentarian, I try to look around the Chamber as much as possible.

Let me explain what I was going to say before the UUP got very sensitive and very hurt. Certainly, they seem to have been scalded in some way. I was talking about the promise of money. The Tories and the Ulster Unionists are going to assure us about getting that money. However, we already know that they cannot do that. Mr Cameron and his colleagues have said that there will be 10% cuts on everything, straight across the board, and policing was not excluded. He did mention two areas that would be left out — international development and health — but, of course, that has changed. There will now be cuts to the health budget as well.

Mr Kennedy: During much of the early part of the Member's speech, I was heartened to find myself in full agreement with Dr McCrea. At one point, I got the impression that because of his consistent concerns, Dr McCrea was going to join the Ulster Unionist Party in the Lobby and vote against the Bill. Dr McCrea has rightly highlighted the issue of finance. But which parties in the House promised the mother and father of financial settlements for the mother and father of political settlements? Was that not Dr McCrea's party, the DUP? What happened to the new fairer deal?

Dr W McCrea: I suppose that Mr Kennedy thought that that would somehow put me off my stride; that somehow I would shake when he got up; that it would be like being beat over the head with a dead sheep. We never promised that there would be money for the devolution of policing and justice. That was not promised. Therefore, let him not move the goalposts.

He is representing a party that says it is going to take the leadership. As far as the Tories are concerned, they are going to sweep the boards at Westminster.

Therefore, they believe that they are the party with the wherewithal to assure the money for policing and justice; they can whistle because they have the upper lip. The truth, as Mr Kennedy well knows, is that he cannot, and I suggest, should not, take the electorate for granted.

That is an insult to the electorate. We can be sure of one thing: his leader at Westminster, Mr Cameron, has promised that there will be cuts of 10%. There is no money for the devolution of policing and justice. Interestingly, the Ulster Unionist Party is looking both ways. Before I left Westminster, Conservative Front Bench Members told me that policing and justice powers must be devolved now. They may not have told Danny because he is too far down the chain. Nevertheless, they should have told his party leader. *[Interruption.]*

4.00 pm

Mr Deputy Speaker: Order. I hate to break up personal contact between Members, but I ask Members to address remarks through the Chair and to address the Chair.

Dr W McCrea: I am happy to do so.

They should have told the Member's leader. However, the Member has a problem because he is looking both ways. Is Mr Cameron his leader or is it Sir Reg Empey? He does not know.

We will not run away from the issue of the money for the devolution of policing and justice. We must ask ourselves whether we can trust the promise of a Labour leader that the money is there. He is a Prime Minister who might be in office for only a few months. He could face the situation in which he has to rely on Ulster votes to stay in power. Indeed, the Conservatives could have to rely on Ulster votes to get elected. Remember this: our votes will be used to do what is best for Ulster, unlike the actions of the Ulster Unionists in the past. We will make our decision based on what is good for Northern Ireland and Ulster. Can we trust either party? *[Interruption.]*

Mr Deputy Speaker: I ask Members to address the Chair and not to speak from a sedentary position. If Members want to make an intervention, they should ask to do so.

Dr W McCrea: Can we trust either of the two parties across the water to make the decision to provide the money? The answer is no. We must remember that, in the past, they broke their word to Northern Ireland. Mr Kennedy and his party's friends forced the Anglo-Irish Agreement onto the people of Northern Ireland even though the people rejected it. Therefore, we cannot trust them to provide honest answers to the people of Northern Ireland. They messed up the reduction of police numbers, and the

policy of 50:50 recruitment, and they destroyed the RUC through negotiations. That was under the leadership of the Ulster Unionist Party.

Words are cheap, and the people of this Province have been left to pick up the pieces and work with the mess. The money to pay for the devolution of policing and justice must be promised by Westminster or raised through taxes. However, as the Assembly does not have tax-raising powers, the money cannot be obtained by our raising taxes here. So, how can we secure that money and provide the services that are demanded by the community and that will resolve the demands of a dissatisfied public? The only way to do that, if there is no money coming from Westminster and if taxes cannot be raised, is by cutting services.

Mr Kennedy: Will the Member give way?

Dr W McCrea: With the greatest respect to Mr Kennedy, he had his opportunity at the beginning of the debate and failed miserably. Will he let me continue? *[Interruption.]*

Mr Deputy Speaker: Order. It is obvious that the Member does not want to give way, Mr Kennedy. Again, I ask Members to address their comments through the Chair and not to speak from a sedentary position when a Member does not give way.

Dr W McCrea: It is good that Mr Kennedy wants to give an answer. It will be interesting and entertaining.

Without money from Westminster, we will have to cut services and slash budgets. My question is: where? On top of all the pressures of recession, will those cuts be in education? Will they be in hospitals? Of course, some local hospitals are disappearing under the stewardship of Sinn Féin and Ulster Unionist Ministers. Will the cuts be in housing, roads or job creation? I listen to people in the community who tell me that they want MLAs to get on with the business that they were elected to do. Instead of looking for additional powers at this time —

A Member: Will you vote against the Bill?

Dr W McCrea: With the greatest respect, Members are still shouting from a sedentary position. They know that that is the opposite of parliamentary procedure. However, I suppose that they have never been there, and never will be there.

The community is craving for us to deal with the recession. People want us to deal with the issues that are having an impact on their daily lives. The community wants more police on the streets; it wants the thugs taken off the streets and it wants our elderly people to be able to sit in their houses at ease at night without fear of an attack. However, it is not good enough for Sinn Féin to simply say that, whether or not we can pay for it, we will have the devolution of policing and justice because of political dogma, as I

said earlier, or because of a promise to its electorate that it knows it cannot keep.

Sinn Féin must wake up and smell the coffee. It can shut out reality; it can demand devolution of policing and justice immediately, or else. Or else what? I will come to that in a moment.

Sinn Féin has seats in the mother of Parliaments, but it does not go there; it absents itself. However, in that Parliament, a triple lock was secured; in fact, it was a quadruple lock. We were told that the devolution of policing and justice would come about when it was decided by the politicians in Northern Ireland. There were various steps to be taken by the First Minister and the deputy First Minister, and by the Assembly and Westminster, and those were to be put in place.

Does anyone think that, after fighting hard for the triple lock to get things right, to find answers and to achieve confidence, we, as elected representatives, should just roll over to appease Sinn Féin, and hand over to it the locks that were given by the mother of Parliaments? Should we let it unpick those locks as it did the vaults of the Northern Bank? As far as I am concerned, the answer is no. That is fantasy land; it is not reality. We had better face reality in this debate.

The cost of devolution is important, but there is another issue of concern to unionist people, which is the lack of community confidence. There is no lack of confidence in the brave men and women who protect us; indeed, we salute them, because they have defended the people of Northern Ireland through very difficult times, even when they faced murder, mayhem, destruction and terror. Those who were responsible for that terror ought to be condemned and the guilt must be upon their shoulders for so doing.

We salute the memory of those members of the Royal Ulster Constabulary GC, the Royal Ulster Constabulary Reserve and the other security forces who died, because they went out to protect us. We do not have a lack of confidence in those who protect us; but there is a lack of confidence in those who are in authority over them. The suggestions of continuous closures of police stations do not add in any way to the confidence of the unionist community.

There is no use in brushing things under the carpet; I call a spade a spade, and I might get into difficulties for that. Nevertheless, I would be happy to do so, because there are other issues in the community that must be dealt with before confidence can be gained.

Let us consider the issue of parades. There are people in the republican community who do not want any Prods' feet walking on what they call their roads. They do not want any Orange feet walking on their roads. In fact, those are the Queen's highways; they do not own those roads. Therefore, people should have the

liberty to walk down Her Majesty's highways without insult to anyone.

My friend the Member for Upper Bann, who sits beside me, has campaigned constantly about the situation on the Garvaghy Road. The Member for North Antrim could talk to us about Rasharkin and other places.

We now find that the Orange Halls that have been damaged and are constantly under attack are no longer being attacked with paintbrushes: tractors are trying to bust into them. Tractors are being driven into the sides of them. Those issues have to be dealt with. We talk about having confidence in the community: we have to have confidence that those who perpetrate these despicable actions against a law-abiding community will be tackled and brought to justice.

When the police take certain actions, members of Sinn Féin howl and cry about a return to brutal tactics. They say that there is no need for all of these stoppages, and that there are not stoppages in both places. Those actions were aimed at dissident republicans. I do not know why the police would go into loyalist areas to look for dissident republicans.

We must deal with these issues, but the tragedy is that some people are not willing to face them. In the midst of our greatest economic crisis, what does Sinn Féin do? It threatens to pull the place down. It intimidates unionists, and says do not give control of policing and justice to them. Sinn Féin says that it will pull the House down. I suggest that Sinn Féin thinks very carefully about its actions. Remember this: unionist representatives, and the people that they represent, did not give in to IRA weapons, and we will not surrender to Sinn Féin words. We will not give in to demands that threaten and intimidate us, and tell us to do something or else. Those days are over.

In case anyone is under any illusion, as far as I am concerned, the issues, including those of finance and confidence, must be settled before we have proper devolution of policing and justice. Those issues cannot be brushed under the carpet.

I appeal to Members across the House who really want the devolution of policing and justice, and I am led to believe that every party has said that it wants the devolution of policing and justice. How do we hasten that moment? Allow Northern Ireland to have a genuine peace; allow terrorists to be taken on and defeated; and give evidence, if anyone has evidence, on who is perpetrating such dastardly acts as were perpetrated against two of my young friends at Massereene Barracks in Antrim.

We have a job of work to do. We must instil confidence within the community. People tell me what "the people" want. Where do they think I live?

Mrs D Kelly: On Mars.

Dr W McCrea: I have three offices in South Antrim. That might be a smart remark from the Member for Upper Bann, but I will tell her something. I have three offices in my constituency, which were not there before: at the end of the constituency in Glengormley; in the heart of the constituency, in Ballyclare; and in another part of the constituency, with my colleague the Member for South Antrim Mr Clarke, in Antrim town. We are in the community. We are with the community and we are listening to them. The community is not telling me day after day that the greatest need is for policing and justice to be devolved now. They say "get it right".

First, Sinn Féin should deal with the issues that it has power over, instead of threatening to bring the House down or putting logjams on legislation in this place. We must deal with the people that are hurting because of the recession, and try to help them through the most difficult days that any community has had to suffer in the recession, and then build that confidence, to allow people to be respected throughout the Province, whatever part they are in, to allow the community to move together.

Mr McFarland: Will the Member confirm that he is agreeing with the points that my colleagues and I made earlier — that the time is not right for the devolution of policing and justice?

Dr W McCrea: As far as I am concerned, the time is not right. The Bill does not do that.

The Ulster Unionists have a wonderful time building a straw man only to knock him down. That party does not tell the truth to the people of Northern Ireland. The Bill does not say that the devolution of policing and justice powers is imminent.

4.15 pm

Is the devolution of policing and justice powers not the Ulster Unionist Party's policy? Is it not the Conservative Party's policy? I had better be careful not to look in the direction of the Ulster Unionist Benches. Conservative policy is to devolve policing and justice powers now. That is what that party has told us. I see that Mr Kennedy is shaking his head. Has he not been talking to Mr Paterson or to Mr Campbell? Or, indeed, is the conversation one way, with the Conservatives saying, "this is what you should do, Mr Empey; we make demands and tell you what to do"? Do the Conservatives say "jump", and the Ulster Unionists say, "how high, Mr Cameron?" The Ulster Unionists may ask that question because they want to stay in with their coffers and keep what they gain from their relationship with the Conservatives.

I refer the question back to the Ulster Unionists. A statement made by Mr McNarry reads as follows:

“Any financial package for the transfer of policing and justice powers needs to be rigorously tested for its financial sustainability, risk management and contingency planning against potential shortfalls. It should be rolled out over a five-year period initially being funded entirely by Westminster. Only then, on the basis of the outcomes of this five-year period, should it be fully transferred.”

Is that the Ulster Unionist Party’s policy? That is not what Mr Kennedy said in the debate. The Ulster Unionist Party wants to be able to blame everyone else, and it tries to build up a straw man, only to knock him down. I do not need any straw man; I face the facts as they are. The Bill does not hasten by one hour the day of the devolution of justice and policing powers. The Bill is an enabling piece of legislation. If Mr Kennedy believes that policing and justice powers should be devolved at some time, why would he not approve the enabling power? The fact is that he is playing silly politics. That is not a sign of maturity; rather, it is a sign of total immaturity.

We know that SDLP members play little games with each other from time to time; I suppose we should allow them to have that enjoyment while it lasts.

The motion relates only to the Bill, which is a piece of enabling legislation. I assure the House that if the Bill stated the date for the devolution of policing and justice powers, I would vote against it. However, the Bill does not do that, and Mr Kennedy should not pretend that it does. The Ulster Unionist Party should pay more respect to the people out there, because they can read. They know exactly what the Bill says. They do not accept what is read into the Bill by someone who has a political agenda of his own, failed as it is.

I say to all Members that they should face reality. They should allow Northern Ireland to have confidence and stability, and when the day comes that the devolution of policing and justice powers is appropriate, enabling legislation will be in place to facilitate it. That day will come, it will be tested, and each party will have to declare its hand.

I know exactly where I stand, but I doubt whether Mr Kennedy knows where Mr McNarry or some of his other colleagues stand on the issue.

Mr O’Dowd: Go raibh maith agat, a LeasCheann Comhairle. After that 34-minute speech, we can only be glad that the previous Member to speak did not sing.

As several Members said, the Bill is a piece of enabling legislation. I am surprised that the SDLP has not clarified whether it will vote against the motion. The Ulster Unionist Party said that it will vote against it, even though it is in favour of the devolution of policing and justice powers. That is disappointing, because voting against the motion will be not done for credible reasons; however, I will go into that later.

I will work my way through Members’ contributions, including that of William McCrea. It is no coincidence,

a LeasCheann Comhairle, that three of the 12 apostles are sitting side by side. Two of those Members have made the most negative contributions to the debate on policing and justice thus far. Indeed, I think that those Members’ speeches were directed to their own party rather than to anyone on this side of the Chamber. However, those matters will have to be resolved in DUP meetings and discussions.

When I sat here during the Hain Assembly, the interim Assembly and all the other Assemblies, I heard similar words from the 12 apostles. I heard all sorts of demands being placed on society, on Government and on my party. They always spoke about what they would not do rather than what they would do. “Never, never, never” was the mantra that was always used across the Chamber. However, in fairness to them, they eventually did the right thing for broader society. They agreed to share power with their nationalist and republican neighbours. I am not criticising the DUP for that, because that was the right decision. Having been so negative during that period, that party eventually made the right decision.

I hope that the right decision is also made about the devolution of policing and justice powers. Although it is being debated among politicians here, the Bill is about improving the community’s daily lot. It is about ensuring that we deliver for the community. I have heard a lot from some Members about the need for community confidence and community support. We must not deny the community its fundamental right to policing and justice. We must not deny ourselves, as politicians, authority over policing and justice, and I do not mean interference in the day-to-day operation of the courts or policing. If we deny those things, we will truly have let the community down.

William McCrea made much of financial contributions. He is right in some ways, because we need a good financial settlement. However, the argument was countered by his interactions with the Ulster Unionist Party about David Cameron’s promise to make 10% cuts across the board. Is William McCrea arguing that David Cameron will not touch policing and justice in the North of Ireland if he gets into power, with the matter having been left in the hands of the British Government? Is he telling us that David Cameron will not take 10% off the NIO budget? Of course he will; David Cameron will slash the NIO budget.

In these hard financial times, we need to ensure that it is local politicians who manage the finances. As local politicians, we must ensure that those cuts, which are designed simply to balance the books, are not made. Politics is very difficult, and anyone who entered politics, or this place, for an easy ride is foolish. Politics is about having the courage to make hard decisions, and the decision to share power was one such decision.

The Ulster Unionist Party's stance on the Bill is not sincere. That party is using the Bill as a political weapon as it seeks electoral revenge on the Democratic Unionist Party. Every party has the political right to try to increase its mandate, but I ask the leadership of the Ulster Unionist Party to reflect on its strategy. Its strategy appears to be to object to the Department of Justice Bill because it is being proposed by the DUP and Sinn Féin. The Ulster Unionist Party has hitched its wagon to the Traditional Unionist Voice.

The Traditional Unionist Voice agenda is quite simple: to tear down the institutions and the power-sharing arrangements and return us to a pre-1969 arrangement. Perhaps some members of the Ulster Unionist Party and the DUP believe that that would be some sort of Utopia. It is complete and utter political madness, and it is not going to happen. No Government involved in the process, either the British Government, the Irish Government, or, indeed, the Government of the United States, is going to agree to such a strategy for this part of Ireland. Why waste political time and energy hankering after something that is not going to happen?

The Ulster Unionist Party claims to support power sharing. I heard Mr McFarland and some other representatives of his party say that they want the Executive to work and for services to be delivered on the ground.

Why is that party choosing a strategy that, in effect, will bring an end to this institution? That is what it is about. That is what it has hitched its wagon to.

Mr B McCrea: The issue is whether the Executive or the Assembly will work in the open, transparent and consensual way that was envisaged. If the mess in education cannot be sorted out, if the Executive cannot meet and work constructively, if all Ministers are not involved in the decision-making process, a consensus cannot be achieved, there will not be community confidence and this place will be doomed to failure because it will be burdened with issues that it cannot cope with.

Mr O'Dowd: With respect, under the Ulster Unionist Party's strategy, there will not be an Executive, because Jim Allister is intent on tearing down these institutions, the power-sharing arrangements and the peace process. The Ulster Unionist Party has hitched its wagon to him, which is an electoral strategy; not a political strategy.

Mr B McCrea: Will the Member give way?

Mr O'Dowd: No, I will not give way. Dr McCrea again raised the issue of community confidence, as did one of the other apostles. I want someone from the DUP Benches to tell me how they are building confidence in the unionist community. No Member from the Benches opposite has touched on that subject.

Is there a responsibility on me, as an Irish republican, to assist in that process? Yes, there is. Is there a responsibility on me, as a Sinn Féin representative, to do that? Yes, there is. However, we cannot do it on unionism's behalf. I want to know what unionism is doing to build community confidence.

Mr T Clarke: As my colleague from South Antrim Dr McCrea said, he and I are members of the Loyal Orders. We make no apology for that. Mr O'Dowd, by his own admission, said that he can help in the process of building confidence. He can help with the parades issue, which would instil confidence in the unionist/Protestant community. It is the Member's party that holds the key to achieving that. We are proud to be members of the Loyal Orders. We want to walk the Queen's highway, which the Member and his party try to prevent us from doing. Until his party help in that process, there will be no confidence in the unionist community.

Mr O'Dowd: Mr Clarke must understand that the Loyal Orders are one section of the unionist community; they are not "the" unionist community. They are an important section, but they do not speak on behalf of the unionist community.

I assume that Mr Clarke is a member of the Orange Order. If we are to build confidence for the transfer of policing and justice powers, perhaps the best thing that could happen would be for the Orange Order to start to engage with nationalist communities. It could also start to engage with Sinn Féin, which represents, through the ballot box, the majority of the nationalist and republican community. Therefore, Mr Clarke could use his influence on the Orange Order. If that organisation's representatives were to knock on Sinn Féin's door for talks, we will talk to them.

Mr T Clarke: If the Member casts his mind back, he will remember a recent parade in Rasharkin. Dialogue about that parade was suggested. However, a member of Mr O'Dowd's party openly protested on the street on the evening of the parade in an attempt to prevent the Orangemen walking down the street.

Mr McKay: It was not the Orangemen. Get your facts straight.

Mr Deputy Speaker: Order. During their contributions, Members should turn their attention to the Bill. They can have other discussions on another day. Also, Members should speak through the Chair.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. It is important that the Bill passes its Second Stage today. I am sure that the Member opposite will agree that the legitimate right to protest is enshrined in any democracy, which will continue to be the case when policing and justice powers are transferred. I am sure that the Member has been involved in the odd protest. I want to ensure that we

have the confidence of the unionist community for the transfer of those powers.

The closure of police stations has also been mentioned as being damaging to the unionist community's confidence. The closure of police stations is the operational responsibility of the area commander; it will not be the responsibility of the next justice Minister, whoever that may be, nor will it be the responsibility of any justice Committee. It will and should remain the operational responsibility of the senior police officers on the ground, who know the requirements of the communities that they serve. Those officers should consult widely with the local DPPs and should engage with community representatives, but the responsibility lies with them.

Mrs D Kelly: I thank the Member for giving way. I am sure that the Member is well aware of the proposed closure of Edward Street police station in Portadown.

Does the Member not share my surprise that only 12 members of the public attended three meetings about the closure and that just one letter was received expressing opposition to it? None of those people was a political representative.

4.30 pm

Mr O'Dowd: Some parties are using the closure of police stations as a political platform rather than dealing with the needs of the communities that they serve.

I return now to the enabling powers for the transfer of policing and justice. Mr McCrea said that there must be confidence in the PSNI and how it operates. I agree with him 100%. It is also worth noting that the PSNI's senior command structure supports the transfer of policing and justice. Confidence, therefore, exists in that organisation, and the people whom we task with delivering policing on the ground are confident.

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

However, some people assume that the Police Service cannot be criticised. Willie McCrea and others criticised Alex Maskey for his stance today. During the summer, the PSNI arrested four of approximately 100 loyalists who gathered in a small nationalist enclave in Banbridge. Senior members of the DUP in the area were with the loyalists at the time, but none of them was arrested. However, they protested about those arrests outside the police station. Is that wrong? Were they entitled to do that? Are they, as public representatives, entitled to share the concerns of those people? I believe that they are. What is sauce for the goose is sauce for the gander.

I will move on to other contributions to today's debate.

Mr Simpson: Have you protested outside Lurgan police station?

Mr O'Dowd: Many times, and if I consider there to be a requirement to do so in the future, I will protest again.

Mr Deputy Speaker: I again ask Members not to speak from a sedentary position.

Mr Moutray: Does the Member agree that community relations in Banbridge were among the best in the Province until four years ago when a Sinn Féin councillor was elected to Banbridge District Council? That was the source of the discord of last summer and since his election.

Mr O'Dowd: I will abbreviate what Mr Moutray said: many loyalists were upset because the people of Banbridge exercised their democratic right to elect a Sinn Féin representative. Surely that is wrong.

Confidence is a cross-community factor. Republicans and nationalists must have confidence in the institutions, and we also face challenges. The administration of policing and justice in this part of Ireland does not have a fine history; it has, in fact, a dark history. As republicans, we want to assure, and be assured, that we get policing and justice right and that a new justice Department will not be open to the abuses of the past. As part of that, we must have confidence in the Benches opposite. We must ensure that the DUP and the Ulster Unionists operate in a fair and open-minded manner. We could come up with excuses to argue against the transfer of policing and justice.

Mr Campbell devoted his contribution to giving Sinn Féin a lecture on how it must step up to the mark. Mr Campbell, I observed you over the summer in Coleraine. You certainly have not stepped up to the mark. *[Interruption.]*

Mr Deputy Speaker: Order. I ask the Member to direct his remarks through the Chair.

Mr O'Dowd: Tá brón orm, a LeasCheann Comhairle. Were I to seek confidence in the unionist community from leadership such as his, I would not have any confidence at all. I am thankful, however, that Mr Campbell's stance in Coleraine is not representative of the majority of the unionist community.

Mr Campbell: The Member said that the nationalist community in Banbridge elected a single Sinn Féin councillor. Does he accept that the scenario in Coleraine is exactly the same? I happen to have been elected by many people there, and when I speak for them, I speak for them. No intimidation from anyone inside or outside the Chamber, from the Back Benches or the Front Benches, will change my attitude.

Mr O'Dowd: I agree with the Member that he was elected by the people of Coleraine. I am glad that he used the word "intimidation", since he has failed miserably to provide leadership during the ongoing

intimidation and murder. He has shown moral and political cowardice throughout.

I have listened with intent to contributions from SDLP Members. I think that they have spoken for about one hour during the debate. During that entire time, I have not heard the needs of the community being mentioned once. I have not heard the word “community” mentioned once. All that I have heard about is the needs of the Social Democratic and Labour Party, what it wants and what it requires, not what is needed by the community in relation to policing and justice, or what is needed for an ongoing peace process and the establishment of a new beginning on this island. All that I have heard from SDLP Members is what they need and how badly they feel that they have been treated in recent times.

SDLP Members may believe that it is disingenuous of Sinn Féin to support a nomination from the SDLP Benches. We would do so, but we cannot persuade Mr Robinson, the leader of the DUP — or, as has already been stated, the Ulster Unionists — to support it. If the SDLP requires cross-community support, which is, as Martina Anderson stated, enshrined in the Good Friday Agreement, it is up to it alone to see Mr Robinson and Reg Empey and persuade the two parties opposite to support it. For many years, the SDLP has told us that it receives support from all sections of the community. It is now time to use that influence and get support from the Benches opposite. Sinn Féin is on record as saying that, if the SDLP nominates, it will support that nomination.

Much has been made about compromises in all negotiations. We are in a divided society. We are building a peace process, and we are moving on to a new beginning in this part of Ireland. All parties need to compromise their positions. For that, Sinn Féin does not apologise. We will not compromise on any of the basic principles of the Good Friday Agreement or what we are about. However, if the SDLP tells us —

Mr Gallagher: I thank the Member for giving way. He spoke about compromise, and I remind him that the SDLP opposes the Bill because it will stand the principles of equality and inclusion, as laid out in the Good Friday Agreement, on their head. It looks as if Sinn Féin will not assent to that. Furthermore, the exclusion of the d’Hondt principle, regardless of what party it applies to, although it applies to the SDLP in this case, is a fundamental and flagrant injustice.

Mr O’Dowd: The injustice that I have heard about so far is the one that the SDLP claims is being done to it, not to the community or to the people who need policing and justice or to the communities who need a new beginning. In a one-hour contribution to the debate thus far, two SDLP Members have not once mentioned the community.

Mrs D Kelly: On a point of order, Mr Deputy Speaker. If Mr O’Dowd has the chance to go upstairs and check a copy of the Hansard report, he will find that we spoke about the needs of the community. In fact, the SDLP led on policing reforms. The Johnny-come-latelys of Sinn Féin did not support policing for eight years.

Mr Deputy Speaker: That is not a point of order.

Mr O’Dowd: I am more than happy to check the Hansard report. The SDLP’s position of giving in to the Mandelson Bill held back policing reform. As has already been said by the deputy First Minister, the SDLP never once requested the transfer of policing and justice powers to the Assembly.

The SDLP and the UUP try to present the alternative Government to the media and how things would be different if they were in charge. From today’s debate, however, it is clear that the Ulster Unionist Party fundamentally disagrees with the SDLP about how policing and justice powers should be transferred, how the Minister should be elected and what powers there should be. There would be no agreement between those two parties if they were in charge.

Mr B McCrea: Will the Member give way?

Mr O’Dowd: No; I have given way enough. I am about to come to an end. Today is a stepping stone towards the transfer of policing and justice powers. Sinn Féin does not demand it because it wants it.

It is not a case of Sinn Féin putting it up to any party, or else: that terminology has not been used by any of its Members here, in private, or in briefings to anyone else. We are seeking the transfer of policing and justice because it is required, needed on the ground and because communities are crying out for it. We are seeking policing and justice because it is part of the St Andrews Agreement, which was signed up to by the party sitting opposite and by the Irish and British Governments, which also have responsibilities in relation to this issue. Sinn Féin is seeking the transfer of policing and justice because the party is about creating a new beginning for the lives of everyone on the island of Ireland.

Mr G Robinson: I commence by identifying some areas of crucial importance; namely, public confidence, budgetary requirements and infrastructure.

I do not believe that public confidence and the budget are available in significant quantities at the moment to ensure an early date for devolution of policing and justice. However, we must be prepared for the day when it eventually arrives, and the debate is concentrating on the mechanism for that event.

The motion ensures that the framework will exist and the Department will have a name when devolution occurs. People must understand clearly that the Bill is

not the start of policing and justice being devolved; it puts in place the infrastructure that will be required when that happens.

For devolution to occur, the qualifying criteria of public confidence and sufficient funding to run the justice Department must be met. I do not believe that anyone could say that public confidence is anywhere near high enough throughout the Northern Ireland population for the process to begin. There are obvious and major concerns that the funding required for Northern Ireland to have the policing and justice systems that it deserves will fall far short of what is really needed.

I appreciate and thank the First Minister for his ongoing efforts to have the level of funding raised to a realistic level. Like me, he believes that Northern Ireland deserves only the best and must have the budget to ensure its delivery. As the motion is purely technical and designed to put in place the structures needed to form a justice Department, I support it.

Mr B McCrea: There is a temptation in this debate to have a little bit of fun, settle scores, and play a bit of political knockabout. Yet, there are serious issues for us to debate and discuss. In the past, I have made it clear to Members on the Front Bench that if they want to engage properly with us, we will engage. We understand the difficulties facing the Executive, the Assembly, and other matters: Ulster Unionists are prepared to discuss them.

However, we are not prepared to be presented with a fait accompli that we are asked to rubber-stamp. If nothing else has been learnt in the past, Members should have learnt that nothing progresses in Northern Ireland without consensus. Consensus is not demanded; it is built by trust. Showing that something is being done right, and well, builds confidence that something more can be done.

Our opposition to the Bill is principled. We have been vilified in the debate by Members in the Alliance Party; we have been patronised by Members in the DUP; and we have been given a lecture in the obvious from Sinn Féin. However, all of that is for nothing. You should not talk to us; you should listen to us, because we have got things to say that need to be heard. We understand that the DUP is the largest party and that Sinn Féin is the second-largest party, but both parties can move nowhere if they do not bring all of Northern Ireland society with them.

4.45 pm

At the outset, I should have declared an interest as a member of the Policing Board; I do so now. I have looked at the intimate details of the financial challenges facing the PSNI. I also talk to senior and junior officers and I understand their frustrations and the changes that they would like to see made, and I

appreciate the areas of best practice in which the PSNI is falling behind other forces. The PSNI would like to address all those issues and engage positively with the Northern Ireland people in order to make things better for everyone, but it cannot do that in an environment in which nothing else works.

When addressing the motion, I must point out our performance with respect to other issues, notably, from my perspective, education, although I know that other Members mentioned parades and such like. If we cannot address those issues and find proper closure and a satisfactory way forward for all of the people of Northern Ireland, what makes us think that we can do it with policing and justice? That will be the straw that breaks the camel's back.

When it comes to putting out some of the facts, there was much discussion, and some Members were reluctant —

Mrs Long: Will the Member give way?

Mr B McCrea: — to give way, Mr Speaker, but I am not one of them. *[Laughter.]*

Mrs Long: With respect to the Member's point about the Executive's failures on education and on a range of other matters, maybe the Member will clarify whether he would prefer those matters to be un-devolved and sent back to be dealt with at Westminster. Would his party prefer direct rule to devolution, because that is the natural outworking of what he has said? If he is saying that underperformance in those areas makes devolution completely flawed, surely he must argue for sending the responsibility for those matters back to Westminster.

Mr B McCrea: I must say, and I do so with some reluctance, that many parents in Northern Ireland today wish that education was not devolved. They worry about the fate of their children. They want clarity and someone to make decisions, whatever those decisions might be. Instead, we have a complete and utter mess.

Mr Campbell: The Member alluded to the frustrations that we know many parents have about education. But he said that many parents would prefer the education process to be un-devolved. Does he accept that if that were the case, we would have no academic selection of any kind to complain about?

Mr Deputy Speaker: Order. I encourage Members to get back to discussing the motion, which is about justice.

Mr B McCrea: I assure you Mr Speaker that I will do that, but I will briefly address the point that was raised.

Although some people have a view about academic selection, a good school is what most people want.

Mr Deputy Speaker: Order. Please stick to the subject of the debate.

Mr B McCrea: Returning to the debate, certain statements and calls for clarification were made about the general principle, and, because some Members believe that there is a distinct possibility that the Conservative Party will form the next Government, they have alluded to what that party thinks, does and says. For the record, and because Members do not understand, let me quote what Owen Paterson said during the passage of the Northern Ireland Act 2009:

“We have therefore always supported the eventual devolution of criminal justice and policing, when the conditions were right and once the proposed model for devolution had the support of all the communities.”

That is the standard, and I am also prepared to say — *[Interruption.]*

Mr Deputy Speaker: Members should make their remarks through the Chair.

Mr A Maskey: Will the Member give way?

Mr B McCrea: Can I answer that point? Fair enough, go ahead if you have a point.

Mr A Maskey: Once again, a LeasCheann Comhairle, the Ulster Unionist Party has quoted Owen Paterson’s remarks with respect to the legislation that passed through the British Parliament.

Would the Member care to go on to say what Owen Paterson proceeded to say and do? The Conservative Party supported the legislation’s passage through Westminster, unlike the Ulster Unionist Party. Can the Member clarify for which part of the party the UUP is now speaking?

Mr B McCrea: I understand the point that the Member opposite is making. The reason that we oppose this particular stage of the Bill is that we think that there is undue haste to devolve policing and justice powers. When the First Minister spoke, he outlined —

Mr Kennedy: I am grateful to the Member for giving way. The phrase “undue haste” struck a chord, because it was Dr McCrea who said that this legislation is being driven forward with undue haste. Was that not a fine statement?

Mr B McCrea: I am grateful to my colleague for bringing that point to my attention. I agreed with many of the comments that the Reverend Dr William McCrea made during his speech — certainly in the first hour of it that I heard. In fact, Mr Kennedy said that we thought that he was coming over to support us, because all the points that he made are precisely the reason that we have an issue with the legislation. Frankly, I cannot understand why there is a dichotomy in the DUP’s position on the devolution of policing and justice powers. Why does the DUP say one thing in public but other things in private? No community confidence yet exists to move the legislation forward.

Our concern represents a principled opposition to undue haste in progressing the legislation. I think that I heard today —

Mr O’Dowd: Will the Member give way?

Mr B McCrea: I will give way in a moment. I think that I heard — I could be wrong — from the deputy First Minister that we are looking to get things done by Wednesday; that we are going to get things sorted out very quickly. That seems to me to be —

Dr W McCrea: I think that I dealt with that.

Mr B McCrea: I am not sure that the Member did, because I would not be surprised if policing and justice powers were devolved before Christmas or at least the —

Dr W McCrea: Wise up.

Mr B McCrea: I will tell the Member why, and I am putting out a challenge here. The window of opportunity to devolve policing and justice powers, if we are to do that, is open before Christmas. It is probably open in the last week in October and the first couple of weeks in November. After Christmas, we are into Westminster elections, when there will be purdah —

Mr T Clarke: Will the Member give way?

Mr B McCrea: I will finish my point and then let people in. We will go into purdah, during which time we will get no decisions from Westminster. There will possibly be a change of Government, but certainly there will be a Government that will have many financial matters to deal with in the United Kingdom. They will not be interested in this place. We will then have Assembly elections. It will be three years, at the very least, before powers can be devolved.

I do not know whether it is the case, but I have heard it said that it is politically untenable for Sinn Féin to wait that long, because it has made promises, which it is quite OK for it to do. However, we have been told that, if we do not pass the legislation now, the danger is that the Assembly will collapse. The danger is that we are trying to satisfy one set of expediencies at the expense of others. We do not want to put that particular test to the people of Northern Ireland. That is why we are saying that we should be objecting to the Bill now. I am talking directly to each and every Member of the Assembly when I say not to put my party in a box that says that we are rejecting the legislation out of hand. Do not say that this is party political posturing or that we are trying to make political gain at the expense of unionist colleagues. That is not the case. What we are saying directly to Members here and now is that there is a problem.

If Members want to come to talk to us, they can do that. Despite all the platitudes that have come in our direction, nobody has come to talk to us. Members

have said in the Chamber that we have had a difference of opinion with the SDLP.

I am happy to be corrected — the SDLP can speak for itself, and I will take an intervention — but I understand that the SDLP's preference is to rerun d'Hondt in its entirety and, if that is not possible, the next party should take the office. That party happens to be the SDLP. We agree with that position. The leader of our party is on record as saying that we will support an SDLP candidate, having said what our position is first.

Mrs Long: Perhaps the Member will clarify what his party leader was raging about in the newspapers when somebody uncovered the miraculous information that David Ford is not a unionist. He said that an Alliance Party Member holding the post of justice Minister would have serious implications because it would be unthinkable that a non-unionist should occupy that office. He was, in effect, hanging a “no nationalist need apply” sign over the door.

Mr B McCrea: During this debate, Mr McFarland stated our position categorically.

Dr Farry: Reg Empey is wrong.

Mr B McCrea: Mr Deputy Speaker, intemperate remarks are coming from a sedentary position to my right. I shall ignore them and press on.

Mr Ford: Will the Member give way?

Mr B McCrea: Of course I will give way to the leader of the opposition. Sorry; he is not the leader of the opposition any more.

Mr Ford: I am delighted that the Member has given way. Perhaps he should have listened to Naomi Long's question. The simple fact is that the leader of the Member's wing of UCUNF said in the press that the justice Minister must be a unionist; now he is saying that a member of the SDLP is acceptable. Which does he mean? He cannot mean both.

Mr B McCrea: In the Great Hall, I have had to deal with some inappropriate language from Alliance Party colleagues. I find it offensive that the Alliance Party — a party that was founded on the principles of inclusivity — tried to take political advantage of a situation to realise its real ambition of making itself relevant and making one of its Members the Minister of justice. My comments are being reported by Hansard. We have serious concerns that if the proper procedures are not followed in the selection of a Minister of justice, that Minister will not be able to command the support of the entire House and of society as a whole.

Dr W McCrea: Will the Member give way?

Mr B McCrea: I am sorry; I have to carry on. — *[Interruption.]*

Mr Deputy Speaker: Order. I regret that I have to ask Members again to ensure that their remarks are made through the Chair. It is my responsibility to ensure that I hear what is being said, but I cannot hear because of remarks that are being made inappropriately. Let that be the final request for respect for the Chair.

Dr W McCrea: May I ask the Member a question very respectfully so that you will hear, Mr Deputy Speaker? Did the leader of the Ulster Unionist Party in Northern Ireland say that the justice Minister would have to be a unionist? How does that equate with Mr Basil McCrea's statement that an SDLP member would do? I did not know that the SDLP had joined the unionist camp.

Mr B McCrea: That question would be best put to the man himself, who is not here. *[Interruption.]* For those of you who care to listen rather than indulge in pointless rhetoric, our position is that if you want to resolve the issue, you will have to start talking to the rest of the people here and not only the DUP/Sinn Féin axis.

The position of the Ulster Unionist Party, which was stated earlier by Mr McFarland and which will be stated again by Danny Kennedy, is to agree with the SDLP and to rerun d'Hondt. If that is not possible —

5.00 pm

Mr McFarland: We are clearly confused here — *[Laughter.]*

It was not the policy of the SDLP to rerun d'Hondt; it was the Ulster Unionist Party's. During the meetings of the Assembly and Executive Review Committee, the policy of the SDLP was to run on the end of d'Hondt, but I am happy that it has now joined with us in suggesting rerunning d'Hondt.

The Ulster Unionist Party has made it clear from the start that if a new Department is to be created, d'Hondt must be rerun. Under that, a unionist — in this case the DUP — would have first choice of Departments and could take the Department of justice. That is the context of that comment, and to suggest that it meant something else is incorrect.

Mr B McCrea: It may or may not be rubbish. *[Laughter.]* In the sense — *[Interruption.]*

I take many interventions in the House, and I am prepared to answer straight questions with straight answers. There are very few Members from whom I have refused to take an intervention, and what I now see in the Chamber is very childish behaviour.

I have precious few opportunities to offer Members a solution or to suggest what they should do. However, there are several things that the Executive must do: they must resolve the education debacle; they must prove that the Executive can meet in a totally inclusive way; they must deal with some of the more contentious

issues in ‘A Shared Future’ — although I am not sure what document we are dealing with now — and they must prove that they have the maturity to deal with real issues. If they can do all those things, they will demonstrate to the people of Northern Ireland that they are making decisions, that they can make it work, and that they can be trusted. What I have seen recently does not fill me with confidence, and when people —

Mr O’Dowd: We hear a great deal from the Ulster Unionist Party about the responsibility of others. What is the responsibility of the Ulster Unionist Party on the devolution of policing and justice? Furthermore, what is unionism, and particularly Mr McCrea’s class of unionism, doing to promote confidence in the unionist community on policing and justice?

Mr B McCrea: The responsibility of the Ulster Unionist Party is to place the devolution of policing and justice in a stable political environment. Our caution to the Assembly is that if those powers are devolved with undue haste and without the appropriate consensus, such stress will be placed on the Assembly that it might collapse and we might never get it back again. That is an important issue, although some Members have said that that does not matter, and the House had a lecture earlier from Sinn Féin about what such a collapse would mean.

In 1998, the Ulster Unionist Party did the heavy lifting. It took the risks to put the Assembly together through conversation with our colleagues in the SDLP while some johnny-come-latelys from Sinn Féin tagged along at the end, and there was neither sight nor sound of the DUP.

Because we believe in devolution, we addressed the important issues: ‘A Shared Future’, the people of Northern Ireland, and the way forward, and we have taken heavy losses in doing the right thing. When Members use platitudes and tell us that we must do the right thing, I must tell them that we are doing the right thing.

We are saying that this is not the right time and that conditions are not right. You have not built the consensus; you have not got community confidence, and you have not shown us that you can do anything worthwhile. In fact, I found it particularly rich when the deputy First Minister stood up, intervened, and said that we brought the Assembly down, when he held it to ransom for 150 days. That sort of hypocrisy makes everybody else in the country look at this place and wonder what we are doing up on the hill.

Dr Farry: On a point of order, Mr Deputy Speaker. Mr McCrea has accused the deputy First Minister of being a hypocrite, which is unparliamentary language. He needs to withdraw that remark.

Mr B McCrea: I have no problem with that. If there is an issue about what I said, I can say that the party is hypocritical. *[Interruption.]*

Mr Deputy Speaker — *[Interruption.]* I give way to Mr McCallister.

Mr McCallister: I am grateful to my honourable friend. Would he be surprised to learn of the Alliance Party’s stand just over a year ago when its leader, David Ford, said that the Alliance Party would not take the policing and justice Ministry? He went on to make the same argument when he said:

“The Alliance Party will not be taking the Policing and Justice Ministry. This Executive is failing in its duties, so Northern Ireland needs a strong and coherent opposition. We are providing that opposition and we will continue to do so. The Executive is in crisis over planning, the environment, the 11-plus, Irish language, and the multi-sports stadium issue”,

to name but a few. *[Interruption.]*

Mr Deputy Speaker: Order. I am having difficulty hearing Members, and there is an important issue that I need to clear up. Did I hear Mr McCrea say that he would withdraw the remark “hypocrite”? That is necessary for the Hansard report. Mr McCrea may continue.

Mr B McCrea: Thank you, Mr Deputy Speaker. The intervention from my colleague Mr McCallister is helpful. It shows that there are people in the Chamber who have got ambitions that do not solely rest beyond their own self interest. If the Assembly wishes to come to terms with the future and not look to the past or rehearse the old arguments, or not be a hostage to those things that were wrong, but look forward, confident in its ability to deal with the challenges that face our society, that can be done in discussion here. Those are issues.

With regard to registering our disapproval and our concern for the timescale, which I accept is not present in enabling legislation, there are other issues that lead us to believe that those decisions will be taken sooner rather than later. We wish to make it clear that any undue haste or unseemly rush to make an appointment will end in severe disappointment, and that is the point that we are trying to make. We will use whatever political platform we have to address those issues. Do not misinterpret it: do not think that we are against the devolution of policing and justice in principle. We want to have control over those issues, and we want to tackle all the problems facing society in Northern Ireland. We want to have control, but we can do so only when we have the correct conditions.

From my experience on the Policing Board, I know about the financial pressures on the PSNI, and other elements of the criminal justice system are severe and are likely to get worse. We must deal with those issues, and we cannot countenance the early devolution of policing and justice until those issues are sorted out.

I want to conclude on those matters, and I hope that I have not baulked at anyone who wanted to have a go. I hope that everybody who wanted to have a go has had a go. I see the First Minister on his feet. I was a bit worried that I had neglected him.

The First Minister: I am grateful to the Member for giving way; he has been generous in giving way when Members have asked. He indicates that the force of the Ulster Unionist Party's position is that it is a principled position; that party supports the devolution of policing and justice, but has concerns about the timing. That is a perfectly sensible position to adopt, but the Bill does not say anything about the timing of the devolution of policing and justice. It is about the principle that, at a point in time, when the Assembly decides it appropriate, it will draw down the powers. It is an enabling piece of legislation dealing with the principle alone. If his party agrees with that principle, why would it not support the Bill? If it does not agree with the timing at the stage when it is brought forward, it will have the opportunity then to vote against the transfer on account of the timing.

Mr B McCrea: I thank the First Minister. I was coming to a conclusion, so I will answer that point, and it will then be for someone else to carry on the debate.

The point that we are making is that, when a Bill comes before the Assembly for its Second Stage, that is one of the opportunities for us to outline our very real concerns. The most important thing that I can say is that we need to have a proper discussion among all parties about those issues, with a view to moving forward.

Some people may disagree with the tactic that we have chosen, and which I believe other parties have chosen, but we want to emphasise and reinforce our absolute concern about what appears to be a runaway train. We do not want the devolution of policing and justice to happen unless it is going to succeed, but we do want it to happen, and we are prepared to engage. We are not playing party politics. We are prepared to take the brickbats from others in the Chamber, because that seems to amuse them. We are trying to send a serious message to everyone: if they want to move forward on contentious issues, all parties in the Executive — in fact, I would go so far as to say all parties — need to be involved in the discussions, and their concerns must be taken countenance of.

Mr Durkan: The Bill has three clauses, and constitutes enabling legislation. Clause 1 and clause 3 present no problems for the SDLP. We fundamentally oppose clause 2, because it is a fundamental departure from the provisions and promise of the Good Friday Agreement. We stand by that agreement.

The principle of the devolution of justice and policing is one that the SDLP cherishes and champions. We have pressed, urged and called for the devolution of justice and policing for many years. While Sinn Féin was opposing the devolution of justice and policing that was taking place in 2001 and 2002 — through the establishment of the Policing Board and the transfer of powers from the Secretary of State and NIO to the Policing Board on the one hand and the Chief Constable on the other — the SDLP was making the devolution of justice and policing happen. We are not going to take lectures or questions from Sinn Féin suggesting that we have opposed the progress of the devolution of justice and policing or the implementation of the Patten report. We drove the implementation of the Patten report when Sinn Féin was still rejecting it.

When I was deputy First Minister, I sought agreement with the then First Minister on how to frame progress in relation to the wider debate on the devolution of justice and policing powers to the Assembly. I also raised that issue in meetings with members of other parties, including Gerry Adams and Martin McGuinness, when I discussed the possibility of taking some new initiatives in the Executive, including, perhaps, the appointment of additional junior Ministers from some of the other parties, because there was further work to be done to build on devolution. Unfortunately, those proposed initiatives came to nothing because of the sort of disagreements that were ongoing at that time. We know what those were, and we know what brought about suspension in October 2002.

I was on public record as saying that we needed to start framing our understanding of how we would move forward on the devolution of justice and policing. Even after suspension in October 2002, when all-party talks were convened by the two Governments, again we were saying that the whole question of making progress on the devolution of justice and policing had to be included in those negotiations.

That was included in various submissions that we have made in other talks since then, including those at Leeds Castle and elsewhere. Therefore, I do not take any nonsense from Sinn Féin that we have not been pushing for the devolution of justice and policing.

5.15 pm

We believe in the devolution of justice and policing, not only because we are democrats who believe in maximising the powers that are exercised by democratically elected people on this island but because we believe that that is clearly provided for in the vision that is set out in the Good Friday Agreement and in Patten, which stems from the agreement. We believe that the Assembly will only be deserving of the title of

a legislative Assembly when it has the power to legislate on criminal law.

We are also very clear that there could be key benefits across a number of services to the community if justice and policing were devolved, because there could be better meshing of programmes, better gearing of policies and better organisation and sharing of budgets across services if they were all to come under the devolved Budget. Only a couple of weeks ago, the SDLP ran a conference in Belfast on youth justice, and we used that as an example of why we are crying out for the devolution of justice and policing.

A number of services that are already under devolved control are also relevant to justice and policing, but we do not always get proper meshing and interface between services, resulting in budget breakdowns and budget black holes. Contrary to what Mr O'Dowd says, we are very strong and positive, for good community reasons, in our support for improving our services and improving performance and efficiency as we deliver them across the sectors. We believe in the devolution of justice and policing.

We have also consistently said that the parties here should unite to deliver the devolution of justice and policing, not only by completing the Good Friday Agreement but by facing down the sinister threat from so-called republican so-called dissidents. We have said consistently that those people are still using the old Provo-speak of "Crown forces", "British police force", "collaboration" and "collusion", which is what we heard from the Provos and Sinn Féin during the 1980s and 1990s. They are using that language not only to intimidate members of the Police Service and to extend that intimidation and threat to their families but to try to create a wider sense of intimidation and fear across the community.

The best answer that we, as democrats, can give to the dissidents is to unite. We showed a united response after the murders in Antrim and Craigavon earlier this year, but we must show not only a united temporary, emotional response but united deep-running and real political unity. We can best do that by joining to deliver the devolution of justice and policing, and that is what we want to do. We know the sinister agenda of the dissidents, and we know that they are trying to use the present sense of instability and uncertainty.

I hope that some Members will be more careful with some of the language that they use in the debate. Saying that there have been all sorts of threats in the exchanges that are going on privately is dangerous talk. I hope that that is not the tone of any exchanges that are going on between Sinn Féin and the DUP and between the First Minister and the deputy First Minister. I hope that it is not the tone of any briefings that the DUP is giving to its people, because if people

were to try to create the impression that we will be on the verge of collapse if someone does not get their way on this issue, it would be grist to the mill of the dissidents. They want to create and feed off the prospect of instability, so they will continue to exploit any differences and difficulties that there are around the issue. Let us resolve those difficulties sooner rather than later.

Mr O'Dowd: Given the laudable reasons that the Member has given for the need for the transfer of policing and justice, will he set aside his party's selfish and narrow interests on the matter and vote in support of the transfer of policing and justice?

Mr Durkan: The Member suggests that support for the Good Friday Agreement is a selfish party interest. It is absolutely fundamental to us, and we have stood by it.

We are aware that Sinn Féin has ditched all sorts of elements of the agreement. We all know that my Oxford speech was a defence of the agreement and an exposure of how Sinn Féin has sold it out on several levels on a number of occasions.

What is the sell-out in the Bill? Clause 2 is the sell-out. It provides that the Minister of justice will not be appointed by d'Hondt, as is prescribed by the agreement. Nor will the Minister be appointed according to democratic inclusion, which is the method that was enshrined in the agreement and included in the Northern Ireland Act 1998. The Minister will be appointed by another means that has not been provided for in either the agreement or in the 1998 Act.

Earlier, I listened to Martina Anderson quote section 17(4) of the 1998 Act, which states:

"The number of Ministerial offices shall not exceed 10 or such greater number as the Secretary of State may by order provide."

She then quoted section 17(5), which states:

"A determination under subsection (1) shall not have effect unless it is approved by a resolution of the Assembly passed with cross-community support."

Clearly, she was trying to give the false impression that the agreement provides for a Minister to be appointed by cross-community support if the number of Ministers will exceed 10. That is not what the 1998 Act says. Basically, the Act says that if there are to be more than 10 Departments, that decision must be approved by cross-community vote. The Act and the Good Friday Agreement provide that Ministers will head Departments and all Ministers will be appointed according to the rule of democratic inclusion that is used in the Assembly, which is d'Hondt. That democratic inclusion is provided for absolutely in the agreement.

Mr A Maskey: I thank the Member for giving way. On a number of occasions in the debate, he and his party colleagues said that in the past, they have advocated, urged and sought the transfer of policing

and justice powers or, as Mark said, the framework for an understanding of how that might happen.

Given the fact that, obviously, none of that advocating, urging or seeking an understanding of how the Assembly might sort all that out has actually ended in the transfer of policing and justice powers, is the Member now telling us, on the SDLP's behalf, that if a positive answer to those questions cannot be obtained, he is prepared to say that under current circumstances, there will not be devolution of policing and justice powers?

The sum total of the SDLP's line is that the transfer of policing and justice powers will not happen. I ask the SDLP whether, given all that experience, it is now telling people that, because of the arguments that it has outlined, we can now look forward to a future in which there is absolutely no prospect of the transfer of policing and justice powers? That is the choice: the Assembly either does what it takes to get the transfer of those powers, or it does not.

That is a simple question that requires a simple answer.

Mr Durkan: I thank the Member for his lengthy intervention. Let us be clear: the SDLP does not believe that subverting the Good Friday Agreement is the price that needs to be paid to secure the devolution of policing and justice powers.

Obviously, the Member believes that the Assembly must do whatever it takes. Why does Sinn Féin have that imperative? It has that imperative because it sold out in the St Andrews Agreement. It pretended that it had secured the devolution of policing and justice powers by May 2008. It told the public that that was signed, sealed and delivered. It said that the DUP had no choice: there would be devolution of policing and justice powers by May 2008.

The SDLP has never claimed that it has the deal done on devolution of policing and justice powers. We never claimed that we had stitched up the DUP or anybody else. We have always been honest. When we could not reach agreement, we were honest about it. We did not pretend that we reached agreements when we had not. That is what Sinn Féin did going into the St Andrews talks, and it is what it did afterwards. It misled the electorate and itself. Now the penny has dropped among its own members, who are becoming panicky.

What else did Sinn Féin do at St Andrews? It forfeited the agreement by giving new vetoes to the DUP. Those vetoes help to gridlock and worsen the situation that now exists in Government. Contrary to the DUP's claims at the time that they would improve Government, a number of the changes that were made at St Andrews have added to the difficulties that we experience at present.

If Sinn Féin had its way, there would even have been in the St Andrews Agreement the exclusion from Government of parties that did not vote for members of its party and the DUP to be First Minister and deputy First Minister.

That was in the comprehensive agreement that Sinn Féin had agreed with the DUP and the two Governments, and it was going to be included in the St Andrews Agreement. The DUP and Sinn Féin said that any party that did not vote for a First Minister and deputy First Minister from their respective parties would be excluded from ministerial office, not for breaking any law, committing an offence or wrongdoing, but simply for exercising a democratic —

Ms Anderson: *[Interruption.]*

Mr Deputy Speaker: Ms Anderson, are you questioning my ability to chair the debate?

Ms Anderson: No.

Mr Deputy Speaker: I need to know.

Please continue, Mr Durkan.

Mr Durkan: Sinn Féin obviously cannot take the truth. I have a few more truths to tell. Sinn Féin was prepared not only to sell out on democratic inclusion but to introduce a new rule to exclude parties that did not support it. Our negotiations with the DUP were the only thing that seemed to unnerve it sufficiently and change the position. Sinn Féin made no move to defend the agreement at that point; rather, it introduced a perverse exclusion of parties that exercised the right not to support people for the positions of First Minister and deputy First Minister.

Sinn Féin allowed exclusion then, and it has allowed it again this time. The Bill says that the justice Minister will not be appointed by d'Hondt or by any such means. The devolution of justice and policing should be as the agreement provided; there really should be a rerun of d'Hondt. We quickly gathered that other parties did not want a rerun of d'Hondt for different reasons, such as not wanting to upset Ministers. There were also questions about how a rerun would be engineered in such a situation. My party said that using a d'Hondt top-up as a way of meeting the problem was fair enough. That was our position regardless of who would have benefited from it. We defended other parties' interests as well as our own under the agreement.

When related legislation on the devolution of policing and justice was being debated, we opposed any election of a justice Minister, and, in particular, we protested against the method of election for a Minister that would have excluded members of the Alliance Party specifically, not on the grounds of mandate, but on the grounds that its members are not designated either unionist or nationalist. We actually defended the Alliance Party's rights in that respect. We said that the

law was flawed, particularly because it was going to discriminate against the Alliance Party.

The Bill is basically a charter for discrimination, because it allows the DUP to show patronage to one party — a party of its choosing — for the Ministry and to discriminate against a party that is democratically entitled to it. That is a carry-over from the old Stormont days, when the systems of proportional representation were removed first for local elections and then for parliamentary elections. By departing from d'Hondt, this new Stormont regime has begun to remove and interfere with the proportional representation inclusive provisions that are laid down in the agreement. Those principles are fundamental for the SDLP, not in our own interests as a party, but as Irish democrats who want to honour the agreement that is the express will of the Irish people.

As for Sinn Féin's generous support of an SDLP nomination: how specious and vacuous can you get? That was an entirely empty gesture by Sinn Féin to keep itself right after it made a huge gaffe by allowing Martin McGuinness to agree with Peter Robinson that the justice Minister will be appointed by a cross-community vote at all times. I repeat: at all times. That is going to be a permanent DUP veto on a Sinn Féin Minister and, any time that it wants, on a nationalist Minister. That absolutely guarantees that no nationalist need apply.

Sinn Féin agreed to that wording, it slept in on it, and it said that it was great. However, when we pointed out the problem, the party said that the wording was not meant to mean that and that perhaps either some punctuation marks were missing or one or two words were wrong. Everyone else knew what "cross-community support at all times" meant. It was a permanent DUP and unionist veto on who could be justice Minister, which is absolutely contrary to the principles and promise of the Good Friday Agreement.

Sinn Féin did two things to try to undo that damage. It said that its preference was to support an SDLP nominee. Straight away, I said to the deputy First Minister and junior Minister Gerry Kelly that they would just support the Alliance Party nominee when the SDLP nomination was defeated. In response, I got a shoulder shrug from the deputy First Minister and something between a grin and a smile from junior Minister Gerry Kelly. Therefore, Sinn Féin's support for an SDLP nominee is an entirely empty gesture to try to cover up serious folly and a serious mistake in its negotiating position.

John O'Dowd said that it is up to the SDLP to sort out the DUP and the UUP, even though Sinn Féin handed those parties a veto that it did not need to. We already heard the reference to the triple lock and the quadruple lock. I remember the First Minister saying

in the House of Commons that there would be a double-double lock, not just a quadruple lock. Sinn Féin handed those parties a veto and is now telling the SDLP to do what it can to sort them out. If Sinn Féin wants the SDLP to repair its damage, it should step aside instead of getting in the way.

Mr O'Dowd: The Member had an opportunity to vote against the Bill in Westminster, a place that he thinks highly of because he is resigning from here to go and live in Westminster. He had an opportunity to vote against the Bill, but he left before the vote took place. Why did he do that?

Mr Durkan: There was not going to be a vote; certain parties had agreed that they were not going to divide the House. We made clear our point of principle in opposing aspects of that Bill, just as we have done today. We will record our opposition by voting against the Bill because of clause 2, not because we are opposed to the devolution of justice and policing. The Good Friday Agreement does not need to be sold out to facilitate the devolution of justice and policing.
[Interruption.]

I hear more from Martina Anderson. I heard her say earlier that she never said that the SDLP was not entitled to the justice Ministry. On several occasions in the late summer of 2008, she said that the SDLP was arrogant and did not have any entitlement to any Ministry. She will find copious references to that in the media, which quote her. She was not the only one; at the same time, Alex Maskey said that the SDLP was putting petty self-interest ahead of the national interest on the devolution of justice and policing. Both of them indicated that the Alliance Party could be entitled to the justice Ministry. Of course, that was before the deputy First Minister had his moment of epiphany and told me that Sinn Féin would support the SDLP. We did not hear anything about a Sinn Féin preference to support the SDLP when Martina Anderson and Alex Maskey were having a go at us in late August and early September 2008. The record on that is clear, just as it is on the phrase that Dolores Kelly quoted about the devolution of justice and policing and political lifetimes. Mr Simpson did say that.

Mr Campbell: He did not.

Mr Durkan: He was quoted in the media; I can give those references to the Member. Why would he not have said it? The phrase came from a DUP policy document that was issued during an election campaign, and the leader of the DUP was happy to clarify it several times in Westminster. Therefore, it would be odd if some DUP MPs had not used the phrase "political lifetime".

The First Minister: I have the policy document with me. The Member should listen carefully to what it says:

“We have repeatedly indicated that in the context of Sinn Féin having a ministerial role in policing or justice it could be a political lifetime before such powers would be devolved.”

That was the context.

Mr Durkan: The document continues:

“However, we have now negotiated arrangements which allow the powers to be devolved when we are satisfied but also allow us to block a Sinn Féin Justice Minister.”

The DUP still has that power. That power is not removed by the Bill.

What were Sinn Féin’s two big ways of sorting out the gaffe in the joint letter from the First Minister and deputy First Minister that ceded that there would be a unionist veto at all times on the appointment of a justice Minister? As well as making the completely bogus promise to the SDLP of their votes on the nomination, they also secured the sunset clause of May 2012 in the Westminster Bill.

It is important that people understand how this Bill connects with the other legislation that already exists at Westminster. People talk about the need for confidence and stability before they will agree to the devolution of policing and justice powers, but it is also important that we address the need to ensure that there is absolute confidence and stability when we get devolution. The formula that has been negotiated between Sinn Féin and the DUP does not give us that.

Yes, we can elect the first justice Minister here by cross-community support, contrary to the provisions of the agreement. When the Assembly returns after an election in 2011, the justice Minister will, again, have to be elected by cross-community support. We know that all sorts of negotiations and stances might be taking place at that time. It might be a considerable time before we get a justice Minister agreed and appointed. In 2011, therefore, we could come back here and have a Department with no Minister.

Then, of course, there is the sunset clause: Sinn Féin’s guarantee that this is only a temporary arrangement and veto that cannot last beyond 2012. The sunset clause says that, in May 2012, the Department will be dissolved, unless there has been agreement to continue that arrangement or there has been agreement on other models. When I asked Alex Maskey earlier what happens if there is no agreement in May 2012, he meandered a bit but eventually said that there will have to be agreement because there is no fallback position.

That is not true. A fallback is built into the legislation, and either Sinn Féin is aware of it and is pretending that it is not there — just as it was aware of all sorts of other things that it conceded and pretended were not there. The party pretended that things going on at St Andrews — such as making sure that we could not move away from academic selection — were not

there and just focused on other things. The fact is that there is a fallback.

Paragraph 8 of schedule 1 to the Northern Ireland Act 2009 provides for a fallback. Paragraphs 6 to 8 provide for the crash of the dissolution of the Department in May 2012 — Sinn Féin’s guarantee that the DUP will have to cede its veto at that time. Paragraph 5(2)(b) of schedule 1 to the Act states that paragraphs 6 to 8 of schedule 1:

“are not to apply at all if an Order in Council has been made under section 21A(7C) of the 1998 Act.”

Section 21A(7C) was inserted into the 1998 Act by the Justice and Security (Northern Ireland) Act 2007. Therefore, it is not from the agreement, and not really from even the 1998 Act. It allows the Secretary of State for Northern Ireland to impose the model for the devolution of justice that was legislated for in the Justice and Security (Northern Ireland) Act 2007. Therefore, the fallback is there.

I think that the DUP knows that that fallback is there. Its members may have been careful not to show it off in public, but they know that it is there. The NIO is maybe being careful not to show it off in public and let on that it has provided the DUP with that cover of a fallback, but it is there, contrary to Sinn Féin’s claims. Again, that shows the absolute failure of Sinn Féin’s negotiation on that and other matters.

The Justice and Security (Northern Ireland) Act 2007 provides for a Minister and a deputy Minister elected by parallel consent. That model is the fallback position for May 2012. That means that the DUP will continue to have a veto over the appointment of any nationalist justice Minister. The fallback is there, and, in many ways, the DUP probably feels quite smug that it still has the at-all-times veto. If the DUP does not agree anything else with Sinn Féin, that is the fallback position.

Sinn Féin was wrong to give the DUP that veto in the first place and wrong to allow it to remain. Did Sinn Féin know that that fallback position was there? Is Sinn Féin happy with that? If so, why is Alex Maskey pretending that there is no fallback position, and that Sinn Féin will have the DUP over a barrel at that time? Can anybody tell me?

Mr O’Dowd: I will tell you.

Mr Deputy Speaker: Order. For the umpteenth time, I request that remarks be made through the Chair.

Mr O’Dowd: I will make my remarks through you, a LeasCheann Comhairle.

At the time of the 1998 Act, I believe that the SDLP was the largest party and had several Members at Westminster — the place that Mr Durkan feels so gracious to, feels he owes loyalty to, and, I think,

swears an oath in. Is that where he is talking about that Act coming from?

Of course a justice Ministry will have to be set up. However, if that were to collapse, the clause to which Mr Durkan refers will have to get the agreement of Sinn Féin. That is what he is leaving out of his comments. Mr Durkan claims that Sinn Féin has sold the community a pup; he is saying that the community was stupid. I, for one, do not believe that.

Mr Durkan: I do not think that the community was stupid. However, Sinn Féin managed to con people on some of the issues, as it has done on several other occasions in relation to selling out on the Good Friday Agreement. That is something that we will not do.

The Member referred to the 1998 Act, but, remember, the clause was inserted into that Act only in 2007.

Mr O'Dowd: Where are you —

Mr Deputy Speaker: Order. I apologise, Mr Durkan. The Member appears to have a very short memory. He promised to speak through the Chair.

Mr Durkan: At the time, the SDLP opposed that Act in Westminster. We spoke against it and we exposed that issue. Today, Sinn Féin tried to pretend that there is no fallback. Yet John O'Dowd seems to be saying that, of course, there is a fallback, which totally contradicts what Alex Maskey was trying to tell us earlier.

Remember, Sinn Féin does not decide whether the Secretary of State for Northern Ireland activates that power. Potentially, we could have a Tory Secretary of State, or a situation in which there is a very narrow majority in Westminster and all sorts of deals have to be done. The Secretary of State can simply decide to activate those powers. Sinn Féin's only power of veto comes through the exercise of parallel consent during the election of the Minister and the deputy Minister. However, the DUP has a veto too. The fact is that the at-all-times veto is still there; there is no other fallback position. That mistake lives on with Sinn Féin.

A number of Members asked whether it is time for the devolution of policing and justice. I make it very clear that it is. It is not time to ditch aspects of the Good Friday Agreement. It is significant that the DUP and the Alliance Party say that they regard what is in clause 2 of the Bill as a very useful precedent, and no doubt they will be returning to that in future reviews. Those parties will say that that precedent has been conceded, and, when it has been conceded here, ask where else can we go with that. That is the position of those parties. However, do not let Sinn Féin pretend that it has conceded that precedent.

I know that the First Minister and the deputy First Minister have been in a series of negotiations, and I do not expect them to spill the beans at this stage.

However, finance is a hugely important issue, not just for the services under justice and policing but for our wider Budget.

Of course, people will want to know that the funding, whatever funding there may be, will be properly ring-fenced, not only according to Treasury terms but according to our own Budget priorities and interests.

5.45 pm

I am a little perturbed when I hear people from the DUP Benches start to write all sorts of new preconditions into the community confidence requirement. Indeed, a couple of DUP Members said today that the DUP must be satisfied on the parades issue and that that would be one of the tests of confidence.

Dr W McCrea: I thank the Member for giving way. The Member attended the debate in the House of Commons. It is not factually correct to suggest that those issues were not raised in that debate.

Mr Durkan: I do not know whether the Member is saying that I am suggesting that none of those issues was raised in that debate. I am making the point that several DUP Members today referred specifically to the parades issue as a key test of community confidence. They suggested that if people are satisfied with the position on parades and if people are allowed to parade down certain roads, that would satisfy a test of confidence.

We need to be careful about the route that the test of community confidence takes. During the history of our process to date, different issues have, at times, been bundled together during different negotiations and have been bartered for. There is a potential difficulty in that the Bill could be cleared and everything else could be ready to run, whereupon the DUP could say that it will trigger the process as long as it receives one or two more wee things. At that point, Alex Maskey will tell us that the devolution of justice and policing is so imperative that those things will be a price that we have to pay.

Dr W McCrea: With the greatest respect to the honourable Member, parading and the right to parade is not a wee thing or a wee concession; it is the community's right.

Mr Durkan: I do not want to dwell on the subject of parades only. Members did not only refer to the issue of individual parade locations. For instance, we know that the DUP wants a particular outcome on the winding-up of the Parades Commission. That is, potentially, not the only item on its shopping list. From time to time, we hear that the DUP wants to scale down and merge the Equality Commission and the Human Rights Commission. We know that it wants to bullet through the idea of a bill of rights, and we also

know that its approach to the North/South review is to keep it low and go slow.

The First Minister also recently suggested changing the voting arrangements in the Assembly. One could be forgiven for thinking that people are preparing a portfolio for a review or quasi-review. I want the First Minister and the DUP to assure the House that they are not lining up those issues so that they can say that they can support the devolution of justice and policing only in the context of a review in which other changes are made. It might also want to stitch the UUP into such arrangements because it does not like how the UUP is positioning itself to take pot shots on the one side while it receives pot shots from the TUV on the other.

How will the DUP stitch the UUP in? We heard the First Minister say that all other parties must be stitched in. He might come up with the brainwave of a review exercise, through which he unveils his shopping list and through which he is able to tell Jim Allister that the DUP secured change through the St Andrews Agreement and is pursuing more change now, challenging him to outline his strategy and agenda. Of course, the two Governments will feel that they have to give Peter that review if it is the context in which the devolution of policing and justice can get over the line. That is what the Governments have always done. It is what they did with David Trimble and on other occasions since.

They will be unable to resist the review, if demanded, as the context of change, and they will be able to resist few of the demands therein. Sinn Féin will certainly not be in a strong position to resist any demands: it has not resisted any demands so far. It asked today what else it can do, because it must do all it can to achieve the devolution of justice and policing. That is how weak a negotiating position Sinn Féin has put itself in.

It agreed to the gerrymandering that is provided for in the Bill, which will allow people to deny parties their entitlements. That is not the only form of gerrymandering that Sinn Féin has agreed with the DUP. It has allowed the gerrymandering of the new local government boundaries. Three out of 26 councils that are currently, or will be, under nationalist majority are going to be under unionist control.

Mr Deputy Speaker: Order. I remind the Member to discuss the Bill.

Mr Durkan: Mr Deputy Speaker, I have stuck more faithfully to the Bill than most other Members have done.

I offer that as an example of the gerrymandering that Sinn Féin will allow to take place. No council areas will be moving from majority unionist control to majority nationalist control. Three council areas, and more than 100,000 people, will be moving the other way. That gerrymandering will happen without any

sort of protection, and it shows that Sinn Féin does not look after the nationalist community's interests: it only looks after its own interests.

We will oppose the Bill because Sinn Féin has been so pathetic on the issues. We can have no part in supporting clause 2, and we do not want anyone in the future to misrepresent any support that we would give to clause 2 as meaning that we had agreed to concede on the agreement when we never would.

Mr Ross: There have been some lengthy speeches on what is a relatively short Bill that should be fairly non-contentious, given that it is simply enabling legislation. Nevertheless, there have been some very entertaining contributions, not least from the various SDLP Members, telling us about the dismantling of the Belfast Agreement and the many times that the DUP outwitted Sinn Féin. It is great stuff altogether, and I wonder whether they are available to speak at our party conference later in the year.

We also heard from Basil McCrea, who said that the Ulster Unionist Party now wants to support the nomination of an SDLP Member as justice Minister. Yet, on 24 August, Sir Reg Empey, the Ulster Unionist leader, said:

"Many unionists — those who are not agnostic on the issue — would be very concerned that our first Justice Minister could therefore be someone who is not pro-Union."

Basil's contribution contradicts his party leader's position, and, having given himself away so many times in the debate, he might find himself in some trouble.

The Bill will not deliver the devolution of policing and justice. It is enabling legislation, and it is simply one cog in the overall machinery required to get powers transferred to the Assembly. As was said earlier, the Bill's title has been agreed by everyone, including the Assembly and Executive Review Committee, and is non-contentious. However, clause 2, which deals with the appointment of any future justice Minister, is important. It is not only consistent with what my party has said, but it ensures cross-community buy-in.

Throughout the debate, the SDLP has been exercised on that issue. It appeared not to want to have that cross-community support for whoever the future justice Minister might be. Of course, any future justice Department will be subject to certain sensitivities and must be seen as being different from any other Department, and, therefore, maximum buy-in from both communities is important. However, that is secured in the Bill.

We have heard that there will be no Sinn Féin justice Minister. That is also important, because the prospect of a Sinn Féin Minister would not instil confidence in the unionist community about the devolution of policing and justice. We have ensured

that that will not be the case. That certainty goes some way towards building confidence in the unionist community.

That is contradictory to the position of the Ulster Unionist Party. I listened to Danny Kennedy at the start of the debate, who talked about early devolution of policing and justice. We should consider those remarks in the wake of David McNarry's rogue paper — as it turned out to be — in which he said that we would not be looking at the devolution of policing and justice for another five years.

It is hard to take the Ulster Unionist Party seriously when it says things like that, because we all know that if that party had still been the largest party, it would have completed the devolution of policing and justice by 2005, and there would have been absolutely no barriers to a Sinn Féin Member becoming a justice Minister. In fact, some members of the Ulster Unionist Party said that it was inevitable that a Sinn Féin Member would become a justice Minister and that it was bound to happen. The Ulster Unionist Party is not interested in safeguards.

Earlier in the debate, we heard that even before the institutions were restored a couple of years ago, it was the Democratic Unionist Party alone that insisted that Sinn Féin had to support the police, the law and the courts system.

The Ulster Unionist Party was not interested in that. Alan McFarland said that he had a preference for d'Hondt to be rerun, and Basil McCrea talked about their justice Minister of choice being an SDLP Member.

Returning to a system of d'Hondt in order to nominate a future justice Minister would re-open the possibility of Sinn Féin taking that post. It is worrying for members of the unionist community to hear the UUP open the door once again for Sinn Féin to take the justice Ministry — even more worrying than Basil's support for an SDLP Member taking the position.

The Ulster Unionist Party also spoke about its "principled" objection to the legislation. Not many people in the Chamber think that there is anything "principled" about its opposition today. It is not a genuine concern; it is simply posturing and political point-scoring.

Mr Farry teased out an interesting point: the complete lack of confidence that the Ulster Unionist Party has in its senior party colleagues in the Conservative Party. There will be a Westminster election within the next few months, which is highly likely to result in a Conservative Government. If the Ulster Unionist Party honestly believes that the link-up with the Conservative Party will give it more influence in national politics — an idea it sold to the unionist electorate in Northern Ireland — why does it fear this legislation so much? Surely, the UUP's colleagues in the Conservative Party

will block it in Westminster. I think that we know the truth of that situation; the relationship will unravel rapidly after the Westminster election.

My colleague Gregory Campbell highlighted the fact that the Bill is about supporting the principle of the devolution of policing and justice. All parties in the Assembly have said that they support — in principle — the devolution of policing and justice. Many of us, including Members of this party, have issues over the timing of it, but if Members support the devolution of policing and justice in principle, they should have no difficulty in supporting the Bill today.

The Bill will not establish a timetable for the devolution of policing and justice. There are a number of outstanding issues. One of the larger issues is that of finance, and I note that the First Minister said that some progress was made in the meeting with the Prime Minister last night. However, issues still remain, and those figures need to be tested.

The second important issue is that of confidence in the community. We have consistently said that if policing and justice are to be devolved, there must be adequate confidence in the unionist community for that to occur, and that it must be tested. The First Minister has indicated that, as a large stakeholder in the unionist community, the Ulster Unionist Party has a say in that, although listening to some of the nonsense that has come from its Benches today, I am not sure that that is altogether wise.

The Bill contains safeguards, including the cross-community element of the appointment of a future justice Minister, which I think is important. That will help to build some level of confidence in the unionist community that there will not be a Sinn Féin justice Minister. That is one of the most important issues.

The Bill is about supporting — in principle — the devolution of policing and justice. If the Ulster Unionist Party and the SDLP genuinely want to see the devolution of policing and justice, they should support the Bill.

Mrs Long: The general principle of the Bill is that policing and justice should be devolved to the Northern Ireland Assembly. I agree with the Bill on that point. The Alliance Party believes that it is important that that be done, for a number of reasons.

Devolution is not complete. We are committed to seeing devolution completed, not because we are blind to the flaws of our devolved Administration, but because we are not blind to its potential, if it is worked properly. We believe that completing this process will allow devolution to mature and move forward. If one is a devolutionist, one should be committed to running all our affairs locally.

I have been concerned about parts of the debate today because of the creeping form of people in the House who seem to feel that their interests would be best served by not having devolution of any issue to the Assembly. If people want confidence to be instilled in the community, it seems a mighty strange way to go about it — to undermine confidence in the structures that we have at the moment, and to talk up the benefits of direct rule. Therefore, I am concerned about the tone of some of those comments.

6.00 pm

I believe that we need our affairs to be run locally, and we need local Ministers to step up to the mark. In different ways, some Ministers do that on occasions. Some Ministers do not, and it is fine to be critical in those instances. Despite all the difficulties that we have experienced over recent years, I believe that we are better off with devolution than we would have been without it.

It is a sign of political immaturity for people to want to tackle only easy issues. Earlier today, in his closing remarks in a discussion on a different topic, the Health Minister said that health is at least as important as policing and justice; I agree with him. Health is at least as important as policing and justice, and we are happy to have health devolved despite all its attendant difficulties and financial pressures. We have confidence that we can handle health better than it would be handled by direct rule, yet we are nervous about doing the same thing with policing and justice.

Dr Farry: Does my colleague agree that the Department of Health, Social Services and Public Safety would benefit from the devolution of policing and justice? Both Departments would cut costs if they could co-operate on issues such as offending levels and alcohol problems, which contribute to the occurrence of a lot of offences.

Mrs Long: That is undoubtedly true. Indeed, a realisation of the joined-up nature of devolution would help to restore public confidence in these institutions and make people feel that devolution has benefited them.

Although it is easy and appropriate for us to hold Ministers to account week in and week out in the Assembly, little emphasis has been put by any party on defending the Assembly's record. That is largely because people are nervous of the institutions and of the people with whom they are in Government. Ministers could sell the proposition to the public more effectively if they went out and confidently argued the benefit of devolution for their people. If they sold devolution to the public rather than look nervous about their partners in Government, perhaps some parties' electoral fortunes would reflect that confidence.

In discussing the Bill, we would be foolish if we did not recognise the central role that the devolution of

policing and justice powers holds in the wider devolution project. We can talk about quadruple locks, triple locks and whatever else, but no one can be in any doubt that the devolution of policing and justice powers was important to the majority of parties at St Andrews, when we discussed what form devolution would take and the time frames for its completion. The SDLP repeatedly emphasised its importance in those discussions. It was clearly very important to Sinn Féin and, indeed, had the appearance of being a make-or-break issue for that party.

It was important to the DUP, which said that it was committed to the devolution of policing and justice powers when the time was right. Some of what I have heard today makes me wonder about that, but the inclusion of the Bill for debate in the House at least indicates that the DUP remains committed to the devolution of those powers.

I also thought that it was important to the Ulster Unionist Party. At that time, it had been arguing that policing and justice should be in the hands of local politicians when the timing was right. I cannot understand that party's angst about the enabling legislation. The Ulster Unionist Party is focusing on timing, but timing is not in the enabling legislation.

The fact that a Department has come to the House in a timely fashion with important legislation that will get a full Committee Stage and proper public consideration and responses, and the fact that the Assembly will be allowed to do its job properly, is a welcome departure from what we have had in recent years with cobbled-together Bills being put in front of us and then forced through under accelerated passage. I openly, and on the record, commend the Office of the First Minister and deputy First Minister for that. The fact that the legislation has been brought in a timely fashion means that we will have the opportunity to explore in detail all the issues that have been raised during the debate today. Making plans for the legislative framework to be in place when the time is right for the devolution of policing and justice powers is the correct action to take. We would all be entitled to be critical if that did not happen.

The issue is about whether we are moving forward with the devolution of policing and justice powers. Earlier, my colleague Stephen Farry stated our position on the Bill and its proposed mechanisms. I do not intend to rehash that; it is already on the record.

I am happy for a cross-community vote to be introduced on policing and justice. Mark Durkan talked about a precedent being set. I simply refer him to what Stephen Farry said: although some of us may wish that appointing a future justice Minister, instead of using the d'Hondt system, could be a Trojan Horse to get a voluntary coalition, we do not think that it is.

The fact that that particular Department, in these particular circumstances, is handled in this particular way sets a rather limited precedent. Much as I might wish that it were otherwise, that is the reality. It would be wrong to suggest that it is anything other than that.

My party is on record as saying that we prefer a voluntarily coalition. The Bill does not change that, nor does it advance it. We do not take our position because we want to exclude any particular party, nor do we think that we would automatically be on the inside through those arrangements. We simply believe that running Government by having people come together to agree programmes in advance would be a more robust arrangement.

The timing of the devolution of policing and justice powers has remained the most divisive issue. It is relevant to the Bill in that that issue will be affected by the finances that are available. No one here or anywhere else would argue against the First Minister and the deputy First Minister going to Westminster to petition jointly for the best budget that they can get. It is absolutely right that they do that. It is hard, though, to conceive how they can do that if the Assembly took no active interest in the devolution project for policing and justice. The people with whom they are dealing would have no truck with them; they would say that they should be talking to the Secretary of State for Northern Ireland about the budget for policing and justice. I would prefer locally elected representatives to be arguing the case for the budget for policing and justice rather than ceding that right to the NIO. I am not saying that I necessarily prefer the locally elected politicians who are doing the job, but that is democracy, and I accept it.

We must be realistic about the budget for policing and justice. It is not often that I agree with John O'Dowd, but I did today. He was correct: we are living in a dreamworld if we think that there will not be cuts. The question is: who will take the decisions on where those cuts will be felt? Whom do we trust to take the decisions about what stays open and what closes, about how many police officers we have and about where the cuts are to be made? We need to know who will be taking those decisions. Despite my reservations about how the Executive function, I still prefer such decisions to be taken by locally elected Ministers.

We also need to be realistic about timing. We need to ask ourselves from whom we will get the better deal. If we are to petition the Prime Minister or the potential future Prime Minister, we need to know who is most likely to do the better deal on the financing of policing and justice. Timing will be crucial, because we know that a general election is just around the corner. It seems that, in national politics, the pendulum has swung. Instead of politicians trying to convince the electorate that there will be no cuts, they are now in

competition with each other about how dramatic the cuts that they make will be. We must be realistic and accept that the cuts will be deep. The cuts will affect Northern Ireland, not least because of its reliance on public sector employment, and they have enormous implications for policing and justice. I suspect that that now represents one of the better opportunities to strike a deal on financing the transfer of powers.

The building of confidence cannot be achieved overnight; it takes time and requires a process. Part of the frustration in the House and beyond is that, sometimes, processes do not lead to quick delivery. However, the process in itself is beneficial as it moves people forward and allows progress to be made.

As someone whose party has no Ministers in government, I fail to comprehend why everyone who belongs to a party that has Ministers in government is so negative about their performance that they cannot see the benefit of a local Minister delivering policing and justice. It boils down to a fundamental question: do they believe that direct rule Ministers would have done a better job than their Ministers? It would be easy for me to put forward that view, because my party does not have a Minister. That would be an easy get-out clause for me, but that is not my opinion. It is beneficial to have accountability and for local people to have access to those Ministers, each of whom can concentrate on a single portfolio as opposed to working simultaneously on three or four that have been lumped together. I am surprised that parties with Ministers are so reluctant to make progress on that project.

The building of confidence also requires stable devolution. For that to exist, the process of devolution must be complete. The transfer of policing and justice was always going to be the difficult element of that, but it is time to grasp the nettle. As Stephen Farry said, the security of the programme for the new Minister is crucial to confidence, because it relates directly to his or her ability to deliver. If a justice Department is to run smoothly and be capable of delivering, the programme for the Minister must be as widely agreed as possible, so that it can be brought into effect before the powers are devolved. That programme must be part of the process.

As justice lies outside the current Programme for Government, the potential exists for every decision of the justice Minister to come before the Executive. That would not be good for the Minister, the delivery of policing and justice or the Executive. As far as policing and justice are concerned, we are here to serve the public. Therefore, all parties in the House must seriously consider how to work best collectively to meet the priorities of the people in Northern Ireland.

Finally, each of us has it in our gift to create or destroy confidence through our attitudes, actions,

speeches and tone. All of those factors affect people's perceptions of how confident they should be about the Assembly's structures and ability to deliver.

As I mentioned earlier, I have reservations, and those have been reinforced through listening to today's contributions from the DUP Benches. The DUP is endeavouring to create a dual-speed approach, and that has the potential to undermine confidence. Although the Bill creates an illusion of progress, the DUP is also trying to maintain, in its constituency, the belief that there is no real movement. At some point, the DUP must decide on one approach, because it can ride two horses for only so long. The strategy of riding two horses led to many of the difficulties that have been exhibited within unionism since the St Andrews Agreement and the Assembly elections, because people were uncertain as to the DUP's intent. People should confidently state their intent, believe in it, and follow through on it. They are much more likely to build confidence through doing that than through equivocation.

6.15 pm

I understand the Ulster Unionist strategy of trying to row behind and unpick that confidence. However, the DUP should be wise to that because it is exactly the strategy that it used with the Ulster Unionists. Frankly, it was a very successful one because the Ulster Unionists equivocated. Had the members of the Ulster Unionist Party come out more confidently and defended their position, I suspect that the results may have been slightly different. I hope that that is not what is happening because it could be very damaging to community confidence.

Mr Kennedy: I am grateful to the Member for giving way. I listened carefully to what she said about the terms and conditions under which the Alliance Party will assume the responsibility of policing and justice, should that be afforded to the party. I also listened carefully to her analysis of the position of the Ulster Unionist Party. The Member failed to genuinely understand the honourable and genuine position that we have taken. Although we are in favour of policing and justice powers being devolved to Northern Ireland in principle, and while we, as a party, worked very hard to achieve devolution in Northern Ireland, we do not think that current conditions — or the example that the Assembly and Executive set — are good grounds for the early devolution of policing and justice. The idea that we are simply playing political games is not correct. I wish that she and her colleagues, and members of other parties in this House, would accept that.

Mrs Long: I thank Mr Kennedy for his intervention because it gives me an opportunity to address something that I was going to leave unaddressed. It is the question of whether the UUP's concerns are genuine. If its concern is about timing, the content of this Bill is of no

concern because there is no timetable in the Bill. If that concern were genuine, the party would let the Bill pass and resist its enactment.

Mr Kennedy: I am grateful to the Member for again giving way. Like a great many Members of this House from various political parties, it seems that she simply does not understand that the enactment of this legislation would raise expectations that the devolution of policing and justice would take place sooner rather than later. We are simply saying that all of us should pause until the conditions for that are right.

Mrs Long: Despite Mr Kennedy's patronising tone, I fully understand that, because I can read the legislation. The creation of expectation is as much down to the pantomime tomfoolery of some people who spoke about this Bill as it is down to anything that is included in the Bill. The Bill does not create a timetable for the devolution of policing and justice powers.

Mr Kennedy said that this matter is not a game, but people seem to be enjoying it very much today. With the raucous laughter, the tee-heeing and the constant witty banter that was going on, it felt like it was a game for some people. However, it is a very serious issue. Perhaps if all the interventions and discourse had been in the same serious tone as Mr Kennedy's last two interventions, we may have been more convinced that this debate was genuine.

When we talk about the conditions being right, we have never really got to the bottom of exactly what those right conditions would look like for the Ulster Unionist Party and what its contribution to creating them will be. I do not see the contribution that the party made in today's debate outlining that or in any way giving us an indication of what its contribution to creating those conditions would be. I am happy to be open-minded about that, but, based on what I have heard, I remain to be convinced that there is more to the Ulster Unionist stance than pre-election tactics.

The other point that I want to raise relates to clause 2 and the election of a justice Minister, because that is the specific issue with which the SDLP has a problem. Some Members think that they ascended the mountain in 1998, and came back with the way in which devolution would look for forever and a day written on tablets of stone. Those Members believe that to change a dot or a comma in that document undermines some great principle. The principles of devolution are about power sharing, fairness, stability and delivery. D'Hondt is not a principle: it is a mechanism.

If a mechanism is treated as a principle, one is saying that what was good for 1998 is not only good for 2008, but is good for 2028, 2048, 2058 and 2068. That tells me that there is no opportunity for betterment, change, progress or development. That is an extremely depressing world view. I would not be

happy if we were to unpick the fairness, the sharing and the recognition of people's participation that underpin the Good Friday Agreement. However, it is not the same to say that there is a principle at stake, simply because a mechanism is going to change.

That brings me to the next issue, which deals with Danny Kennedy's earlier point about the Alliance Party's role in all of this. Some people seem to think that if they shout about that long enough, we will be too embarrassed to rise to our feet to talk about such issues, which actually matter to the people who elected me, David Ford, Stephen Farry and the other Alliance Party Members. Those issues matter to us whether we or any other party end up with the justice Ministry. It is not a matter of who holds the post, but of how they conduct themselves once in that post.

When Stephen Farry cautioned earlier against working on the assumption that we would simply take the post if it is offered, he was serious. I do not expect Members to believe that that is the case, but I caution them against ignoring that we have said it. We want to see devolution working. We want to see it functioning. I suspect that unless we get clarity on policing and justice matters; unless we deal reasonably with the issues in the Bill; and unless we are willing to move forward and deal with timetabling, the Assembly will have much bigger problems ahead.

Mr Kennedy: I am grateful to the Member for giving way, because her speech is very interesting. Is the Member saying that one of the Alliance Party's prime concerns is the security of tenure — until 2012 — that is currently offered in the justice Minister's post?

Mrs Long: I think it is now Mr Kennedy who does not understand, because I have not raised the issue of security of tenure. To be blunt, there would be no electoral damage to any of my colleagues if they were to be tossed out of their offices by the DUP and Sinn Féin for trying to be an Alliance Party Minister for policing and justice. Therefore, security of tenure would not particularly concern us. That is not the key point. The key point is whether the justice Minister would have security of programme and could deliver what is on the agenda for the people of Northern Ireland.

Mr Kennedy may be worried about grappling for seats and positions, but that is not our primary concern, despite the fact that he wishes to paint us in that way.

Mr Kennedy: It made the Member angry.

Mrs Long: Yes; Mr Kennedy has again spoken from a sedentary position while enjoying his own joke very much, as he always does. He is always guaranteed at least one laugh: his own. However, the reality is —

Mr Kennedy: You have not met my wife.

Mrs Long: I have not met your wife, but she gets my sympathy. *[Laughter.]*

I have to say that this issue makes me angry, because there can be misunderstandings about some of these things, and then there is the wilful taunting that adds nothing to the discussion and does not further the debate. Instead, it exposes the fact that some Members have treated today's proceedings as a game, rather than a debate about legislation, and that undermines their position that they are approaching it with anything like a serious attitude. If you want to be taken seriously, behave seriously, and people will read from that what they will.

I mentioned the risks to devolution if we do not deal with these issues, and earlier, the DUP said that it would not be bullied. I agree that it should not be bullied, because bullying is inappropriate and not the way to do business. Neither should the DUP be arrogant or dismissive of the needs of its partners in Government. I say partners, plural, because there are four parties in Government together. At all levels of the Executive, there must be some sense that although parties may be in strong positions due to the mechanisms and vetoes, it will only last as long as everyone else is willing to tolerate it. We need generosity, not because one wishes to be generous to those with whom one has little in common, but because a lack of generosity is likely to cost dear. For that reason if no other, people need to look at how they might co-operate better, and that, in itself, would be the biggest confidence-building measure that we could see in this House.

Mr Shannon: I support the Bill. I have been out of the Chamber, because the Agriculture Committee was meeting today, so I apologise for not being here for everybody's contribution. In between times, it became clear what issues were being raised. We have listened to the clear way in which members of the Assembly and Executive Review Committee explained the process and the progress so far, and they are to be congratulated. It is not necessary for me to go over everything that has been said, but I will highlight a few major points that can stand to be repeated so that everyone understands them.

Furst o'vau tae unnerscoar tha fact that this bill isnae tha pittin in place o' policin en justis; it is maer er less tha grun woark that gauns afoar tha basic woark sterts. It is simply apenin tha gaet o' tha fiel tae alloo tha woarkers in. Them that's gaun tae wroucht in it wullnae be allooed in tae tha wricht terms er met oan tha plans, an tha fue plennin permisshun gien alang wi' tha green paper regerdin tha go ahead.

First, I underscore the fact that the Bill does not constitute the introduction of policing and justice; it is merely the groundwork that must be done before the foundation work commences. It merely opens the gate of the field to allow the workers in; the workers will not be allowed in until conditions are met on the plans

and full planning permission is granted, along with the green paper of the go-ahead.

In this analogy, the conditions that must be met are those that have been set by elected representatives, and one of the key issues is funding. Devolving policing and justice is a huge undertaking that will need a huge influx of new money, not simply another Budget reshuffle. The DUP will be working to ensure that there is adequate funding to carry out all the obligations that this will bring, including the judiciary and policing matters that go back as far as the claims for loss of hearing from when RUC officers were under fire back in the dark days of the Troubles. There must be enough money to ensure that policing on our streets increases and that confidence in the police force is built up, so that when people ring the police they are sure of a response within half an hour and do not have to wait two hours for the one car to answer a call in Portaferry before it makes its way up to Carrowdore.

Those conditions must be addressed before we get anywhere near devolving policing and justice. However, we are putting the process in place. Another condition will be to ensure that, ultimately, the justice Department is accountable to the electorate in some form or fashion, as opposed to constituents who face problems having no redress and being met with the same answer to all their questions, "this is not in our remit".

6.30 pm

(Mr Speaker in the Chair)

A lecturer in law at the University of Ulster has said that it is essential that more accountability be brought to the judiciary, which, at the risk of sounding trite, is a law unto itself. Although it is essential that there can be no political machination mixing with the appointment of the judiciary, the appointment of an Attorney General will ensure that there is greater accessibility and accountability for the public when the occasion demands. That is also very important and is something that we must consider.

We must, and will, ensure that only those who are appropriate to the role are elected to it and that that will not be determined with a political slant, but with a fitness-for-purpose angle that takes into account the character and experience of that Member. That has to be the crux of the matter as well.

The Green Paper that will allow the building of the Department of justice to commence will be a stamp of approval by the majority of the electorate. That will be when the confidence of the community is behind the Department and when enough change has occurred that people believe this to be the way forward. That is the benchmark, and that is when we will be happy for work to begin on the foundations that we have laid today.

It must also be remembered that, just as building control checks for dangers in new developments, there is one final check that will come in 2012. Should the people not be satisfied that this building is a safe one for the people of the Province, there is an automatic dissolve. The sunset clause, which others Members, including my colleague Jimmy Spratt, have mentioned, gives peace of mind for the public to know that this is not an eternal solution unless it turns out to be the right and appropriate one. That is the key.

In the end, public confidence is the most important thing for the DUP, and, as a party, we have given our assurance that public confidence is the Green Paper without which no building work will commence. The DUP continues to hold fast to the fact that our triple-lock veto remains in place and will ensure that no work will commence until the people are ready. That is clearly where we stand on this issue.

The Bill does not set things in motion. It merely allows that, once things are to be set in motion, the mechanism and structure are there, so that we can then begin. We have come a long way, and we should recognise how far we have come — all of us individually, and collectively as parties — but that does not mean that we forget all that has happened before now and do not learn from those things.

I support the passing of the Bill through this stage in the Assembly, which will allow for any of the problems and issues that individual Members have to be addressed and incorporated into the Bill before its later stages and before it becomes an Act. Therefore, there are processes that allow us to bring issues on board. I give the Bill a general welcome, with a view that the devolution of policing and justice will happen. We need to ensure that when that does happen, we are prepared and have safety guarantees and controls in operation to ensure peace of mind for all those involved: ourselves, our constituents and the whole of Northern Ireland. I support the motion.

Mr Attwood: The starting point for comment is the DUP speeches on the Floor of the Assembly today. In my view, Peter Robinson and the DUP — that is, the DUP in the Assembly and in the country — hold all the cards when it comes to the issue of the devolution of justice. For that reason, it is important that the issues raised by the DUP in today's speeches be addressed.

It was Dr McCrea's speech that captured the essence of the current DUP conundrum. From my observation, I thought that the First Minister listened very attentively to what was meant to be a definitive statement by elements in the DUP about how they see the issue of the devolution of justice. Although John O'Dowd understandably and, to some degree rightly, compared that speech with previous speeches from that element in the DUP, who eventually signed up to partnership

and going into government with the other parties, the circumstances now are different from those that prevailed when the DUP made those decisions; that is self-evident.

What did Dr McCrea say in his speech? In one way he struck me as being a TUV wolf in DUP undergarments. We should not dwell on that image too long, but that was nonetheless the tone, content, character and conviction of what Dr McCrea was saying, no doubt on behalf of his colleagues in the DUP. Dr McCrea said that neither the Labour Party nor the Conservative Party in London can be trusted to provide honest financial answers. That is tantamount to saying that the financial test set by the DUP for the devolution of justice powers can never be satisfied.

He went further and said that, in his experience in his three constituency offices, the community did not have the confidence or the interest in the devolution of justice powers. That is tantamount to saying that the community confidence test can never be satisfied.

Subsequently, he went further and said that the DUP had a quadruple lock, which they would not hand over. That is the critical point, because the DUP has to make a choice as to how it goes into the Westminster election. Should it go into the election without having agreed to the devolution of justice on the basis that it can tell the unionist constituency that it did not bend the knee to nationalist requirements? The DUP has to decide whether it views that as the position of strength as it goes into the Westminster election. It was clearly the view that Dr McCrea, and whomever else he represents, was taking.

Alternatively, will the DUP make the essential choice that there is a growing majority in favour of partnership, equality and power sharing — about which I have a lot to say later — and proceed on that basis?

If Members read the tea leaves about what happened in London last night, they will see that it is clear that the bottom line has, or has all but, been reached with regard to the London Exchequer's offer to the DUP and Sinn Féin. Martin McGuinness, who was here a minute ago, might say that the financial arrangement can be reached in New York, and Peter Robinson might say that it cannot, but he and the deputy First Minister know that the moment has arrived. Whatever our differences about the Department of Justice Bill and all the other matters that I will comment on, the DUP should make that call and make it quickly.

Jim Shannon made a thoughtful speech, as he often does. He said something that the DUP has never said in the endless Assembly and Executive Review Committee meetings that went nowhere. He said that there was not enough accountability as regards the judiciary. I have not heard that from a DUP spokesperson before, and I have never heard it from a Sinn Féin

member in all those meetings. I, and my colleagues in that Committee, have been talking about it, but that comment captured the very essence of why people need the devolution of justice powers now. There needs to be more accountability around the judiciary. We need to have a sentencing guidelines council that is made up of people who can give advice, but not direction, to our judges about sentencing policy and practice.

We also need to have a new phase of reform of our Public Prosecution Service, which, in hard case after hard case — which, unfortunately, represents too many cases — has proved that it has a culture of plea bargaining; does not tell victims and survivors what is going on; does not outline the height of the evidence to the judge in a trial; and, consequently, hands out inadequate sentences in too many cases.

I could go on about the unfinished business of justice and policing reform, which has been denied to the North over the past number of years and which is now so self-evident and compelling that, on those grounds alone, the DUP should go over the wall.

I do not diminish the difficulty that Peter Robinson faces, because as soon as he says that the devolution of justice is on, Jim Allister will say that he has had his four, five or whatever number of vetoes that Sinn Féin has conceded to him, and he did not use them. It is not an easy choice, but it is the rational political position and the position of strength that he must now adopt very quickly during his trip to and from America.

The reason that Mr Robinson should have particular confidence is because of the contradiction in Ian Paisley Jnr's earlier intervention, when he said that republicans and nationalists had failed to deliver agendas on policing and justice. That is self-evidently wrong. For example, the Justice Oversight Commissioner would not have signed off the implementation of the Patten report two years ago to the extent that he felt that 90% was substantially, or fully, accomplished. Furthermore, we would not have had the two pieces of criminal justice legislation that arose from the Good Friday Agreement, and I could go on.

I do not think that the point that Ian Paisley Jnr made is evidence-based, but the more important argument is that which I have said to him privately and in a number of public sessions. I believe that unionism's finest hour in the last seven or eight years was going to the Policing Board with the SDLP and sticking to the Policing Board with the SDLP. Although there was every reason for the unionist parties and the SDLP to fracture and destroy the Policing Board in the period up to 2007, that never happened. That was despite the Police Ombudsman's reports into Omagh, Operation Ballast and the activities of a serial killer in north Belfast; despite the hurt that unionists felt around the severance of so

many officers from the ranks of the RUC and the running down of the full-time Reserve; despite the ongoing threats of terror; despite the fallout from the appointment of Hugh Orde; and despite the fact that toys were thrown out of the pram on several occasions. Despite all of that, unionism never walked from the Policing Board, and the consequence of that was that despite suspension, political turbulence and all of the doubts from 2002 to 2007, the parties on the board stuck to the task. Reformed policing — in our view in the image of Patten; in unionists' view in the image of something else — was delivered by the board. That is why unionism should agree to the devolution of justice.

The SDLP was also tested in the most difficult circumstances in the life of the first Policing Board, when Sinn Féin excluded itself and demonised those on the board and those who signed up to join the PSNI. However, although we stumbled we never fell, and in the most adverse circumstances, and in arguably in the hardest issue of our political lifetime, we succeeded.

Today of all days, when we have a new Chief Constable, and two months after a new Lord Chief Justice was appointed to the High Court, it seems to me that there is a coincidence of opportunity that we should not allow to be missed, and I hope that it will not.

Today, we heard from Martin McGuinness: he was up and down constantly, which was strange to see from such a passive Minister who does not normally get so agitated or involved on the Floor of House. However, he and his colleagues were on their feet constantly, making a fundamental political point in an effort to damage the SDLP legacy and contribution to the devolution of justice. Mr McGuinness thought that it was a good argument, and he essentially asked what the SDLP had done to deliver the devolution of justice when it was the primary nationalist party. For four reasons, that argument is holed with contradictions and holed below the waterline. I shall explain why and, in doing so, I shall expose what Sinn Féin has done.

6.45 pm

The first reason is that we did not have much of an opportunity between 1998 and 2002 to do it, but that was not the point. The point was that the people of Ireland endorsed an approach to the devolution of justice and policing through the Good Friday Agreement, which states:

“the British Government remains ready ... 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.”

That is what the Irish people endorsed in the Good Friday Agreement, and that was the mandate that they gave to the political parties to bring about the devolution of justice and policing.

Is Martin McGuinness saying to the people of Ireland that, in 1998, Sinn Féin endorsed that approach, but that any year thereafter it can change its approach? I know that that is the standard by which Sinn Féin lives with regard to the equality and partnership provisions of the Good Friday Agreement.

Is Sinn Féin telling the SDLP that, in 2000, 2001 and 2002, it should have aborted the provisions of the Good Friday Agreement, usurped the democratic will of the Irish people and gone ahead with the devolution of justice, even though the implementation of relevant policing and justice recommendations had not been carried out? What folly it would have been to devolve policing and justice in those years when Sinn Féin did not have the confidence to go on the Policing Board. Sinn Féin should not berate the SDLP for what it did during those years, at a time when the republic movement was stealing documents down the hill, robbing banks in Belfast city centre and had not decommissioned a weapon.

Mr Speaker: I remind Members, as far as possible, to keep to the principles of the Bill. Members have been allowed a fair amount of latitude around the Second Stage. Therefore, I encourage Members, as far as possible, to stick to the principles of the Bill.

Mr A Maskey: The Member and I had a little spot on ‘Hearts and Minds’ some time ago, and I want to ask him a question on an issue that we discussed. I am less interested in all the criticism that my party receives from SDLP Members, because that is what they do: they do not do it very well, but that is how they live.

Mrs D Kelly: They do it enough to annoy the Member.

Mr A Maskey: Not really; we are now looking at a social, democratic and leaderless party. It is all very well to criticise my party, and the SDLP can do that for the next month of Sundays if it wishes. However, the electorate will make their judgement on those matters, and they have recently made some decisive judgements.

Notwithstanding all the criticisms that the SDLP may wish to make of my party's approach to the situation, could it please, for once, address how it would have, or will, secure the transfer of policing and justice powers. Will the SDLP tell us whether it can do it, will do it, or how it will be done? How will the SDLP transfer those powers? Either it adapts the SDLP approach and does its best to ensure that policing and justice are not devolved just because it cannot get a Ministry — that is how that party thinks — or does it want to look after the greater good and do its best to reach an accommodation to have the powers transferred so that we can all get on with developing accountability around the wider policing and criminal justice system with the other twin pillar of the independence of the judicial system? Will the SDLP

please tell us how it will do it? It can criticise Sinn Féin for another week if it wishes, but tell us how it will do it.

Mr Attwood: I reassure the Member that I intend to answer those questions in full, consistent with the Bill. Sinn Féin cannot berate one party if what is being said usurps the Good Friday Agreement, and that is what it is saying about what happened during those years. However, it is about more than that.

During that time, because the criminal justice system was not fit for purpose, SDLP members went about the task of making it fit for purpose to prepare it for the devolution of justice at the earliest possible opportunity. That is what we did, consistent with the principle of the Good Friday Agreement about the implementation of the relevant justice and policing recommendations. We went about the business of changing policing and justice in order to create the opportunity for devolution to happen as soon as possible.

Sinn Féin knows that, because the SDLP had to sit down with Sinn Féin in what became known as the “Welly Park tutorials”, whereby the SDLP and Sinn Féin sat down with the Irish Government and had to go through — in a pretty tedious way, I may say — the changes that were required to policing and justice in order to maximise the changes and the timing of the devolution of justice. That has not been publicly known until now, but we had to sit down with Sinn Féin. Mr Maskey was not there. None of the Sinn Féin Members currently in the Chamber was there. However, two Sinn Féin members were there; the junior Minister and one of the party’s senior officials, who, mysteriously, is no longer a senior official — but that is probably another story.

We had to sit down with Sinn Féin in order to persuade and convince that party of what was required. That was done in the run-up to the Hillsborough negotiations, which happened to be in 2003, after suspension. In those negotiations, we in the SDLP won a whole series of changes to criminal justice — not as much as we desired or negotiated for, but we won them. At that stage we stated in document after document, publicly and privately, to the Irish Government, the British Government and anybody who would listen, that we believed that the standards of criminal justice could now be attained in order to fulfil the principle of the Good Friday Agreement to bring about the devolution of justice and policing.

SDLP members are criticised for what we did on our watch, but what we did was consistent with the democratic wish of the people of Ireland. Then we did the heavy lifting to change the criminal justice system and argued, publicly and privately, for the devolution of justice. At the same time, Mark Durkan, as deputy First Minister, went to the then First Minister and tried

to convince him to go in that direction, because we believed, as the policing experience proved, that the earliest possible devolution of justice —

Mr A Maskey: How are you going to do it?

Mr Speaker: Order, order. The Member has the floor.

Mr Attwood: I will come to that. We believed that the earliest possible devolution of justice would demonstrate the stability and strength of the arrangements, and that there was a contradiction in the unionist argument that essentially agreed to the devolution of much policing power but held back on the devolution of justice powers. Remember the context in which all that happened — Sinn Féin had not signed on for policing and was adopting a hostile attitude to the PSNI, the Policing Board and the DPPs.

Sinn Féin has no argument because of its exposure on policing and justice issues during that period, and it has no reason or basis on which to criticise we in the SDLP for the big and difficult work that we were doing throughout that period. Let us not hear any more about what we did when we were the primary political party.

Mr O’Dowd: Will the Member give way?

Mr Attwood: I will give way in a moment.

I am a democrat, and I always have been; I have always accepted the will of the Irish people, both North and South, about how we conduct our political affairs. When 98% of the people of Ireland, in election after election, adopted the democratic approach, it was a grave error, with immense fallout, that others did not do so as well. Nevertheless, this morning Alex Maskey rightly said that the SDLP had a mandate at one time for the devolution of justice. I have answered that. He went on to say that the mandate from the nationalist community then fell to Sinn Féin, which was, he said “mandated and obligated” to take forward the relevant issues.

If we are to be judged on what we did, let us now judge Sinn Féin on how it has fulfilled its mandate to defend the Good Friday Agreement, secure the devolution of justice, and defend nationalist interests into the bargain. Gerry Adams wrote, not in 2009 or in 2008 but in 2007, to the Assembly to say that there was no reason why a date could not be agreed within a month. Martin McGuinness sent a letter to the Assembly and Executive Review Committee saying precisely that.

You have to hand it to Peter Robinson, although I suspect that he had not necessarily spotted the residual veto power that he may have through the 2007 legislation. I shall return to that in a minute.

When Sinn Féin was given the mandate granting it the obligation to negotiate on behalf of the nationalist

people, Gerry Adams and Martin McGuinness said that a date should be agreed within a month. Sinn Féin sat down with the First Minister, and it emerged with a DUP veto at all times for all times. At that moment, when Sinn Féin's failure to negotiate was so brutally exposed, the history of the devolution of justice was written.

The DUP learned that when you sit down with Sinn Féin and get a veto once, you can do it twice. The DUP learned that even when you do not sit down and get a third veto, you can claim it anyway, as the First Minister did on 7 July 2009 when he came out of his meeting with Gordon Brown and said, essentially, that Reg Empey also had to agree. Having given that level of veto to Reg Empey, the issue is whether Cameron is prepared to provide satisfaction to the DUP on the financial issue.

That is what happened to the devolution of justice and the protection of the Good Friday Agreement when the nationalist community gave primacy to Sinn Féin. There was not one, not two, not three, but a family of vetoes on who makes the decision on when the devolution of justice will happen.

Mr O'Dowd: I wish to comment on the history lesson that the Member has provided. The period of history that he refers to, covering the engagement among Sinn Féin, the SDLP, the Dublin Government and others, is an interesting period on which to reflect on the issue of policing. As those negotiations went on, Sinn Féin stated to all the parties around the table that the British Government could be moved further.

The SDLP and the Dublin Government stated that the British Government would not make further legislation on policing and justice. Sinn Féin said that the British Government could be moved if the parties at the negotiations remained united. The SDLP and the Dublin Government broke ranks. The SDLP joined the Policing Board, and real change on policing was delayed by a number of years. The British Government then brought forward further legislation on policing and justice, which is exactly what the SDLP said would not happen.

If the Member wishes to give a history lesson, he should give a complete history lesson. I will sum up what he has said so far: it is Sinn Féin's fault that the SDLP did not ask for the transfer of policing and justice in the first place, and it is now Sinn Féin's fault that the SDLP will not support the transfer of policing and justice. Does the SDLP have a mind of its own?

Mr Speaker: Before Mr Attwood resumes, I must insist that, as far as possible, he relate his remarks to the Bill. He may do that in an imaginative way, but it is vital that he does so.

Mr Attwood: With all due respect, Mr Speaker, the Bill must be understood in the context of what previously transpired. Therefore, every comment is not only

sourced in the debate but is sourced in clause 2 of the Bill. Everything that I am saying is relevant to that, because the issue comes down to how we got to that point and what that says about the nature of devolution and about who has held the whip hand in negotiations. That is why my comments are so important.

7.00 pm

I want to respond to the issues that were raised by Mr O'Dowd. His comments were contradictory. He said that implementation of real change in policing was delayed for several years because of the SDLP's decision to join the Policing Board. Why then, in the run-up to Sinn Féin's decision to join the board, did Gerry Kelly say, in the 'Belfast Telegraph' and in an interview on 'Hearts and Minds' with me, that there had been unprecedented change during previous years? He is quoted as saying that on the front page of the 'Belfast Telegraph'. He has said that on record. One cannot reconcile the assertion that there has been unprecedented change during the SDLP and the unionist parties' tenure on the Policing Board with the line that Sinn Féin has sold in the debate, which is that real change was delayed for years.

Why did Gerry Adams go to the then chairman of the Policing Board, after Sinn Féin had made its decision, and tell him that, if had not been for the board's work, Sinn Féin could not have made that decision? Sinn Féin cannot have it both ways. Gerry Kelly's words are on record. That is what happened, those are not disputed matters, and they are publicly known.

I want to deal with the Alliance Party's comments. Although they were, as always, well-rounded and developed, they contained two or three essential political flaws that need to be addressed. Stephen Farry said that the Bill's provision for the establishment of a justice Ministry was the lesser of two evils. I cannot reconcile myself with that: I do not understand how giving parties vetoes on ministerial appointments is better than what was guaranteed under the Good Friday Agreement and under legislation on the entitlement to ministerial office. I cannot reconcile how a veto on who becomes a Minister is better and is a lesser evil than the rights and guarantees of the Good Friday Agreement.

Mrs Long: Will the Member give way?

Mr Attwood: I will give way in a moment; I want to finish my point.

I do not understand why, if the Alliance Party believes that there are flaws in the Good Friday Agreement's architecture, it indulges a bilateral change to the agreement rather than having a conversation with the DUP and Sinn Féin, as the DUP First Minister has suggested.

I do not understand how it is a lesser of two evils to appoint a Minister who will be the captive of the First Minister and deputy First Minister when the powers of Ministers have been eroded further because of the St Andrews Agreement and the ensuing legislation. I do not see how the Alliance Party can reconcile, and describe as the lesser of two evils, a veto, a bilateral change and a Minister's being captive with the provisions that used to exist.

Mrs Long: The Good Friday Agreement, which the Member's party has trumpeted as its structures and mechanisms, contained a veto over the appointment of the First Minister and deputy First Minister. That had to be put to a cross-community vote. When that was removed at St Andrews, the SDLP, among other parties including the Alliance Party, believed that that was a retrograde step because it removed collectivity from the Executive. Therefore, the SDLP cannot, on the one hand, argue that the Alliance Party wants to introduce a veto.

If the Member reads the Good Friday Agreement, of which the SDLP was apparently the architect, he will see that it is riddled with vetoes and is, in fact, built on them.

Mr Attwood: I note that the Member did not deal with my second and third points, regarding bilateral change and a justice Minister being a captive. However, let us deal with the issue of the veto. The political circumstances in 1998 required that a message be sent out to our community saying that there was a new order of things. In order to demonstrate that, and to show the collective wisdom and will of the people to bring about a transition from pre-1998 politics to Good Friday Agreement politics, there was an election to a joint office of the Assembly. Those were the circumstances that existed then.

The circumstances that exist now for the devolution of policing and justice are very different. The unionist parties, the SDLP and Sinn Féin are sharing responsibility for much of the heavy work that must be done on policing; no one has walked away from the Policing Board, and that board has unanimously appointed a Chief Constable. If the Policing Board has the maturity to do that, the same principle can apply to the devolution of justice and to the appointment of a Minister.

Mrs Long: I thank the Member for giving way, and I apologise for not answering his other two points. I held off on answering those, because I indicated that I wanted to intervene on the specific issue of a veto. The Member's last point raises some interesting questions. He suggested that political circumstances can change the approach that is taken. Up to this point in the debate, the SDLP has basically said that what was inscribed in 1998 could never be changed and that the appointment mechanism was immovable and

untouchable. That is precisely the position to which the SDLP has been holding, so there is an issue about political change. I do not think that the SDLP was happy when the appointment mechanism was removed.

I do not believe that a justice Minister will be held hostage. My colleagues and I have said, very clearly, that the security of programme is the key to ensuring that no Minister will be held hostage. The Member is right to say that the justice Minister could be removed from the post. That situation is preferable to the current one, in which an underperforming Minister can continue to underperform *ad infinitum* and never be challenged directly.

I wish to answer the Member's third point on the issue of unilateral and bilateral change. We have made it crystal clear that we do not see that as either opening the door to wider change or as a Trojan horse. Other people can interpret that whichever way they want. If the Bill is passed, all other posts in the Executive will continue to be filled using the d'Hondt process, until such times as the Assembly chooses otherwise.

Mr Attwood: I thank the Member for those comments. I wish make two points: first, the Alliance Party said that the Bill has a limited precedent. However, the words and comments that have been made in recent weeks indicate that some people are beginning to think that that is not the case. There may now be a situation in which people will try to maximise the opportunity created by the removal of d'Hondt, the creation of exclusion politics, the end of equality and the denial of partnership, all of which are required by elements of Sinn Féin, on the DUP's watch. I suggest that the Member cautions herself very profoundly before she casually concedes and suggests to the House that what has been agreed has a limited precedent. In time, I think that the Member will regret those assertions.

Mrs Long: If I am wrong, I will be quite happy to say so.

Mr Attwood: Secondly, there was an inconsistency in the Alliance Party's intervention, made during Mr Kennedy's contribution, on the issue of what Mr Empey may or may not have said about who could be justice Minister. Mrs Long's contribution had substance in that regard. It is inconsistent for the Alliance Party to tell the Ulster Unionist Party that Mr Empey was basically saying that no nationalist need apply, when the Alliance Party will today vote for a Bill that will have that consequence.

The Alliance Party cannot berate a party leader for taking such a stance, even though it may be appropriate to do so, unless it, in not agreeing to the Bill's Second Stage, votes down a clause that has the same impact, because it is in the legislation and

referred to in statements made by the First Minister, with the consent of the deputy First Minister —

Mr Ford: Will the Member give way?

Mr Attwood: I will finish my point first.

That is the inconsistency.

Mr Ford: I thank the Member for giving way again — at least there are some Members in the Chamber who give way.

There are other posts in the Assembly, including your own, Mr Speaker, which are filled on the basis of a cross-community vote. None of those posts specifies that no unionist need apply, that no nationalist need apply or even that no member of the United Community group need apply. The suggestion that the inclusion in the Bill of the requirement for a cross-community vote represents a veto against nationalism is simply not borne out by the facts.

That is totally different from the leader of the UUP faction of UCUNF's statement, which made particular reference to me, that the justice Minister must be a unionist. It appears that he meant that the justice Minister must be a unionist if elected by cross-community vote, although the SDLP would be acceptable if d'Hondt were used.

Mr Attwood: That confirms my point, and I will explain why. *[Laughter.]* Regardless of the facts in this place, the fact in this case is unambiguous and has been stated publicly — the DUP will exercise its veto on nationalist applicants for the justice Ministry, just as Sinn Féin has exercised its veto on a nationalist's holding the eleventh Ministry in the Government. That is what the legislation does. The Alliance Party can package that in whatever way it chooses, but it will be signing off on legislation that means that no nationalist party need apply for the justice Ministry.

I want to briefly return to the points that Mr Durkan made on the sunset clause. The First Minister will comment on that issue, and I look forward to his comments. I want to repeat that Mr Alex Maskey's interpretation this morning is not correct. He said that the arrangements are temporary, that there is no fallback position and that we do not know what will happen in 2012. He concluded by saying that there is no fallback position in the Department of Justice Bill or in any other previous legislation passed at Westminster. I repeat that our understanding of the relevant clause and the schedule is that there is a fallback position. Sinn Féin either knew that and did not tell anyone, or it did not know, which would show the folly of its negotiating position.

Accepting “at all times” and “for all time” was the biggest strategic error that Sinn Féin made in its negotiations on the devolution of justice and policing powers. Out of that error flowed the strength of the

DUP and the weakness of Sinn Féin in the negotiations. The Department of Justice Bill is at its Second Stage, and we have the shadow of “at all times” and “for all time” over the legislation and back on the Floor.

Sinn Féin was spooked, because it knew that nationalism could not live with a situation in which the DUP had such a capacity to veto. As a consequence, Sinn Féin tried to unpick the clause and conceded even more ground. Having conceded that ground, we are back where we were when “at all times” and “for all time” meant that no nationalists need apply.

7.15 pm

Mr Hamilton: The number of Members in the Chamber has swollen, obviously in expectation of my imminent contribution. I want to assure them that I do not intend to keep them long — just about five minutes more than the 41 minutes that Mr Attwood kept us.

It is amusing that the debate on what must be one of the simplest, most straightforward and shortest pieces of legislation to have come before the House is now well into its seventh hour — and the clock is still running. It is a simple and straightforward piece of enabling legislation, as Members have said. It simply names the Department, an issue about which I do not think anyone has raised any concern. Clause 3 refers to the commencement, which is to be carried out jointly at a later date by the First Minister and deputy First Minister; and it refers to the mechanism for the appointment of a justice Minister, which has been a bone of contention during the debate.

The legislation sets out an additional method of appointment, in that the nomination must be approved by a majority of all Members, and a majority of nationalists and a majority of unionists. I hear that method being criticised as if somehow it breaks the principle of d'Hondt, that tablet of stone set down in the agreement. The resounding response to that criticism from these Benches is: so what? The DUP has no love for d'Hondt or any abiding desire to see its continuation. To break that principle, therefore, is something in which we take pride.

Nor is what is in place representative of some sort of unionist Utopia. As much as some of us might like to, we do not get to choose who we want. The appointment of a Minister requires cross-community consensus. There are those who say that that arrangement is not inclusive, but how much more inclusive does it get than to have a requirement that the person who holds that very sensitive and important position must have been voted for in the House by a majority of nationalists and a majority of unionists? That is as inclusive as it gets. The model that the legislation will put in place also strengthens and solidifies the unionist position for which the DUP has

been arguing for a considerable time. As some Members said, it ensures that, given the sensitivity of the position, no member of Sinn Féin can hold it.

There has been discussion — indeed, rancour — about timescales. Again, as has been pointed out, there is nothing whatsoever in the legislation about a precise timescale. Many other major steps are to be taken before the devolution of policing and justice can happen. There are many high hurdles — perhaps that should be high hedges — that we have to get over before we can even contemplate the actual devolution of policing and justice powers to the Assembly.

The Assembly must pass a section 4 motion of the Northern Ireland Act 1998 requesting that we have those powers devolved. Westminster must pass the relevant Orders, and there must be agreement there on that. I find some of the Ulster Unionist Party's criticism curious, given that its Members expect their colleagues, their new-found friends, their paymasters in the Conservative Party, to be in power in the coming months. I would have thought that the UUP Members would have had much more confidence in their colleagues than some of them exhibited today. A Minister also needs to be identified, and there must be a subsequent Supply resolution and Budget Bill to deal with the financial aspects of the devolution of policing and justice powers.

I want to dwell a little on the critical issue of financing. There are, as everyone is aware, serious shortfalls with regard to the financial position for policing and justice. We have all heard about the discussions of the Policing Board, and the NIO demand for further cuts to front line policing. Many of those issues have been teased out and explored in great detail by the Assembly and Executive Review Committee.

Examples include the hearing loss claim, which, at the last estimate, represented a bill of around £120 million and rising all the time; the thorny subject of the cost of inquiries, and the fact that before inquiries take even a single piece of evidence, they can already be sitting with a £15 million bill; and the legal aid bill, which is habitually overspent by £20 million to £30 million each year, and is covered by the Exchequer, year in year out.

Various figures have been bandied about in respect of the actual cost of the devolution of policing and justice powers. I do not think that it is helpful to put a precise price tag on that. Although some of those shortfalls are historical or legacy costs that should be picked up by the Exchequer, others have been put forward in an opportunistic fashion as agencies within the justice sector bid for absolutely the best of everything, with knobs on. I argue that much of that is discretionary expenditure that could be looked at, as

that sort of expenditure is, during the monitoring rounds each year.

However, in the present budget there is clearly a substantial number of significant shortfalls that need to be addressed to create the confidence that we can have, and exercise, in policing and justice powers in a way that does justice to the people of Northern Ireland. It would be foolish to proceed without proper budget cover in place. The ramifications of that could be quite stark, potentially leading to further cutbacks in policing or in other front line services.

Last weekend, there were three consecutive nights of rioting in the Lurgan area. Unfortunately, rioting is something that, from time to time, can plague this part of the world. It does not take too many consecutive nights of rioting in too many places for the existing budget for public order to be well and truly busted, and for money to be sought from other areas. The knock-on effect of that could be in policing — perhaps in the rollback of community policing or some of the educational projects that the police engage in — or, there could be a cut to other budgets, for example health or education. The proper financial package and budget cover must be in place before we can move forward with confidence.

Community confidence is a very important outstanding issue. I have said before that I, and unionists in general want the devolution of policing and justice powers. We want to see the control of those powers placed in local hands and administered by the people whom they elect to represent them in the Assembly. Our forefathers fought for policing and justice powers in the 1920s, and the determination to take those powers away was one of the very reasons why our Parliament collapsed in the 1970s. The devolution of policing and justice powers has always been a unionist ideal. From the inception of the state, unionists have wanted control over those powers.

Through my membership of the Assembly and Executive Review Committee, I have examined some of the financial shortfalls. However, I have seen other shortfalls within the system that can only be amended if control is placed in local hands. For example, there are necessary reforms to be made that could put an end to the inflated level of expenditure on the legal aid bill, and sentencing policy, most Members would agree, could be toughened up, mindful of not interfering with the independence of the judiciary.

Unionists desire control of the policing and justice powers. Although we have that desire, we need to build confidence in the Assembly having those powers, and that will be helped by addressing the financial issues that underpin devolution. This is a fairly simple and straightforward piece of legislation; however, it is clearly not a simple or a straightforward matter.

We still have many hurdles to overcome before we can say with confidence that we want to have policing and justice powers transferred. The Bill in no way advances us, in time, towards that day. It is a necessary step, but we still have some significant distance to travel.

The First Minister: The debate was never likely to be easy for you to handle, Mr Speaker, or for the Deputy Speakers. The devolution of policing and justice powers is a sensitive issue, and one that is vital to us all. It is a life-and-death matter for the people of Northern Ireland. That is the nature of its importance, and the discussions in the Assembly and Executive Review Committee and in the House have been critical.

Therefore, I was glad, and I would not have expected anything else from you, Mr Speaker, that you took the sensible line of allowing Members some flexibility. Members may be thinking that I say that because I intend to stretch that flexibility, but I do not. I am responding to the debate and, therefore, to comments that have already been made. As those comments have already been made, they must have been in order. Therefore, I must be in order in responding to them. *[Laughter.]*

It was a bit of a stretch to understand how some issues raised today were relevant to an enabling Bill that essentially has two key elements, especially given that the Second Stage of a Bill is confined to a debate on its general principles rather than its particulars. Of course, Members can object to various elements of any Bill, but they have the opportunity in Committee and at Consideration Stage to propose and table amendments for consideration. Therefore, the Assembly has today been considering the principle of whether the Bill's Second Stage should be agreed. That was the only issue on which the House had to decide, not whether every aspect of the Bill is precisely in place in the way in which Members want. That is for further Stages of the Bill to determine.

The debate did not always reach lofty heights, and elements of it were not edifying. Sometimes, we need to stop and consider where this Province has come from over the past number of years and, perhaps, recognise each Member's important role to ensure that the Assembly continues to make progress. I am a convinced devolutionist; I have always been so, and part of my conviction that devolution is the best way forward for the people of Northern Ireland comes from my 30 years at Westminster, most of which were served during periods of direct rule. I will never agree with anybody who thinks that it is better for the people of Northern Ireland to be part of a system of government that allows people who have no roots in this community to take decisions on its behalf.

Indeed, I will go further. Decisions are taken at Westminster in a way that gives no effective say to the elected representatives from this part of the United Kingdom. My colleague Dr McCrea will know about that, because he and I are both old-timers in the House of Commons. We know the procedures, whereby Orders in Council were passed after an hour and a half of debate, sometimes at 3.00 am. Those matters were shoved on to the end of business because people did not want to keep English, Scottish and Welsh MPs from getting home to their beds.

That was the way in which Northern Ireland affairs were treated. Those Bills went through without any amendments or any opportunity for people to do more than have, perhaps, one Member of their party speak on the issue at hand. No amendments were permitted to Orders in Council. That is what we will go back to if we do not make a go of the Assembly.

7.30 pm

People may be a little bit unhappy about structural aspects, and there are many things that I want to see changed, but we must not start questioning devolution itself. It is very much in the interests of the people of Northern Ireland, and it is our responsibility to ensure that it delivers best for them.

The devolution of policing and justice powers will be initiated when the Assembly alone determines that the time is right. In that context, I have already mentioned that the Bill is preparatory in nature. Clause 3 makes it clear that its provisions will become operative only after the Assembly has agreed to proceed and when the deputy First Minister and I jointly make a formal commencement Order. The Bill is an enabling Bill. It deals with the structures associated with setting up a Department of justice and the mechanism for appointing a justice Minister.

Throughout the debate, I heard a number of Members say that if we expect them to vote for this kind of legislation, we should talk to them. That shows that they do not understand the legislation that they are dealing with. This legislation is not the result of some recent backroom deal or of some negotiations with the Government or between the deputy First Minister and me. The Bill is the direct result of an agreement by the Assembly after the Assembly and Executive Review Committee presented its first report to the House. That Committee considered all the relevant issues and heard evidence from the deputy First Minister and me when we discussed those matters with it. There was a full debate on the Committee's report in the Assembly, in which these issues were discussed.

Perhaps I will go off at a tangent here: I cannot understand the SDLP's position. Throughout the seven-odd hours of the debate, it has said that it will vote against the Bill. Why? It did not vote against the

Assembly and Executive Review Committee's report to the Assembly, which contained those selfsame issues. If it did not vote against that report then, why is it saying that it will vote against the Bill's Second Stage, which is a principle Stage, today? There is no consistency in that position whatsoever. I cannot understand how the SDLP has got itself into that position.

I will go into more detail on the subject of the SDLP and the Ulster Unionists later. However, I listened to Mr Kennedy when he dispensed with the hat that he wears as Chairperson of the Committee for the Office of the First Minister and deputy First Minister and firmly placed his party hat on his head. He seemed offended at the suggestion that the Member for East Belfast Mrs Long might think that the attitude and position that the Ulster Unionist Party had adopted was anything other than a natural and principled stand that was in the interests of the whole community. Well, we must say it as it is: the Ulster Unionist position is entirely synthetic, and there is no degree of truth and honesty in it. It is absurd, given that party's history on this matter.

It might be worthwhile to take a bit of time to look at the Ulster Unionist Party's position. UUP Members have indicated that they believe in the devolution of policing and justice. I knew that they did so, because I can recall during the stewardship of Mr Trimble, now Lord Trimble, and Séamus Mallon, and during the stewardship of the now Lord Trimble and Mr Durkan, that there were all sorts of difficulties for the Executive and that negotiations were held periodically.

During one set of negotiations, the Ulster Unionist Party reached an agreement. At no stage did it publish that agreement because it lost the election that followed and the party was not required to deliver on it. However, it is worth knowing what the Ulster Unionist Party had signed up to; the same Ulster Unionist Party that said today, for point-scoring purposes, that it wants to see the devolution of policing and justice but that this is just not the right time and that it is too soon. What was the Ulster Unionist Party's position? The document that they agreed stated, and I quote:

"Ulster Unionists want to see the devolution of policing and justice on a basis that is robust and workable and broadly supported by the parties. In the next Assembly, we will seek agreement on the practicalities of such devolution, including the necessary institutional arrangements and legislation, with the objective of achieving devolution towards the mid-point of the Assembly's lifetime."

Remember, that was in 2003. The document goes on to refer to the UUP's willingness to:

"support arrangements for consultation and co-operation in policing and justice matters with the relevant authorities in Ireland."

That is from a document that the Ulster Unionist Party signed up to.

My recollection, and I am sure that those who were more intimately involved will tell me if I am wrong, is

that the guts of that were agreed at a meeting in Hillsborough; a meeting in which the then leader of the Ulster Unionist Party took himself off a few hours early, and I am not sure of the reason, leaving the present leader of the Ulster Unionist Party in charge. The document is not something that one can say was due to David Trimble and was in the past: the thumbprints of the present leader are on it, as are those of many of the people who are here in the Ulster Unionist ranks today.

In 2003, the Ulster Unionist Party believed that the devolution of policing and justice should take place at the mid-point of the following Assembly, probably around the end of the summer holidays in October 2005. Does anyone in the House remember what conditions were like in 2003? If Members will permit me, I will remind them. Killings were still taking place that were being attributed to the Provisional IRA; cover names such Direct Action Against Drugs, and so forth, were being used; racketeering, gangsterism and criminality were still going on; Sinn Féin had given no support to the police, the courts, or the rule of law; yet the Ulster Unionist Party was content, at that stage and in those circumstances, to have the powers of policing and justice devolved.

Mr Kennedy: What the First Minister has omitted from his historical detail of the events of 2003 is that the leading nationalist party at that time was the SDLP, and that the Ulster Unionists, as the largest unionist party, had a responsibility to create stability for the people of Northern Ireland, and was attempting to give leadership. That was not helped by the antics and the attitudes of the Democratic Unionist Party.

Nonetheless, an important consideration that he omitted was that, generally, the broader Unionist family always considered it somewhat easier, difficult though it was, to negotiate with the SDLP than have to deal with Sinn Féin in the way that the First Minister finds himself doing now.

The First Minister: Here we find out how the Ulster Unionist Party got itself into so much trouble. It negotiated for the day without recognising that there is a tomorrow. The negotiation was held, and the decision taken, before an election. Everyone knew what the outcome of that election would be. The trend at that time made it abundantly clear that the SDLP was no longer going to be the largest party. Even if the Ulster Unionist Party missed what everyone else knew to be the facts, would anyone really put into legislation an arrangement that would have allowed Sinn Féin to take the position if the electorate had changed its mind in future years?

It is not a case of it being easier because the negotiations were with the SDLP. The Ulster Unionist Party was negotiating with Sinn Féin as well. Let us be

clear that this was not a deal or a stitch-up that was done with the SDLP. It was an arrangement that would have been set for as long as the Assembly's legislation lasted. It is entirely synthetic for the Ulster Unionist Party to object in the current circumstances. Sinn Féin has given its support to the police, the courts and the rule of law; there has been decommissioning, which had not taken place when the agreement was signed; and it is clear that its campaign is over, if the various bodies that the Government set up to look at weaponry and the role of terrorist organisations are to be believed.

Conditions have changed since 2003, and there is no one who will say that they have not changed for the better. If conditions have changed for the better and it was OK to devolve policing and justice in 2003, why is not OK to do it in 2009? The Ulster Unionist Party cannot answer that question.

Mr McFarland: Will the Member give way?

The First Minister: I recall sitting with the Member on a Committee. Indeed, it might be worth telling the House about the discussions in that Committee, but I will let the Member speak first.

Mr McFarland: I could take the discussion back to the negotiations that took place all the way through the process.

The First Minister talked about people not voting against this in the Committee. In the Committee, all parties agreed that the title of the Department would be the Department of justice. However, we voted against the second bit — the Ministers etc — and I think that it is correct to say that the SDLP voted against. When the report came to the House, we voted against it. The suggestion that we all voted for it is not correct.

Our objection now is that the head of the Government is totally dysfunctional. There is no agreement between the two main parties: they are fighting over education, the Maze stadium and everything else. Policing and justice cannot be devolved to the Executive, the First Minister and the deputy First Minister with any hope that there will be stability, particularly as long as issues such as parading and Eames/Bradley remain unresolved.

The First Minister: I will deal with the point about dysfunctionality first, and then the Committee issue. How dysfunctional was the Executive in 2003 when the Assembly was collapsing every other week? The Ulster Unionist Party wanted to have the powers devolved to a dysfunctional Executive in 2003. I will come to more detailed comparisons of dysfunctionality later.

The Member has built a straw man so that he can knock it down, but I think that there is a genuine misunderstanding on his part regarding the Committee issue. I was not referring to the Committee for the Office of the First Minister and deputy First Minister. Rather, I was referring to the Assembly and Executive

Review Committee, which we appeared before in relation to this matter. That Committee brought its report to the Assembly, and the Assembly passed that report after a vote. At that time, the SDLP did not vote against the report. The SDLP now wants to vote against the principle of something that it agrees with because of the details of something that it did not previously object to.

7.45 pm

Mr McFarland put his head above the parapet. I recall the Preparation for Government Committee during the good old days of the Assembly. The Member for North Down Mr McFarland and I were members of that Committee when the issue of policing and justice was discussed. Through its spokesman, Mr McFarland, the Ulster Unionist Party said that it acknowledged that confidence in the unionist community was not yet there, and that it was not possible to agree to the devolution of policing and justice at that time. However, he went on to say that if the barrier of Sinn Féin announcing support for the police were removed and devolution was restored — both of which have happened — that would provide the necessary confidence. Those were the conditions that he laid down. On that same occasion, he then had the audacity to attack the DUP for its reluctance to provide a time frame to assist Sinn Féin. He regarded that as a misguided position. Therefore, the party that claims that it could not touch the principle of the Bill is the same one that chided us for not giving a timetable for the devolution of policing and justice during meetings of the Preparation for Government Committee.

Mr B McCrea: I am grateful to the First Minister for giving way. I am the third person to put my head above the parapet. *[Interruption.]*

I hear a lot of yahooing and cavorting. However, having listened to the First Minister's explanation, I want to make a serious point. Does he agree that circumstances have changed since the time that he referred to? Does he agree that the Executive have faced difficulties? Does he agree that there has been some difficulty with dissident republican activity? Does he agree that there have been difficulties with education, with parades, with the Maze and other issues, all of which have served to undermine public confidence in these institutions?

I was not an MLA during the days that the First Minister referred to. Therefore, I know about the optimism that existed outside this place. People had can-do attitudes and were eager to see what could be achieved.

The First Minister spoke most eloquently, and I mean this most sincerely, because he has the privilege of rank and he can talk with a command of the detail. He agreed that some of the issues that were raised by

my party deserve serious consideration. Our opposition at this stage is aimed at sending the message that we are concerned about the long-term future. We are quite happy to work with people to try to resolve the issues, but we feel that we are missing a trick. There is a danger of winning the battle but losing the war.

The First Minister: Again, I will address the dysfunctionality argument, because it has permeated the debate. It probably came to a crescendo when Dolores Kelly spoke. During her tirade, as she threw her arms in the air, she indicated that the Executive had agreed nothing and that they could not take decisions that will benefit the people of Northern Ireland. That argument was followed up by the Ulster Unionist Party. None of that is new; they have been pumping out those same arguments every day for a long time. As soon as there is a difficulty — and difficulties will always occur in government — they talk about a dysfunctional Executive that cannot agree and about the Assembly not working. They do, of course, have a ready audience in the form of the media, which looks for any issue on which they can cause controversy.

Let us have a more objective consideration of the exact nature of that dysfunctionality. Such consideration is within the context of the debate on the Bill because a dysfunctional Executive has been suggested as one reason for not proceeding with it.

Comparisons can be made with the SDLP and the Ulster Unionist Party, which are the two parties of the centre. The message that they seek to send out is that, if only they were in government, everything would be peace and light, the sun would shine every day, the children would be skipping in the streets, and life would be wonderful.

Let us, however, consider the facts. The SDLP and the Ulster Unionist Party jointly led the Government during 31 months of devolution, whereas the current period of devolution stands at 29 months. The Ulster Unionists and the SDLP, therefore, had more time as leaders of the Executive than the DUP and Sinn Féin. What was accomplished? How many agreements did the SDLP and the Ulster Unionists reach at the Executive during that period? I will tell them: when Seamus Mallon was the deputy First Minister, they reached 194 agreements, and, when Mark Durkan was the deputy First Minister, they reached 126 agreements. Over a period of 31 months, they reached a total of 320 agreements.

Surely the current lousy, dysfunctional Executive could not meet the standards set by the Ulster Unionist Party and the SDLP. Surely the 320 issues on which they reached agreement was such a benchmark that it could never be beaten. However, in less time than it took the SDLP and the Ulster Unionists to reach agreement on 320 issues, the current Executive have

reached agreement on 451 issues. We have, therefore, significantly increased the standard.

Mr McFarland: Is the First Minister referring to the number of pages?

The First Minister: The Executive have reached agreement on 451 issues.

Mrs D Kelly: Will the First Minister give way?

The First Minister: I will do so in a moment.

Very few of those 451 issues went to a division. Those two parties, over a longer period, accomplished about two thirds of the number that we have achieved. Despite that, they sit there, sanctimoniously pointing the finger and saying that dysfunctional parties cannot run the Executive — we have done a better job than them.

Some Members: Hear, hear.

Mrs D Kelly: Mr Speaker, I note the latitude that you gave to the First Minister, given that he made little reference to the Bill.

It is a matter of record that the legislation that was approved, the agreements reached and work done amount to much more happening during the tenure and leadership of the SDLP and the Ulster Unionist Party.

Does the First Minister not agree that one of the most important problems in society is the cancer of sectarianism? That must be addressed, but what did the dysfunctional Executive do last week? Sinn Féin published its document, and the DUP subsequently published on its website the document on which it thought it had secured agreement with Sinn Féin.

The First Minister: In 31 months, the Ulster Unionists and the SDLP did not produce any document. *[Laughter.]*

Mr Kennedy: Will the First Minister give way?

The First Minister: I will, but it is better that I answer one intervention before taking another.

I find it slightly offensive that the Member attempts to chide the Speaker for giving me the flexibility to respond to remarks that she made earlier. The Member allows herself the flexibility to talk about a dysfunctional Executive but, if anyone dares to respond, she complains to the Speaker about his allowing similar flexibility.

Mr Kennedy: I am grateful to the First Minister for giving way. I accept that the landscape is different from what it was in 2003. I also accept that the DUP is now the leading party in unionism, although I hope that that will be temporary. However, let me bring matters up to date: based on the comments of the First Minister's senior colleagues here today, some of whom hold dual mandates in this House and in Westminster, and given the not insignificant warnings that were posted today from this House; assuming that the enabling power will pass through its various stages and will be

granted to the First Minister; how optimistic is he of achieving the devolution of policing and justice soon?

Mr Speaker: Before the First Minister responds to that point and to the issue that was raised by Dolores Kelly, I make it absolutely clear that every Member has had an opportunity to speak during the Second Stage of this Bill. All Members on all sides need to be honest: they received quite a bit of latitude in going outside the Second Stage of the Bill. Let us have a wee bit of honesty: the First Minister is answering comments that were made in this House by a number of Members. Let us not have double standards; let us protect the integrity and the business of this House, because that is what this is about and what my job is about.

The First Minister: I make it clear to the Member who asked the question — to those in the Chamber and those outside it — that, from the earliest moment of the prospect of devolution to Northern Ireland, documents from the Democratic Unionist Party were submitted to Government that argued the importance of the devolution of policing and justice powers. It is not a new position for us: it has always been our position.

As was mentioned in the debate, it was of particular importance to Carson and Craigavon during the negotiations that saw our Stormont Parliament being set up that the critical functions of policing and justice would be part of the Government's responsibilities. Brian Faulkner did not think it worth having a Government without those responsibilities for the reasons that a number of Members set out. We want policing and justice powers to return to Northern Ireland.

However, our consistent position, which was laid down in manifestos and in policy documents, is that because of the life-and-death, vitally sensitive issues that touch on the lives of every citizen, which I set out at the beginning, it had to be done right. It had to be done in a way that inspired community confidence. Community confidence was put at the heart of our manifesto. It was put at the heart of all our policy documents not to obstruct the devolution of policing and justice but because it was regarded as the essential ingredient.

Think what would happen if we were to have policing and justice powers with a justice Minister, and a significant section of our community could not stomach the fact that that was the position. All sorts of scenarios could be played out. It is vital that we have community confidence. It is also vital, as soon as we have all the other ingredients in place, that we all go out and win that community confidence; we should not sit back and hope that it comes along.

We recognised that two elements were central to achieving community confidence: the institutional arrangements and the financial arrangements. They

would be critical in convincing the public that devolving policing and justice powers was the right thing for us to do.

8.00 pm

If I had a blank piece of paper and I were left on my own to write the scheme, I would not come up with that which we have. It is not the best scheme out, any more than our devolution structures are perfect; indeed, they have their imperfections.

I feel no embarrassment or any disloyalty to either the deputy First Minister or the Assembly. If I see ways of improving how we do business in the Assembly to get better delivery for the people of Northern Ireland, I have a duty to speak out. That is not to degrade or denigrate the great deal that we have achieved already. I believe that we have secured agreements where nobody expected us to. I believe that we have been able to deliver for the people of Northern Ireland; however, we have perhaps not sold properly what we have delivered. I believe that changes that have benefited the people of Northern Ireland over the past two years would never have been seen under direct rule.

Coming back to policing and justice, it is essential that we deal with the issues of institutional arrangements and finance to ensure that we build the community confidence, which, in our view, is essential.

As far as the institutional arrangements are concerned, broadly speaking, I believe that the arrangements in the Bill are fair and workable. If I did not believe that, I would not have recommended them to the Assembly and Executive Review Committee or, perhaps more importantly, to my colleagues. Therefore, I believe that the institutional arrangements can get the support of the community.

The financial arrangements are not yet in place. Indeed, for months we have been talking to officials and to Ministers without much movement on the matter. Most of the work has been in identifying where the pressures were and the extent to which those pressures were inescapable. I think that we now have thorough engagement with Government about what they will do to be able to meet the financial pressures that, unquestionably the police and justice agencies, prisons probation boards and the other bodies will face.

However, we are not there yet. We are still interrogating those figures, and we are almost in a stand-off position, because we are leaving it to officials in the Department of Finance and Personnel to advise us on whether the proposals meet the necessary criteria. That is a responsible position for us to adopt. Rather than attempt to impose a political will to push on to get devolution quicker than the finances would allow us or to hide behind finances as a reason to hold back, we are allowing officials to look at the finances

realistically and to tell us the position that we would put the Province in.

I point out to Members that finance is no small issue. Any member of the Assembly and Executive Review Committee who has looked at the details of the finances knows that they represent very considerable pressures. The Government identified those pressures in some way when they gave us £27 million or whatever it was in the past weeks, only to effectively take £17 million back again by tightening the screw on spending.

Issues that are related to hearing loss could cost hundreds of millions of pounds, and it would be madness for the Ministers who are responsible for making recommendations to ignore those. We must deal with big-ticket items such as legal aid and equal pay, and pensions are no small matter. We also have to deal with a long list of what might be considered in simple, one-line terms to be small items. However, their cumulative effect makes them bigger than any of the big-ticket items.

Finance is not an easy matter to manage, but in my view, the Prime Minister and his officials are now dealing with it seriously. I believe that we made real progress on a number of those issues not just last night, but in previous meetings. Therefore, we are making progress. We are not going to the United States to have a meeting about policing and justice, but if the Prime Minister is there, and we are there and time is available, we will want to try to make further progress, because we want to see what the Prime Minister is prepared to do on some of those issues. Therefore, I hope that we can make more progress than we have made so far on the financing of policing and justice.

But that still leaves us with the matter of community confidence. The Ulster Unionist Party seems to be feeling a little sensitive about being left out, but, as I have pointed out publicly — and I do not retract one word of it — when the Democratic Unionist Party put into its manifesto that it was essential to be satisfied that there is community confidence, it did not say that it wanted the confidence of the leader of the DUP, the DUP Assembly group or the party as a whole; it said that it wanted community confidence.

The Ulster Unionist Party is part of that community, and we will want to hear exactly what it has to say on these matters. However, it will not be able to duck the serious questions that we have to face. If the UUP wants to give me plenipotentiary powers and allow me to take decisions on its behalf, I will do so, but, in my view, the matter is such that the Ulster Unionist Party, the Alliance Party, the SDLP, Sinn Féin and anybody else in the Assembly should have their say about whether the time is right for devolving policing and justice. They will not be ignored during the process.

Mr B McCrea: I listened with interest to what the First Minister said. Throughout the debate, we have been signalling that we have concerns and opinions about which we would like to engage with him. However, we have been royally vilified, and some Members even laughed and called into question the points that we brought forward. It seems to me that if there is to be a way to build community confidence, it could be ably demonstrated in the Chamber by how people respond to heartfelt and genuine concerns; concerns that I happen to know are shared by many people, not just members of the UUP. Therefore, I say to the First Minister that I hear what you say, but actions speak louder than words.

The First Minister: First, I do not believe that anybody was laughing, scoffing or otherwise screaming at him about any concerns that he may have. I rather suspect that some of those concerns are shared on these Benches. The inconsistency in the Ulster Unionist Party's position is that having and expressing those concerns is a reason to vote against an enabling Bill, which does nothing to determine the date for the devolution of policing and justice. That is the gap between our positions.

Similarly, I cannot understand why the SDLP did not vote against the Assembly and Executive Review Committee's report, but claims that it will vote against the Bill tonight. Likewise, the Ulster Unionist party says that it believes in principle in the devolution of policing and justice, but, like the rest of us, has concerns, and therefore will vote against having the legislation in place that, at a later stage, will enable that to happen. Surely we have enough confidence in ourselves to know that the issue will come to the Assembly, which can then determine whether the moment is right. I have said publicly — now for the fifth or sixth time — that we will not reach that stage until we have had the very conversations that the Member suggests should take place.

This is a community issue. In fact, I will go further; it is not just a matter for the parties in the Assembly. If Members look at the process paper that the deputy First Minister and I handed over to the Assembly and Executive Review Committee, they will see that a consultation process with the community as a whole is one of the process points that must be followed. Would it not be wrong for us to ignore what the community has to say about such an important matter?

Again I go back to the issue: I do not object in any way to Members expressing concerns about timing or, indeed, the mechanisms that will be used, but that is not the subject of the Bill that is before us tonight.

Mr Kennedy: I am grateful to the First Minister for giving way again. We accept that the legislation is enabling legislation, and it is a fact that it contains no

time or date. However, it is very important that the First Minister and all Members of the House understand that, crucially, it is also a fact that the Ulster Unionist Party and other parties have been excluded from the detailed negotiations that are ongoing in Downing Street and that will undoubtedly continue in Washington, New York or somewhere else in the United States of America this week. That raises the fundamental concern that we cannot and will not, as a political party, give a blank cheque to those negotiations.

The First Minister: I do not think that anybody would ask that of anyone in the House; I would not ask my own party colleagues to give me a blank cheque on those matters. Every one of them will want to see exactly what the financial arrangements are; they will want absolute open and transparent disclosure in the course of the further discussions that we have, as indeed they will for any other issues that are of concern to them.

Dr W McCrea: I ask my honourable friend to think back to the talks at Weston Park in which the Ulster Unionist Party took the lead. The only news that we were given was drip-fed to us from people who were in the talks. Certainly, the leader of the Ulster Unionist Party did not tell the people of Ulster what was agreed there.

The First Minister: That applies not just to what happened at Weston Park, it has to be said. The Ulster Unionist Party even attempted to stop me, as a Minister, from getting Executive papers. I had to go to court to get financial and other papers that were going to the Executive and that they withheld from me. Therefore, I will not take lectures about the lack of consultation and so forth.

I am being open. I have indicated publicly that I am willing to set up a mechanism, both for the SDLP and the Ulster Unionists, to talk about the issues that the Executive have to deal with and about any other matters that they want. I have asked my special advisers already to see whether arrangements can be made with the special advisers of the Ulster Unionist Party and the SDLP to ensure that we have a better relationship.

Let us be very clear: this is not a matter of Sinn Féin and the DUP keeping the Ulster Unionist Party and the SDLP out. Up to now, it has been a matter of the SDLP and the Ulster Unionist Party seeing themselves as being opposition in the Executive. I hope that we will see a change in that situation. Indeed, we have heard an example of that today. There has been talk about huckster shops and people getting Executive papers at the last moment. What happened when the papers were given out with plenty of time? On the same day that the Finance Minister sent a paper to other Ministers, it was leaked to the BBC. If we are to have an Executive in which there is a proper functioning partnership —

Mr A Maskey: Where did the leak come from?

The First Minister: The Member should not ask where the leak came from; he might get an answer.

The facts are that the SDLP and the Ulster Unionist Party have gloried in being opposition in the Executive. It did not really matter what the issue was; they wanted to be against it. If they thought that there was going to be the least bit of hardship over a decision that was to be made, they wanted to be against that general principle. That is OK for an opposition party; we expect such parties to do that. However, if we have parties in the Executive, particularly in circumstances where greater responsibilities are going to be handed over, we expect a team to be playing together. That is not simply a case of Sinn Féin and the DUP allowing greater disclosures to the SDLP and Ulster Unionists; it is a matter of those parties playing as part of a team.

Mr Kennedy: Will the Member give way?

The First Minister: I will give way in a moment. We had a second example in the Chamber today, with an Ulster Unionist Minister. Can anybody imagine a Minister in any Cabinet anywhere in the world coming to an Assembly about a financial matter in the way that that Ulster Unionist Minister did today? That Minister has 50% of the block grant, which is all the money that is available to us in Northern Ireland. He has a better settlement than any Health Minister has ever had. What is his reaction to the first difficulty that comes along, the first hard decision that he has to make? He said that it is the Finance Minister's fault.

That is not the way that Executive Ministers should be acting. The Health Minister signed up to the Budget; he agreed to it, and we expect people to work together in the Executive as a collective. That is even more important.

If we have not moved too far away from the point that Mr Kennedy was going to raise, I will give way to him.

8.15 pm

Mr Kennedy: I am grateful to the First Minister for giving way, yet again. Methinks the First Minister doth protest too much, particularly on the issue of the role of what are called "opposition" parties operating in the Executive. It seemed to me and to a large number of people, including Members of the House and people outside the House, that he and his party successfully deployed such tactics in the period when the DUP was not the leading party and when he did not have the full responsibilities that he has now. It is a bit rich of him to lecture us in those terms today.

The First Minister: The Member's memory is a little defective, because we held exactly that kind of role, and we made it clear that our objective in relation to the Belfast Agreement was to bring it down. That was our deployment, and since we made the changes

that were required due to the unsuccessful negotiating of the Ulster Unionist Party and managed to get a better deal for the unionist community in Northern Ireland, we have succeeded. The electorate supported us because of the programme that we were developing. Is the Ulster Unionist Party saying that it is adopting the tactics of the DUP because it wants to bring the agreement down? That is where those tactics were bound to lead, and that is why we deployed them.

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

If the Member is against the structures that we have here and the form of devolution that we have, I recognise that he has a right to carry on with the wrecking tactics, if that is the idea. However, we have got a better deal now to stand over the kind of structures that we have. If the Member wants the system to work, I hope that he will join with the rest of us as full members of the team, working with his Executive colleagues as part of a collective, and not leaking information and trying to damage the Executive by handing out stories to journalists that might be of interest in order to undermine the Executive and their work. I am not suggesting that the Member leaked the information, because he was not there.

Mr Kennedy: I am grateful to the First Minister for giving way. Why would we want to wreck something that we created and worked hard to create? Let me reassure the First Minister and other Members, lest they may be in any doubt: the Ulster Unionist Party worked hard to create the conditions for devolution, and we will continue to work hard to create proper conditions for the devolution of policing and justice. We are not in the business of wrecking, and we never have been — unlike some parties in the House.

The First Minister: I get around the Province as much as, and perhaps more than, most Members. I meet people of every shade of opinion and at every level of our society. If the Member thinks that through his party's constant references to dysfunctionality, comments about the Executive not doing particular things and decisions not being taken, it is supporting and building up the credibility of the structures that we have here, he is mistaken. In the community, there is an unhealthy disrespect for the Assembly and for the work that it does. It is our responsibility to show that we can act responsibly and that we want to make the Assembly and Executive work. That is a job that every one of us has to do, and we will not do it if we try from the inside to act as saboteurs or fifth columnists and try to bring it down.

Mr Durkan: We, on these Benches, are not trying to wreck anything: we have never sought to wreck anything here. We have tried to make the Assembly and Executive work, and we have done that by proposing motions that suggest better ways of handling issues in

relation to public finances and that suggest that all the parties work together in a new Committee to deal with a lot of the structural problems in the Budget. All of those motions contained positive proposals to deal with those issues, and we proposed them in order to play our part and not to wreck anything. However, each proposal that we made to deal with serious issues, and deal with them collectively, was voted down by Sinn Féin and the DUP.

The First Minister: I could tell an entirely different story, but I do not think that it would help to bind the wounds that exist.

Some Ministers sit at the Executive table, texting people outside to get details of confidential discussions to the press, and I do not believe that that is the best way forward for the Executive. Furthermore, some Ministers record their dissent in the minutes on every issue that is a little bit controversial or that might have a downside to it. Being in the Executive is about taking difficult decisions, and it is about being unpopular at times because of those decisions. One cannot be in a four-party mandatory coalition, and take all the benefits of being in that coalition, but, at the same time, use one's position to make out that the other members of the coalition are responsible when things go wrong. If an Executive are to function properly and take the responsibilities that we are talking about, there must be more collectivity within it, and a more responsible attitude must be taken.

I will not make any more of that point, but I want to make it clear that there is not a one-way process that the SDLP and the Ulster Unionist Party are being kept out of. Those parties' actions have created a gap between them and the two leading parties in the Executive. I hope that that gap can be closed, and I hope that there is a will on the part of the Ulster Unionist Party and the SDLP to do that. If there is a genuine desire to be a more collective Executive, and to move forward, I believe that that will be reciprocated by both Sinn Féin and the DUP.

I must move on now, because I have spoken for almost an hour, and I am not even halfway through my responses to comments. *[Laughter.]*

On four occasions, Members referred to the devolution of policing and justice powers not occurring in "a political lifetime". I have sourced the original reference to that and the context in which it was said. The references that were made in the House of Commons were made during a discussion of legislation that specifically designed a ministerial role for Sinn Féin in policing and justice. Nigel Dodds, and possibly others, made those comments in that context. Those remarks were clearly made in that context, and they were also set out in the DUP's policy document in the same context. However some people in the House, and other

mischievous and malevolent people outside it, have chosen to use those comments without being honest enough to give the context in which they were made.

During an intervention, Mr Kennedy made some remarks about his concern about the financial package — Members will note that I am still dealing with the first person who spoke in the debate. Mr Kennedy's remarks related to the financial package, and, to paraphrase his case, he is looking forward to learning the outcomes of the current financial discussions while telling us to look at what happened the last time.

Well, let us be clear what has happened. No other part of the United Kingdom has had a better deal on financing than Northern Ireland. When we go to the Westminster Government to discuss issues on which we require financial assistance, they are not slow at pointing out that they will talk to us about those matters, but that repercussiveness is such that they have problems when they make such gestures to Northern Ireland, because other places in Scotland, Wales and elsewhere will ask for the same.

When the original settlement was made, we were granted a guaranteed flat real growth, plus an additional £100 million each year, over the comprehensive spending review (CSR) period. That was at a time when many Whitehall Departments were facing reductions in their budgets. Furthermore, we were given an additional £100 million in 2007-08 to manage the delay of introducing water charges, and to provide funding for innovation.

Moreover, we had access to additional spending under end-year flexibility of £320 million; a £400 million contribution from the Irish Government for a substantial new roads programme; and a breaking of the link between access to borrowing under the reinvestment and reform initiative, with a requirement to close the gap with other GB councils in tax rate. Indeed, had that latter point not been agreed, we would not have been able to freeze rates, as we have done, over the last three years of the Budget settlement.

As Finance Minister during the negotiations on the comprehensive spending review, I was able to secure additional funding over and above that which was previously agreed with the Chancellor of the Exchequer.

That included an additional £443 million over and above the CSR guarantee; access to additional end-year flexibility over and above the previous agreed figure of £295 million; and access to £106 million of reinvestment and reform initiative (RRI) borrowing. That was the nature of the package that was agreed when we entered into devolution — a very good package for Northern Ireland. If the figures are added up, we have had access to a figure of around £1 billion, which we have used.

However, that is not where the Executive stop. Even after we got into Government, we were prepared to go back to the Prime Minister when issues were at stake. I remember going to Downing Street with the Finance Minister and the deputy First Minister to argue the case, and we came back with agreements from the Government worth about £900 million, which allowed us to have money available for the equal pay issue and to have funds available for a further deferment of water charges. We negotiated very good financial packages from the Government in the past, and we will not settle for a financial package for policing and justice that is second best.

Mr Durkan: Will the First Minister tell us exactly how much of the £900 million was to go towards the equal pay issue and why the matter has not been resolved?

The First Minister: The Finance Minister was intending to talk about that today, but I do not know whether he has managed to do so yet. An offer has been made on equal pay, and we are waiting for — *[Interruption.]* The Member says no and the Finance Minister says yes. I suspect that the Finance Minister knows an awful lot more about it than the Member. The offer has been made. Obviously, it has to be considered by the unions on behalf of their members, and they will come back with a response.

Again, it was this Administration that recognised the inequality and sought to put it right. That inequality was there when the Ulster Unionist Party and the SDLP were the main parties in Government, but it was this Administration that decided that the issue had to be tackled, and I hope that it can be dealt with as speedily as possible. If the Member will forgive me, I do not want to get into the figures while the Department and the unions are in the middle of negotiations.

I come to the issue of the sunset clause, which will interest the Member for Foyle. The sunset clause is as much a challenge to the Executive and the Assembly as it is an attempt to ensure any particular outcome thereafter. We will be working until 2012 under the system that we have agreed. With the benefits that the Executive, the Assembly and its Committees will have of seeing any operation of policing of justice under those structures, they will be able to determine what the most appropriate future structure for policing and justice may be. They might decide that they want to change it, or they might decide that as it has worked so swimmingly they want to keep it, but whatever happens, they will decide from a position of experience.

I am not planning for failure. I want us to succeed, and not only with regard to the operation of the function. I want any negotiations to succeed in working out where we go in 2012, as far as a permanent resolution

to the structures is concerned. It is not surprising, and it is not wrong, for any Member to say "OK, one can plan for success but failure may be the result whether one wants it or not". Therefore, what do we do in circumstances where, although we want an outcome in 2012, we cannot agree on one? It is absurd to suggest that if we were unable to agree in 2012, that the judges and the police will not be paid and that there will be no ministerial responsibility. We all know that the Government have a back-up plan in mind. I suspect that the Government would step in after a time, anyway. We do not intend to get to that stage. We do not plan for failure. We want those negotiations to reach a successful outcome.

The Member for Foyle has a particular view of what the legislation might mean.

I am aware of the section that he is referring to, and I am aware that it is possible to put on it the construction that he puts on it. However, neither he nor I knows what the courts would decide in those circumstances. I suspect that if he is using the same lawyers to advise him as advised the Minister for Social Development in the past, it might be as well if he does not place too much reliance on the advice that he has received thus far.

8.30 pm

Our advice thus far is not in line with the view being expressed by the Member for Foyle. Indeed, whether it was or was not would not concern me, because I want to see agreement reached on a way forward, and if it is not reached, I rather suspect that, before that legislation is used to map the way forward, the Government will have considered other possibilities rather than imposing a resolution on us. Although, in some legal sense, the Member may be able to construct an argument that that is what might happen, in a political sense, it is very unlikely that that route would be taken by a Secretary of State.

I will now turn to the other SDLP consideration. Alban Maginness, Mark Durkan, and, particularly, Alex Attwood dealt with the issue of the departure from d'Hondt. At times, I wonder whether anybody really thinks that the heart and soul of the Belfast Agreement is the d'Hondt mechanism; that somehow it is the indispensable part of the Belfast Agreement; that somehow it is of such import and such moment that nothing else can exist unless d'Hondt is in place. There are Members who treat d'Hondt as if it were the law of the Medes and Persians, which changeth not. It is a mechanism: that is all it is. It is a mechanism to achieve proportional representation.

I want to know what the great sin is. What is the draconian measure that the deputy First Minister and I were proposing to the Assembly and Executive Review Committee should be deployed in order to get a justice Minister appointed? Clearly, it must be dreadful. It

must be some bigoted system that we have concocted. It must be partisan in the way that it is presented, because nothing can compare to d'Hondt. What is this system? It is that we want to ensure that both sections of our community are supportive of the new justice Minister, to the extent that we not only require a majority of Members of the Assembly to endorse it; we want to ensure that it is endorsed by a majority of the nationalist Members and a majority of the unionist Members. That will ensure that the person appointed will have support across the community and not simply the confidence of a nominating officer, which is all that such a Minister would have if he or she were appointed through d'Hondt.

The position is of such importance that we believed that the second mile was necessary to ensure that the person appointed has the confidence of the widespread community. I admit, from a party point of view, that I do not have the kind of adherence to the d'Hondt system that the Ulster Unionists have declared themselves to have, as has the SDLP. It is a system that can give a result through proportional representation, but I would rather be a justice Minister who is appointed by the cross-community vote of the Assembly than one who is simply appointed by the nominating officer of my party. That would give me a lot more force, strength and influence in the community.

Mr Durkan: The key principle of the Good Friday Agreement is democratic inclusion according to mandate. The d'Hondt system was one mechanism to achieve that, and there are others. However, the key principle is democratic inclusion according to mandate. This Bill bypasses that, because it creates a situation in which one party is able to deliberately discriminate against a party that is entitled to a further Ministry and pick another party that does not have the mandate for that entitlement. The principle is democratic inclusion according to mandate. That is the issue.

Upstairs, the First Minister told me that the DUP wants that option so that it can permanently veto Sinn Féin. It is intended as a permanent veto; he told me that directly and honestly in discussions. Let him not pretend that it is otherwise.

The First Minister: The issue of Sinn Féin's holding of the Ministry has already been dealt with. Sinn Féin already indicated that it would not put anyone forward for it. Sinn Féin and the DUP were in a structure in which we had the ability to put someone forward but, in spite of having that ability, we decided that this was the fairest possible system and one that was likely to bring the widest level of support for the person who is to hold the post.

The methodology that we are using is not unique. It is used for critical votes in the Assembly, the Speaker is elected according to it, and the deputy First Minister

and I are required to have that level of support. There is nothing new in the fact that some positions are appointed by a system that is different from Mr Durkan's precious d'Hondt system. That system is not the only show in town, and I cannot think of any issue other than the matter of policing and justice for which it is more important to have cross-community support and to have a Minister who has support that is drawn from both sections of the community.

Mr Durkan: Will the First Minister give way?

The First Minister: I will give way again to the Member shortly; I have not denied anyone the right to an intervention.

In relation to Mr Durkan's mathematics, if we had decided to use the d'Hondt system, an additional Minister would not have been added; the Minister could have come from the existing 10. Therefore, it would have had no impact on the number of SDLP Ministers. We reckoned that because the final decision on the way that we would operate would not be made until 2012, that was a good step to take because we could see how it worked and could make judgements based on that.

Mr Durkan: The First Minister may recall that, in our discussions, the SDLP made it clear that if parties were to choose the option of keeping 10 Departments by creating one new Department and merging some others, we would have no problem with that on the basis that d'Hondt would be run. That is what the Good Friday Agreement requires and envisages; we never opposed that, and, in fact, we wanted that. He is the man who says that he wants to reduce the number of Departments, and he is the man who rejected that option. He did so because he did not want d'Hondt because it is based on democratic inclusion according to mandate. That was in the Good Friday Agreement, but it would not allow him to veto Sinn Féin or any other nationalists that he chose to.

The First Minister: The Member should not get excited. He is not going to hear me denying the fact that I have no attachment to d'Hondt; I hold my hands up to that. I do not believe that d'Hondt has any exceptional powers or provides any exceptional outcomes compared with any other proportional system. In many ways, d'Hondt distorts the outcome.

I return to my initial proposition. The current Executive have been able to agree much more often than their predecessor Executive, and reach more decisions and operate more smoothly than they did, without interruptions because of suspensions and collapse. The fact remains, however, that improvements can still be made.

I have still not dealt with the issue that affects the "cross-Benchers", whose votes effectively do not count on certain matters. Of course, I am ready, through the

Assembly and Executive Review Committee and elsewhere, to look at all the issues, such as how appointments are made, including appointments to the positions of First Minister and deputy First Minister. All of that can be in the mix, and we can consider how we might go forward. Perhaps, some day, we will get change that is beneficial and that normalises the democratic rules in the Chamber.

Mrs Long: During the debate, some Members have talked about the agreement as though it were the end point of a process. Will the First Minister agree that the Good Friday Agreement was put in place so that we could facilitate further agreements and developments in this place that would be democratically challenged, just as is happening with today's debate, so that we can further democracy and progress, rather than simply enshrining everything according to what was agreed in 1998 and failing to see that any further progress can be made?

The First Minister: The Member is absolutely right. Some people treat politics and political ideology as though they were theology, in that they must not change and they are fixed. Politics moves, and circumstances change. Improvements can be made, and new systems can be recognised. New conditions apply, and changes are, therefore, necessary. Even if the agreement did not allow for change, politics would require it. Politics can never stay at one fixed point.

Even if the Assembly could improve on what has gone previously, it would be nonsense for it to say that what has gone previously is so special and important that not one word, jot or tittle of it can be changed. No sensible politician would ever take that position. If improvements can be made, they should be made, regardless of whether they offend the architects of the original structures. We must recognise that politics is about change, improvement and better delivery for all people. That requires the machinery of government to be modernised continually.

I want to discuss the remarks that Mr Farry, a Member for North Down, made. He talked about the removal of a justice Minister. He also made certain remarks that, effectively, asserted that an Alliance Party Minister, in those circumstances, would not be anybody's patsy. If the House felt that it was electing a justice Minister who would be a serf, or subservient, or any of those other terms that were being used by certain Members in a derogatory fashion, I do not believe that it would vote for such a person.

The justice Minister will have to perform a difficult role. That person will require my support and that of the deputy First Minister and, I suspect, that of every one of our Executive colleagues and the Assembly itself. Therefore, that Minister's role will not be one in which he or she is isolated.

Under the legislation, the justice Minister will play a full part in the workings of the Executive. He or she will be able, and be entitled, to ask for my support and that of the deputy First Minister on matters that he or she believes to be important. The Minister will be able to go to the Finance Minister if he or she believes that there are pressures that require him to go back to the Treasury, for example.

Therefore, no matter what the final result of the Assembly's vote might be, we do not consider that the person who is appointed will be some kind of hand puppet who will be manipulated by the deputy First Minister and me.

As regards Mr Farry's point about the Minister's removal, I do not believe that anybody would consider it right that, because we have some political disagreement with the Minister who is appointed, he or she will be turfed out. We are talking about the removal of a Minister for real reasons, regardless of whether they are to do with his or her behaviour outside the political arena, or with a matter of trust, for example.

Protocols can be worked out by the new Minister and his or her Executive colleagues. Therefore, we can look at protocols to deal with functioning, and not just for removal, incidentally. If I were justice Minister, I would want to know much more about the decision-making process to ensure that if action needed to be taken, I would have the necessary support to do that. Protocols will have to be put in place for that.

Dealing with policing and justice will require decisions to be made now, not in weeks' or months' time. Unquestionably, we will want to ensure that we give the Minister whatever support we can to ensure that he or she can do his or her job to its full potential.

8.45 pm

Dr Farry: I am grateful to the First Minister for giving way. I appreciate that the Assembly has yet to finalise and discuss the issue of timescales. However, will he comment on the importance of trying to reach as much consensus as possible on policy matters from all political parties in advance of devolution to assist in its smooth running? That way, we can prove to people that devolution can make a real difference to people's lives.

The First Minister: The Member has a valid point. We cannot have a Programme for Government to deal with the existing Departments, and not have an agreement on the programme for policing and justice. Obviously, a new justice Minister will have to operate within the status quo of the existing structures, unless there are agreements on how those can be changed. Just as there is a Programme for Government for other Departments, we will want a programme for policing and justice. We will want to start work on that as soon

as practicable. Our only difficulties are that we are still outside the Department in that we do not know exactly which issues it will face. We know that some of the big issues will be set in the community; however, I think that we probably need a greater deal of knowledge about the internal issues of the Department.

The Member for North Down Alan McFarland, who has since disappeared from the Chamber, started off his contribution by making some very helpful comments about the level of devolution that has already taken place. Some people believe that we are moving into new territory with the devolution of policing and justice. However, as Mr McFarland pointed out, the Chief Constable and the judiciary are already independent, and they effectively take care of the operation of the police and the courts, respectively. The Policing Board, which has been functioning for some considerable time, is also independent. There has been a high level of agreement in its decisions. I believe that it is entitled to the respect of the community for the job that it is doing.

On behalf of the Assembly, I take this opportunity to wish the new Chief Constable every success in the job. I know that he will have the support of Assembly Members. He is undertaking a difficult task, but it is good to know that he was selected unanimously by the panel. That puts him in strong position as he takes up the post.

Mr McFarland was right to point out that a high level of devolution of policing and justice matters has already taken place in Northern Ireland. We are looking at taking over the last vestiges of that: the policy and legislative role that exists.

Mr Attwood: I thank the First Minister for giving way, and I apologise for missing his earlier comments. On the issue of the Executive taking over the vestiges of policing and justice policy, will the Minister reassure the Assembly that the posts of the permanent secretary and senior directors will be subject to public and open competition?

Is the First Minister in a position to confirm whether senior NIO officials, who work down the road from here, will move across en masse to become senior officials in a Department of justice? If that is the case, does he think that that is a good way of building confidence, given how the NIO has handled certain issues in the past?

The First Minister: The powers have not been devolved. Ipso facto, we have not taken any decisions on those issues, and the Executive have not considered any paper on those matters. However, NIO officials might have a view on that, and the NIO itself might well have a proposal.

The Northern Ireland Office and officials here might be making some working assumptions. Ultimately, if

the powers come here, those are matters that we will have to consider in due course, and I am sure that the Executive will want to look at them. However, no paper on that matter has come to the Executive.

There was a slight change in tone from the Member who raised the issue; he started off by talking about staff in general terms before referring to heads of Departments and higher level staff. If there were to be a complete clearout, and present staff were to be replaced by some — I was going to say virgin figures, but I do not want to be misunderstood — fresh faces who have no experience of the issues that have been dealt with in recent weeks, months and years, there would be very real problems. Therefore, there has to be a transfer of staff, but the extent and level of that is something that we have yet to deal with.

Mr Attwood: Will the Member give way?

The First Minister: I am not sure what benefit there is in asking me further questions when I have not been able to answer in full the one that he just asked.

Mr Attwood: Should there be an open competition for the post of permanent secretary in the new Department of justice, or has someone already been identified for the post, who will drop into place at the relevant moment?

The First Minister: Now that the matter has been taken down to a particular individual, it would be entirely wrong for me to comment on it publicly. We are happy to discuss with the SDLP and others the processes that we can go through. I reiterate that we need people with experience and knowledge of the operation of policing and justice, particularly in circumstances in which we do not have experience of operating those systems.

Mr Kennedy: I thank the First Minister for giving way again. If the legislation completes all its stages, will that facilitate a situation in which persons could be appointed to a potential policing and justice Department in shadow form?

The First Minister: The passage of this piece of legislation will not make one bit of difference to what could happen as regards an existing Department. Until a commencement Order is signed, powers will not be devolved. If any Minister in the Northern Ireland Office wants to act before the Assembly makes a decision, he or she will be accountable to the Public Accounts Committee at Westminster for any expenditure that takes place. Having some knowledge of the Public Accounts Committee at Westminster, I would be loath to take that burden upon myself. There has to be a legal basis for the expenditure of money.

If movement were taking place, it would not be unnatural for preparations to be made. No doubt, there are people who are applying their minds to that at the

moment. Whether that is the final outcome is something that time alone will tell.

The issue of parading was raised by a UUP Member. I agree with him; it would be the worst of circumstances if a new justice Minister had to go into a post and have to deal with controversial parading issues. If it is possible to make progress on that through the work of the Ashdown review group, it should be done. Parading is one of the issues that my colleagues and I have been pressing with the Prime Minister and the Secretary of State, and we will continue to do so.

It is essential that we get agreement on parading, because it exercises the minds of the people whom I meet more than the devolution of policing and justice. That is a fact. Parading is raised more often with me than the devolution of policing and justice powers. That does not take away from my desire to see policing and justice powers devolved, but if we are talking about issues that resonate with the community, parading is a problem in our community that has to be tackled. A review group has been looking at the issue and has brought in a considerable amount of expertise. That group has looked in depth at the options over a very long period, and it is close to achieving an outcome. I hope that that outcome will be supported and that we can get the necessary changes on parading.

The Eames/Bradley group is not separate from the Historical Enquiries Team (HET) or the general issue of inquiries, as regards the pressures that could be applied on the funding for policing and justice.

I have my own views on the Eames/Bradley proposals, as does my party, and we will publish them before too long. We are not altogether sympathetic to the general proposals. There are ways of dealing with the past, but if we are somehow expecting to reach an agreement on a common history of Northern Ireland, we will wait for a very long time, spend an awful lot of money, and still not have a result.

Mr McFarland: My understanding is that, in discussions that the First Minister and deputy First Minister no doubt have had, the Government have accepted that they will fund the inquiries that are ongoing. My understanding is that their proposal is that anything coming out of Eames/Bradley and the HET will come across with policing and justice. How does the First Minister see policing and justice, which will be complicated enough when it comes, being able to settle if, in the middle of it all, we are dealing with, and funding dealing with, the past?

The First Minister: Let me deal with the funding issue. We have identified all the pressures that we can at present conceive that the Department of justice would face in this comprehensive spending review period and beyond. That clearly takes into account the kind of issues that the Member raises.

Every Department will have pressures on it for more expenditure. However, as a former Finance Minister, I know that there is very often an easy answer, which is that Departments should fund those things themselves. Therefore, a number of bids that were made could be absorbed within the Departments. However, policing and the courts, for instance, do not have slack in their budgets. Therefore, if there is a long list of items that are additional pressures, and there is no likelihood of slippage, one needs to be very clear that there will be some way to fund those additional elements.

I do not want to go into the details of what the costs may be, but if there is no agreement on the outcome of Eames/Bradley, it is difficult to quantify its costs. As far as I am concerned, a lot of the stuff in Eames/Bradley would go into the waste-paper basket, and the cost for the kind of arrangement that I would envisage would not be great. Others in the Assembly might have a different view. Those are the sort of difficulties that we face, because we are facing pressures that we cannot at present quantify, but we recognise that we have budgets that do not have the degree of slack to deal with those issues if the Assembly or the Minister decided to proceed. Therefore, the Member has identified one of our difficulties in relation to financing. At the end of the day, it is not an exact science, and we simply have to make a best-faith effort.

I spoke earlier about dysfunction. Statistically and conclusively, I showed that there was greater dysfunction in the previous Executive than in this one. However, one issue that goes to the heart of people's belief that there is that level of dysfunction is the total exaggeration in some Members' remarks. For instance, Dolores Kelly said that there were 53 Executive papers stuck in the system. Well, there are not. There are only 28 draft Executive papers being considered in the system, four of which were received in the past fortnight alone. When we receive those papers, there is a process for approving them and putting them to the Executive. Ministers will have their say on those issues, and they will want to make comments and to see the extent to which those comments are taken on board by other Ministers. Therefore, the not 53, but 28 draft Executive papers that are there do not mean that we are stuck on 28 matters. There are 28 works in progress.

9.00 pm

Of course there are delays. It is inevitable that there will be some differences, not just between the DUP and Sinn Féin, but between Sinn Féin and other parties, or between the DUP and other parties. That is the nature of coalition government. Live with it, folks. In a coalition, issues will arise on which the coalition partners do not agree: that is a fact of life. Therefore, the extent to which a Minister is prepared to compromise to get his or her paper or Bill through will determine exactly how much progress is made in that Department.

There was double exaggeration concerning the papers in the system. There was exaggeration of the number of papers blocked in the system and exaggeration of the extent to which they are blocked. For the most part, those papers are working their way through the system. As one who believes that there are ways in which to improve the existing blockages in the system, I want to make it very clear that the extent to which there are blockages is nothing close to that claimed by the SDLP Member.

Mr Attwood: On 7 July, a letter, on the important matter of the Child Poverty Bill that is going through Westminster, was sent to the First Minister's office by the Committee for the Office of the First Minister and deputy First Minister. Seventy-one days later, a response came back, and was received by the Committee 36 minutes before its meeting began at 2.00 pm last week. Does the First Minister think that that is an exaggeration, or does he concur that that is not a very efficient or effective way in which to do business?

The First Minister: I am happy to look at the individual case that the Member raises. However, I am pretty sure that there is a bit more behind it than what he simplistically outlined. There will be papers and issues on which considerable work has to be done by the time they are received in OFMDFM. However, that is not to say that OFMDFM is dysfunctional. We have shown that OFMDFM is less dysfunctional than it was during the time that the Ulster Unionists and the SDLP were in office; that it has managed to get more decisions through; and that it has had fewer suspensions and stoppages.

Instead of saying that there are problems here and there, people should recognise that we have improved our processes. However, there is more that we can do, and I am happy to respond to suggestions. I want delivery to be as fast and effective as possible. Clearly, if it was as simple as the Member outlined, that is an example of where greater expedition would have been more appropriate. However, I rather suspect that as soon as I look into the matter, I will find that there were other circumstances, of which the Member has neglected to tell the Assembly.

Mr Durkan: I remind the First Minister that the periods of suspension that affected a previous Assembly and Executive were not a result of any failure of any function at Executive level or inside OFMDFM. Those suspensions were entirely to do with issues, faults and failings elsewhere in the process, not faults in the institutions. The First Minister seems to be blaming the SDLP and the UUP for those suspensions. To nail that lie, they were no fault of ours at the time. The fault lay elsewhere.

The First Minister: I could stand at the Dispatch Box and, to justify the decisions that I make, say that

all the issues delayed in the system are somebody else's fault. It is very easy to pass the buck. The Member knows that, on his watch, the system ground to a halt. He was not able to find ways forward, and that is what he is expecting us to do. Whether the problem was created in our Department or not, Mr Durkan says that we should resolve those problems. However, when he held the office of deputy First Minister, he and the then First Minister were unable to resolve problems. We have been able to resolve more problems in a shorter period, and we have not had any suspensions. One issue held back business; however, that did not stop any Ministers from doing their work in their Departments, and it did not stop for one day the Assembly from meeting.

Mr O'Dowd: It appears that Mr Durkan wants to rewrite the history books before he leaves this place and moves on to bluer pastures. He has given us a history lesson during today's debate. His former partner in government, David Trimble, insisted that the British Government brought down these institutions on numerous occasions. In the SDLP's workings with David Trimble, it failed miserably to ensure that we had a working Executive and that David Trimble lived up to his obligations under the terms of the Good Friday Agreement.

The First Minister: I will not step into the middle of this internecine battle in the nationalist community without wearing a coat of armour. I would get peppered if I did. I see that Mr Durkan wants to lobby further.

Mr Durkan: I want to correct Mr O'Dowd. Let us be clear: suspensions happened as a result of the failure of so-called agreements and breakthroughs that were negotiated by Sinn Féin, the Ulster Unionist Party and the British and Irish Governments, not the SDLP. Moreover, I remind Mr O'Dowd and the First Minister that, when suspension came in October 2002, I refused to agree to the exclusion of Sinn Féin, which Tony Blair sought. He gave us grounds, and he named names. I refused because we insist on standing by the principle of democratic inclusion according to mandate. We stood by it and never buckled. Sinn Féin has buckled and is buckling again in its attitude to the Bill.

The First Minister: As you can see, Mr Deputy Speaker, the election has started. I suspect that we will hear more about those issues as time goes on.

I want to mention some issues that Mr Basil McCrea raised. He believes that, if he smiles and speaks gently, he will come across as reasonable and give the impression that everything that he says has a real element of sincerity and importance. He said that the Bill was being presented as a *fait accompli* and that Members simply had to accept it. As I already said, far from its being a *fait accompli*, it is a proposal that came from

an Assembly Committee after it had considered and taken evidence on the matter. Thereafter, the Committee brought the report to the Assembly, which voted to approve it. It is not a *fait accompli* presented by the deputy First Minister and me; it is a full-blown Assembly process that ensures everybody's involvement and further ensures that everybody knows the issues and has the opportunity to have a say on the matter. Can we rubbish completely the idea that it is a *fait accompli*?

Mr McCrea continued by saying that the matter is proceeding with undue haste. He knows how many months ago the Assembly and Executive Review Committee brought the proposal to the Assembly. That does not constitute undue haste when bringing a Bill to the Assembly. It did not come out of the blue, because it was in the process paper that we provided to the Assembly and Executive Review Committee. Moreover, we published it and made it available to everyone so that people knew the exact steps.

I want to point out to Mr McCrea that we arranged the 37 steps — it feels like 90 steps — into six groups. He must have known about that because, as an assiduous Member, I am sure that he ticked each box as we dealt with the matters and knew the outstanding issues that still had to be addressed. Therefore, the matter was not presented with undue haste, it did not take him by surprise, and it certainly was not presented as a *fait accompli*. The Ulster Unionist Party is hanging on to those excuses to justify opposing a principle that it has supported in the past. That party knows that it is a principle that has nothing to do with timing. Therefore, it should vote in favour of the Bill today. However, for party political purposes, it wants to go outside and tell the people that it did not approve the devolution of policing and justice.

That is what it comes down to. That is not a responsible position for any serious political party to adopt, and it requires the Ulster Unionist Party to rise above those issues. If that party agrees with the principle — the Member is smiling, and, no doubt, saying to himself that the DUP did not do that when the Ulster Unionists were the largest party —

Mr B McCrea: Absolutely. [*Laughter.*]

The First Minister: As the Member said, his party did the heavy lifting, but, unfortunately, he got ruptured in the process. [*Laughter.*] The DUP did not agree with that process. However, the Member tells us that he agrees with what we are doing, and he agrees with the devolution of policing and justice powers. Therefore, he is not in the same position as we were, and he should support the legislation, which has the clear purpose in principle, at its Second Stage, of agreeing to the devolution of policing and justice powers when, eventually, the proposition comes to the Assembly, and the time is right.

Mr B McCrea: I apologise if I have smiled too much and been too friendly in the debate, which was not in any way intended to minimise the seriousness of its content.

There has, perhaps, been a misunderstanding, and I may not have made myself clear. When I spoke about a *fait accompli*, it was not necessarily about the enabling legislation; it was about the whole debate on the devolution of policing and justice. The point that I wanted to make, whether in this gathering or elsewhere, is that it would not be possible for our party to be brought in at the final stages of a discussion only to be presented with a case that had been sorted out between the two larger parties, and to be asked our opinion about a proposal that had already been agreed by those parties.

I listened to the First Minister's comments about the need for consultation and involvement on the issues. For the purposes of clarity, we were not talking about a *fait accompli* in relation to those issues. When it comes to the use of the phrase "undue haste", I realise that matters have been talked about and that proposals have been discussed in various Committees. However, I said earlier that I thought that there is a window of opportunity, in certain circumstances, to deal with this matter sooner rather than later. If such a thing were to be contemplated, however, I believe — my party colleagues agree with me — that this legislation is being pursued with undue haste. It may be that there are other reasons of which we are unaware, but we are prepared to engage on those matters.

I have tried to articulate a general point. People level accusations about political opportunism: let us be honest, that has been done before in the House but not by me, I hasten to add. Despite that, I want the First Minister to consider, and reflect on, the critical issue of trust so that we can determine how to move forward. The reason why we object to the Bill at this time is because we do not trust that we will have another opportunity to influence this discussion. I am quite happy for the First Minister to disabuse us of that idea; the way forward is to have proper dialogue.

We are interested in hearing what the First Minister has to say. We are fully committed to devolution and to this place. We have done the heavy lifting, and, as my colleague Danny Kennedy said, we are not the wreckers. We are the people who made this place happen, and we will continue to work for the betterment of all the people of Northern Ireland.

Mr Deputy Speaker: I remind Members that, in general, interventions should be short, but, particularly at this time of the night, they should be even shorter.

The First Minister: I do not think that I have ever given way to a longer intervention, Mr Deputy Speaker. That shows my willingness and preparedness

to hear what the Member has to say and to take his concerns on board.

The Member for Lagan Valley cannot blame us if the Prime Minister wants to meet the deputy First Minister and me but does not ask him to come along. However, I have no doubt that the Assembly and Executive Review Committee will want to talk to the deputy First Minister and me about the financial issues. I would be very surprised if the Government do not want to talk to other parties as well about those issues. However, I am sure that the Government want to make progress by talking to the deputy First Minister and me before they talk to other parties, because we have a particular legal responsibility in relation to policing and justice.

9.15 pm

I do not want to proceed with policing and justice and agree to the finances without having openness, as far as the Committee and the Assembly are concerned, about what the propositions are. In my view, if we are to have the kind of confidence that we want, it is essential that people are content that we have the funds necessary to do the job.

I will be honest with Members: nobody expects that all the items on the long list that we received from the Assembly and Executive Review Committee will be delivered or that the figures that the Committee has produced will be replicated. In some cases, the figures have turned out to be greater than the Assembly and Executive Review Committee expected but in many cases they are less.

As a former Finance Minister, I do not believe that I ever went into any monitoring round or, indeed, the Budget, without being in receipt of bids that were two or three times greater than the amount of money that was available. When we ask the agencies and divisions of the Departments where the pressures are, it is inevitable that any civil servant will think that it is their chance to get their pet issue dealt with and will throw that into the mix. Work must be done by the Assembly and Executive Review Committee, the Treasury and the deputy First Minister and me to ascertain the strength of every bid that is submitted. We have been doing that, and it is a process with which we are presently engaged.

As we get to the stage where we have something to report, I am happy to talk to the Ulster Unionist Party, the SDLP and the Alliance Party, as I am sure that the deputy First Minister is.

Mr Kennedy: Will the First Minister give way?

The First Minister: I will give way in a minute.

I want to make it clear to Mr Kennedy that he has no more information about what went on last night than any of my party colleagues have. The meeting

only took place last night, and Department of Finance and Personnel officials are still examining the figures. Therefore, it would be wrong of us to indicate what we have been able to achieve unless we are absolutely certain that we are dealing with real figures and that the issues stand up.

I am happy to be as open as possible in these matters to ensure that when a decision has to be taken, people do so with the full knowledge of our financial preparedness to deal with the matter.

Mr Kennedy: I thank the First Minister for again giving way. He has clearly indicated that he expects that he and the deputy First Minister will attend the Assembly and Executive Review Committee, which is charged with examining some of those issues. Equally, as the Chairperson of the Committee for the Office of the First Minister and deputy First Minister, I seek his commitment that he and the deputy First Minister will make themselves available to appear before the Committee at the relevant stage of the Bill.

The First Minister: I was not touting for an invitation to the Assembly and Executive Review Committee, but we have always been happy to go along if it wants to speak to us. It is always a pleasure to appear before the Member for Newry and Armagh's Committee and we can certainly do that, not only to discuss the issue of financing for policing and justice but to discuss the wider issue.

I am always happy to open up a debate on these issues. The debate will allow for some misconceptions among the public to be removed. There are people who are deliberately attempting to mislead the public. One person in particular, who is no longer an elected representative, has said that Sinn Féin would be in control of the police, the courts and the appointment of judges and that policing was going to be a North/South issue. The list went on; lie after lie was peddled. The more discussion that there is on the issues, the happier I am because I believe that we have adopted a perfectly defensible position.

Finally, the Member for Lagan Valley Basil McCrea remarked that the deputy First Minister indicated that this was all going to be settled on Wednesday. The Member may have a different interpretation of what the deputy First Minister was talking about, but, in my view, the deputy First Minister was saying that he hoped that the financial issues will be resolved on Wednesday. I do not think that he was referring to the wider issues of confidence, which are part of the process paper.

I would love to think that the financial issues will be resolved on Wednesday, but my advisers and the deputy First Minister's have been working on the figures with financial officials for most of the day. I expect that there is still more work to be done. If the

Prime Minister makes us a very generous offer, which we think settles the financial issues, we will be happy to come back and tell colleagues about that and we will hope to gain their support.

Mr Kennedy: Is that a shared understanding of the current position? Perhaps, the deputy First Minister will indicate whether that is the case via the First Minister.

The First Minister: I am not even sure whether the deputy First Minister heard the remarks that we were discussing. However, I am sure that he will read the Hansard report and have a word in the Member's ear. The interview outside 10 Downing Street was conducted on the basis of the financial negotiations of which we had been a part, and which the deputy First Minister indicated will be carried forward in the US on Wednesday. I do not think that there was any doubt that he was talking about a resolution of the financial issues.

The Member for West Belfast Mr Attwood has left the Chamber, but I must say that I found the first 10 or 12 minutes of his speech particularly rich. He felt that it was appropriate to lecture the DUP about its apparent opposition to the devolution of policing and justice. With a straight face, he stood there and named one DUP Member after another and said that they were apparently against the devolution of policing and justice. He said that that was dreadful, given all the good things that would happen if policing and justice powers were devolved.

However, the people at which Mr Attwood was pointing the finger will go through the Lobbies and vote in favour of the Bill. He is pointing the finger, yet he will be voting against a Bill that provides enabling powers for the devolution of policing and justice. I was about to use unparliamentary terms about hypocrisy that you would not allow, Mr Deputy Speaker, so I will not use them, but it seems out of sorts for someone who is going to vote against the Bill to chide those who will be voting in favour of it about their commitment to the devolution of policing and justice.

I thank Members for their contributions to the debate, and I understand why so many of them wanted to take part. We have had a very considerable debate, and, as we approach 9.25 pm, it is almost like being at Westminster. The length of the debate indicates the sensitivity and importance of the issue to Assembly Members and to the wider community. I thank Members for the questions and points that they have raised.

The devolution of policing and justice will bring significant additional responsibilities but, more importantly, it will carry enormous potential for all of us here and for all our people. It will bring real local accountability and real local leadership and provide genuine synergies between policing and justice

policies and the wider social and economic initiatives of the Executive and the Assembly.

We are determined to work faithfully through the steps that remain to be taken, which we identified last November, and to secure the community confidence that is necessary for the devolution of the policing and justice functions. It is vital, therefore, that we get the preparations right. The Bill will put us in a position to respond decisively once the Assembly resolves that the time is right to initiate the transfer process. With my speech having almost reached the two-hour mark, I commend the Bill to the Assembly.

Both parties that indicated that they will oppose the Bill accept and support its principles. Therefore, I hope that they change their minds, act according to the principles that they say are consistent with their positions and go through the Lobby in support of the Bill.

Question put.

The Assembly divided: Ayes 54; Noes 26.

AYES

Ms Anderson, Mr Boylan, Mr Brady, Mr Bresland, Mr Brolly, Lord Browne, Mr Buchanan, Mr Butler, Mr Campbell, Mr T Clarke, Mr W Clarke, Mr Craig, Dr Farry, Mr Ford, Mr Hamilton, Mr Irwin, Mr G Kelly, Ms Lo, Mrs Long, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCausland, Mr I McCrea, Dr W McCrea, Mr McElduff, Mrs McGill, Mr M McGuinness, Miss McIlveen, Mr McKay, Mr McLaughlin, Lord Morrow, Mr Moutray, Mr Murphy, Mr Neeson, Mr Newton, Ms Ni 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 Simpson, Mr Spratt, Mr Storey, Mr Weir, Mr B Wilson, Mr S Wilson.

Tellers for the Ayes: Mr Brady and Mr Hamilton.

NOES

Mr Attwood, Mr Beggs, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Burns, Mr Cobain, Mr Cree, Mr Durkan, Mr Elliott, Mr Gallagher, Mrs Hanna, Mrs D Kelly, Mr Kennedy, Mr Kinahan, Mr A Maginness, Mr McCallister, Mr B McCrea, Dr McDonnell, Mr McFarland, Mr McGlone, Mr McNarry, Mr O'Loan, Mr P Ramsey, Mr K Robinson, Mr Savage.

Tellers for the Noes: Mr P J Bradley and Mr McCallister.

Question accordingly agreed to.

Resolved:

That the Second Stage of the Department of Justice Bill [NIA 1/09] be agreed.

EXECUTIVE COMMITTEE BUSINESS

Rates (Amendment) Bill

Accelerated Passage

The Minister of Finance and Personnel (Mr S Wilson): I beg to move

That the Rates (Amendment) Bill proceed under the accelerated passage procedure

The First Minister set me a challenge to beat his record — I think that he spoke for one hour and 45 minutes. I will do my best to rise to that challenge. I hope that Members will understand why my speech will take so long.

Mr Deputy Speaker: Order. The Minister has the Floor. Members should leave the Chamber in an orderly fashion.

The Minister of Finance and Personnel: I am grateful for the opportunity to address the Assembly on this motion. I will be as brief as possible. I am obliged to bring this Bill to the Assembly and seek accelerated passage. I repeat that that is not the best way to deal with legislation. It is not the way in which I, as Minister, prefer to deal with legislation. Having been the Chairman of a Committee and a Back-Bencher, I know the value of line-by-line scrutiny of legislation. When I bring legislation to this House, I endeavour to ensure that it is dealt with in the normal way. However, as I explained to the Committee for Finance and Personnel a couple of weeks ago, this is a piece of legislation for which there has been widespread support.

The provisions in the Bill were put forward by a number of groups as the kind of responses that they wanted to see from the Executive during the economic recession. If the provisions, particularly those relating to business rates allowances, are to be in place for the next financial year, and in time for the issue of the rates bill, it will be necessary for the Bill to proceed by accelerated passage. That will enable us to meet the deadline of passing the Bill by November, which will allow the necessary changes to take place in Land and Property Services (LPS) in time for the collection of rates in the new financial year.

For those reasons, I seek the Assembly's permission for the Bill's accelerated passage. I am pleased that after a long session with the Finance Committee two weeks ago, during which I explained the reasons for my request, there was unanimous agreement that the Bill should proceed in that manner. I now seek the Assembly's permission for that.

I know that the hour is late. I do not want to go through the measures contained in the Bill now; I will do so in detail during its Second Stage. The Bill

contains measures that are important to businesses and domestic households at a time when they are under financial pressure. To get those measures on the statute book so that all of the necessary administrative changes can be made, it is essential that the Bill is dealt with using accelerated passage.

Although there will not be the opportunity for line-by-line scrutiny by the Committee, I have made provisions and commitments that I believe will, at least, help to alleviate some of the shortcomings of accelerated passage. First, officials have been made available to give the Committee detailed briefings on the detail of the Bill, which has started. That will allow the Committee to ask detailed questions. I have also said that proposed amendments that improve the Bill will be considered, provided that they do not change policy, which would require consultation.

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

Some Members have asked whether the introduction of the Bill could be delayed because of the lateness of the hour. We have sought to time the Bill's passage through the Assembly to provide good time from Second Stage to Consideration Stage and Further Consideration Stage to allow any points raised to be properly considered.

In closing, I ask for the Assembly's permission for the Bill to proceed by accelerated passage. I have made it clear that I will not seek to introduce legislation in that way as a matter of course. Indeed, I will do all that I can in the future to ensure that legislation clears the Executive in time for proper scrutiny by the Committee. Therefore, I look forward to the Assembly showing the same all-party support for accelerated passage that was demonstrated in the Committee.

The Chairperson of the Committee for Finance and Personnel (Ms J McCann): Go raibh maith agat, a LeasCheann Comhairle. As the Minister said, he attended the Committee for Finance and Personnel meeting on 9 September. At that meeting, the Minister explained the reasons for the Rates (Amendment) Bill to proceed under the accelerated passage process. He outlined what the consequences would be if accelerated passage were not granted. The Minister also assured the Committee that he will do everything in his power to minimise the future use of the accelerated passage procedure. The Committee welcomed that assurance, and it was content with the Minister's explanation.

9.45 pm

For some time, the Committee has been engaged in scrutinising the rating policy. In November 2007, it produced a comprehensive response to the '2007 Executive Review of Rating Reform'. Since then, the Committee has continued to scrutinise closely domestic and non-domestic rating systems.

During the policy-development stages, the Committee received regular briefings from departmental officials, including briefings on the outcome of consultations that were undertaken by the Department on various policy aspects of the Bill. Previously, the Committee agreed to prioritise the Bill's Committee Stage in its work programme. Regrettably, however, the Bill was not introduced in the spring as anticipated, and Committee members expressed concerns about the delay in the process for bringing the Bill to the Assembly.

When considering the proposal for accelerated passage, the Committee was mindful that Committee Stage is a key element of the legislative process and that scrutiny of a Bill is a key Committee function. The Committee is aware that accelerated passage means that that in-depth scrutiny and consultation with stakeholders will be bypassed. On the other hand, the Committee is conscious of the need for many of the provisions in the Bill to be in place by April 2010 to ensure that much-needed help can be delivered to businesses and households in the current economic climate.

In addition to the Minister's explanation to the Committee, members were assured by Department of Finance and Personnel (DFP) officials that, although the Department did not publicly consult on the draft Bill, the high-level policy changes that are reflected in the Bill have been consulted on. Members also received a detailed written briefing on the delegated powers in the Bill, and they were assured that the Committee will have an opportunity to scrutinise the detailed subordinate legislation that will follow in coming months.

On behalf of the Committee, I support the motion that the Rates (Amendment) Bill be granted accelerated passage. I would add that that was not the Committee's preferred option. Obviously, we would have preferred a detailed scrutiny process, but, given the time constraints, we feel that accelerated passage is the only way forward. Go raibh maith agat.

Mr Weir: I had intended to speak for only a couple of minutes about what is essentially a procedural motion. However, having indicated that intention when I approached the Bench, I was advised to take my time, so perhaps I should consider taking up the gauntlet that the First Minister threw down by giving the longest speech since 1998. In the past few years, other speeches in the House may have seemed longer, but his speech tonight was the longest. However, mindful of the fact that I hope to get home alive, I will curtail my remarks.

Committee members share a degree of frustration and disappointment that accelerated passage has had to be used, and that has been mentioned. Indeed, the causes for the delay are a discussion for another day.

Nevertheless, the Committee had a mature and frank conversation with the Minister and displayed a mature and unified approach to the proposal.

We will discuss the merits of the Bill during its Second Stage, which will follow in a few minutes. Without going into details at this stage, I will mention the strong consensus in the Committee that aspects of the Bill are worthy of being pushed forward. In addition, we want to ensure that the measures in the Bill are processed in time, so that constituents in a range of guises and from across the board, in domestic and non-domestic sectors, will benefit in the next financial year. Consequently, the granting of accelerated passage is necessary, and the Committee unanimously agreed that position. I look forward to the debate, and I support the proposal to grant accelerated passage.

Mr McNarry: The Ulster Unionists also welcome the introduction of this legislation, even though we are disappointed that accelerated passage has been employed. The Chairperson of the Committee has detailed the extent of the views expressed by the Committee's members on that issue, and she has dealt with it particularly well. I accept the Minister's wish, as he has asked for accelerated passage today. He is clearly not dealing with figures; therefore, he is being very convincing. I have accepted his approach, and I hope that we can move as quickly as possible to the next stage this evening.

Mr O'Loan: It is entirely improper and out of order that this Bill is coming before us with a request for accelerated passage. I will quote the Minister when he came before the Committee. He said that:

"Standing Order 42(3) requires me"

— note that he said "requires me" —

"to explain the reasons for seeking accelerated passage, the consequences of it not being granted and the steps that are being taken to minimise the future use of accelerated passage."

In words similar to those he used this evening, he continued that:

"Having been a Committee Chairperson, it is my opinion that the best way of dealing with legislation is to have a full Committee procedure in which it can be scrutinised. It is the best way of bringing forward legislation and making sure that it contains no mistakes, that all of the issues are properly dealt with, that it can be properly amended and that there is intensive scrutiny of it."

He went on to say that:

"good legislation requires proper scrutiny; therefore, accelerate passage should be used only in the most extreme circumstances. I believe that this is an extreme circumstance."

Naturally, we waited with bated breath to be told exactly what the reasons and the extreme circumstances were. He went on to tell us that:

"The draft Bill went to the Executive in March, and I know from my predecessor that the details of the draft Bill were discussed with all of the parties. When I took over as Minister of Finance and

Personnel, the draft Bill had not been approved. I approached the parties and it received approval and clearance at that stage. I am not aware of what the specific difficulties were that meant that it was not given quick approval by all the parties. All that I can say is that when I made those approaches and explained the situation, it was approved."

He also said:

"I am sorry that I cannot be more specific. Members may want to know whether there were specific parts of the draft Bill with which Executive members had issues; I do not know whether that was the case. All I know is that the Bill is unchanged from how it was presented in March."

We did indeed want to know whether there were specific parts of the draft Bill with which Executive members had issues. We were not given reasons beyond one of process. Evidently, this Bill went before the Executive in March; it was not approved until June. Some three months were lost; time that should have been used for the Committee Stage of the legislation. We were not told any reasons.

I am given to understand — correct me if I am wrong — that the Bill was held up by one party in the Executive. Our First Minister gave us a very complimentary report on the excellent relationships in the Office of the First Minister and deputy First Minister (OFMDFM) between his party and the other party that occupies OFMDFM, but I am told that it was that party that held up this piece of legislation. I do not know why it did that, because evidently nothing was changed. Perhaps it was a hostage that was taken, and, unlike some in the past, this hostage was given away without anything being achieved. We have known that to happen on a number of occasions, and it appears to be yet another of those. We cannot say that this Bill has been handled properly, and accelerated passage should not be required or sought.

I need to comment on the Bill itself to explain my ultimate position. I will comment on individual clauses, but, by and large, the Bill is sound. It is important that many of these measures are brought into operation in April 2010. In order to meet that timetable, it is necessary that the Bill now have accelerated passage. Therefore, I am not going to hold that up, but it is quite irregular and improper that we have reached that position, and there is culpability on the part of those who held it up. I will not oppose the motion, but this is not a good example of leadership parties behaving well.

Dr Farry: I should say at the outset that I will not detain the House too long at this late hour either. Similar to other Members, I am prepared to support accelerated passage, albeit with great reluctance. The Committee's conclusion on accelerated passage was reached unanimously, even though members shared the same degree of frustration. I share Declan O'Loan's analysis of what may have happened, but when the Minister came to the Committee, he was fairly clear about the reasons for requesting accelerated passage,

although he did not spell them out in graphic terms. I think that all the Committee members were able to read between the lines of what he said. I respect the fact that the Minister came to the Committee to make a personal appeal for accelerated passage. Such a task is normally left to officials, so the Minister's attendance was recognition of the significance of our situation.

It goes without saying that the situation is not satisfactory. The Executive do the Assembly a disservice when they take their time over the consideration of a piece of business and then, subsequently, the Assembly and the Committee are asked to sacrifice the normal scrutiny opportunity to enable something such as this Bill to pass because of deadlines that have to be met.

We are faced with a dilemma. On the one hand, we are entitled to demand our rights and to have proper scrutiny. On the other hand, however, we must appreciate that tight commencement dates are planned for some aspects of the legislation. Do we compromise those tight commencement dates so that we have scrutiny in the Assembly or do we ask ourselves how much added value there will be from that process?

A pattern is developing whereby important legislation in particular progresses slowly through the Executive and is rushed through the Assembly. We should be conscious of that. I think that every aspect of the Rates (Amendment) Bill has been subject to consultation at some stage or another. Even the Bill's explanatory notes set out when those consultations occurred. Some of them occurred some time ago. The process has been lengthy, and it is a shame that the final Stages of the legislative process have to be rushed.

Although I am not endorsing every aspect of the Bill, I recognise its importance. I am frustrated that accelerated passage is being used, but I do not think that it is for me and for my party to hamper the Assembly's opportunity to do some good for people, particularly in these difficult economic times.

The Minister of Finance and Personnel: I will be as brief as possible, because we want to get on to the main content of the Bill. I thank the Members who have taken part in the debate and for the endorsement of my request for accelerated passage. All the Members who spoke have expressed the view that I expressed to them, which is that I would have preferred to have seen the Bill dealt with differently. However, and despite what Mr O'Loan said, I believe that these are extreme circumstances. The Executive indicated to the business sector and to ratepayers that they would seek to bring forward a package that would help to deal with the current economic situation.

The Bill is a response to the necessary measures and to requests that were made. I believe that the Bill will provide necessary help, as we will see when we come to debate its Second Stage. The extreme circumstances

are pertinent, because if we do not use accelerated passage, we will not be able to deliver the package for the next financial year. Therefore, we have a situation where it is necessary to move in this way.

Many of the measures have been well canvassed across the community already. They received a positive response both in the consultation exercise and from the Committee. Therefore, I do not believe that the detail of the Bill will be controversial in any way.

For that reason, and bearing in mind that there will be an opportunity for Members to raise the points that they want to raise during the Second Stage and the Consideration Stage of the Bill, I ask that the Bill proceed through accelerated passage, although I accept that it is not the best mechanism.

10.00 pm

In conclusion, I thank Members for their support, and I move that that the Rates (Amendment) Bill should proceed through accelerated passage.

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

Question put and agreed to.

Resolved (with cross-community support):

That the Rates (Amendment) Bill [NIA 2/09] proceed under the accelerated passage procedure, in accordance with Standing Order 40(4).

EXECUTIVE COMMITTEE BUSINESS

Rates (Amendment) Bill

Second Stage

The Minister of Finance and Personnel: I beg to move

That the Second Stage of the Rates (Amendment) Bill [NIA 2/09] be agreed.

I want to say, by way of introduction, that there has been some criticism of the responses by the Assembly and the Executive to the current economic situation. Without rehearsing all the arguments and reviewing all the things that have been done, the Assembly and the Executive have already sought, whether at the level of businesses or domestic households, to address the very real concerns that people have. That has been achieved through various methods such as the freezing of the regional rate, which affects businesses and households; the capping of the rates to the manufacturing industry at 30%; the introduction of heating allowances; the farm nutrient scheme; and the £1.7 billion — an increase of about £1 million per day — that the Executive have spent this year, which has helped the construction industry. All of those things have been done, in spite of what all the whingers and the economists who are now crawling out of the woodwork are saying about the Executive not doing enough. This Bill is a further step in delivering for people in Northern Ireland in these difficult circumstances.

As Members will see as we go through the detail of the Bill, the following measures are contained in it: a reduction in rates for small businesses; a possibility for the elderly to defer their rates payments; a postponement of rates on vacant properties; a postponement of the revaluation of business properties; and the introduction of data-sharing functions to help people to claim for entitlements and allowances, which will help them to deal with their rates bills. All of those features represent a very positive reaction to the issues that have been brought to the Executive's attention and are further examples of how the so-called "dysfunctional" Executive have actually delivered for people in Northern Ireland.

I welcome the opportunity to open the debate on the Bill, which includes the range of measures that I have outlined. The rating system provides the Assembly with the means of raising additional revenue, over and above what it receives through the Barnett formula, and that extra revenue is used to fund essential services. However, through the provision of reliefs, it can also be used to fulfil wider policy objectives, and there are measures in the Bill that have been afforded even more importance as a result of the current economic downturn. Those concessions do not impose a greater burden on other ratepayers.

Many will say that the measures in the Bill do not go far enough. However, within the limits of what is affordable and within the terms of the Executive's public expenditure position, they represent real measures that will deal with some of the difficulties that people have drawn to the attention of the Executive.

There are limits to what is deliverable by Land and Property Services. It is a key public service agency and its performance has not been helped by the scale of recent reforms and the constant changes to the structure of rates in Northern Ireland.

The Bill represents the final outworking of the Executive's review of the domestic rating system and gives effect to a number of matters concerning business rates. The Executive agreed the reforms, which the Committee for Finance and Personnel endorsed. They aim to strike the right balance between protecting those most affected by the reforms introduced under direct rule and helping those most in need — for example, our pensioners — as well as attending to the wider policy objectives and concerns.

As a result of the Executive review, we have delivered a 20% rates discount for pensioners over 70 years of age and living alone, and that is worth around £3.4 million to date. There is a continuing emphasis on helping our most vulnerable, with the savings threshold for pensioners under the low income rate relief scheme's being increased from £16,000 to £50,000 last April. In April this year, there was a further review outcome that saw a reduction in the maximum capital value for domestic properties from £500,000 to £400,000, which reduced the highest domestic rate bills by £450.

Other measures that have been introduced since the return of devolution have also made a material change to the bills that local households have incurred, including the regional rate freeze and the further postponement of water charges. The current freeze in the non-domestic regional rate also provides vital support for businesses at this difficult time, while the reduced cap acts to curb the excess that would occur through unadulterated rates bills based on the full capital value of the property. Together, those measures have resulted in considerably lower rate bills for many, providing assistance of between £15 million and £20 million this year.

The measures contained in the Bill give effect to the remaining Executive reforms, and provide targeted help and assistance to a wide range of businesses and households. They include a number of new schemes, as well as amending powers that are already in place. Among those will be the small-business rates relief scheme, which provides help of between £8 million and £9 million for more than 16,000 small businesses; energy efficiency and zero- and low-carbon rate

reliefs, which will target assistance of around £1.5 million a year; and new data-sharing powers, which are aimed at ensuring that more people get the help to which they are entitled and that they do not continue to miss out. That is of particular importance to our pensioners. There will also be the powers necessary to introduce a rates deferment scheme for home-owning pensioners and their partners.

The Bill will also ensure that last year's reduction in the maximum capital value will not create a difficulty for those councils with a high proportion of high-value properties by allowing transitional arrangements to be put in place before the final settlement, and that will be worth around £1.5 million to councils over this rating year and the next.

Before turning to the commercial sector, it is important that Members be made aware that I believe that the rating of empty homes should not be introduced in April 2010, and that was highlighted during the debate on the Bill's accelerated passage earlier. I have listened carefully to the views expressed by the Committee for Finance and Personnel and, although I am awaiting its final confirmation, I know that all the early indications from the discussions that I have had with officials suggest that there is a sympathetic view to postponing rating of empty homes until April 2011. By that time, I expect the property market to have stabilised and the conditions for introducing that measure to be much healthier.

It is important to stress that the Bill's provisions do not create any new substantive powers for the rating of empty homes; rather, they amend the existing legislative powers. More importantly, the Bill does not commit the Assembly to the April 2010 implementation.

On the non-domestic front, the Bill provides for the introduction of the small-business rates relief scheme, which was, and is, a key feature of the Executive's package that was announced in December 2008 in response to the economic downturn, as well as for technical changes relating to industrial derating and the non-domestic revaluation. The revaluation of non-domestic property was scheduled to take place in April 2010. However, I have decided that now is not the time to revalue the non-domestic sector, given the uncertainties that businesses already face, as does local government, which would, of course, also be affected by that revaluation. I have decided to postpone that exercise until April 2011. That decision had to be made quickly, given the late stage that we are at in the process, but it is my view that it is an unavoidable course of action in order to look after the interests of councils and many businesses. There are no significant revenue implications because the purpose of the revaluation was merely to redistribute the rating burden.

I now turn to the detail of the legislation. The Bill contains a range of provisions that have the effect of both amending and supplementing the current primary rating legislation. Clause 1 will enable a small-business rates relief scheme to be introduced. It is intended that that scheme will cover commercial properties that fall within certain net annual values. The percentage reduction, the years to which it applies, and the net annual value limits will not be set out in the Bill, but will instead be given effect through subordinate legislation. Provision is also made in clause 1 to allow the future extension of the scheme, with enhanced relief for specific sectors on the grounds of wider social need, subject to state-aid conditions. It is intended to limit the scheme for five years.

Clause 2 of the Bill also provides the power to enable the Department to make regulations introducing a scheme to give full rate relief to the first occupiers of new zero-carbon and low-carbon homes for up to five years and two years respectively. Although the life of the schemes will be limited to 31 March 2016 in respect of new zero-carbon homes, and 31 March 2013 in respect of new low-carbon homes, those dates can be amended. The remaining aspects of the clause allow regulations to define certain key terms, provide for how the relief will be claimed, and the circumstances in which it can be withdrawn. They also deal with eligibility, appeals, exclusions and retrospectivity.

Clause 3 will enable my Department to make recommendations providing a one-off reduction in rates for owner-occupiers who make certain energy efficiency improvements to their homes, such as the installation of loft or cavity wall insulation. The life of that scheme is limited to 31 March 2015; however that date can be altered to allow for a second phase, should it be decided, following a review in a year or two, to either broaden the scheme or include other measures, such as solar panels. The powers provided by the legislation also mean that it will be possible to extend the scheme to other sectors in the future through subordinate legislation, including the social rented sector, should circumstances change and that be required. I know that that was a matter of particular concern to some members of the Committee for Finance and Personnel.

The issue of industrial derating is dealt with at clause 4, which removes the reference to 1 April 2011 as the specified date for its ending. It also allows the percentage liability for industrial hereditaments to be set by the Assembly from 1 April 2011 by means of affirmative resolution.

Clause 5 makes provision for a rates deferment scheme, amending and substituting current legislative powers. The provision will allow my Department to make regulations to enter into a deferment agreement with an owner-occupier of pensionable age, that is,

aged 60 and above, as well as the surviving partner of such a person. All must own and occupy the property on which the rates will be deferred. Owing to the risk of debt recovery, deferment will not be permitted where all owners are not eligible, or the property is rented. The deferred debt will take the form of a statutory charge on the property, with regulations setting out the terms of the deferment agreement, provisions for the recovering of the debt and the payment of interest, and termination. Interest will be charged at the Bank of England base rate, -1%, subject to a minimum 1% threshold. On trend data, that would broadly equate with the rate of inflation. Paragraphs (5) to (11) of proposed article 29A deal with the retrospective deferments to the start of the rating year, and subsequent legislative modifications for the purposes of the deferment scheme and the definition of a partner.

10.15 pm

Clause 6 makes provision for the scope of rating of unoccupied properties to be extended to the domestic sector through primary rather than subordinate legislation, with separate provision for any reduction in the level of liability in the domestic and non-domestic sector. Although the rating of empty property will not be introduced next year, when it is in place, the rates will be levied at 100%.

Clauses 7 and 14 also deal with the rating of empty homes, enabling the Department to deal with anti-avoidance measures through amending valuation assumptions and extending the current completion notice process to domestic properties when the rating of empty homes is introduced.

Clause 8 deals with the provisions of the principal Order, which relate to the former public utilities. Those will no longer be valued by methods set out in subordinate legislation but will be assessed in the same way as any other property. Subsections (1) and (2) deal with the reference date on which the valuations are based for a new valuation list. The current provision does not apply to former public utilities; the clause provides for the reference date to apply to them. Subsection (3) sets out the parts of the principal Order that will cease to have effect as a result of moving the utilities from prescribed to conventional assessments.

Clauses 9, 10 and 11 provide for improved data-sharing powers, allowing relevant Government agencies to share social security information for the purpose of better targeting of, likely recipients of, and verifying claims relating to, rate relief, the disabled person's allowance and the lone pensioner allowance. The provisions will also assist with assessing housing benefit claims for owner-occupiers and will form part of a wider package of measures that are aimed at improving the take-up of reliefs and ensuring that people receive the help to which they are entitled.

We are all, of course, conscious of the very valid concerns that people have about security and about the appropriate use of their personal details. For that reason, the Bill creates a new offence of unauthorised disclosure of shared information. That will be accompanied by a number of administrative actions relating to data security, audit trails and independent scrutiny.

The remaining clauses of the Bill deal with a range of miscellaneous provisions. As part of the council package of assistance, the impact of the cost of the Northern Ireland Housing Executive landlord allowance in councils was reduced for this and the last rating year. Clause 12 provides the power to change the level of allowance that is awarded to landlords when they enter into agreement to pay rates on their property. It also enables the level of allowance to be separately altered for certain classes of property. The level of allowance for Northern Ireland Housing Executive properties is being reviewed, and any change will apply from next year.

I also intend to reduce the general level of allowance for the private-rented sector on the introduction of the rating of empty homes, given that the allowance reflects the fact that vacancies are paid for that otherwise would not be. Any changes will, of course, be subject to affirmative resolution in the Assembly and could save in the region of between £2 million and £2.5 million.

I now move on to the more technical issues. Clause 13 provides that regulations made to amend the list of registered housing associations whose properties are subject to standardised rating liability will be subject to negative, rather than affirmative resolution of the Assembly. That simply involves an administrative change.

Clause 15 is a provision that I know that various members of the Committee for Finance and Personnel were keen to see introduced. It will enable compensating payments to be made to district councils that are affected by the reduction in the maximum capital value from £500,000 to £400,000. That will apply at 100% and 50% of the difference in the product of the rate respectively for the current year and the next rating year.

Finally, clauses 16 to 20 and the two schedules deal with minor and consequential amendments, repeals and the commencement of the Bill's provisions. Although the Bill is, necessarily, not being progressed in the normal manner, which all Members would prefer, I ask them to support its passage through the House so that assistance can be provided to households and ratepayers as soon as possible. The Bill's measures will ensure that direct financial assistance of some £10 million is provided to households and small businesses. Those steps will be greatly welcomed by households and businesses that are currently struggling.

Mr Deputy Speaker: I am grateful to the Minister for being so succinct.

The Chairperson of the Committee for Finance and Personnel (Ms J McCann): Go raibh maith agat, a LeasCheann Comhairle. I intend to speak initially as the Chairperson of the Committee for Finance and Personnel and then to make a few comments from my party's position. I thank the Minister for explaining the Bill's general principles. I welcome the debate.

For some time, the Committee for Finance and Personnel has engaged closely with the Department on rating policy and the development of the Bill. As we heard, one of the Bill's main purposes is to give effect to a number of decisions that have arisen from the Executive's review of the domestic rating system in 2007.

As Chairperson of the Committee for Finance and Personnel, I am pleased to note that many of the recommendations in the report on the Committee's response to that Executive review have been taken into account in the Bill's development. I will deal with those recommendations later.

The Bill makes provision for a number of measures that relate to the non-domestic rating system, most notably a rate-relief scheme for small businesses. On 9 April 2008, the Committee received a briefing from departmental officials and representatives from the Economic Research Institute (ERINI) on the review of rate relief for small businesses. Although the Committee recognised that there are associated cost implications, it subsequently called on the Minister not to rule out such a scheme, given the importance of the small-business sector to the local economy.

Included in the Committee's suggestions was a proposal that consideration be given to a model that is similar to that of Wales, which includes enhanced relief for post offices. The policy intentions behind the enabling power that is included in clause 1 in respect of reliefs for small businesses are broadly in line with the Committee's recommendations.

In the non-domestic sector, the Committee has noted the provisions in clause 4, which relate to industrial derating. In 2007, the Committee examined the findings of the ERINI review of that policy. Members noted that scope exists to review the percentage liability in the future. In that regard, clause 4 will allow the percentage liability to be set from 1 April 2011 by means of affirmative resolution.

I want to turn to domestic rates. As I have already mentioned, in 2007, the Committee produced a comprehensive response to the Executive's review of the domestic rating system, which included 33 recommendations. Since then, the Committee has received a number of oral and written briefings from departmental officials, including briefing sessions on

the outcome of several consultations that were undertaken by the Department of Finance and Personnel on the detail of a range of rating policy issues.

In its 2007 report, the Committee made recommendations about rate reliefs for pensioners, which included the introduction of a lone pensioner discount. It was introduced in April 2008 for ratepayers who are over 70 years of age and who live alone, together with an increase in the savings threshold for pensioners. A further Committee recommendation — the deferred payment scheme for pensioners — is provided for in the delegated power in clause 5.

In its report, the Committee also noted that there is a widespread problem with the uptake of rate reliefs. It recommended data sharing with other agencies as one way to address that issue. The Committee is pleased to note that the Bill includes provision to allow data sharing between relevant Government agencies to better target potential recipients of rate reliefs. During an evidence session on 9 September 2009, the Committee also received assurance from departmental officials that the associated data sets will be able to be used only for the purposes specified.

In 2007, the Committee also called on the Department to consider the option of rate credits for environmental measures, such as energy efficiency improvements in the home. Clause 3 makes enabling provisions for one-off reductions for measures that are taken to make homes more energy efficient. Furthermore, clause 2 will enable first-time occupiers of new zero- or low-carbon homes to benefit from rates relief for up to five years and two years respectively.

In 2007, the Committee recommended that the rating of empty properties be introduced to help address the shortage in housing supply and raise revenue at the same time. In that regard, on 9 September, Committee members considered the provisions in clause 6 and discussed the changed circumstances, including the Minister's indication that he was considering the timing of that measure with a view to postponing its introduction, given the current economic climate.

On 16 September, the Committee considered seeking a formal request from the Department of Finance and Personnel for its view on the issue and agreed to seek further information from the Department, particularly with regard to the cost implications of deferment. The Committee will consider the Department's response on the issue at its meeting tomorrow.

It has been noted that the Bill contains a range of enabling or delegated powers, under which subordinate legislation will be brought forward to introduce a number of rates relief and schemes. That subordinate legislation will provide the all-important detail of the various measures that have been outlined today. The Committee looks forward to scrutinising the forthcoming

statutory rules and expects the Department to provide sufficient time for it to do so. I support the principles of the Bill.

I now wish to make some comments as a member of Sinn Féin. My party supports a number of aspects of the Bill, particularly the small-business rates-relief scheme, as that will help small businesses that are experiencing economic difficulties.

I fully understand that the economic crisis is the reason behind the proposal to defer the rating of empty properties until next year. However, Government must make it their priority to immediately house the thousands of homeless people here. If developers hold onto properties until prices go up, properties will remain vacant. People need quality, affordable homes now. I am concerned that the deferment of the rating empty properties will allow developers to hold onto those assets and that, as a result, people will remain homeless.

Several Committee members raised the issue of enabling powers for the future consideration of people who live in the social-rented sector and who choose to install energy efficiency measures. We felt that people in that sector were being discriminated against because they were not being given help to install energy efficiency measures to help reduce the cost of their fuel bills. I am glad that those enabling powers are now included.

I believe that rates relief for students normally benefit the landlord. Therefore, I welcome the fact that the Minister indicated that any savings from that scheme will be given to the Department for Employment and Learning to help students.

The Bill is good and contains a lot of provisions. I am just concerned about the proposal to defer the rating of vacant domestic properties.

Mr Weir: I declare an interest as a member of North Down Borough Council. Like others, I welcome the Bill. As the Minister indicated, it is important to realise that this is not simply a one-off piece of legislation; rather, it is part of a continuum of work that the Executive are doing to address rating issues and to try to ease the financial burden in these difficult times. Indeed, the Bill should sit alongside measures such as the Executive's decision to freeze the domestic and non-domestic regional rates.

The Bill sits comfortably with the decision to cap rates, which will ensure that no one in Northern Ireland pays more than anyone else in the United Kingdom. It sits alongside the action on industrial rating, which freezes manufacturing rates at 30% and prevents the increase that was intended under direct rule. The Bill also sits very comfortably with the 20% rates discount for pensioners over 70 who live alone. Therefore, the Bill is one piece of a large jigsaw in the help that it

gives to both businesses and individuals in the rates process to ensure that an undue burden is not placed on them, particularly in these difficult times.

10.30 pm

As the Minister and the Committee Chairperson said, there is much to be welcomed in the proposals. I will address a number of those issues briefly. As has been indicated, some provisions are designed to increase energy efficiency and to target low-carbon and zero-carbon homes, particularly through one-off actions. In many ways, the embracing of that measure explodes the caricature of the Minister as an environmental sceptic. The legislation shows him to be a green champion — the “green giant” of the Assembly. While others talk about taking action to improve the environment, Minister Wilson actually delivers. Aspects of the Bill show that he is at the cutting edge of environmentalism. In addition to being environmentally friendly, the provisions that promote energy efficiency will benefit people in the long run, and in these times of difficult financial circumstances, they will ensure that energy bills are kept to a minimum. We should welcome that.

A number of the other measures are also welcome. The somewhat technical way in which clause 4 deals with industrial rates will ensure that we will have a lot more flexibility in the future in our ability to hold back potential increases in industrial rates. In a European context, there are particular reasons why we are not in a position to cut those rates. However, the opportunity to be flexible in holding back increases will be an important device in ensuring that manufacturing rates are kept to a minimum.

Mention was made of the postponement of the non-domestic revaluation, which is welcome, and the situation with empty homes. From a party-political perspective, the Committee Chairperson included a caveat about her concerns about the rating of empty homes. It would be concerning if the Bill proposed that empty homes remain derated in the long term. For a number of reasons, it is good that we will move to the rating of empty homes in the long run. We do not want to create a situation in which people buy up property simply to speculate. The problem is that in a situation where there is a high level of rates on occupied homes and less of a financial burden on empty homes, there is a disincentive for people to rent out houses that they own. That can have an impact. However, we should realise that the current financial circumstances more or less rule out the situation that occurred in recent years in which people were buying up property simply for investment purposes. It is right that the Minister has signalled that the rating of empty homes will be postponed for a year. Postponing the rating of such homes is being done for timing reasons; it sends out a signal that we should not be adding to people's burden

at a time of severe economic pressure. Given that, I support the measure.

The deferments option for the elderly is somewhat complicated. It is likely that elderly people will be reluctant to take up that option because it is a deferment rather than a rate relief. There was quite a low level of take-up of that option when it was introduced in other jurisdictions. Therefore, it is something of a leap into the unknown. It is anticipated that about 2,000 people will take up the option. That might suggest that there is an element of swings and roundabouts in deferment. However, it is worth retaining the option and giving people the choice. Even if few people take it up, it can make a major financial difference to some who are put in very difficult financial circumstances. Deferment has a lot of merit, although it will need to be examined more closely as the scrutiny of the Bill continues.

A major concern that was raised with us as elected representatives is that take-up is always an issue, regardless of the help that is given. Whether that help is delivered through Government schemes, social security or even through organisations such as the citizens advice bureau, there is always a gap between what is available, people's rights and entitlements, and the level of take-up. Therefore, I welcome the data-sharing proposals, which, although limited in purpose, are designed to increase the level of take-up. It may affect a small number of people, but it will be welcomed across the Chamber if it means that more people get what they are entitled to.

The cap on rates meant that there was some transitional relief for councils. I am glad to see that the Department acted to ensure that councils were given transitional relief as early as possible; essentially, that action was a jump ahead of the legislation. I welcome the fact that the Bill is a tidying-up process that gives legislative effect to transitional relief, which provides additional support to councils. As a local councillor, I was glad to hear that when the Committee questioned the Minister and his officials on the matter, they gave assurances that the money that will be lost as a result of the relief will be borne by central government and that local government will not bear an additional financial burden. It is right that local government is not penalised as a result of the unforeseen consequences of decisions that central government make. That will be welcomed by local government.

Finally, the biggest element of the Bill, and that which has attracted most attention, is the relief for small businesses, which is expected to help about 16,000 small businesses. That has been welcomed universally, particularly by business organisations such as the Federation of Small Businesses and retailers' associations. At a time of economic pressure, it must be realised that small and medium-sized enterprises

have traditionally been the backbone of the economy in Northern Ireland. Giving them that level of help and relief as part of an overall package is welcome.

Therefore, I welcome the Bill. The issues that it tackles will benefit constituents, particularly ratepayers in domestic and non-domestic properties. I support the Bill and commend it to the House.

Mr McNarry: I would like to offer the Minister some advice.

Mr Brolly: Brief advice.

Mr McNarry: The advice will be brief.

The Minister should know when he is winning, and he was winning from the start of the debate on the Bill's accelerated passage. Therefore, when he began the debate on Second Stage by mentioning colleagues who had referred to a dysfunctional Executive in a previous debate, he suddenly forgot that he is here only because he has introduced a dysfunctional accelerated passage. That is how the Bill got to the Chamber. The Minister came to the Committee and made a special request that it facilitate part of that dysfunctional action. I assume that he could not resist making the point; however, it was not one of his better points. The Minister is winning on the issue, and the Committee, and, I imagine, the House, will be with him during the process.

I am particularly happy that the Minister is introducing a measure providing rates relief for carbon-neutral homes. That is, perhaps, an intriguing introduction given the Minister's experience in his previous Department. However, we are publicly acknowledging that although we have limited powers to use tax incentives in this place, we are going to use them to encourage low-carbon and carbon-neutral technologies. That is an illustration of what we can do and of how we can be innovative. I am quite sure that that will go a long way towards moving Northern Ireland forward.

I am concentrating on the things that I want to say at this stage of the Bill's passage; I will have more to say at later stages. I especially welcome the special rates relief provided for businesses. Provision is made for industrial derating to continue after April 2011, and that is particularly welcome if we are to rebuild our manufacturing base, as we will need tools such as that well into the future. I am sure that the Minister's colleagues in other Departments will use that as an encouraging and enabling selling tool.

I welcome the provision for the small-business rates relief scheme. At Committee meetings, I asked the Minister to consider going further than what is being introduced, and that is because I see a need. However, let us bank what is coming forward and be grateful for that, particularly at a time when there is at least a challenge because public finances may be in trouble through what amounts to mismanagement — although

the Minister may not agree. Nevertheless, that does not take away from the fact that it is incumbent on us to do all that we can to send out the right message and to help small businesses through the recession.

We have no idea how long the recession will last. People from small businesses in my constituency and other constituencies that come to see me are in the grips of the recession. From my own experience of having endured two recessions in business, I know that small businesses do not come out of a recession until many other building bricks are in place. The squeeze on credit and cash flow is essential to that. Where small businesses can see savings, they will, undoubtedly, welcome them. I will welcome that on their behalf, because the legislation will go a long way towards helping them.

10.45 pm

(Mr Speaker in the Chair)

In that category, sub-post offices will be provided with an enhanced rates relief scheme. Small post offices are at the heart of many rural and urban communities. It is clear from recent evidence that the National Federation of SubPostmasters has signalled an uphill struggle. It is fighting for its members' livelihoods and their contribution to small local communities. In particular, it seems that post offices have been losing much of their business over the past 10 or 20 years. In a sense, they will greet the legislation as a means to consider their business and to continue that service and provision. They will welcome the legislation, which will go a long way towards helping to keep small post offices open.

I appealed to the Minister at Committee, and I am sure that he knows what I will talk about now. I appealed to him, during the stages of the Bill, to at least consider — perhaps by way of an amendment that I have not yet produced — factoring carers into the rates relief arrangements. The Minister kindly offered me the opportunity to talk to his officials, and I will do so in the near future. I want to make a point about the elderly, and I welcome the potential to help that category of people. As the Minister has said, that is a wide category. However, some elderly pensioners are carers. Approximately 4,500 elderly people will lose their carer's allowance when they reach pension age. No one in the House will disagree that that is an injustice that we all want to turn around.

I appreciate the difficulties with that suggestion. However, there might, perhaps, be some space to help the elderly in that way in the knowledge, as the Minister said at the Committee, that many of those people are carers. I want to identify that group as a category within the overall elderly category, particularly the 4,500 people who will lose their carer's allowance when they reach pension age. That is not right, and I

see an opportunity to right a wrong. The Department for Social Development cannot help with the issue, and the Department of Health, Social Services and Public Safety is unable to help. It would be an achievement if the Department of Finance and Personnel could assist without spending too much money. If the Minister can provide the figures, it would be interesting to know how many elderly people could benefit from that relief and what the uptake might be. How many of the 4,500 people whom I am talking about might benefit from such a relief?

I hope that the Bill will have a successful and reasonably easy passage to its enactment. I recognise the speed behind it, and it is now up to the Assembly to help the Minister to catch up. We are prepared to play our role in that.

Mr O'Loan: I support the Bill in general. Obviously, it will require closer consideration in the immediate future, and, therefore, I will reserve my ultimate position on all its clauses. On first reading, some clauses are opaque and will need closer examination. However, I will make some initial comments, which will, for the most part, be positive.

I welcome the introduction of a small-business rates relief scheme. I will not repeat what other Members have said, but I welcome what the scheme will do for small businesses, and, in particular, small post offices, again, particularly, in rural areas.

I want to correct remarks that were made either by the incumbent Minister or his predecessor in the Assembly to the effect that had the recommendations in the Economic Research Institute of Northern Ireland's report of March 2008 been heeded, the scheme would not have been introduced. That is not a correct reading of what ERINI said. It said that if the scheme were to be subjected to a strictly economic test, it would not have stood up to such a test. Revenue foregone is included in the measure, and ERINI said, essentially, that there would not be an economic payback from that investment if one were to treat such revenue as investment. ERINI said that if the measure were to be introduced, it would be for social reasons. It is precisely for those social reasons, particularly the preservation of businesses in rural areas, that the measure stands up, and that was made clear in ERINI's report.

I support what is being offered with respect to relief for new zero-carbon and low-carbon homes. Full rates relief to the first occupiers of new zero-carbon and low-carbon homes for up to five years and two years respectively is a good measure.

I will return briefly to the small-business rates relief scheme because I intended to mention that the intention is to limit the scheme to three to five years. I have some anxiety about that. Does that mean that primary

legislation will be needed again after that short period has elapsed?

Clause 3 deals with reliefs on energy-efficiency measures, which I wholeheartedly support. My only query on that clause concerns reference to a one-off reduction. Of course, one can debate as to whether those should be necessary at all as incentives, because the payback on those measures is quite good, and one could say that enough incentive already exists. However, people do not always behave fully rationally, and it may be — and I hope that it will be the case — that the presentation of such measures as a rates relief may operate as a significant additional incentive. I wonder whether simple one-off reductions are an adequate incentive.

The scheme is quite tricky when it comes to the design of the details. Loft insulation is a relatively inexpensive measure, while cavity-wall insulation is obviously considerably more expensive. That is not in the enabling legislation but will be included in the rules that are made later.

I wonder why there is no reference to energy-efficient heating systems in the guidance. They would be considerably more expensive, and would justify there being rates relief more. Those points do not particularly concern the enabling legislation; they relate more to what happens after the legislation is enacted.

I am glad to see agreements for a deferred payment of rates on dwellings included at clause 5. I have argued for that measure, and I was pleasantly surprised when officials stated that their current estimate of take-up could total 2,000 cases. Considerable costs are involved in the operation of that scheme — we must be realistic about that — but I would call 2,000 cases a substantial demand. The actual demand will be tested when the scheme comes into operation.

I support the extension of rating of empty properties to the domestic sector. The Minister has sought opinion, and my thoughts were that the measure should not be introduced immediately. In principle, it is a good measure, in that it encourages the use of empty property and ensures that property is well maintained so that its condition does not cause disturbance to neighbours. However, this is not the time to introduce that measure. Moreover, I do not think that it should be introduced in 2010. As to its being adopted the year after that, we should adopt a waiting position and re-examine the situation a year from now.

I am concerned by correspondence that has come from the Department. The Committee for Finance and Personnel will deal with that correspondence tomorrow, which states that another reason for not introducing rating for empty properties is that Land and Property Services (LPS) would not be ready to do so.

I realise that very substantial work was done. A contract was entered into with local district councils to map vacant properties with much greater accuracy. That would appear to indicate that councils did that work, but LPS did not have the capacity to store that information on its system. That is a further worry about LPS's capacity. In some senses, however, that is academic, because the Committee's advice will be that we do not want rating of vacant properties to be introduced next year.

I want to raise a related point about rates payable on vacant non-domestic property, which was introduced in 2004. Just as the imposition of rates on domestic vacant property would be a burden that the sector could not currently cope with, considerable difficulty arises for people who have vacant non-domestic property and who pay rates on that property. Those people would be only too glad to be able to bring that property into active use but are unable to do so in the economic climate.

If he is so minded, perhaps the Minister will consider that matter, because I feel that it should be addressed. I do not know whether that would require legislation to be amended. The matter should be seriously considered, because many people are experiencing considerable pain.

We have spoken about data-sharing powers and about how relief systems can be made more automatic. The Committee probed officials closely on that issue to ensure that the sharing of information was for the benefit only of persons concerned, in order to enable them to obtain rates relief. We have been given strong assurances on that matter. I assume that that relates to clause 10 on penalties for the unauthorised disclosure of information. I welcome and support that provision.

I have no great sympathy for the plan to reimburse councils in the short term, but the cap is a done deal. It is a regressive measure, but, given that it has been included in the legislation, it is good that compensation be given to councils for a limited period.

I support the legislation in principle.

11.00 pm

Dr Farry: As the Minister said, this process goes back to the very early days of the Assembly, and it is worth reflecting on that. My colleague Brian Wilson and I tabled a motion calling for a comprehensive rates review. That was accepted by the Department, and we have seen it being worked through. The process has been extremely comprehensive, as can be seen in the sheer scope of the legislation and the whole range of issues concerning rates. My party prefers a local income tax to a rating system. Rates are regressive, whereas income tax is progressive and is linked to people's ability to pay. That is a wider debate that can

be had on another occasion, because we are discussing the system as it is today.

I will be supporting the Second Stage of the Bill, but that does not mean that I do not have concerns about some of its clauses. I am prepared to support the small-business rates relief scheme; although I must confess that I am among the sceptical supporters of that measure. Like Mr O'Loan, I recognise that the scheme has an economic and social rationale. As things stand, the social element is probably the clincher.

It must be recognised that the economic arguments are disputed. I appreciate that the Minister and some of his colleagues are sceptical about the benefits of economists as a profession, but their arguments need to be given due consideration. There is some concern regarding the proposal and issues such as dead weight and value for money. However, the importance of small businesses to our economy must be recognised. They constitute a disproportionate element of our economy compared to most of our neighbouring regions and countries.

I want to make a point about the wider context. The Minister placed great emphasis on the Bill's fitting into the Executive's wider response to the economic downturn. He criticised the comments that have been made about whether that response has been effective, particularly the comments of Mike Smyth in this morning's newspapers. I am concerned that the Executive have essentially put all their eggs, or measures of a similar nature, in one basket. Every scheme that the Executive have produced to address the downturn has been directed at the cost issues facing individuals and businesses. They have talked about the deferment of water charges, freezing the regional rate and different aspects of this Bill. There is talk about industrial rating being held back, and now we are talking about the small-business rates relief scheme. There is also the scheme for business support, which is operated by the Minister of Enterprise, Trade and Investment.

Those measures all recognise that businesses and individuals are having difficulty. During the recession, we must ensure that demand is kept up and that the economy is turning over. It is perfectly logical to do that. However, the Executive is not looking at how they use the resources at their disposal to modernise and rebalance the economy. As we moved into recession, it was perfectly clear that there were some major structural weaknesses in the Northern Ireland economy, such as the size of the public sector and a dependency on low cost businesses.

Hopefully, we will move out of recession in the near future, but those structural weaknesses will remain. We have simply tried to tide ourselves over in the difficult times. We have not taken advantage of the opportunity

to access additional resources, which will be changing radically in the near future. We have missed the opportunity to make our economy more sustainable and to modernise and rebalance it so that we will be in a better position to take advantage of the recovery and stand on our own two feet in the future. In several years' time, with hindsight, we will regret things that have not been done on this occasion. I appreciate that that is a broad comment, and, in some cases, we have to judge things in their own right. I do respect what has been done for small businesses, and there was a demand for that. It is worth putting it in that context and posing that challenge to the Executive.

Like others, I welcome the measures in clauses 2 and 3, which are about zero-carbon or low-carbon homes and energy efficiency. I noted Peter Weir's comments lauding the environmental credentials of the Minister. I was almost tempted to suggest that we put the Minister on the plane to New York in the morning to see whether he can broker an agreement at the climate change talks that are taking place at the UN this week. However, the Minister is thinking of his carbon footprint, which is to his credit.

I do not want to open up the wider discussion about climate change and its causes, but the Minister will concur with the views of most Members that there are financial and economic incentives for taking a lot of these measures, irrespective of people's views on climate change. That is the rationale behind clauses 2 and 3. Declan O'Loan asked whether we need to go that far, because people may already have incentives to move in that direction. I have a different question: is this enough to move us in the direction of, and encourage, greater energy efficiency? We do not know. I would be interested to hear from the Minister whether any modelling has been done by his Department on the impact that the measures are going to have on our ability as a society to meet our climate change targets, to reduce our reliance on carbon, and to meet the different targets that we have to meet.

Through building control regulations, the Minister also has the power to make an impact. Financial incentives are one way in which greater environmentalism and energy efficiency in businesses and homes could be encouraged, but regulation is another way. However, I am not sure that we want to put all our emphasis on one approach. Perhaps a balance of approaches is required.

I note that the Minister has not yet brought forward new building regulations based on the legislation that was passed by the House. Discussions have taken place about Northern Ireland signing up to the 2016 target for building regulations under the code for sustainable zero-carbon homes, as has happened elsewhere in these islands. Hopefully the Minister can update us on that.

I am a sceptic about industrial derating. I have made comments before, and people can read them in Hansard if they so wish. In brief, industrial derating is not the most efficient way to assist businesses in Northern Ireland. Property costs are certainly a challenge for businesses, particularly in the manufacturing sector. However, the biggest competitive disadvantage that we face in comparison to other regions is not the cost of property; rather, it is energy prices. I appreciate that industrial derating is an option that is available to the Executive, and one that we can address, whereas energy is less within our control. I understand that it is a limited tool that we have at our disposal. It is worth making the point, though, that it is not the most efficient way to address the problems that are faced by the business sector. It tends to ossify our economic structure and does not encourage diversification, particularly moves towards a service-based economy, because incentives exist for the status quo, rather than for change. Some types of companies are not covered by industrial derating, whereas others are. Again, that maybe locks in a retrograde set of incentives or disincentives for particular sectors. Those are wider issues that we have to reflect upon.

What we are doing, essentially, is giving the Assembly the option to do whatever it wants about industrial derating in the years to come. There is no fundamental problem with this legislation. I appreciate that if we are to move away rapidly from the 30% rating, or even go up to 50%, we cannot go back down, because of European Union state aid rules. I ask the Minister to share his thoughts about the likely sustainability of that approach under the European Union and whether there is going to be an eventual day of reckoning for that type of project in the future. Does he see this as something that we can do indefinitely, or will the European Union force us to reconsider it some time in the future?

I support the rating of empty homes, but, equally, I support its deferral. Given the current economic climate, that makes sense.

As my party made clear during the relevant debates, it is opposed to capping rates. If people want more detail on our position, they can read the previous debates. Before making two points on the transitional relief proposal, I must declare my membership of North Down Borough Council.

First, the relief applies only to the £400,000 cap; it does not apply to the £500,000 cap that was, I accept, introduced under direct rule and not by the Executive. However, that cap remains part of the financial regime that councils face. It particularly affects my council in North Down, and those in Belfast, Lisburn and Ards are in a similar situation whereby it takes a large slice

off the tax base. That must be made up by raising everyone else's rates or by making cuts in services.

When the cap was introduced, which was, to be blunt, during the final days of direct rule, no transitional relief was offered. However, it is in the gift of the Department to introduce that relief today, should it choose to do so. Although the original decision was not made by the Department, it made the move to a cap at £400,000. By implication, therefore, it supports the cap at £500,000. For transitional relief not to apply to that as well is an anomaly.

Secondly, I want to highlight the tapering of the relief, which is offered for only a two-year period, with 100% relief in the first year. Incidentally, councils have already applied relief to this year's finances on the assumption that the legislation will be passed. That is another reason for the Bill to be progressed as quickly as possible. The question is whether the tapering will be sufficient to assist councils, particularly in the context of the economic downturn and the uncertainty about property values and the rates base of councils. Perhaps we need to rethink and be slightly more generous with the wind-down, and extend the tapering period from only two years to three or four years.

Those are some questions to ponder and some food for thought as we move forward. That speech was 20 minutes shorter than my first one today, so we are making progress.

Mr Campbell: That man needs a calendar, not a watch.

Dr Farry: I appreciate that there is another debate to come. On that point, I will, therefore, sit down.

Mr Hamilton: Mr Speaker, I assure you that I will not be heckled into submission in the same weak manner as the previous Member; I intend to see my remarks through, no matter what utterances are made from behind me. The hour is fairly late; we have been here for so long that, earlier, I asked some Members whether it would be rude to start shaving when others were making their speeches. The breakfast buffet is due to be served any moment.

As I stand here at such a late hour, and after everyone else has made thorough speeches, Members will rightly ask what this boy can possibly add. The answer is, of course, nothing.

Mr Weir: Will the Member give way?

Mr Hamilton: I fear that this may be the beginning of something, but I will give way.

Mr Weir: The Member asked what he could add. May I suggest repetition?

Mr Hamilton: As you know, Mr Speaker, repeating what everyone else said has never prevented me from making a contribution in the House before, and it will

not do so now. I want to contribute to the debate because it deals with an important subject. It has a long history that pre-dates the return of devolution. The Assembly inherited an exceptionally unpopular rating system.

As a result of the review that was initiated by Peter Robinson when he was Finance Minister, some of those initial, very quick, wins that he was able to put in place, and some of the commitments that have been made, which the Minister is now bringing forward in this Bill, we now find — not delight, because I do not think that anybody likes having to pay rates — a general acceptance that the system is moving towards being much better than it was before devolution.

11.15 pm

This is very good legislation, taking us further along that path. In many ways, it deserves a better hearing than it is getting at this time because it is of such importance to so many people. I will talk about some of those people in a moment or two, but it is deserving of much better time in this House than it is currently getting. However, we are where we are in that regard.

I argue that this is a good piece of legislation that is not the product of a dysfunctional Executive. In fact, it is a product of a very responsive Executive who have taken on board a significant number of the criticisms that were made about the ratings system. The Executive have addressed how the rating system that was inherited from direct rule adversely impacted upon particular sectors and groups of people. They have made changes and sorted out a lot of those problems to the point at which we do not hear a lot of dissent about the system of rating that we have in Northern Ireland.

There are two broad areas that I want to talk about. One is assisting businesses, and the other is assisting the vulnerable. I view what are referred to as green rebates — for loft and cavity wall insulation, and for zero- and low-carbon homes — as being good for business in Northern Ireland. Obviously, they are an incentive; they help those individuals who take them up to insulate their lofts and walls, and they help builders and developers to develop houses that are low- or zero-carbon.

In some ways, I see them as a stimulus for our economy because all of that work will have to be carried out by local contractors who do that sort of work, so there is a stimulus for the companies, which are often small, that carry out that sort of work. It will stimulate that sector and will encourage better behaviour and greater energy efficiency. In response to what Dr Farry said, it is not an example of a cost-based measure taken by the Executive. It is something that will help to stimulate a sector of the economy. It is a small stimulus, but nonetheless it is one that will help the people who do that sort of work.

We should not overlook the fact that this Bill will ensure that the cap on industrial rating at 30% will remain and not, by default, slip to 100%. I particularly welcome, as have most sensible people in the business sector, the small-business rates relief scheme. I heard some criticism on the radio last week, which was given succour by the BBC, that it did not go far enough and was not coming in quickly enough. I was appalled by the sloppiness of the reporting, although some Members may say that that is nothing that we should be surprised about. *[Interruption.]*

I think that most of its reporters will be in their beds by now, while we work on.

A Member: They are part-timers.

Mr Paisley Jnr: They have cut you off.

Mr Hamilton: I have been censored at this hour, although I fear that I turned things off a long time ago.

There has been some criticism of that scheme, but most sensible people in the business sector have been lobbying for a measure of that very kind, so there is a broad welcome for it. There is a 25% relief — upwards of £9 million — for some 16,000 businesses. That works out at an average of over £560 for each business. That may not sound like a lot in itself, but the scheme is directed at small businesses. Small-shop owners could benefit from it, and that amount of money deducted from their rates bills could be a significant amount of money. In these very difficult times, it could be the difference between keeping somebody in employment and not. Indeed, even though it is a small amount, it may give them an incentive to keep trading for a bit longer and keep their business going.

That measure is to be very warmly welcomed, as is the focus on sub-post offices. We have all had experiences of closures in our areas, or foresee in the future the closures of small, rural post offices or ones in vulnerable communities in our constituencies. Anything aimed at sustaining Northern Ireland's post office network is to be warmly welcomed.

I also welcome the Minister's announcement that he intends to postpone the revaluation of non-domestic properties. That will be necessary in time, but its postponement is wise and prudent in the difficult circumstances in which we find ourselves.

I want to talk about how the Bill, once passed, will assist vulnerable people. I know from my constituency work and from chairing the Social Development Committee that one of the biggest problems that we face in helping vulnerable people through benefits and reliefs is targeting those people. It has proved difficult in the past to target and to deliver benefits and relief to people who deserve and need them. We often hear of people who defraud the system, and the debate can be dominated by that issue. However, for every person

who defrauds the system, at least one other is failing to take up relief to which they are entitled.

I welcome the power in the Bill for data sharing, which is particularly aimed at rates relief, disabled persons allowance and lone pensioner allowance. Anything that allows data to be shared across the Government Departments and agencies in Northern Ireland to better target those people will be most beneficial to vulnerable people in our society. We must have a concerted effort, through the rating system and the social security system, to encourage take-up. The Department has worked closely with the group Access to Benefits, which does a lot of work in that area. Many of the measures that the Department and Access to Benefits worked on are being implemented, and that will make a big difference in this area.

I also note the rates deferment scheme. In the past, I have expressed personal unease in the Committee about the idea of adding a rates burden onto a legacy or onto somebody's estate, but I appreciate that some people may find it a useful device to have at their disposal. As Mr Weir said, a small rather than a massive number of people will probably avail themselves of that, perhaps because they have to. For that reason, I welcome the introduction of the rates deferment scheme.

Although the rating of empty homes is wise, and at the time there were good policy reasons for looking at that, the postponement of its implementation is very wise at present. Declan O'Loan mentioned the rating of non-domestic properties. I, like him, have heard people in my area express concern about incurring rates liabilities on non-domestic properties that have become vacant and simply cannot be let again. Given the expenditure already entailed by the Bill, I appreciate that doing something about that might be a push too far, but the concern being expressed in the community is worth noting.

In conclusion — *[Interruption.]*

That is the only bit that has received a cheer, Mr Speaker.

Dr Farry: We are too tired.

Mr Hamilton: Just wave your hand or something.

In conclusion, the Bill is a good piece of legislation for which I feel there is a consensus of support. It is a Bill of which we should be collectively proud, because the Minister and his Department are responding positively to community concerns about the rating system by targeting reliefs and targeting assistance to sectors and groups of people in Northern Ireland who need help. I very much welcome the Bill and hope that the Assembly joins Members on this side of the Chamber and the Minister in giving the Bill a safe passage through the House.

Mr Speaker: I call on the Minister of Finance and Personnel to conclude the debate.

The Minister of Finance and Personnel: Mr Speaker, you said that with a tone of resignation. I know that you are hoping that I do not emulate my party leader in concluding the debate, or we will be here until about 2.00 am.

At this hour, I salute all the stalwarts in the Chamber for the Second Stage of the Rates (Amendment) Bill, and I thank everyone who made a contribution. It is late, but Members have made a number of points, so, given that the Bill is going through under accelerated passage, and although I will try to be as brief as possible, those points deserve a response.

The Chairperson of the Committee for Finance and Personnel indicated her concerns about a number of matters. First, she welcomed the introduction of business relief for post offices. The good thing about the business relief scheme is that it enables us to target particular sectors. Last Monday, in the Long Gallery, I addressed the Northern Ireland branch of the National Federation of SubPostmasters, which saluted the Assembly and the Executive for the provisions in the Bill that will give considerable rates relief to sub-post offices. Indeed, the sub-postmasters said that the relief will help to sustain post offices in local communities and will bring us into line with similar schemes in Scotland and Wales. In particular, the scheme is welcomed in the current economic climate. Therefore, the industry already recognises the point that the Chairperson made.

The Chairperson, in her capacity as a public representative, raised concerns about the decision to postpone the rating of empty homes. Quite rightly, she pointed out that the rating system has an important role to play in trying to bring those homes into use to alleviate the homelessness problem. However, this is a balancing act, so, although the introduction of rates on empty homes was supported by my predecessor and by the Committee for the reasons that the Chairperson gave, we must, nevertheless, be mindful of current economic circumstances. Given the decline in the housing market and the difficulties that the downturn has presented for homeowners, we must be careful about introducing a policy that was devised in totally different economic circumstances. Such a policy might exacerbate problems that are being experienced, cause further price reductions in the property market, and hamper the market's stabilisation. That is why the introduction of the policy has been postponed; we are not turning our back on it, but it behoves us to bring it in when it is most likely to be effective.

The Chairperson also asked about extending green rebates to the social sector. The Committee expressed concerns to my predecessor, and there has been

widespread consultation on the matter with the Housing Executive, the Northern Ireland Federation of Housing Associations, the Energy Saving Trust and others. My predecessor concluded, and I agree, that, for a number of reasons, it does not make sense to extend the scheme to the social-rented sector at this time. Indeed, I would point out that even the Department for Social Development's warm homes scheme does not extend to the social-rented sector. If one looks at that sector, one can see the reasons: only 0·4% of the Housing Executive's housing stock do not have loft insulation, and only 7·1% of Housing Executive stock and 6·4% of housing association properties do not have cavity-wall insulation; whereas, in the private sector, that figure rises to 23·9%.

11.30 pm

We seek to introduce this policy to try to promote energy saving while targeting the money that is available. If resources are limited and the problem exists mostly in the private sector, that is where those resources should go. For those reasons, we decided to exclude the social sector. However, there will be a review of the circumstances, and we have not ruled it out forever.

The last point that the Chairperson made was about data sharing. Again, we have given assurances that data sharing will be used to try to reach those people who are entitled to benefit and will ensure that we catch them more effectively in the net.

I will now turn to my colleague Peter Weir, who has described me as a "green giant". I am not sure that that is a compliment. In fact, it is perhaps risky to be called a green anything and to be a member of the DUP. However, he made an important point that, despite what people have said — I do not want to get into a debate about causes of climate change and everything else — it makes perfect sense to introduce policies that help to save energy.

Mr I McCrea: Does the Minister agree that organisations that are set up to give advice and inform people on how to save energy would spend their time better doing that, rather than wasting it arguing the pros and cons of climate change?

The Minister of Finance and Personnel: As far as I am concerned, I am introducing practical measures that will not only give people the incentive to save energy but will partly finance their ability to save energy in their homes. That makes good sense. We do not want to be wasteful, and, if we can reduce energy bills for individuals, we reduce the consumption of fuel in our economy. It makes good sense to reduce energy use. If by promoting that I become a "green giant", I am very happy to be a "green giant". It is an illustration of the pragmatic and sensible approach that we are using to deal with the issue.

Peter Weir raised the issue of deferment for elderly people in their own homes and the fact that there may be a low take-up of that. We estimate that, once the scheme is entrenched after, I think, four years, about 2,000 people will take it up. It will not be an easy choice for people. It will involve costs for them to get the information together for the scheme, and a determination of the scheme will require a claim on their property. It will not be entered into lightly by many. However, it will give those who wish to stay in large family homes, but who do not have the means to pay high rates bills, the opportunity to live out their lives in the homes that they have had for a long time. From that point of view, I believe that it is worth it.

Peter Weir mentioned the cost of administration. It is estimated that administration costs will be quite high. However, in discussion with Land and Property Services, even the figure that I gave to the Committee has been reduced significantly already. I have been trying to tease out from LPS where those administrative costs came from and how we can keep them down. We will, of course, review that particular aspect once we have seen the scheme in operation for some time.

Peter Weir and Stephen Farry raised the issue of councils and the impact of capping on councils, and they mentioned a rates implication for councils that have a large number of expensive properties. A case was made for that. We recognise that there is an impact on those councils, and, for that reason, we have introduced a transition allowance over the two years, which will amount to about £1·5 million available to those councils. Stephen Farry has indicated that he does not believe that that goes far enough and that it should be extended. However, we have got to balance that against the limited resources and the fact that there will be less income for central services if we forgo rate income, because the income from rates finances a lot of what Departments do at central level. The transition allowance will, at least, give councils the chance to adjust, and the £1·5 million of relief has been included in the Bill.

I see that Mr McNarry has left the Chamber. He said that, since I am ahead, I had no need to annoy him. I enjoy annoying Mr McNarry. It seems that my reference to the earlier comments that were made about the dysfunctional Executive have annoyed him. However, I have been able to show that what his party describes as a dysfunctional Executive have been able to produce this range of measures. If he gets annoyed as easily as that, I do not think that I will have too much difficulty in winding him up in future debates.

The mechanism that we have used here is not an example of the Assembly being dysfunctional. In fact, if anything, it is a good example of where we have put in place, within the Assembly, mechanisms for dealing

with urgent issues that we need to get through quickly. That shows that the Assembly can function, even when things that we do not want to get slowed down, do get slowed down. There is still a way to catch up.

Mr McNarry mentioned the carbon-neutral homes scheme and said that it was an innovative policy. I think that other Members mentioned it as well. That policy is designed, primarily, to save energy. He also talked about the rates relief for businesses and asked why it was to be in place for only five years. A number of other Members mentioned that as well. No policy is going to continue indefinitely. These policies were introduced in particular circumstances. The Assembly and the Executive might decide to extend it after five years, but, in five years' time, it may well be that, with a reassessment of the policy, we will see that economic circumstances have changed. For instance, it may become apparent that the resources that are being used for the small-business rates relief scheme or, as Mr Farry mentioned, the rates on manufacturing businesses, could be used in a better way. For that reason, we have given a five-year life to the scheme, and it will be reassessed in five years' time. That is not to say that it will end in five years, but at least that will give us an opportunity to ask whether it is the way that we should be spending resources in whatever circumstances we might be facing in five years' time.

Mr McNarry also raised the issue of carers and asked whether the Bill could provide relief allowance for them. He accepted that I have asked officials to discuss that with him. The rates system is not the answer to all the kinds of problems that people in Northern Ireland face. There is a limit to what can be done through the rates system. The more complicated we make the system of collecting rates, the more expensive it will be.

Certain information is not readily at hand, and although departmental officials will explore the issue of carers with Mr McNarry, there must be an initial definition of a carer. Very often, the person who is the carer will change, and it is not easy to track those changes within the current rates system. What also must be defined is how many hours a particular carer is caring for, whether they are full-time or part-time carers, and what those terms actually mean. Therefore, a whole range of information and issues must be captured and made available to the administrators of the rates system before the Department could consider whether the introduction of rates relief for carers would be feasible. There are other ways of dealing with the carers issue, but that would involve the creation of a completely new policy, which would require consultation. I am fairly sure that rates relief for carers cannot be included in the Bill, but departmental officials will discuss that with Mr McNarry.

Mr McNarry also raised the issue of elderly carers, and provision has already been made for such carers through the benefits and rates relief scheme, with, for example, the lone pensioner allowance containing certain categories of carers that are treated as not occupying a property. It must be remembered that any additional changes to the system will increase complexities and the cost and operational pressures, and that there are limits to what the Department can do.

Mr O'Loan asked a number of questions, including why the scheme has been limited to a duration of between three and five years. As I have indicated, it is limited to that period, but that does not mean that it will end then. Indeed, following the end of that period, the Department will re-examine the scheme in light of the particular circumstances of the time. The total cost of the scheme is between £8 million and £9 million, and in three to five years, it could be felt that that money could be directed in a much more effective way. By limiting the time for the scheme, the Department is at least allowing for a re-examination of a policy that is right for today, but may not be right in the future.

The second issue that Mr O'Loan raised was the one-off allowance for energy efficiency, and whether that should be limited to loft or cavity-wall insulation. This is the first phase of the scheme, and it will be reassessed, but in the first phase it was felt that the quickest way of making energy savings was to limit it to those two types of insulation. Some of the other measures that Mr O'Loan talked about, such as energy-efficient boilers or solar panels, could be included in the allowance following the departmental examination of the first phase, and, after a year or two, the Department will examine how that measure has performed, and whether it should expand it to include those technologies. Members should note that the warm homes scheme has been extended to include renewable-energy schemes, and the Department will examine that in the future, when examining the green rebates.

Mr O'Loan and other Members also raised the question of reconsidering the rating of empty commercial premises to support businesses that are struggling as a result of the recession. The Department has carried out an evaluation of the impact and effectiveness of the policy of rating empty non-domestic properties, and it has always been the plan to do that at this time. However, that evaluation was given added importance because of the recession, and the impact that it is having on the commercial property market. Indeed, I know from speaking to my constituents that many people own commercial properties that had previously lain vacant only for a few months at most, but which have now been vacant for much longer because of the recession.

11.45 pm

As part of the evaluation, we have taken soundings from a number of stakeholders to get their views on what the impact of the policy will be, and we will also be taking on board the views of the Committee for Finance and Personnel. I want to consider all those matters, as well as look at a detailed analysis of what is being done as part of the evaluation, before I make a decision on how best to proceed. We are not closing the door on that, but it is important that we obtain some facts. As with all such matters, we must remember that if the policy is changed, it will have implications for the revenue that we collect from rates.

Dr Farry presented me with something akin to an A-level paper on rates, which contained a number of questions, and I will try to answer him as briefly as possible. His first point was that he and his party were not happy with the rating system, and he asked why we were not looking to introduce a local income tax. All the studies that have been conducted on replacing the domestic rate with a local income tax have shown that the administrative costs would be quite high: around 7p from every pound collected would go on administration. Dr Farry, who has an economics background, will know that, when he wrote about taxation, Adam Smith listed what he called the “canons of taxation”. One of the canons of taxation was that any tax should be cheap to collect. If it is not efficient to collect, it is not a good tax. Moving towards the introduction of a tax that would take 7p in every pound to collect might not be the wisest option. Indeed, it is significant that, although the Scottish Government started off contemplating a local income tax, they have dropped that idea. Therefore, concerns have already been raised about the introduction of such a tax.

The second point that Dr Farry made was whether the small-business rates relief scheme and the cap on industrial rating was the wisest way in which to give help to industry. He asked whether it would cause businesses to become ossified, and so on. Dr Farry made the argument that the scheme deals only with the cost base of businesses. However, I have had representations from businesses, and they have told me, the Assembly and the Committee what they would like to see happen during the recession. Their fixed costs are crippling, especially when their customer base has been reduced. That is why the measure has not been set in concrete and why we have said that it will be reviewed. When we look at the matter in the future, in different economic circumstances, we may decide that the cost base is not what we should be going for and that, instead, we should be looking more at the structural changes or the supply side aspects to promote expanding industries. People who are operating in business are saying that that is the kind of help that they need.

Dr Farry asked a number of questions on energy-efficiency measures. He wanted to know whether we believed that the relief of £150 that will be given on expenditure of £300 would be enough — around 50% of the expenditure will be covered by the rates relief. The level has been set at the same level as is available through the Northern Ireland Electricity cashback scheme, which attracts around 2,000 applicants a year. The £150 incentive has clearly been sufficient enough to attract a number of applicants. Indeed, the scheme is oversubscribed. It is estimated that there could be around 3,000 to 4,000 applicants for the scheme, which is quite a large number. If it attracts people, gives them an incentive and gives them some help to insulate homes that are not insulated, that would appear to me to be a big step forward.

Dr Farry also asked whether any modelling had been done to assess the impact that the schemes may have. The answer is no, but the schemes will be reviewed when they have been up and running for a while. We will see how successful they have been in meeting their aims. If they are successful, there will be scope to extend the legislation. If not, of course, we will have to look at the legislation to see whether there are other ways of applying the rebates.

The Member also raised the issue of industrial derating, and whether that was likely to run contrary to EU rules. The answer is that if it were introduced today, it probably would run contrary to EU state-aid rules; however, it qualifies as pre-accession aid. If we were to revert to a lower level — for example, to 25% liability — the legal advice is that there would be a high risk that that policy reversal would not be allowed, but the current level is not likely to be challenged, or run contrary to state-aid rules.

I have already answered Dr Farry’s plea, from his perspective as a councillor, for the relief for councils because of capping. I hope that I have explained the thinking behind what we have done, namely that what is available is a temporary and transitional relief.

Finally, I will address the comments that were made by Simon Hamilton. I know that that word “finally” has caused great joy in my colleague Gregory Campbell. Simon Hamilton raised the issue of non-domestic properties and the small number of people who may apply for a deferment of rates. I think that I have covered both those points, and, therefore, I am now coming to the end of the questions that have been raised.

Some Members: Hear, hear.

The Minister of Finance and Personnel: I look forward to the Consideration Stage of the Bill. I thank Members who have stayed until this late hour. Breakfast will be served shortly. *[Laughter.]* I commend the Second Stage of the Bill to the Assembly.

Question put and agreed to.

Resolved:

That the Second Stage of the Rates (Amendment) Bill (NIA 2/09) be agreed.

Motion made:

That the Assembly do now adjourn. — [*Mr Speaker*.]

PRIVATE MEMBERS' BUSINESS

Civil Service Equal Pay Claim

The following motion stood in the Order Paper:

That this Assembly notes with concern that the Civil Service Equal Pay claim remains unresolved despite the Assembly resolution of 1 June 2009 calling on the Minister of Finance and Personnel to ensure that the staff affected receive their back pay within three months; welcomes the assurance by the Minister that the financial implications of a resolution to this matter will have to be faced in a manner compatible with the Department's legal obligations; and calls on the Minister to state an early date by which a comprehensive settlement offer will be made to the Trade Union representing the staff concerned. — [*Mr O'Loan*.]

Motion not moved.

Mr Speaker: I thank the Member for his co-operation in not moving the motion at this late hour. I know that the motion will be on the Order Paper next week.

ADJOURNMENT

Sectarianism in Coleraine

Mr Speaker: Before we begin the debate, I remind Members of their general duty to behave responsibly. I strongly recommend that they exercise extreme caution to ensure that nothing that they say during the debate may prejudice any matter that is before, or may come before, the courts. The proposer of the topic will have 15 minutes in which to speak, and all other Members will have approximately seven minutes.

Mr Dallat: I am sure that Members will not thank me for insisting that the debate go ahead, but it is very important, because an event is due to take place at Stormont tomorrow, and there was a meeting of political leaders in Coleraine Borough Council last night. This debate is part of a sequence. I am sure that this is the type of debate that people wish were not necessary, but it is a reality of life, which has caused much heartache to those at the receiving end of the awful curse that still afflicts society in Coleraine.

The death of Kevin McDaid was, I believe, a defining moment in a long period of sectarianism, which many predicted would end in grief. Unfortunately, it did.

During the debate, I shall listen carefully to what other Members have to say, because it is only when we talk to one another that we are most likely to reach a resolution. Regrettably, the kind of engagement and dialogue that is necessary for a resolution is not taking place, certainly not at the pace that it should. So far, the victims have not been asked for their opinions, and those who are engaged in sectarianism still do not understand that, in such circumstances, everyone is a loser.

The 'Chambers Dictionary' defines sectarianism as:

"of or relating to a sect, or between sects; ... motivated solely by a hatred derived from religious bigotry".

In the days after the murder of Kevin McDaid, I met clergymen representing the main Churches, and they are in no way associated with, or contributing to, bigotry because they belong to a particular sect. Indeed, I salute the clergy for their courage and inspiration at a difficult time, when others in positions of political leadership were nowhere to be seen.

'Fowler's Modern English Usage' is more succinct. It describes sectarianism as:

"Now almost inevitably followed by the word 'violence' ... suggestive of killing or destruction, in Northern Ireland, the former Yugoslavia, or elsewhere in the world."

That is certainly not something that we want. That kind of definition should surely set alarm bells ringing, because this society has seen enough violence over the years, and no one wants to see another cycle of troubles, which solves nothing and fails everyone.

In the weeks and months since the death of Kevin McDaid, it was expected that engagement in dialogue would take place. That has not happened, certainly not at the pace that it needs to happen. Indeed, the problem has worsened, with children and young people cocooned in their homes during the school holidays, too afraid to go to the town centre, where sectarian elements gather regularly. People from those elements are equipped with their mobile phones to alert their cronies, should others appear whom they regard as the enemy. The Bann Bridge, which should unite people, has become a symbol of fear where sectarian groups gather regularly to chant bigoted slogans in the direction of the area of the town where Kevin McDaid lost his life. Those slogans are clearly heard, and they hurt. Sometimes, the slogans are in support of individuals who are on remand for alleged involvement in the attacks of 24 May. At other times, the chants are purely to hurt the feelings of those who are already hurt. That is sectarianism at its rawest, and it piles fear on fear. It must end.

When I visited the area last Friday, I found that the streets were very quiet and peaceful. There was not a sound, and the good weather gave the impression that it was heaven on earth. However, that silence had an eerie feeling about it. No children were playing in the streets, and the silence was broken only by the occasional bark of a dog. You could smell the fear. I did not know that, a few hours later, the police would deliver yet another death threat to a local family, which had 12 hours to get out. That is not civilisation, and it cannot continue.

Around the corner, a community art project depicts normal life in a normal society. It has brightened up the place, but even that has not pleased some people. A picture of a fisherman is somehow linked to the late Kevin McDaid, because he took young people from both communities fishing. The image has been the subject of complaint. That is how bad sectarianism can get, particularly if it is not addressed. All of that is adding fear on fear.

12.00 midnight

"Fear" is the single most common word that is used by people from both communities who live in the area. A man who was born and reared in the Killowen area told me that a police officer advised him to take a different route home. He does not understand why that should be. After all, he said, he had taken the same route home for more than 50 years. Now, it seems that

it has become too dangerous. That is intolerable and unacceptable in a modern part of the European Union.

When people are looking for reasons for the unrest, it is often pointed out that alcoholism and drug abuse are the problem. The word "criminality" is used glibly to explain almost anything that happens. Questions should be asked as to why families feel the need to go to other towns to do their shopping because they are too afraid to do it locally. That is not a good situation, and it must end.

Has anyone gone to the area to find out what the problem is and to find out how people feel about being in the spotlight constantly because their homes are attacked and their friends are beaten up, as happened again last week? The people to whom I have spoken have not been approached for their views. They are more than willing to talk, if only those people who took exception to them, their culture and their way of life, would engage with them. However, to date, they have not.

People in that beleaguered community ask for nothing more than to feel secure and to have a regular community police service that will protect them. Somebody asked why it is OK to bedeck their streets with flags, including those that are sometimes associated with loyalist paramilitary groups, but lynch mobs attack them when they fly the flag of Ireland on a day when their beloved Celtic Football Club is playing. Those are the kind of challenging questions that are being asked. Although we may not feel comfortable with those kinds of questions, we must think about them.

At present, local people have the telephone number for a police liaison officer. He is contacted to ensure that police come to their aid when strange cars descend on the neighbourhood or dogs begin barking incessantly in the middle of the night or, indeed, when their homes are attacked. There is a lack of resources, and that must be addressed.

I must say that I am disappointed that the Office of the First Minister and deputy First Minister has not agreed a way forward for the strategy for a shared future. With that kind of failure at the top, it is, dare I say, much more likely that there will be failure at ground level.

On a positive note, I want to mention the Workers' Educational Association (WEA) and to thank it for putting together a challenging training course that will help public representatives to develop leadership skills. Indeed, enrolment levels on that course have been healthy, not just from people in the Coleraine Borough Council area, but from those in the Limavady Borough Council area, the Ballymoney Borough Council area and the Moyle District Council area. Last night, we met the chief executive of the Community Relations

Council. It is hoped that progress will begin to be made locally.

On Wednesday 23 September 2009, there will be a meeting with the junior Ministers in the Long Gallery, which other representatives and I have been invited to attend. Again, I keep my fingers crossed that the seriousness of the problem will be acknowledged and acted on sooner rather than later.

Recently, the principals of two local primary schools wrote to the First Minister and the deputy First Minister to seek help for their children. They were extremely disappointed with the reply that they received. They have written again to OFMDFM in the following terms:

“We have deep concerns over the extremely high tensions which are currently running in our community and how every indication shows that the situation is likely to continue for some time.

Our children are under threat, suffering emotionally and physically due to what is happening so it was with great disappointment we received your letter. Who else can we appeal to for help before this state of affairs gets even worse and another generation is tainted with bitterness and regret?

People in our community have stepped back 20 years and no-one appears to be concerned enough to do anything to address this problem and the fate of the children attending our schools.”

Those are not my words; they are the words of the principals of two local primary schools. They also happen to be same sentiments that people in the area to whom I spoke last Friday expressed. A young mother sitting with her beautiful three-year-old daughter echoed the opinions of the teachers of the schools that were turned down for funding.

I pay tribute to those schools that are involved in the Seven Schools project, which has been in operation for several years and which provides an opportunity for young people at post-primary schools to engage regularly in dialogue. Schools have included politics on their curriculums, and all of us have been given an opportunity to engage with young people.

Later this month, there will be a reception to mark the cutting of the sod for a new community centre. I wish to pay tribute to a community organisation in West Bann that has been at the forefront of addressing problems. I hope sincerely that its project will mark the beginning of a new era and dawn that the Assembly and other statutory agencies will support fully. That project is funded by the Department for Social Development and by Coleraine Borough Council.

I repeat my appeal to the First Minister and deputy First Minister to listen to the principals of local primary schools. The prediction that others may die if the issue is not addressed and if the people who are responsible for acts of sectarianism and bigotry are not dealt with is one that they will ignore at their peril.

The hate laws are totally inadequate to deal with the kind of bigoted behaviour that has afflicted Coleraine for too long. Toleration of sectarianism, which manifests itself in all its evil forms, should be brought to an end. Above all, there should be a realisation that no section of the community should have to run the gauntlet of sectarianism, irrespective of who causes it.

It has been 50 years since the curfew bell last rang in Coleraine, and God grant that it does not begin to ring again, because that is the road to no town, and it will bring only shame on all of us. Let us learn from the past and collectively begin a new period of history in which Coleraine will be sought out not for media sensation, but for a wonderful story of how divisions have passed and are gone for ever.

People in all communities are crying out for that to happen, and I am sure that we will hear other Members say the same. Most people in Coleraine are good, decent people who need the support of various agencies to address a problem that has sadly scarred the town, particularly in the past few months. I again thank the Business Committee for giving me the opportunity to debate the issue.

Mr Campbell: First, I acknowledge Mr Dallat’s securing the debate. As he outlined, this topic is very important. I wish to be brief; however, given the importance of the issue, I am sure that Members will forgive me if I develop my contribution a little.

Sectarianism in Coleraine and elsewhere is an issue that demands our utmost attention and all our endeavours to resolve. As Mr Dallat said, Mr McDaid’s killing was not only reprehensible, but it was condemned across the spectrum. I not only condemned that at the time — as I have done for all the other murders in all the time that I have been involved in politics — but, more than that, I called on anyone who might have any information to bring it to the police so that those who were responsible can be brought before the courts. I have said that repeatedly, and I have never sought to excuse, defend, or in any way exonerate those who were involved.

I made that call because the greatest disincentive for breaking the law is the rigour of the courts. Having established a long track record of making such calls, including after Mr McDaid’s murder in Coleraine, it was deeply unfortunate that the deputy First Minister criticised me in the media just after that killing and also that John O’Dowd criticised me in a debate earlier in this sitting. I am at a loss to understand why I would be the subject of such criticism when I have been so trenchant and vehement in my opposition to attacks of any kind on anyone. The only conclusion that I can draw is that my criticism of the media was the reason.

Mr McDaid’s killing, which I repeat was reprehensible and totally unacceptable, resulted in

considerable media attention being focused on Coleraine and a very unfair portrayal being painted of much of the town because of problems that were surfacing in one small area there. In recent days, I have been critical of some of the mainstream media's coverage of other issues in Northern Ireland, but I commend the Belfast 'News Letter' for an article of 5 June 2009 that was published after considerable pressure from me. I asked for that article to be written after being inundated by the demands of not just a few dozen, but of hundreds of people, who e-mailed, wrote to me or came to my office wanting to know what could be done to change the wrongful perception of their town. Without exception, every one of those people condemned Mr McDaid's killing and said that the perception of their town was completely wrong and that they were being presented as sectarian madmen and bigots who kill each other. That is not the reality.

The population of Coleraine is between 75% and 80% Protestant. My office is in the town, and I represent the area. I have often seen people wearing sports tops that identify them as being from the nationalist community. There is no difficulty with that because it is the way that it ought to be. I just hope that we can get to a situation in towns that are 75% to 80% nationalist in which people can wear sports tops that identify them as being from the unionist community.

Thankfully, the 'News Letter' covered that side of Coleraine on 5 June 2009 and published a two-page spread that indicated the extent of some of the problems that Mr Dallat alluded to. In no way do those problems defend or justify Mr McDaid's killing, but they were problems that existed long before his death. They include drug dealing, theft, antisocial behaviour, attacks on businesses and people being driven from their homes. Other examples include a woman who had lived in the Heights for 54 years having to leave her home; a young man getting his jaw broken; and a woman who was wearing a Rangers top being attacked as she left the Heights. I publicised those attacks, and I make no apology for doing so.

Regardless of whether I am criticised, whether by the deputy First Minister, the Sinn Féin Member for Upper Bann or anyone else, I make no apology for saying that those incidents cannot be left to one side just because of Mr McDaid's reprehensible and unacceptable killing. The context of what was happening in the Heights area of Coleraine had to be portrayed accurately, given the one-sided impression that was given in much of the media coverage after Mr McDaid's murder.

I will end my remarks with a quotation from a heart-rending letter from a young woman who wanted to leave the Heights area of Coleraine:

"My five-year-old daughter is suffering. She frequently wets the bed when she hears noise outside the home. She is usually too

scared to go to sleep. She frequently asks "Mummy, why do we have to live here?" My heartbroken reply is, "I cannot afford to live anywhere else." I work 34 hours a week on the minimum wage, receive no housing benefit and struggle to provide for us as it is. I have no other options available to me other than to wait for a housing transfer. We are scared and unable to get proper sleep at night, so we will end up sick as well as exhausted."

That is a quote from a lady who suffered intimidation. There is a litany of that sort of attack, criticism and verbal and physical intimidation in the Heights area. It has to be brought to an end, just as any attacks on any side of the community must be brought to an end. If there is any part that I or others can play, we ought to and will play that part to bring those attacks to an end.

12.15 am

Mr Brolly: Go raibh míle maith agat, a Cheann Comhairle. After the murder of Kevin McDaid, go ndéana Dia trócaire air, I spent considerable time in Somerset Drive with his family and the residents, and I attended Kevin's funeral. Following my first visit to what was, for me, a different and very unhappy world, I drove home feeling a mixture of sadness, depression and anger that people should have to live, as those people have done for years, in the shadow of fear. Even worse, they are expected to accept that equality is not for them, and that a good, decent Coleraine man, such as Kevin McDaid, was second class and expendable because he was a Catholic.

I was present at two subsequent band parades in the area — those were hardly nationalist bands — and, in general, the bands behaved properly. However, a couple of people were clearly intent on demonstrating their hatred for the residents of Somerset Drive, and some hangers-on were particularly offensive, simply because Catholics were not welcome, even in that modest housing estate on the edge of Coleraine town.

As I considered what I had seen and heard, I began to wonder whether the naked aggressive sectarianism of those young, Protestant, unionist, loyalist men in the bands, and of those who follow the bands, was merely the overt and ugly manifestation of a pandemic sectarian disease in that town. Are the young men who are prepared to attack, maim and kill Catholics just because they are Catholics worse than the respectable, clean-handed citizens who subtly and insidiously nurture sectarianism, but who wash their clean hands, like Pontius Pilate, when atrocities are committed, as they would say, in their names?

Where do we start to eliminate that disease? Do we start with the young, thoughtless, sectarian thugs, or with those outwardly respectable citizens, including some politicians, whose deeply injured, but thinly veiled, sectarianism is encouraged by the privilege and power that it helps them to win and maintain?

I do not need to be told that sectarianism is not confined to the Protestant community. However, in Coleraine, it is the Protestant population that must begin to come to terms with the existence of a considerable Catholic, nationalist community and its wars.

Mr Campbell: The Member is alluding to the issue in Coleraine, as that is the subject of the Adjournment debate. However, does he accept that the Catholic community in Coleraine is significantly larger than the Protestant community in Dungiven, the town that he represents and in which he lives?

Mr Brolly: Yes, I accept that. I made the point that there is a significant Catholic community in Coleraine and that that has to receive greater acknowledgement.

In contrast to the anecdotal evidence from the letter that the Member read, at the time of Kevin McDaid's murder, and in the days and weeks following it, the unionist version of the Ulster flag that was hanging from a house in Somerset Drive was not interfered with.

That is heartening. Sadly, I am not hopeful that Coleraine will be completely cured in a hurry. I am reminded of the old rhyme about Belfast, of which the final couplet reads:

"It's to hell with the future and live on the past:

May the Lord in His mercy be kind to Belfast."

We should add Coleraine to that.

Mr McClarty: I am happy to contribute to tonight's debate. Unlike any other contributor, I was born and grew up in Coleraine. Indeed, I still live there. As a public representative, I am proud of the good record of positive community relations in Coleraine. I am proud of how people from all backgrounds work together for the good of Coleraine as a whole.

I accept that there is a problem with sectarianism in Coleraine. However, I say to the Member who secured the debate, to all Members, and to everyone in Northern Ireland that Coleraine has a problem that it shares with all of Northern Ireland. Sectarianism is not the sole possession, as Mr Brolly would have us believe, of the unionist/loyalist community. Mr Campbell outlined some sectarian incidents that have occurred in the Killowen area in recent times. Sectarianism is a two-way street, and, unfortunately, it is alive and well in both communities, not only in Coleraine, but throughout Northern Ireland. That is hardly a surprise, given that we live in a country that segregates —

Mr F McCann: On a point of order, Mr Speaker. Francie Brolly said that he recognises that sectarianism affects both communities. The Member is wrong to say that Mr Brolly only pointed out sectarianism that exists in the unionist community; he spoke about sectarianism in both communities.

Mr McClarty: His examples were entirely those of the unionist community against the nationalist community.

Mr Speaker: Did Mr McCann want to make an intervention?

Mr F McCann: I wanted to raise, as a point of order, that Mr McClarty misquoted Francie Brolly.

Mr Speaker: I was trying to help the Member. That is not a point of order; it is more a point of information.

Mr McClarty: It is hardly a surprise that sectarianism exists in Northern Ireland, given that we segregate children at the age of four, solely on the basis of their parents' religious affiliation. That is hardly news, because divisions between Protestants and Catholics have been a feature of life here for 500 years since the reformation. Indeed, many republicans and nationalists speak about 800 years of oppression. Given the history of this part of the world, it is not news that there are sectarian divisions in our society, hence the need to work for a shared future and to reduce and remove the division and bitterness in our midst.

My aim as a public representative, and as an Ulster Unionist, is to achieve a position in which this Province can live without sectarianism. I want to see an end to sectarianism and everything that goes with it in Coleraine and everywhere else. Events in recent months have provided sobering evidence of sectarian attitudes in the whole Province: the death of Kevin McDaid, which I have unreservedly condemned on several occasions; the murder of Constable Stephen Carroll; the murder of the two soldiers, Sapper Mark Quinsey and Sapper Patrick Azimkar; attacks on police officers and their families; riots on our streets; and intimidation of people from all sections of our community out of their homes.

All of that has brought into sharp focus the problem that we have in Northern Ireland, and it should have underlined the supreme importance of getting to the core of sectarianism and tackling it.

That task is not helped by the continued delay, and, now, the public bickering, between the DUP and Sinn Féin on the cohesion, sharing and integration strategy. The lack of that strategy is hindering the Executive and those in the community who are making it their business to try to change attitudes and make Northern Ireland a better place. Public squabbles over who wants what document to be adopted are juvenile and deeply unhelpful. Our Executive should be better than that. Our First Minister and our deputy First Minister should be better than that.

There are a wide variety of cross-community groups and bodies in Coleraine, including sports

clubs, cultural groups and amateur dramatics societies. Those groups are a testament to how united the town's community is compared with similar towns in Northern Ireland. My party and I condemn all criminal acts, whether sectarian or otherwise. I have worked all my political life to bring people together and to try to ease tensions where they have arisen.

People must be responsible for their actions. We all have a choice in what we say and do. I want a community that is at ease with itself, in which diversity is respected and, indeed, welcomed. The overwhelming majority of people in Coleraine are committed to mutual respect and tolerance, and, as a public representative, I am proud of that. However, all of us in Northern Ireland have to confront the reality of sectarianism. That means that we urgently need the cohesion, sharing and integration strategy.

Dr Farry: Good morning, Mr Speaker; we are in unprecedented territory.

I am honoured and privileged to be able to speak in this Adjournment debate as one who does not represent the East Londonderry constituency but who, nonetheless, recognises the critical importance of the issues that we are discussing at this late hour. I commend John Dallat for securing the debate.

I have pleasure in following on from Mr McClarty's comments and concur with the vast majority of what he has said. Although I am not from the Coleraine area, I have family in-laws in that part of the world, and I agree with what Mr McClarty said about the attractiveness of Coleraine, the qualities of the majority of the people there and the good cross-community work, formal and informal, that takes place in the area.

That said, we have an underlying problem with sectarianism across this society. A large and growing number of people are working across divides to try to build a shared future to move society forward, to build stability and to grow the economy. However, the persistence of divisions is still causing considerable problems in society, including deeply ingrained sectarian, racist and homophobic tendencies, which must be tackled.

I condemn, in the strongest possible terms, the events that took place in Coleraine over the summer and since then, including, in particular, the murder of Kevin McDaid. What happened in Coleraine has the potential to break out anywhere in Northern Ireland, which is why I am speaking in a general sense. We must learn lessons from that situation as fully as we possibly can. The people of Coleraine should not be singled out; but that is where the problems are most obvious at the moment.

12.30 am

Sectarianism is a cancer, and it has been fashioned and increased in our society over the past century. I disagree slightly with Mr McClarty in that I think it has waxed and waned over the past several hundred years. There have been times when there have been better relationships between people from different traditions in our society, but things have been worse in recent years.

I will highlight three points about the way forward. First, there is a clear need for a policy on good relations, whether it is a shared future policy or a cohesion, sharing and integration strategy. It is not enough for politicians to condemn sectarian acts and point to individual actions happening in local areas. Sectarianism is a Northern Ireland-wide problem, and we need leadership from the top as well as activity at community level.

We need a clear vision of the kind of society we are working towards; we need a strategy for achieving that, and we need a delivery plan. Those three elements need to be contained in documentation and policies coming from the Executive. I do not want to dwell any further on the particular disputes that we have seen over the past months and that have been particularly highlighted over the past week. That is a debate for another day.

Secondly, within the strategy, one particular issue needs to be considered, and it is not reflected in either version of the two documents that we have seen so far. There is a need for some form of early warning system, whereby public agencies, including the Executive, are alerted to potential flare ups in communities, particularly in areas that have not been traditional interface zones or flashpoints until the point at which trouble breaks out. If people pay very close attention, there can be signs that situations merit early intervention to try to calm tensions.

The third issue is how public displays of flags and emblems are dealt with, which tends to happen in an unregulated matter and is clearly the source of tensions. What happened in Coleraine bears this out, and it should be tackled by a future Executive policy. There is a time and place for the proper use of a flag as a sovereign indicator of a society. Flags are also used to intimidate and to mark territory. That inevitably creates tensions, with people sometimes objecting to flags being imposed on them. There needs to be a better system for dealing with flags. The current flags protocol needs to be reviewed urgently and well ahead of next summer.

Arising from that, there needs to be a clearer policy on encouraging shared space and protecting and defending shared space. Having stressed the importance of shared space, I am not saying that

it needs to be neutral space in which any scope for cultural traditions is eliminated. People have the right to express themselves and their cultural identity. However, it must be done in a manner that does not create tensions or undermine other people's rights. That could lead to a very damaging situation, not just to community relations, but to the physical welfare of individuals, and ultimately, as we have seen in Coleraine, to the death of an innocent man. There are clear lessons to be learned, and I welcome the debate, albeit at a very late hour.

Mr G Robinson: I condemn sectarianism in all its forms, and from wherever it comes. I commit fully to the task of eliminating it. I want to portray a more balanced debate on what is really happening in Coleraine.

Coleraine has always been a town that has enjoyed good community relations. That was especially true of the Heights and Killowen areas over many years, in which both sections of the community worked and lived in harmony.

There has been extremely negative media coverage of Coleraine this year as a result of the brutal murder of Kevin McDaid. As any right-thinking person should do, I totally and unreservedly condemn that murder. Unfortunately, it has marked an historic low point in negative impressions of Coleraine. The media seem happy to overlook reality, and the truth must now be exposed. We also need to take consideration of the fact that there are antisocial behaviour and drugs problems among a small element in the Heights area that blight the everyday lives of both communities there.

On the same night as the McDaid murder, a young Protestant man was savagely beaten as he walked home alone. He sustained serious injuries, including a smashed cheekbone, and required hospitalisation. The wearing of a Rangers top is no justification for such a brutal and savage beating. Having met that young man and his family, I am in absolutely no doubt that the attack was purely sectarian.

Last week, yet another Protestant family were forced to flee their home in the Heights area as a result of persistent attacks, damage to property and subjection to verbal abuse. That is the latest example of some Protestants being targeted in what amounts to a hate campaign that is being carried out by a very small number of nationalists in the Heights area; I reiterate that it is a very small number. I condemn attacks on any homes, and I condemn the people who lead and carry out sectarian attacks.

I recently dealt with a Protestant-owned business in the Heights area that has been forced to relocate. That business's staff members were subjected to threats; property was destroyed at every available opportunity; and there was a threat to burn the property if the

people did not leave. Some customers were spat upon, and some refrained from using the business through fear for their personal safety. Vehicles belonging to the business were stoned, and employees were verbally abused at every opportunity. Some employees were victims of false complaints that led to their arrest by police; all were released without charge.

I must point out that that firm employs both Roman Catholics and Protestants. Therefore, the small number of people who jeopardised employment, simply because the firm was Protestant-owned, can be described only as sectarian. The business did not receive one penny in compensation for a move to new premises that cost thousands of pounds. I totally condemn the behaviour of the bully boys. I hope that my contribution has given Members a balanced picture of events in Coleraine.

Sectarianism is wrong wherever it comes from, but the truth of the situation in Coleraine is vastly different from the picture that some Members wish to paint. I am sure that Mr Dallat, who introduced the Adjournment debate, is aware of the sectarianism in his home town of Kilrea, which is displayed in the flying of tricolours to antagonise the Protestant population. If some Members put more effort into stopping sectarianism in Coleraine and throughout Northern Ireland, all communities would be better served.

The junior Minister (Office of the First Minister and deputy First Minister) (Mr G Kelly): Go raibh maith agat, a Cheann Comhairle. I thank John Dallat for securing the Adjournment debate, and I am glad of the opportunity to contribute to it. As other Members have expressed, I, too, am very deeply and publicly opposed to all forms of sectarianism and hate crime. The tragic murder of Mr Kevin McDaid was an abhorrent act of needless violence and wanton destruction of human life. Damien Fleming, who was attacked and badly injured on the same day in May on which Kevin McDaid was killed, was recently released from hospital only to be subjected to yet another brutal attack. I probably speak on behalf of everyone here in wholeheartedly condemning that further assault.

However, as a number of Members have said, words of condemnation are not enough. We must act and demonstrate, by word and deed, that the ideas that underpin sectarianism, racism and homophobic hate crime are not acceptable in our society. It is a matter of record that the context of the attack on that section of the Coleraine community was an Old Firm football match, when a number of Irish tricolours were erected.

As was pointed out, Coleraine is predominantly, but not exclusively, a unionist town. One of the most telling statements that I heard immediately after the attack was from a contributor to a radio programme who asked: "What did they expect would happen?" I

am sure that that person gave little thought to their casual throwaway comment, but it was an articulation of how sectarianism is accepted or excused in our society. A group of Catholic residents was attacked and a man died, because flags had been erected. Such attacks are not acceptable and cannot be excused.

It is neither acceptable nor understandable that someone should be attacked because of their religion, political opinion or national allegiance. Neither is it acceptable nor understandable that a church or community hall is attacked. It is also not acceptable to attack someone who is from a different racial group or because of their sexuality. What is to be expected is that people should be treated with respect. Each of us is entitled to be held in equal value. The people who carried out the attack in Coleraine, and those who carry out similar attacks, do not accept that other identities are of equal value to theirs or that their victims have equal rights and entitlements. In the eyes of bigots, other people are reduced to stereotypes that can be dismissed and rejected.

The concept of equality, equal value and equal rights is central to tackling sectarianism and other forms of hate crime. It goes straight to the core of the beliefs that underpin such attacks. In the Programme for Government, the Executive gave a specific commitment to the promotion of equality and enforcement of rights as the framework for promoting cohesion, sharing and integration. We have sought to put that approach into practice in our work in Coleraine.

However, as several Members mentioned, everyone must acknowledge the scale of the problem and act to address it. At a recent meeting, the PSNI stated that there had been a 95·1% increase in hate crime in the Coleraine area. Ironically, at the same time, it recorded a 15% decrease in antisocial behaviour.

In a statement on 20 May 2009, the First Minister and deputy First Minister offered support to help to reduce tensions in the area. On 16 June 2009, Jeffrey Donaldson, who was the other junior Minister at the time, and I met elected members from all political parties in Coleraine and representatives from statutory bodies, including the PSNI, the NIO community safety unit, and the Department for Social Development neighbourhood renewal. Also present were youth providers, council officers, Housing Executive officials, and representatives from the Victims' Commission and a peace reconciliation group. The purpose of the meeting was to discuss the problems in Coleraine and how we could support any responses. It was an extremely useful meeting for everyone, and it was made clear that the intention was to explore the ways in which all public services could work together effectively to reduce tensions and improve matters in the area for the community most affected.

Tomorrow, junior Minister Newton and I will meet that group again. We asked Roger Wilson, the chief executive of Coleraine Borough Council, to submit a longer-term strategy to address the causes of tension in Coleraine and to provide details of additional resources to support youth diversionary activities. Those issues will be discussed tomorrow, and the group will continue to meet thereafter.

In addition to discussing and planning how to tackle sectarianism, we have moved to deliver resources in the area. This year, OFMDFM is providing approximately £86,000 to Coleraine Borough Council for its activities to promote good relations. Over and above that, we have provided £23,000 to the council for its summer diversionary work. Those moneys included funding for a cross-community children's camp at Corrymeela in July for residents in the Heights area; a diversionary event for young people that coincided with a loyalist band parade shortly after the death of Mr McDaid; and a dialogue and engagement programme that was aimed at community leaders and addressed issues of culture, identity and diversity.

Alongside that additional work, other work streams have been taken forward: the community safety partnerships have funded a street intervention programme to tackle antisocial behaviour; the local council funded two community festivals targeting both sections of the community in the Heights area; and the gap project, which is a collaborative programme operated by local churches, is a 26-week pilot scheme that offers a drop-in facility and engagement with the local communities. Through neighbourhood renewal, the sports and community centre in the Heights is being extended and refurbished in an ambitious capital programme.

However, we cannot afford to be complacent, nor will we be. Genuine issues remain to be addressed. Sectarian attacks on property and people have been carried out in the locality, reports have been received of widespread intimidation across communities, and loyalists have issued death threats to the McDaid family and witnesses to the attacks. Therefore, much remains to be done at all levels.

I acknowledge that the initiatives that I outlined are short term and reactive in nature. Neither OFMDFM nor those of us sitting in the Assembly can end sectarianism in Coleraine or elsewhere. Only the people can do that. However, we can support local people along the path of ending sectarianism. Moreover, we can lead by example through demonstrating respect for each other, sharing our history and developing a common agenda. That will happen when we recognise that we enter the Chamber from different backgrounds and with different experiences and aspirations. However, we enter as equals with equal rights and

entitlements, and we share the common agenda of delivering a better society.

12.45 am

I am passionate about tackling sectarianism wherever it arises. As several Members said, the problem is not restricted to Coleraine. The biggest contribution that each of us can make is to challenge sectarianism and to promote equality and understanding in our constituencies, because that is where we can exercise maximum influence. I need go no further than my North Belfast constituency to find an example of an area that has witnessed the worst effects of sectarianism. It is important to state, however, that North Belfast has taken the best and biggest steps to tackle the generational scourge of sectarianism.

OFMDFM will continue to work with community and civic leaders in Coleraine to support and resource their work. I hope that the legacy of all our endeavours will be no more deaths or injuries as a result of sectarianism. Go raibh maith agat.

Adjourned at 12.46 am.

NORTHERN IRELAND ASSEMBLY

Monday 28 September 2009

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

Members observed two minutes' silence.

ASSEMBLY BUSINESS

Mr Campbell: On a point of order, Mr Speaker. Last Tuesday, 22 September, business in the Assembly was very protracted. I participated in an important Adjournment debate that, according to the Official Report, concluded at 12.46 am on Wednesday morning. I understand that elements of the speech by the Member who tabled the Adjournment topic appeared on a television station's news website in advance of the commencement of the debate. I know that attempts were made through the usual channels earlier in the evening, quite understandably, to reschedule Assembly business on that day because the Second Stage of the Department of Justice Bill had taken some time. Will you examine whether the sequence of events is as I have outlined, Mr Speaker, and, having done so, indicate to Members that, in future, any advance publication of speeches will not be allowed to have adverse implications for the scheduling of Assembly business?

Mr Speaker: I thank the Member for his point of order, and I hear what he is saying. He should allow me to reflect on what he has said and to read the Hansard report. I will either come back to the House or to the Member directly on the matter.

During last Monday's sitting, Mr Basil McCrea asked for guidance on remarks that the First Minister made about the relationship between the Assembly and Ministers. In my response, I stressed that it was a complex matter that is not easily dealt with under points of order. In fact, it is impossible to do so under points of order. Given its complexity, I continue to examine the issue. I will consider whether it may require any further action by me, or by any other body. In the meantime, what is certain is that the Assembly has never asserted that it has the power to direct Ministers. Even if it has such a power, its limits and extension have not been tested. Therefore, we shall continue to operate on that basis. Once again, I ask Members to raise such complex matters with me outside the Chamber rather than as points of order. Members on all sides of

the House know that the issues that were raised by the First Minister are complex and neither will nor could be dealt with under points of order.

Suspension of Standing Orders

Lord Morrow: I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 28 September 2009.

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 Orders 10(2) to 10(4) be suspended for 28 September 2009.

Mr Speaker: As there are Ayes from all sides of the House and there are no dissenting voices, I am satisfied that cross-community support has been demonstrated. Today's sitting may go beyond 7.00 pm, if required.

MINISTERIAL STATEMENT

Winter Services around Rural Schools

Mr Speaker: I have received notice from the Minister for Regional Development that he wishes to make a statement on the outcome of the examination of winter services around rural schools.

The Minister for Regional Development (Mr Murphy): Following completion of the examination that I requested of the operational response by Roads Service in areas around rural schools that were affected by adverse weather conditions last winter, I wish to make a statement.

The purpose of my statement is to present the findings of the examination and to outline the improvements that I will make to Roads Service's winter policy as a result of those findings. I will first give a brief overview of the background leading up to the examination, the weather conditions experienced last winter and details of the difficulties faced by some rural schools. Secondly, I will outline the options that were considered and the changes that I have asked Roads Service to implement in time for this winter.

After severe wintry conditions were experienced across the North at the start of December 2008, the Regional Development Committee requested a review of Roads Service's winter service policy and criteria. The Committee expressed concern that schoolchildren in rural areas had to travel on icy roads to schools. Indeed, some schools had to close for a short time during that period.

Although I declined to initiate a full review of Roads Service's winter service policy and criteria, I asked Roads Service to examine the operational response to areas around schools and to report its findings to me. I did not request a full review because I believe that Roads Service's current policy of targeting limited resources on roads with relatively high traffic volumes where salt is most effective and benefits most road users is sound, particularly in the current economic climate.

The examination that I ordered was carried out by Roads Service's winter service working group, every member of which has substantial experience in the planning and delivery of winter services. Each of the group's divisional representatives serves as a winter service controller.

The main characteristic of the weather that caused the problems at the start of December 2008 was the occurrence of late-morning rain showers on a consecutive number of very cold days during which there was often no thaw. That resulted in widespread ice on the entire network, including major elements of the treated network. Most areas were affected for approximately a week, but it was recognised that the freeze varied from

place to place and that the overlapping period across the North stretched from 1 December to 19 December 2008.

The likely return frequency of that sort of weather is difficult to determine, but is considered to be approximately once in 12 years. The same frequency would also apply to the extent to which the winter service experienced problems with the amount of salt needed and the number of treatments applied during the 2008-09 season. For example, in 2008-09, 82,500 tons of salt was used to treat the network; almost 60% more than in previous years. Overall, the operation cost £6.8 million; some £2.6 million more than in previous years.

The weather pattern resulted in periods of up to five consecutive days with prolonged ice problems, which had a greater than usual impact on the untreated network. It is recognised that some rural schools faced significant difficulties because of their locations off the salted network. The examination found that during the period of severe wintry weather, just over 90% of the 250 rural schools stayed open. Despite having received between one and five secondary treatments, 23 schools closed for between a half-day and three days. Almost 20% of rural schools — a total of 46 — had absenteeism levels of more than 20% on occasions during that period.

Of the 23 schools that had closures in the December study period, 10 did not have any other closures during the later periods of, primarily, snow problems in January and early February 2009. However, 21 other schools were affected by those later incidents. Notwithstanding all that information, most rural schools that were surveyed had grit piles or salt boxes along their frontages and along connecting roads to the salted network. Unscheduled secondary treatment was also carried out at 47 of the 162 schools that were surveyed.

The review group looked at a number of opportunities for improvement and narrowed those down to four options, which I was asked to consider. Option 1 was for priority secondary salting for the 23 schools most affected by the weather conditions in December 2008. It involved preparing lists of all the problem school sites for each section office area and, when implementing any secondary salting actions for ice conditions, ensuring that a connecting route to each school from the main salted network is given as high a priority as possible. That option would target rural schools that had to close due to ice conditions last December.

Option 2 was for enhanced communication and priority secondary salting for the 44 schools most affected by weather conditions throughout the winter of 2008-09. That involved preparing lists of schools with particular difficulties for each section area and providing their management with Roads Service contact names and telephone numbers to improve communication and to ensure that problem areas are identified at the earliest possible opportunity. Option 2

targeted rural schools that had to close due to ice or snow problems last winter.

Option 3 was for additional salt boxes and salt/grit piles for all rural schools. It involved amending the criteria and scoring mechanism in the winter service policy for the consideration of placing salt boxes and grit piles to ensure that grit piles are provided at the nearest connecting route to all rural schools and that a salt box is provided adjacent to each school entrance.

Option 4 was for formalised secondary salting for 23 schools. It involved formalising secondary salting routes to link affected rural schools to the salted network and would be included in winter service plans as an action to be initiated when frost or ice is expected in a relevant area.

Having considered the options, I have decided that option 2 presents the most cost-effective way to deal with the problem. It involves enhanced communications and priority secondary salting for the 44 schools most affected by weather conditions throughout the winter of 2008-09. The approach is likely to have a wider positive impact on affected schools. It should lead to more frequent reports and, thereby, to more secondary actions to rural schools that closed due to either the December 2008 ice problems or the later snow problems in January and February 2009.

I also propose to enhance that option, so that if Roads Service staff become aware of ice or snow in areas that are adjacent to the targeted schools, they should act immediately and not wait to be contacted by the schools. I appreciate that, over time, the list of sites that benefit from this action will change to include more schools and to deal with the random way that adverse weather can affect different schools at different times.

I also propose to implement a slight variation of option 3, which was to amend the criteria for the provision of grit/salt piles and salt bins, so that, if requested, they can be provided to affected schools. Implementing those additional measures will help schools to avoid closures and high absentee levels during future adverse weather conditions in a cost-effective manner. I am now pleased to take Members' questions. Go raibh míle maith agat.

The Chairperson of the Committee for Regional Development (Mr Cobain): I thank the Minister for his statement on the review. Is he content that the measures that he has announced will solve all the problems with respect to rural schools? How will the measures help children in rural areas to get to school? Is he content that there are adequate funds in his departmental budget to cover the cost of the measures that he has announced today?

The Minister for Regional Development: Last year, there was a particular focus on the conditions that pertained in December and in January and February.

The focus of Members and society in general was on rural schools, so I asked the Department to carry out a fairly intensive consultation, particularly with the affected schools, but also with rural schools generally to get some sense of the type of problems that people experienced.

The Member is quite right to point out that the budget to address all those issues is limited. It is clear that 80% of traffic is on roads that have been treated, and to increase that figure to 90% would double, approximately, the cost of treatment. In the current, or any, economic climate, that would be a difficult choice to make. Therefore, within limited resources, the option that I have chosen will provide a degree of flexibility and will ensure that schools that have suffered due to closure and disruption in the past are targeted through communication or, indeed, if there is an expectation of that type of weather, automatically. Moreover, there will be flexibility to allow other schools that suffer to benefit, because we cannot be certain, geographically, where adverse weather will impact. Therefore, if the need arises, other schools can be brought on board. To ensure that schools are treated, we will create a line of communication between rural schools and local Roads Service managers.

12.15 pm

Providing schools with salting facilities will also help the situation. Not every road across the region can be salted, and the Member knows the costs associated with such a policy. However, this is an attempt to try to resolve the particular issue for rural schools. Should conditions this winter or next reveal that this type of approach is not achieving satisfactory results, I will, if I am still in office, initiate a further review, cost it and bring it forward during future discussions on the Budget.

Mr Speaker: I remind the whole House that the questions on a ministerial statement are intended to facilitate holding the Minister and the Executive to account. It is not the time for making statements or for asking questions with long introductions.

A large number of Members want to ask questions on the statement, so I ask Members to keep to the convention of asking one question on the statement and to ensure that it relates to the statement. If we adhere to those conventions, we will have time for all the questions.

Miss McIlveen: I welcome the Minister's statement. He selected option 2. Was his decision based purely on considerations of cost? The report identified the 44 schools most affected by weather conditions in the winter of 2008-09. Will the Minister tell us the areas in which those schools are located?

I beg the Speaker's indulgence. The Minister stated that the provision of grit piles and salt bins would be changed. Will he elaborate on that?

The Minister for Regional Development: Option 2 was more expensive than option 1. My decision was not, therefore, made strictly on the basis of cost. Rather, I was trying to find the most flexible and effective option. If we encounter similar weather conditions this winter, that will test whether this approach works.

I do not have the list to hand, but I will ensure that the Member is provided with a list of the 44 schools that suffered particular problems and expressed a desire for particular treatment.

Formerly, criteria had to be met for the provision of salt boxes. However, we have adopted a more flexible approach. If a school requests provision of salt boxes, the request will be met.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. I welcome the Minister's statement. Obviously, he has been much lobbied, especially in the constituency that we both represent. He has been lobbied, in particular, by Clady Primary School, which faced adverse conditions last year.

During his review, did the Minister consider speaking with rural companies, farmers or the Minister of Agriculture and Rural Development about the possibility of them providing additional support to Roads Service's gritting procedures?

The Minister for Regional Development: I discussed the matter with Michelle Gildernew, the Minister of Agriculture and Rural Development.

The Member knows that farmers are already involved, through contracts, to clear snow from roads. We examined whether that work could be built on to include salting and gritting. However, the matter was not pursued for a number of reasons. First, it would significantly increase the amount of salting and, therefore, the cost of the operation. Salting done in a piecemeal way is less efficient and more expensive than using large-capacity gritters. Secondly, there are problems of command and control, of contacting all the farmers and telling them when to grit. There is also the likelihood of discontinuous treatment, with roads being salted for several miles but the treatment discontinued without any warning to the motorist. We would have to rely on people contracted to come out and to be available.

All those factors led us to conclude that the work is better done by Roads Service. Farmers will continue to be involved in snow-clearance operations wherever such conditions pertain. As I have said, we explored the option with the Department of Agriculture and Rural Development (DARD).

Mr Gallagher: I welcome the Minister's news. It is some help that the statement recognises that there are problems for some primary schools in rural and isolated areas.

My question is when those schools will know? Identifying schools with difficulties is one thing, but there are some problem areas. Does the Minister recognise the difficulties of Boa in County Fermanagh, where children from that area attend three or four different schools, yet it is the area in Fermanagh that is most affected by severe weather?

The Minister for Regional Development: Through contact and discussion with schools, the examination was targeted at schools that had had difficulty opening or had lost days last winter to ensure that they did not suffer the same problems this year. There is a communication system through which schools can make contact, and local Roads Service operators will know whether there is a problem in the vicinity of those schools that should be treated. It is two-way: schools can make contact to say that they have a problem, and they will then receive secondary treatment; or, under the general secondary treatment schedule, operators will know about the situation in certain areas.

The Member made a point about specific areas. If roads in his locality have a heavy volume of traffic, the local divisional office will be happy to carry out an assessment. Roads come onto the schedule every year as traffic volumes increase, which is why the cost of winter gritting is increasing. Traffic volume is increasing, which brings certain roads above the criteria and allows them to be included. If the Member feels that specific roads in Fermanagh merit consideration, I invite him to bring them to the attention of the local divisional office.

Mr McCarthy: I welcome the document. Will the Minister furnish me with a list of the 44 schools mentioned? I am sure that other Members want to know the locations of the 44 schools.

In the proposal to enhance option 2, for which the Minister has gone, Roads Service staff would become aware of ice that is adjacent to targeted schools. Is the Minister confident that, when local Roads Service personnel are informed of this fact, they will carry out their functions and will not say, with reluctance, that they can do so only by removing the service from elsewhere?

The Minister for Regional Development: The review was carried out with Roads Service and with people who are involved in the winter gritting service across every division. The options were discussed with them and with the schools. The 44 schools to which I referred — I will get the list for the Member — are those that reported having problems last year. That is how the list was drawn up: contact was made with all rural schools, and those 44 schools reported problems. Those schools will be added to the general list of secondary treatment for certain areas, either through schools contacting Roads Service to make it aware of a

problem and asking it to come out, or, if the general area is being treated, Roads Service will know to do that, and that area will be added onto its schedules.

Mr Bresland: How much legal responsibility do school staff have for gritting the roads around the schools?

The Minister for Regional Development: It is not down to a question of legal responsibility. A number of schools will have salt boxes provided to them, or there will be grit piles on some of the rural routes, which people can use if they feel it necessary; I do not think that there is a legal obligation on them to do that.

The amendment to the policy is that, where previously schools were automatically given salt boxes only if they passed a certain threshold, it is now the case that, if schools request them, they will receive them. The schools must spread the salt, but I do not think that that brings a legal responsibility.

Mr McCartney: Gabhaim buíochas leis an Aire as a ráiteas ar maidin. I welcome the Minister's statement and his answers to date.

Will the Minister outline how he intends to bring the new proposals to the attention of the schools and the local communities that they undoubtedly affect?

The Minister for Regional Development: Roads Service has been in contact with all rural schools, and those communications ought to continue. Although the policy will examine the 44 schools that were affected last year, flexibility is built in should other schools experience problems. Roads Service will want to maintain that level of direct communication with the schools.

As regards making the change in policy more widely known in general, the first intention was to deliver the statement to the Assembly. The Member will know that the report, including the options that we considered and the choice that we made, has been delivered to the Committee for Regional Development. Roads Service officials will brief the Committee and take questions this week. I will talk to the Department about making the change to the winter service operation more widely known.

Mr G Robinson: Although the provision of grit piles and salt boxes is welcome, does the Minister agree that, particularly on footpaths leading to schools, it is unfair to depend on the goodwill of a member of the public or school staff? Roads Service staff have the knowledge that is required, so they would be the most cost-effective way of deploying the resources in grit piles and salt boxes.

The Minister for Regional Development: From his time in the Regional Development Committee, the Member will know that there is a finite resource available for doing all this, and we are trying to find the most cost-effective way of achieving a good result for rural schools. People are relied on to use grit piles

and salt boxes, and they usually request that the piles or boxes are situated on routes along the road or in and around schools for that express purpose.

The Member will be aware that Roads Service made an attempt to reach an agreement with local councils in respect of footpath gritting. Only one of the 26 councils expressed an interest in becoming involved in footpath-gritting arrangements with Roads Service. Roads Service's road-gritting schedule covers roads that are used by 80% of daily traffic, and to expand that to cover footpaths would involve substantial resources, which Roads Service does not have. The purpose of the chosen option is to try to make an improvement, having learned the lessons from last year. If this winter is as severe as last, the operation of the new policy will be tested and we will see whether more substantial resources are required to deal with it in the future. If that is the case, it will be a matter for discussion at Budget time.

Mr Kinahan: I thank the Minister for his statement. In particular, I welcome his choice of option 2 and the flexibility that it provides. However, what action will be taken to ensure that he will have flexibility and the chance to make an urgent response? Given that cold periods tend to happen everywhere on the same day and that more than 44 schools will be affected, what action will he take to ensure that the phone lines do not jam and that things are dealt with urgently?

The Minister for Regional Development: Even last year's cold weather, when there was a prolonged period of icy weather in December and a period of snow in January and into February, was localised. In discussions with the Met Office, we were told that it is expected that such conditions will occur once every 12 years. The scenario that the Member outlined, in which an entire region is beset with that type of severe weather, is rare. Under such circumstances, Roads Service would certainly struggle to get that type of response.

The purpose of the examination was to try to focus on some of the schools to which for a variety of reasons, such as their locality or surrounding terrain, approach was more difficult than other rural schools. Representatives from 250 rural schools were spoken to and 44 had had problems. That showed that the majority can continue to operate, even in severe winter weather. We have to focus in and around the schools that need assistance. The type of scenario suggested by the Member would overwhelm the entire network, probably, but we do not expect that to occur.

Flexibility is built into the option, as the Member acknowledges, and it will be tested over the next number of winters. If it is found not to be sufficient to do the job that we have set out to do, we will need more resources, and that will be discussed when the Budget is being agreed.

Mr O'Loan: I would also like to receive a list of the 44 schools, as, I am sure, would all Members. The wording of option 2 seems to place a lot of the initiative on the schools. In many cases, that might be too late in the day. Will the Minister ensure that Roads Service takes a proactive approach and that the primary responsibility to identify the necessary action, and take that action, rests with Roads Service?

As the Minister knows, extreme conditions on rural roads can occur on a random basis but can cause immense local difficulty. Will he write to Roads Service and say that he actively encourages it to use its discretion, within its resources, to take action to deal with local problems when they emerge, which cause, as he knows, immense local hardship?

12.30 pm

The Minister for Regional Development: With respect to the Member's question about communication, the Department added that to option 2 because the onus was on schools to make contact with Roads Service, and, depending on the circumstances, that may have been difficult for some schools to do.

The first salting run is usually completed by 7.00 am, meaning that the gritting lorries are generally back at the depot at that time and are ready to begin working on secondary routes. That allows time for those who arrive early at the schools, such as the principals or the people who open the schools, to contact Roads Service if there is a problem with the area around a school. However, built into the gritting schedule is the mechanism for Roads Service to treat the roads around any of the 44 identified schools if a general problem is discovered in an area.

With respect to the Member's question about localised problems; I live in a rural area and on a C-class road, and I am very aware that small, localised problems can occur. However, a certain volume of traffic is required to travel over the salt in order for the solution that treats the ice and frost to be activated. Salt is ineffective if it is put down on roads that are very lightly used. I have always encouraged, and will continue to encourage, Roads Service to be as flexible as it can, within its limited resources, to ensure that particular problems in local areas are dealt with.

Mr W Clarke: Go raibh maith agat, a Cheann Comhairle. I also thank the Minister for his statement and for his proposals. I raised the issue at a meeting of the Committee for Regional Development after receiving a considerable number of calls from constituents. I am, therefore, pleased that the Minister has taken action.

Another major issue, which is perhaps outside the scope of today's announcement, is that rural businesses are affected by adverse weather conditions. It is a particular problem in my constituency where a number of restaurants and hotels lost bookings in the run-up to

Christmas last year, which severely impacted on their businesses. Will the Minister examine those issues too?

The Minister for Regional Development: The focus of the review I have announced today concerns the gritting of roads around rural schools. As I said, the issue not only raises concerns about children's safety as they travel to school, it has an impact on the economy, as parents are forced to take the day off work to look after their children when the schools close.

In an answer to a previous question, I made it clear that the gritting schedule has changed, over time, and that more roads have been added to the schedule each year because of increasing volumes of traffic. However, if the Member feels that there are businesses in his area that are attracting a substantial volume of traffic, he should ask his local Roads Service office to reassess the roads on which those businesses are situated and determine whether they meet the criteria to be included on the gritting schedule. Indeed, if any other Members feel that particular roads in their area have become more heavily used, because of a rural business or place of entertainment, they should bring that information to the attention of the local Roads Service office and ask for that road to be reassessed.

Mr I McCrea: I thank the Minister for his statement and for his commitment to tackle the problem of gritting roads around rural schools.

Will the Minister inform the House what action is taken against drivers of gritting lorries who have accidents while gritting roads? I am led to believe that formal warnings are issued when that occurs, yet members of staff are putting their lives on the line to tackle difficult roads.

The Minister for Regional Development: If the Member has a specific concern he should raise it directly with me outside the Chamber or with Roads Service. There is a very strong acknowledgement from Roads Service, and the community as a whole, that those who carry out the winter gritting service work in very adverse weather conditions. Society should be very grateful to the people who do that work, because they carry out a much needed service during unsociable hours, and on road conditions that can be quite treacherous.

As Roads Service employs its own drivers, there is an inbuilt understanding with respect to the conditions they face. However, if the Member has specific queries in relation to a specific incident, I will be happy to hear from him and to have Roads Service answer those queries.

Mr McElduff: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas. I welcome the action being taken by the Minister. Where will the responsibility for the gritting of rural roads sit following the implementation of the review of public administration? How many of the 44 schools

are in the Western Education and Library Board area? I hope that Recarson Primary School, Altamuskin Primary School, Tummery Primary School and the Derrybard Road feature prominently on that list.

The Minister for Regional Development: The gritting of roads is not a function that has been considered for transfer under the review of public administration. There are substantial arguments against doing that, as the gritting schedule changes substantially. Some councils, particularly those in the rural west, will have more resources devoted to gritting than other councils will have, and that might create an imbalance in the resources needed by councils for treating roads. The argument for retaining much of Road Service's functions was sound, and the gritting of roads will not be transferred.

I am happy to provide a list of the 44 schools. All rural schools were contacted, and the 44 schools on the list outlined particular problems that they had experienced last year. I am not sure whether they are in the west, east, north or south, but I am happy to provide the Member with the list.

Mr Shannon: I thank the Minister for his response to Members' concerns. We have been told that the options included 23 schools and 44 schools. On occasions last winter, the number of pupils attending schools was reduced because of icy road conditions. The road conditions may not have led to the closure of those schools but, clearly, they reduced the schools' service delivery. The magical list contains 44 schools, and if a school is on that list, it has made it. However, I am perturbed about the schools that are not on that list. I do not know the names of the schools on the list; I will not now list the schools in the Ards Peninsula that need to be on it. Will the Minister confirm that schools that are not on the list but feel that they should be can be included? What criteria will be used to ensure that such schools can be added?

The Minister for Regional Development: Roads Service questioned schools about absenteeism, and I referred to that in my statement. Some schools experience absenteeism of around 20%. We did not only examine whether schools had to close; we looked into their general experience during times of adverse weather conditions. I favoured option two because it has a degree of flexibility built into it. Those 44 schools told Roads Service about particular problems that they had experienced last year, but there is the flexibility that if some of those schools do not experience any problems this year for different reasons, other schools can be included.

I advocate that, before winter sets in, rural schools should get a direct line of communication with their local roads manager, or whoever he appoints to be the liaison between Roads Service and the school. Those schools should ensure that those lines of communication are open so that if they experience any difficulties, they

can be brought to the attention of Roads Service as soon as possible.

Mr Beggs: I thank the Minister for his statement and his proposals, which may bring some improvements to 44 schools. Last winter, two 53-seater buses carrying post-primary schoolchildren from a rural area to the town of Larne crashed. The Minister is focused on rural schools. It is not clear whether instances such as the one that I referred to will be covered. Will he advise whether, even if they have not been considered so far, the bus routes to post-primary schools will be carefully assessed to address the risk factors involved with a large number of children travelling on an icy road in a large vehicle that is difficult to manoeuvre?

The Minister for Regional Development: As I said in response to an early question, this option does not cover all of the routes. It would not be possible to salt all bus routes without a significant increase in resources.

Information garnered from education and library boards tells us that if all school bus routes were to be salted, that would more than double the length of the current salted network. Apart from a capital investment of £15 million, to salt all school bus routes would cost between £4.5 million and £7 million extra each year. Within current resources, that level of expenditure is not feasible. An increased weighting factor for buses has been introduced in the past number of years, so a 40-seater bus is counted as 40 vehicles for the purpose of meeting the traffic-flow criteria on the salted network. That measure has gone some way towards ensuring that some of the school bus routes meet the criteria for salting.

Option 2 is focused particularly on those schools that faced difficulty in staying open last winter. If the weather conditions are such this winter, and perhaps next winter, a trial of option 2 will be targeted at those schools. If it is found not to be sufficient, we will have to examine longer-term options, which will have much more significant resource implications.

Mr Dallat: I also welcome the statement, at least until I discover that St Paul's College in Kilrea has not been included on the list of 44 schools. If it has not been, I will be skidding all over the place. Can the Minister assure us that areas where local people have gone to the ends of the earth to protect their children's safety — even to the extent of their going out on tractors and manure sowers to keep the roads clear — will not be disadvantaged? He stated that the focus will be on schools that had to close last winter. The school that I mentioned, St Paul's, did not close, but that it did not was only as a result of the goodness of people in the local community, who kept the school open in what is a very hilly area.

The Minister for Regional Development: As I said, Roads Service surveyed the schools that had particular

problems, and options were brought to me on the basis of consultation with all rural schools. If the school that the Member refers to did not experience a severe problem that forced it to close, it will not have been targeted for the trial.

A lower criterion of 1,000 vehicles a day for roads on hilly terrain has already been set, and the increased weighting factor for buses in service will help such roads to meet it. Again, if there are particular problems, and if the Member feels that roads are experiencing heavier traffic because of an increase in traffic volumes, he should bring his concerns to the local Roads Service office's attention.

The Member will be aware of all the resource issues involved, because he was a member of the Committee for Regional Development until recently. As I have explained, if we were to salt every single road in the North, first, it would not work on certain roads, because a certain amount of traffic is needed in order to activate the salt. It would be a complete waste of resources to salt roads on which traffic is very light. Secondly, to increase from 80% to 90% the percentage of roads to be salted would double the cost incurred. If Roads Service were provided with money to salt 90% of roads, I am sure that it would be happy to send extra machinery out to do the salting. However, within the resources available, option 2 allows Roads Service to provide a focused response for schools and some rural areas that have experienced particular difficulty.

Mr Molloy: I thank the Minister for his initiative on this issue, and I also congratulate Roads Service, which has been flexible in assisting funerals, weddings and other events in rural areas. Does he consider that secondary salting will be adequate to deal with schools in rural areas? Will the service be available on time so that Roads Service can ensure a safe surface?

The Minister for Regional Development: The general experience is that, after completing primary salting, the vehicles are back in the depots by around 7.00 am. We then want the 44 schools that have been identified to be put at the top of the list for secondary salting. Few people will be going to school before 8.00 am, so the secondary salting schedules should provide an opportunity for roads approaching those schools to be salted. I expect option 2 to operate favourably for those schools for which a particular problem has been identified. It is a new option that will be trialled over the next year or two, and I certainly hope that it will provoke the sort of response that we would like it to.

Mr Lunn: I also welcome the Minister's constructive statement. In his reply to Mr Cobain, he mentioned the possibility of further reviews. On several occasions, he mentioned giving local Roads Service offices a level of flexibility. In my experience, that level of flexibility has been absent so far, but we hope for better times. If

there is to be flexibility, as well as taking into account traffic volumes, which I appreciate must be the main criterion for deciding to salt any road, is there a possibility of considering a particular road's accident history? Members of the local community will know how many accidents there have been on particular roads — even those of which the police are not notified — so they could also have some input.

12.45 pm

The Minister for Regional Development: The local offices have a degree of flexibility within the resources that are available to them. People who contacted their local office over the winter about a particular road and were told that it did not have the resources must understand that that may have been the case. Criteria are applied, and a particular focus is placed on the schools that had problems last year.

The Member may be interested to know that police statistics show that frost, ice and snow are factors in only 1·2% of all road injury accidents and that less than 1% of accidents occur on roads that are outside the normal salted network. Although I am sure that accident history is taken into account, a very small percentage of road accidents are attributed to frost, ice and snow.

COMMITTEE BUSINESS

Local Government (Miscellaneous Provisions) Bill

Extension of Committee Stage

The Chairperson of the Committee for the Environment (Mrs D Kelly): I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 26 October 2009, in relation to the Committee Stage of the Local Government (Miscellaneous Provisions) Bill [NIA Bill 10/08].

The Local Government (Miscellaneous Provisions) Bill had its Second Stage on 30 June 2009 and was referred to the Committee for the Environment on 1 July 2009.

The Bill has 23 clauses, and it aims to clarify the powers of district councils to enter into long-term service contracts with the private sector, to enable councils to acquire land otherwise than by agreement for waste-management purposes, to make preliminary arrangements for the reorganisation of local government, to establish statutory transition committees for the purpose of preparing for and giving full effect to the reorganisation of local government, and to enable the Department to make regulations to provide for severance payments to be made to councillors who resign during a specified period.

The Committee has taken oral evidence from local councils, the Northern Ireland Local Government Association and Arc21, and it will soon begin its clause-by-clause consideration of the Bill. At its meeting on 17 September 2009, the Committee agreed that it would be prudent to seek this short extension as a contingency plan in the event of an emergency, such as an outbreak of swine flu.

The Committee is aware of the Bill's importance for local government reform, and it is aware of the tight timescale that is involved in order that the Bill may receive Royal Assent by the end of the year. It should be noted, however, that the Bill has been delayed significantly in coming to the Committee since members made a commitment to the Department over a year ago that they would agree to a shortened Committee Stage. The Department indicated recently that, as a result of discussions with the Committee, it is now liaising with the Office of the Legislative Counsel on the preparation of possible amendments to the Local Government (Miscellaneous Provisions) Bill that will require further Committee scrutiny.

I assure the House that the extension will not be used unless it is absolutely necessary. The Committee has assured the Department that it will work with it to ensure the smooth passage of a raft of legislation,

particularly on local government, in the coming season. I ask Members for their support.

Question put and agreed to.

Resolved:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 26 October 2009, in relation to the Committee Stage of the Local Government (Miscellaneous Provisions) Bill [NIA Bill 10/08].

PRIVATE MEMBERS' BUSINESS

National Asset Management Agency

Mr Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes in which to propose the motion and 10 minutes in which to make a winding-up speech. 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 in which to propose and five minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes.

Ms J McCann: Go raibh maith agat, a Cheann Comhairle. I beg to move

That this Assembly expresses deep concern at the possible negative economic consequences for the island of Ireland if the National Asset Management Agency legislation currently under consideration by Dáil Éireann is passed; and calls on the First Minister and deputy First Minister to raise the issue at the North/South Ministerial Council to agree a way forward regarding these assets which will ensure the economic stability of the island of Ireland and movement towards economic growth.

This motion highlights a number of concerns for both the North and the South that would be realised should the legislation for the national asset management agency (NAMA) be passed, and it calls for an all-island approach to be taken on the issue.

In legislative terms, the Irish Government's proposal is seriously flawed. It plans to pay the banks' long-term economic valuations for bad loans, as opposed to the current market value. That is a bad deal for taxpayers. The additional recapitalisation that would be needed subsequent to the establishment of NAMA means that taxpayers would pay twice for the bank crisis and would still have no real control over the sector.

Even when bad loans are taken off banks' books, there is no guarantee that banks will provide normal lending in an economy that is starved of credit. Historically, banks are quick to lend during a boom, but slow to lend during a recession. Therefore, it is irresponsible to take losses for banks without ensuring an element of control of banking practice.

The main reason to oppose NAMA is the fact that it is a plan to rescue banks and developers. It does not help ordinary homeowners and businesses who face repossession and economic hardship throughout the length and breadth of the island. They must continue to pay their debts, while developers' bad loans are put on ice indefinitely.

The legislation will also have an impact on the North. As I have said, it affects people throughout the island of Ireland. Although taxpayers in the South will

be hit hardest as banks sell off their bad loans to the Government, €5 billion-worth of those assets are located in the North. When they are sold off, that will affect the value of property and land here.

The Irish Government will have to recoup their expenditure in some way. With no definite time frame for the sale of those assets being built into the proposals, the release of that property into the market at discount prices over a period will have an adverse effect on the recovery of the economy here. Minister Wilson has said that he has been given assurances by the South's Finance Minister; we in Sinn Féin want to know the details of those assurances. If the economy in the South goes further into free fall, nothing will stop the quick release of those assets into the market.

There is a strong argument for NAMA to be put before the people, and my party believes that that should be done by way of a referendum. The focus for many people has been the price that NAMA will pay for toxic loans that it will transfer from the banks onto the taxpayer's balance sheet. That long-term economic value benefits only the banks' shareholders, as the long-term viability of those loans is seriously in doubt due to the oversupply of property and the overinflated value of loans.

NAMA is incapable of meeting the twin objectives of achieving the best value for taxpayers and exposing them to the least possible risk. The debt to which NAMA will expose taxpayers could be in excess of €70 billion. As I have said, €5 billion-worth of that property and related assets are located in the North.

The legislation contains numerous problems, not least of which are the reliance on banks to act in good faith by giving all information on loans to NAMA and the reliance on the ability of NAMA to work with developers to finish projects, potentially lending them taxpayers' money to do so. There are also operational concerns that NAMA will not have the expertise to reclaim debt as it is not used to working in that sphere and the staff that it recruits may still be loyal to their former bank employers.

NAMA will have a huge government cost — the staffing requirement of 50 may well be an underestimate — at a time when other organisations of significant public importance are being amalgamated and rationalised. As regards the notion that a levy will be introduced on banks if NAMA makes a shortfall, we do not know how a shortfall will even be defined, much less what the levy would be.

The Government also says that cleaning out banks via NAMA will bring a return to normal bank practice and lending. However, that rests on the assumption that private banking practice is interested in restoring the economy through providing credit, rather than being concerned only with the interests of shareholders.

We must ask whether banks will lend when they have managed to get their hands on cash via NAMA-issued transfer bonds.

Banks do not tend to lend to businesses that they consider to be risky. We have also seen that problem here, with banks that sometimes do not lend to small and medium-sized businesses because doing so might create another set of dubious assets that would impair their loan books. That is what NAMA is trying to rectify. As I have said, historically, banks lend too much money, too easily, during booms, and too little money, too cautiously, during recessions.

The creation of NAMA will not provide any positives that could not be delivered through nationalisation. If it was used as a state property management company, NAMA would have potential. If it was used as a property management company, the state could utilise land seized on defaulted loans for vital infrastructure, social housing provision or tourism development. We now have a situation in which people throughout the country are sitting in their homes and business premises in negative equity, or, worse, are being evicted because their property is being repossessed.

The property managed by NAMA should be available to local authorities to house people who are evicted as a result of banks moving against them. However, the NAMA-owned property, paid for by taxpayers, is to be managed by private development companies, and tenders have already been put out to attract such companies. That measure is designed to keep party members on board rather than improve the legislation.

NAMA has nothing to do with improving Irish society. The ultimate point of it is to socialise debt and privatise profit. There needs to be an agreed way forward based on an all-island approach. If the NAMA legislation is passed in its current form, there will be serious implications for the economy of the island as a whole. The nationalisation of banks is a much more viable alternative, which would protect the interests of the taxpayer and create a working system of banking.

All of that illustrates the weakness of not having joined-up economic planning across the island. An all-Ireland economic summit is required to address the urgent need for a joined-up economic approach. Go raibh maith agat.

Dr Farry: I beg to move the following amendment: Leave out all after “consequences” and insert

“for Northern Ireland arising from the potential National Asset Management Agency legislation currently under consideration in the Oireachtas; and, while respecting the right of the Irish Government and Parliament to determine their own response to the banking crisis within their jurisdiction, calls on the First Minister and deputy First Minister, alongside the Ministers of Finance and Personnel and Enterprise, Trade and Investment, to use all opportunities, including the North South Ministerial Council, to ensure that the potential

implications for the economy in Northern Ireland are fully taken into account within any legislation and subsequent action.”

I welcome the debate. The legislation in the Republic of Ireland is significant and comes at a very interesting time for politics as a whole in the Republic of Ireland. Given that there are implications for Northern Ireland, it is only right that the Assembly discusses it.

We tabled our amendment to focus the debate on the real interests of Northern Ireland and to avoid an inappropriate widening of the discussion. We have to respect the right of the Irish Government and the Oireachtas to determine their own internal economic policies. We may all have personal viewpoints on NAMA, but the primary response to the banking crisis in the Republic of Ireland is for Irish elected representatives to determine. That does not mean that the Assembly should look inward: on the contrary, it is important that we are outward-looking as far as possible and that we are prepared to comment on national, all-island, European and international affairs, particularly, but not exclusively, when they impact on Northern Ireland.

In doing that, it is important that we recognise and respect our own competencies as an Assembly and, more importantly, that we recognise the competencies and responsibilities of other Assemblies and Parliaments. That also applies to electorates. For example, I would love to be in a position to call for a “Yes” vote in Friday’s referendum on the Lisbon Treaty. However, as an elected representative in Northern Ireland who sits in a Northern Irish Assembly, I know that that would not be appropriate.

In particular, we need to be very careful that the Assembly does not become a surrogate for fighting battles that should really be taking place on the Floor of the Dáil Éireann. Therefore, our focus should be on trying to influence the legislation in a manner that addresses and contains any of the potential implications for Northern Ireland and our economy.

The NAMA approach, or something similar, may be the least worst of all the options facing the Irish Government. I respect the views of others, including those expressed by Sinn Féin today and those expressed within my own group that are different to my own, but that is not the issue for us today. We can all be populist and want to give the bankers a good kicking, which they richly deserve, no doubt. However, being responsible, we cannot escape acknowledging that a healthy and functioning banking system is fundamental to any economy. Like many other countries around the world, and perhaps particularly so given the scale of the problem, Ireland has to get its banking system moving again. We can point to examples of rescue schemes around the world, which have variable shapes and outcomes, such as the TARP scheme in the United States, our own national scheme and the one in Germany.

In order to address their banking and financial crisis, the Irish Government have to address the so-called toxic loans that are in the system. They are proposing to use €54 billion to prop up related loans that have a nominal book value of €77 billion. Those loans are currently valued at €47 billion. Is that the right balance of pain between shareholders and taxpayers? With the discount, will the assumption of a rise in value of those assets be sustainable? Have the right underlying calculations been made? Will the banks, as Jennifer McCann said, follow through and begin to lend again? Will the gamble work?

Those are interesting questions, but, again, our concern must be the impact of NAMA on Northern Ireland. We have to assume that that legislation will be introduced, and then ensure that we mitigate any effect that it might have on Northern Ireland.

1.00 pm

From our perspective, we have to recognise the cross-border effects of that legislation. We do not live in a world of closed economies. Rather, we live in an open, integrated and globalised economy, and what happens in one economy can have knock-on effects elsewhere. Decisions taken by national governments have much wider implications and effects. The Irish Government's act of economic nationalism in guaranteeing deposits in their own national banks last year had implications across Europe and a ripple effect on the security of deposits elsewhere.

This issue indicates the realities of a growing all-island economy. I would not overstate it to the same extent as Jennifer McCann, given that we are clearly very fiscally dependent on the UK Exchequer — and, indeed, more so today — but there is clear evidence of growing integration on the island of Ireland, and it is important that we discuss economic interests of mutual concern and avoid negative impacts on each other's economies.

Our big concern is about the impact of a fire sale of NAMA-backed assets in Northern Ireland, and the impact that that would have on our economy. It is estimated that 6% of the assets that would fall under NAMA are in Northern Ireland. Other NAMA assets are also internationalised, with about 21% in GB, 3% in the United States and about 4% in the rest of Europe. However, the impact if things went wrong would be much greater here given the relative size of our economy compared with those other, much bigger economies. The level of our exposure equates to a notional value of about £4.6 billion. However, we are still uncertain about what the impact on Northern Ireland will be. It is important that we do not over-react or panic at this stage. Although a fire sale would be extremely damaging to our property market and wider economy, there is no suggestion at this stage that that is what NAMA would seek to do.

We must do a number of things. First, we must remain vigilant to the risks, but not overplay them; secondly, we must seek to influence the legislation as best we can; and, thirdly, we must appreciate that there are individuals in Northern Ireland who will be mixed up in this, whether property owners or people who work in the related banks.

I note that our Finance Minister has already had discussions with Brian Lenihan, his counterpart in the Republic of Ireland. I also believe that the matter was discussed by the North/South Ministerial Council. It is right that those discussions continue. I would encourage a place being made available for a representative of Northern Ireland, or for someone who has an intimate knowledge of the Northern Ireland economy, on a NAMA advisory board. That would be a good way to protect our interests.

This debate is critical. We must recognise our role as an Assembly and make our points while respecting the rights of others to take decisions about their own economy. In turn, however, we must take this issue seriously but not over-react. There is a lot of work to be done in the coming months. I look forward to hearing the comments of our own Finance Minister, and I wish him and his Executive colleagues every success in trying to ensure that the effects of the legislation on Northern Ireland are minimised as far as possible.

Mr Weir: I welcome the debate. As a politician, it is, in part, always good to talk about bankers, because in recent days, they are, perhaps, the one group of professionals that tend to be held in lower esteem than politicians. Consequently, the opportunity to distract from our bad press is always welcome.

Although I disagree with the wording of the amendment, Dr Farry hit the nail on the head. We need to focus on what the Assembly can do and determine our appropriate role. In that respect, I fundamentally disagree with the motion's approach, because I do not believe that it is appropriate for the Assembly to interfere in what is essentially a turf war down South between Fianna Fáil and Sinn Féin and in legislation in another jurisdiction.

Some people would criticise the Assembly for not giving sufficient scrutiny to its own legislation. Therefore, it is a somewhat expansionist approach to suggest that we should interfere in legislation in the Irish Republic. To that end, some colleagues and I find ourselves in the unusual position of being defenders of Irish sovereignty today. We are a different jurisdiction, and it is not our role to interfere in the internal affairs of another country.

When I read the criticisms of NAMA in the motion, I wondered whether Sinn Féin had become nervous about the link-up between the Ulster Unionists and the Conservatives and had sought to reposition itself on

the right of the Ulster Unionist Party by saying that the level of state interference in the banking sector is terrible and by proposing a free market solution. However, when I read the detail, I understood, less surprisingly, that Sinn Féin's position is to nationalise banks. Indeed, I suspect that it is keen to nationalise everything. At least one Member on the Sinn Féin Benches seems to be giving a level of tacit support to that assertion.

The nationalisation of banks is similar to the situation in Russia in the first part of the twentieth century, whereby lands were nationalised, and the kulak class was eventually eliminated. That shows the retrograde thinking of Sinn Féin on that issue. The evil corporatists have to be faced down.

Mr Cobain: Are banks, in effect, not nationalised?

Mr Weir: I will wait to see how that —

Mr Cobain: What percentage of the banking system do the Government own?

Mr Weir: There is a fundamental difference between nationalisation of banks and an asset management system. I appreciate that the Member would be keen to go further, and I expect that to be reflected in the Conservative and Ulster Unionist manifesto.

We should focus on the implications for Northern Ireland and what the Assembly should do about them. Not surprisingly, I take exception with the proposers of the motion, who consider an all-Ireland economy as the solution to all problems, particularly down South. If we can learn one lesson from the financial position down South, it is that we were wise to steer clear of the charm offensive that was thrust in our direction, from the public and from some nationalist parties, which consistently wanted Northern Ireland to have much closer economic ties with the Republic of Ireland. It is clear that the Celtic tiger that once pranced about this island with great pride and no degree of smugness has been shown to be drinking at the pool of toxic loans. Indeed, a closer alignment with the Republic of Ireland would have left us shouldering a large amount of the debt.

The proposer of the amendment reflected fairly accurately that there has been some wild speculation about the amount of money that is involved in assets in Northern Ireland. It totals just under €5 billion of NAMA's overall base of €77 billion. As has been mentioned, that must be put in perspective. It is clear that the scale could have huge implications for the Northern Ireland economy. However, we must also be sure that we do not overreact. We must take a co-operative approach and keep a close eye on the level of direct discussions about any implications for Northern Ireland. I would not go as far as the proposer of the amendment, who wants an economic expert for Northern Ireland to be part of the panel.

Mr McNarry's name was suggested in that regard; we had a brief discussion beforehand, and I think that he would be willing to sacrifice himself to serve such a purpose. Whether the Assembly can spare him is another matter, but his expertise should be shared with the Republic of Ireland.

In practical terms, however, we do not believe that this is best done through high-level summitry, or, indeed, the North/South Ministerial Council. It is better that the Finance Minister work on the detail of the implications of the situation with his opposite number and with officials on a bilateral basis. It is clear that a fire sale is in no one's interests; that is the main concern for many of us. That work has started and is ongoing; that is the route that we should be taking, rather than trying to set up structures.

Mr McNarry: I want to make it clear that I am not taking part in a job interview.

It is estimated that approximately 15% of the toxic assets held by Irish banks, which will come within the scope of NAMA, reside in Northern Ireland. There is no need for an all-Ireland summit, as was suggested by the proposer of the motion. However, that statistic alone is sufficient reason for the First Minister and the deputy First Minister —

Mr Weir: We can bandy figures about, but my understanding is that the figure is a lot less than 15%. Indeed, as the proposer of the amendment indicated, it is somewhere in the region of €5 billion out of the €70 billion, which makes it 6% or 7% rather than 15%.

Mr Speaker: The Member will have a minute added on to his time.

Mr McNarry: There are various figures; one can take them one way or another, and I will stick with the 15% that I suggest for the toxic assets held by Irish banks in Northern Ireland.

The debate is all about getting information, and the best way to get it is through what I hope the Finance Minister will be doing on this matter. That 15% is sufficient reason for the First Minister, the deputy First Minister, the Finance Minister and the Minister of Enterprise, Trade and Investment to be proactively engaged with the Irish Government looking after Northern Ireland's interests in the context of any solution that the Irish Government might find for their banking loan and asset situation. That is quite simple.

The national assets management agency will obviously have an impact on the potential disposal of significant assets located in Northern Ireland — most notably, land and building development assets. That is where we come in. That point was made in the debate on the Second Stage of the National Asset Management Agency Bill 2009 by Brian Lenihan, the Republic's Finance Minister. He said:

"40% of these loans are cash flow producing."

They are not totally no-hope loans. Over the 10-year time frame envisaged, he continued:

"The cash flow produced will be sufficient to cover interest payments on the NAMA bonds and operating costs."

I am glad that our Finance Minister is here. He needs to establish how many Northern Ireland asset-backed bad loans are in that 40% cash-flow-producing category, and how many are in the 60% "no-hope loan" category. Establishing that would go a long way to determining how NAMA would handle those Northern Ireland asset-based loans. Indeed, I say to the Minister that that would be no bad thing. In fact, it would be beneficial for us to know the extent of the bad loans that are floating in Northern Ireland and held in toxic banks other than those covered by NAMA. Perhaps the Minister can tell us what he knows about that situation.

That information will be critical in formulating the approach that we should take to the Government of the Irish Republic over the disposal or management of those assets, and to banks operating here that are outside the scope of NAMA. There is a question mark over what happens outside NAMA. We do not have an inside track on that. Therefore, if NAMA were to find that a substantial proportion of Northern Ireland assets were in the cash-flow-producing category, its attitude would be very different, because that would relieve the situation substantially, and this would become an asset management issue rather than the fire sale that Mr Farry talked about.

1.15 pm

I would welcome comment from the Finance Minister as to the precise nature of the Northern Ireland assets that NAMA is likely to take into management. Will he confirm what proportion of Northern Ireland-based assets is cash-flow producing and what is not? I presume that he has done some homework on the matter before he enters into negotiations with the Republic, because information is everything in such a situation. Even if it only talks that he enters into, rather than negotiations, it is necessary to establish that information.

We in Northern Ireland also need to establish where our property assets are likely to be over the next two years. I would welcome informed comment from the Finance Minister on that matter, because it will have a direct impact on the cash-flow potential of property assets in Northern Ireland that are about to come into the ownership of NAMA. The other side of that coin is that NAMA-owned assets here will have a direct impact on the recovery potential of our property market, both domestic and commercial.

I appeal to the Minister to look again at, or at least to confirm the possibility of, unlocking the value of Government property assets, so that we can invest to protect and create jobs. I remind the Minister, who

may say that it is not all his fault, that both he and his predecessor have presided over a doubling of unemployment on their watch, and we do not need any more.

Mr O'Loan: Like Stephen Farry, I welcome the debate on NAMA. We need to be better informed about it, and the debate is helping us to do that.

I am surprised that Sinn Féin has tabled a motion on the economy. Its reputation on economics is not good and has been soundly rejected at the polls in the South. Gerry Adams, the president of Sinn Féin, recently said that his party is not interested in managing the economy. It strikes me that, perhaps not for the first time, Sinn Féin has come to the point where the extreme left meets the extreme right and they share the same position.

The extreme left has moved to an anarchist position. Jennifer McCann is up for seizing property; a fairly Stalinist approach, I thought. The extreme right has a total belief in market forces and would let the banks collapse irrespective of the consequences. The message to the people is the same from either stance. The extreme right would say "let them eat cake"; the extreme left would simply say "let them not eat at all". That is where Sinn Féin finds itself; it is not engaging in serious debate on the issue.

Martin Ferris accused the Irish Government of the robbery of €12,000 from every man, woman and child. Martin Ferris is a man who would know about robbing from the banks, but I think on this —

Mr O'Dowd: On a point of order, Mr Speaker. How appropriate is it for the Member to make criminal accusations against another Member of a legislative body on this island, never mind an ordinary member of the public?

Mr O'Loan: I am happy to clarify: I make no suggestion whatsoever of any criminal imputation. One can know about a thing without any direct involvement.

Mr O'Dowd: Mr Speaker, I was of the view that you responded to points of order, not the person who is involved in the debate.

Mr Speaker: Order. I have heard the Member's point of order, and I say to all Members on all sides of the House that privilege is not absolute. Let us be very careful of what we say in this House. I know that sometimes, in the cut and thrust of debate, Members can easily get carried away. I remind Members to be of good temper when they speak in this House in any debate.

Mr O'Loan: There were others who were involved in robbery, and Mr Ferris showed considerable adulation towards them quite recently.

It is clear that the people have already moved beyond the Sinn Féin position. Sinn Féin was involved, with others, in organising a protest against NAMA in Dublin a week ago, and only 1,500 people showed up.

There is no national movement against NAMA any more, if there ever was.

Unfortunately, I am uncomfortable with the amendment proposed by the Alliance Party. Indeed, I was not terribly comfortable with some of Stephen Farry's remarks, which were, in parts, indicative of a unionist, partitionist mindset. Stephen Farry should think about the fact that politicians need to state the direction in which they want to travel rather than to simply comment on the situation.

It is regrettable that the amendment proposed by the SDLP was not accepted. It recognised possible implications for the future conduct of banking, the property market and the wider economy of the region that arise from the NAMA legislation. That would have been a better stance for the Assembly to take.

Lord Morrow: On a point of order, Mr Speaker. Is it in order for a Member to virtually read out an amendment that has been ruled out of order and that has not been accepted for inclusion on the Order Paper? What are we at?

Mr Speaker: No; that is not in order. I say to the Member, and to all sides of the House, that the decision not to accept an amendment should not be challenged on the Floor of the Assembly. I wish to make that absolutely clear, and I warn the Member on that issue.

Mr O'Loan: I am only saying that it would have been better for the Assembly to adopt the position that was outlined in the amendment proposed by the SDLP.

We all agree that there is a need for the banking system to be fixed and for credit to be available. The banks must be in a position to borrow in the international markets, but we know that that is not possible because of the high volume of high-risk property debts. That can be dealt with in three broad ways: recapitalisation, which could ultimately lead to nationalisation; asset guarantee schemes; and asset management schemes such as NAMA. All three methods have been used in different situations in different countries. However, NAMA was not chosen by chance. A sound evidence-based approach led to its selection, and it has been approved by the International Monetary Fund (IMF) and the European Central Bank (ECB).

Although it is certainly not risk free, the NAMA scheme contains important protections. The banks take a considerable hit at the outset. They receive €54 billion against a book value of €77 billion and are, therefore, €23 billion down straight away. The current value of those assets is €47 billion, and the Government hope to make up the €7 billion gap as the assets increase in value. We should note that €2.7 billion is in the form of subordinated bonds, and those are payable only if the Government go into profit.

The legislation also contains provision for a further levy if the Government are still making a loss, so

significant protections are available. The rise in value to make a profit is quite modest: 10% over a 10-year period. If the scheme works, the banks will be able to raise capital as private finance. If not, the Government will capitalise the banks and take an equity share.

Most advice says that it is in the best interests of the Irish economy to keep the banks in the private sector and to have at least three competing banks. There is understandable anger in the community against the banks and property developers. There has been regulatory failure and dubious practice. Developers will not profit from the NAMA scheme, and I welcome its commitment to include a windfall tax on rezoned land.

Mr Speaker: I ask the Member to draw his remarks to a close.

Mr O'Loan: The Irish Government have offered to consider that at its Committee Stage, and it is important that they consider other reasoned amendments.

Mr Hamilton: I am not really interested in getting into a debate on the merits, or otherwise, of legislation that is before the Irish Parliament. It is up to the Members of that elected institution to debate and discuss that legislation. However, I concur with some of the comments of a Member who spoke previously. A Sinn Féin spokesman described the NAMA legislation as "the crime of the century." It is a bit rich for anyone in the republican movement, given its history of major crimes against banks across Ireland, to describe NAMA as "the crime of the century."

Mr Weir: Given the republican movement's past, it would be in the best position to judge.

Mr Speaker: A minute will be added to the Member's speaking time.

Mr Hamilton: The Member is right, because €70-odd billion is much more than £25 million.

I do not want to get into the whys, wherefores or merits of NAMA. I accept the point that several Members made that a fire sale should be avoided, even though the €4.8 billion of assets in Northern Ireland is significantly less than the €20 billion that was mooted at one time.

There are still potential negative consequences for Northern Ireland in the deflation of an already depressed property market, and there may be an impact on the public sector in Northern Ireland as we try to realise best value for unused, unwanted assets in the public sector portfolio.

I support the line of action that the Minister has already engaged in through bilateral discussions with his counterpart in the Irish Republic. He intends to have more such talks in the future. As we move forward, any direct line of communication from any advisory panel or board to the Department of Finance and Personnel is to be welcomed in order to avoid

some of the serious consequences that might result from NAMA not dealing appropriately with assets in Northern Ireland.

I wish to touch upon the more important conclusion that we in Northern Ireland can draw from the fact that the Irish Parliament has to pass that legislation, or, if not that legislation, something else, and it is the picture that it paints of the current Irish economy and the explosion of the economic argument for Irish unity. Today, that argument is as busted as the Irish banks themselves.

For years, we were told that the unionist argument against Irish unity that was based on economic reasons was disappearing and that the Irish economy was becoming the most vibrant, dynamic and innovative economy, not only in Europe, but in the world, and deserved to be called the Celtic tiger economy. That Celtic tiger has well and truly turned into a pussycat. We now have very clear evidence, as shown by the introduction of the legislation in the Irish Parliament, that that so-called strong economy was not built on solid foundations but on severely shifting sands, which have now collapsed under the Irish people.

Mr O'Loan: Will the Member give way?

Mr Hamilton: Hold on.

We have heard the International Monetary Fund say that the Irish economy's contraction will be the most severe of any advanced economy in the Western World. I will now give way to the Member.

Mr O'Loan: Does the Member not admire the position of the Irish Government? Yes, they have got into difficult circumstances, but they are finding their way out of it. I have seen economists' prognostications to the effect that, in a short time, the Irish growth rate is expected to rise again to 4%. I admire the Irish Government's independence of action. They have a problem; they are dealing with it, and they will get out of that situation. I wish that I could say the same about our economy and the solutions that have been offered.

Mr Hamilton: The days of 4% growth or, indeed, any percentage of growth in the Irish economy are a long way off. The heady days of near-double-digit growth in the Irish economy have long since passed, probably never to return. Again, that underscores the argument that such growth was temporary, and it is now going back to more appropriate levels.

One only has to look at all the evidence: the contraction of the economy by 13.5% between 2008 and 2010; the jobless figures have gone from being the second lowest to the second highest in Europe; the Budget deficit has grown to four times the limit allowed by the EU institutions; the Irish Republic's credit rating was, embarrassingly, lowered by Standard and Poor's, and that was a real slap in the face for the

Irish economy; and so on and so forth to the collapse in the construction industry and the cuts worth billions of euro that the public sector faces as a result of the McCarthy report.

No matter what anyone says, Northern Ireland has been well cushioned by the UK economy. There are longer-term benefits in remaining part of the fourth largest economy in the world. This is a global problem; it is not one for independent action. It will be sorted out on a global basis.

While the Northern Ireland economy, small as it is, is represented in the room, at the table, at the G8 or G20 summits, or wherever big decisions on financial futures are being taken, who is outside with his face pressed to the window looking in? It is the Taoiseach of the Irish Republic. He has always been, and always will remain, on the outside. Whatever legislation is passed in the Irish Republic —

Mr Speaker: The Member's time is up.

Mr Hamilton: — the economic argument has well and truly gone.

1.30 pm

Mr Butler: Go raibh maith agat, a Cheann Comhairle. Tá mé sásta labhairt ar son na tairisceana seo, ach ní dóigh liom go mbeidh mé ábalta tacú leis an leasú..

I am grateful to be allowed to speak in the debate. I should point out that some of the debate, particularly the contributions from the DUP and the SDLP, focused on attacking Sinn Féin and negative politics, and Declan O'Loan attacked members who sit in Leinster House. The DUP said that the banks should not be nationalised, but it talked about that option as though it were the product of far-left loony thinking. However, one of the banks involved in the crisis, the Anglo Irish Bank, has already been nationalised, and the Irish Government heavily subsidise the Allied Irish Bank. Those who state that Sinn Féin's economic policy is illiterate and that the banks must not be nationalised should look at what is happening in other parts of the world: Sweden had to do exactly that to get out of the economic crisis.

NAMA has been described as one of the biggest gambles on the property market by any Government in western Europe. It has been likened to placing €60 billion of taxpayers' money on the roulette wheel in the local casino. The problem for the North is that the toxic assets of approximately €5 billion will affect the economy here.

I welcome the recent statement by the Minister of Finance and Personnel, Sammy Wilson, that he wanted to have a formal role in how NAMA affects the North, particularly its property prices. However, it is not good enough simply to have a formal role. Sinn Féin's motion advocates that the matter be dealt with through

the institutions. I acknowledge that the Assembly is one of the North's institutions but what about the interlocking bodies, such as the North/South Ministerial Council? It is not enough to receive assurances from Brian Lenihan and the Taoiseach that they will sort out the problem. Fianna Fáil, the banks and the developers got us into this mess, and NAMA is being set up to deal with the toxic debt here and in the South of Ireland. We must have a more formalised role because, when NAMA is established by the legislation, its role will be subject to little public scrutiny. It will deal with toxic debts relating to land and developments here in the North, and the Assembly will have little or no say in that. We must, therefore, do more than seek assurances from Brian Cowen and Brian Lenihan about NAMA's impact on the North.

The long-term impact must also be considered. People have been talking as though establishing NAMA will deal quickly with the entire issue, but that will not be the case. The North could be lumbered with the effects on the economy here and on the island of Ireland for the next 10 to 15 years.

The amendment, which attempts to water down the Sinn Féin motion, is unnecessary and, in some ways, partitionist. We must address the issue on an all-Ireland basis because it will impact on the economies of both jurisdictions. I welcome the Minister's statement that he wants to play a formal role. However, through the North/South Ministerial Council, of which the Minister of Finance and Personnel is a member, we must take a direct hands-on approach as to how NAMA will affect the North's economy and ensure that we are kept up to speed. Go raibh maith agat.

Dr McDonnell: I am glad that the debate is taking place today, because it highlights that, whatever our political persuasion or party, a close working relationship exists between the financial structures, North and South. I am not wildly excited about NAMA; equally, I am not wildly excited about anything to do with the banking and liquidity crises.

To me, NAMA represents the least-worst option. Nationalisation would be the worst possible option: it would weigh us down, because the banks involved have assets not just in Northern Ireland but in the US and across Europe, thus creating very difficult circumstances for a nationalised bank to unravel.

As others have said, there are serious implications for the economy of the island as a whole. There are also serious implications for downstream financial jobs and for the construction industry. I think that the proposer of the motion, Jennifer McCann, said that we need a joined-up economic approach. I agree. However, the motion deals only with banks that are based in the Irish Republic. Effectively, we have no local banks. In addition to those that are based in the Irish Republic, at

least 70% of Ulster Bank's parent company is nationalised and the Northern Bank is owned by Danske Bank.

Many aspects of regulatory failure come from a global and a local perspective. I apologise to Mr McNarry, but I will pick up on a point about which there was some debate and discussion. All my figures suggest that some 6% of the Irish banks — assets that are proposed for NAMA — which is a figure of some £5 billion, are based in Northern Ireland. The figure of 15% probably arises from the fact that considerably more of those banks' assets are based in the UK.

To be honest, I am somewhat confused, because the motion contains serious contradictions. I will not go into the details, but it is very worrying for those of us who have an interest in jobs and the economy. The president of Sinn Féin recently said that the party was:

“not interested in managing the economy.”

If I have got that quotation wrong, it needs to be corrected.

Mr O'Dowd: It is clear that the SDLP has hired a group of individuals to read through Sinn Féin's speeches and pick out half sentences, half quotations and half remarks, and then its Members come into the Chamber like excited children and read them out. If SDLP MLAs quote the president of Sinn Féin or any other politician, they should read out the entire content of the speech from which the quotation came.

Mr Speaker: The Member has an extra minute in which to speak.

Dr McDonnell: I have no difficulty with that if it is standard practice, but the problem is that Sinn Féin, from its president down, has misquoted and misunderstood everybody else for years. If that is a misquotation, I am glad for it to be corrected, because I am keen for Sinn Féin to take an interest in the economy.

I am bewildered by the thrust of the motion. It gives us the sense that Sinn Féin is out of touch and may not be up to speed on the economy, because it backed the bank guarantee system that was introduced in the Irish Republic some time ago. That scheme was the precursor to, and the necessary foundation for, NAMA. Those of us who try to observe these matters, and who read newspaper stories on what is going on, are confused, because we are shuffling from pillar to post. It is important that there be consistency, because we will get out of this financial crisis only if we are consistent and responsible.

NAMA is by no means perfect. It has many faults, and I have a degree of scepticism about much of it. However, as I said earlier, the Government's intervention is the least-worst option. Our banking system, North and South, cannot be unravelled or separated. It is completely interconnected. Many of the banks, such as the Bank

of Ireland and the Allied Irish Bank, operate on an all-island basis.

If the Irish Government were not to step in now to reduce some of the risk and increase the flow of credit to those banks, we in the North — homeowners, business owners and everybody else — would suffer severely from the lack of liquidity. Ordinary, decent hard-working people have suffered enough.

I could stand here all day condemning the stupidity and mistakes of the banks, but I will not do that. They have made major mistakes; setting up NAMA is not bailing out the banks, it is an attempt to ensure that there is liquidity.

Mr Speaker: The Member must bring his remarks to a close.

Dr McDonnell: Mr Speaker, I am preparing a dossier which I intend to take not just to the Prime Minister, but to the Irish Minister for Finance to resolve some of those issues.

Mr Speaker: The Member's time is up.

Dr McDonnell: I am doing that because our people need help and support with the lack of liquidity.

Mr A Maginness: The issues raised by the motion highlight the interdependence between the North and the South, whether or not people like that from their different political points of view. However, I say that in a non-partisan way, because we must be sensible about the economic and financial crisis that we are in. It is important that the North and the South co-operate to achieve a beneficial end to that crisis for all our people.

There is no value in adopting a partisan political stance, and I think that the Minister of Finance has shown the way by adopting a sensible and pragmatic approach to the problem. I believe, Mr Speaker, that the Minister is blushing with embarrassment. However, his first important step was to meet the Minister for Finance, Brian Lenihan, in Dublin.

The Minister indicated on radio this morning, as I am sure he will tell the House, that he is prepared to engage with any Committee that is set up to liaise between North and South, to monitor what is going on and, quite sensibly, to address problems in our own economy. I warmly welcome that. It is important that all of us in the House endorse that point of view. We should continue to monitor the situation closely.

One thing on which we all agree is that there cannot be any fire sale, because that would simply worsen our economic and financial crisis. That must be avoided. However, there must be a measured, managed way of dealing with the assets in Northern Ireland that NAMA will take over from the banks. Those assets are apparently in the order of €4.6 billion, which is a very substantial amount of money. For the welfare of all our

people, it is important that we get this right: no fire sale. Those assets must be properly managed.

Of course, as Mr McNarry pointed out, not all the loans involved are impaired. There are assets that can produce an income, and, helpfully for all of us, generate wealth in our society. We have to get those assets working. Given a common purpose and North/South solidarity, I am reasonably confident that we can work through the economic problem: we have to, otherwise we will all go down the tubes. Therefore, it is important that all of us in the House welcome whatever efforts are made.

I understand that there are different ways to approach the situation, of which NAMA is just one. Nationalisation is one way, and asset guarantee schemes are another. However, this is the way that the Irish Government have chosen to do it, so we must work with that system. Let us get on with the job, because there is no merit in raking over the ashes. We must be optimistic about the future, work through things and create a better situation for all of us.

1.45 pm

Mr Speaker: The Member should bring his remarks to a close.

Mr A Maginness: I ask Members to support all efforts to manage the system.

The Minister of Finance and Personnel (Mr S Wilson): The debate has been useful in showing the concerns that exist about the issue in Northern Ireland. It has also been useful because it demonstrates some Members' economic illiteracy, which we will have to do something to correct over the next number of months.

Taking up from where the previous Member finished, co-operation between Northern Ireland and the Irish Republic on this issue can be beneficial to both jurisdictions. Although I and my party are not happy with the political trappings of co-operation, which sometimes only occurs for political reasons, when there are good, solid reasons for the Government in Northern Ireland to work with the Government in the Republic, my party will play its part, and I, as the Minister of Finance and Personnel, will play my part individually.

Although some people, as they pointed out during the debate, recognise that the Celtic tiger, to use the term that Mr Hamilton used, has become a pussycat, it is in none of our interests for the economies of the Republic and here to be in a weak state, because an element of cross-fertilisation and cross-trade benefits both sides. The Member made an observation that, although correct, is not something that we wish to see happen.

I shall deal with a number of points made during the debate. I do not wish to get into a debate about the rights and wrongs of NAMA. The Irish Government

have taken a decision about the way in which they will manage the difficulties that banks based in their jurisdiction got into as a result of sometimes lending unwisely on assets that should not have been lent on in the first place. That is a decision for the Irish Government. As far as I am concerned, the only input that I wish to have is that if they set up that system, I want to ensure that issues affecting Northern Ireland are protected through the Government-to-Government or Minister-to-Minister co-operation that we have.

I do not accept that NAMA should fall within the remit of the North/South Ministerial Council, and that is one of the reasons why I am not happy with the motion or the amendment. Indeed, that point was accepted by the Council. Given that a joint communiqué was issued, I assume that the deputy First Minister took the same view. The North/South Ministerial Council agreed that the two Finance Ministers will deal with the issue. We do not believe in widening the North/South Ministerial Council's remit, and I believe that if and when co-operation is needed, there are other ways to achieve it.

Sinn Féin has got its economic analysis of NAMA wrong; it is not the crime of the century, and it is not privatised profit and socialised debt. If the Member who had made the comment had looked at how NAMA is to work, she would know that the burden of risk falls on the banks, not on the Government.

Ms J McCann: Is it not the case that the burden of risk and the financial implications of NAMA fall on the taxpayer, rather than on the banks?

The Minister of Finance and Personnel: As I said, I do not want to get into the detail of NAMA. The assets have been discounted already by 30%. If there is a profit on the eventual sale of the assets, it goes to the taxpayer, not the banks. If there is a loss, a levy is imposed. I do not know where the Member sees any risk to the taxpayer.

However, I do not want to get into a debate about the rights or wrongs of NAMA. That is a decision that the Irish Government are taking and it is one that we will work with, doing our best to safeguard Northern Ireland's interests.

The second point that has come out of this debate is the extent of Northern Ireland's exposure to all those debts. When he gets a black picture, Mr McNarry's usual style is to try to paint it blacker. Even if he does not have the figures to paint it blacker, he will make an *eejit* of himself to produce a blacker picture. He was not happy at the figures that were given and that seemed to be available to every other Member, which stated that 6% of the debts that the banks hold are based here in Northern Ireland. He was even given the figures: €4.8 billion out of a total of €77 billion. So, if he did not believe the percentages, he could have

worked it out for himself. If he does not know how to do it, it is done by putting one over the other and multiplying by 100. That is approximately one fifteenth. A common mistake made by very poor GCSE students is to think of a fraction as a percentage; perhaps that is where Mr McNarry got 15%. However, one fifteenth is 6%; it is reached by multiplying one fifteenth by 100.

Mr McNarry wanted to paint the picture blacker. He claims that it is 15%, but it is not; it is 6%. However, as Mr Farry has pointed out, that is still a significant figure for the Northern Ireland economy.

Mr McNarry then asked me whether I had done my homework and found out the nature of those debts, including how many of them could produce a cash flow and would, at the end of the day, be worth something. They are all assets, so they are always worth something. The mistake would be to try to get rid of them quickly because, in current circumstances, they will be worth less. The whole idea of having 15-year bonds is to allow for their release over a period of time, so that the assets could be sold when the best value could be obtained.

Mr McNarry shows his ignorance, not this time with figures, but with his understanding of the nature of assets. An asset is bound to have intrinsic value. Its intrinsic value will change over time. The Irish Government are trying to allow as long a period as possible during which those assets can be turned back into cash to safeguard against the diminution of their value in the way that some have suggested. I noticed that Mr Butler wanted them sold quickly. That would be an absolute disaster, given the current state of the market.

I asked about the division of the assets, but the Irish Government are not in a position to answer at present. However, we know that about 40% of them are in the form of development land and the rest are in the form of commercial loans or in property. I assume that commercial loans and property will produce some return.

The third question that was asked was: how can we avoid a fire sale? A number of Members asked that question. It was one of the concerns that we had when we went to see the Irish Minister. I put it to him bluntly that there was a cynical view in Northern Ireland that because the political implications of selling assets and their value falling would be less in Northern Ireland than in the Republic, the fear was that, if money had to be realised quickly, Northern Ireland would be the place where the assets would be sold. He talked straight to me and I talked straight to him on the issue. The point that he made — sensibly, if one thinks of it — was why would the Irish Government wish to sell off assets quickly, make a loss on them and not realise their full value.

Do not forget that — Mr O'Loan gave the figures very accurately — the rate of discount is 30%. The

Irish Government have paid €54 billion for assets that are currently valued at €47 billion. An uplift of 10% over 10 years would still leave them about 45% below the 2006 peak level and with a fairly low value attached to them. Why would the Irish Government sell those assets off quickly because, once they get to the break-even point, the profit goes to the taxpayer? There is no incentive for them to sell the assets off quickly. The mechanism —

Mr O'Dowd: The Minister may be aware of the recent case in which the ACC brought a major Irish business developer, Liam Carroll, to court. When challenged about the value of his property, he admitted that it was worth not 70% but 25% of what was expected originally. If that is spread across the economy, the Irish Government may have no choice but to sell off even failed assets to recoup some money. They will not recoup all their money, but they may have to recoup some of it.

The Minister of Finance and Personnel: The 30% discount rate that has been given is, of course, an average figure. The Irish Government have been quite upfront about the fact that it is an average figure, which means that some assets will have a discount of less than 30% and some more than 30%. The whole point of buying time by having 15-year bonds is to deal with the particular problem that the Member has raised. There will not be a tendency to go for a fire sale.

However, the third point that has been made is that we have assurances, but what guarantee do we have and what input do we in Northern Ireland have to the operation of NAMA? My preference would have been — again, I will be blunt — to have had someone on the board of NAMA. That was not possible. The Irish Minister and I then looked at what other mechanism might be available. He suggested that there could be direct input through the advisory committee.

Mr McNarry: I am sure that the Minister will indulge someone who he has referred to as an eejit and ignorant. If that is the way that he wants to contribute to debates in the Chamber, so be it; there will be another day.

The Minister talks about his preference to have someone on the board of NAMA, and presumably that is to gain information. Can he illustrate to the House whether such information is being sought from those banks outside NAMA in Northern Ireland that have toxic debts? What is he doing to secure that information? Is he looking to put someone onto the boards of the banks, the Treasury and any outfits that there are that are concerned about what we do not know? The Minister may, of course, know more than us, which is why we are having this debate.

The Minister of Finance and Personnel: When I spoke about the Member's figures and his ability to manipulate or work them —

Mr McNarry: It is nothing to do with figures: just answer the question.

The Minister of Finance and Personnel: Mr Speaker, I will decide how I respond to the points that the Member has made.

I indicated not that I thought that the Member was an idiot, but that, when he sought ways of painting as black a picture as possible, he was prepared to make himself an idiot by ignoring what the figures said. The Member knows full well that the Assembly, and I as Finance Minister, do not have the ability to put anyone on the board of a privately owned bank in Northern Ireland: he knows that.

2.00 pm

Mr McNarry: What about the information?

Mr Speaker: Order.

The Minister of Finance and Personnel: The information about the assets, which NAMA will take over, will be known to the Irish Government once all those assets have been taken into NAMA, and I will seek the detail of that information.

Mr Speaker: The Minister's time is up.

The Minister of Finance and Personnel: I thank Members for taking part in the debate. I hope that we have given an indication, at least, that we are trying to deal with the issue in a constructive manner. I will continue to work with the Minister for Finance in the Republic to make sure that Northern Ireland is not placed at a disadvantage.

Mr Speaker: I call Sean Neeson to make a winding-up speech on the amendment. He has five minutes in which to do so.

Mr Neeson: I welcome the debate, and it has shown that the issue is controversial. NAMA has caused deep divisions in the Republic of Ireland, even among academics. However, this debate is not about the pros and cons of NAMA. Although it will impact on Northern Ireland, the issue is one for the Government in the Republic of Ireland. However, our Ministers have an important role to play in safeguarding the interests of the people in Northern Ireland who will be affected by NAMA.

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

I know that the Minister of Finance and Personnel has met Brian Lenihan and has reported back to the Assembly, and I know that junior Minister Gerry Kelly has met representatives from the Republic's Government. If the legislation goes through, assets in the region of €5 billion in Northern Ireland will be affected, as other

Members have said. It is worth remembering that there was considerable investment in Northern Ireland by Republic of Ireland developers when the boom in the Republic was forging ahead.

I was struck by a recent article by John Simpson in the 'Belfast Telegraph', and I agree with the comments that he made. He said:

"There are two governments, north and south; two monetary systems; two inter-dependent economies, there are more than two monetary authorities to supervise the banking system. Financial and business issues do not segregate."

He went on to say:

"setting up NAMA contrasts sharply with the methods developed by the UK Government to support the clearing banks. NAMA will take responsibility for non-performing bank loans. It will 'buy' the loans not at knock down prices, reflecting the present state of the property market, but at fair values."

We must address what is meant by "fair values", and I know that that is being considered in the Republic of Ireland.

It is also hoped, not least by me, that NAMA will encourage banks to resume lending. Members, including Jennifer McCann, who spoke in the debate, said that banks must be prepared to help small businesses. The Committee for Enterprise, Trade and Investment dealt with the issue, and I welcome that.

Stephen Farry said that the focus of the debate is on the real interests of Northern Ireland, and he went on to say that, fiscally, we are dependent on the UK Exchequer. He also said that a fire sale would be damaging to our economy.

Mr O'Loan: The Member said that we are not debating the principle of NAMA. However, if the amendment were agreed, the first part of the motion would read:

"That this Assembly expresses deep concern at the possible negative economic consequences for Northern Ireland arising from the potential National Asset Management Agency legislation currently under consideration in the Oireachtas".

Does the Member not agree that, if the amendment were carried and became the view of the Assembly, when TDs debate the NAMA legislation in the Dáil, they would think that the Northern Ireland Assembly was, in principle, opposed to that legislation?

Mr Neeson: I made it clear at the outset that the important issue is how we deal with NAMA itself, and the fact that that proposed legislation is being debated in the Dáil demonstrates that it has not yet been enacted. However, it is important that the Assembly and the Executive are prepared to address the interests of the people in Northern Ireland; essentially, that is what the debate is about.

I am disappointed that Declan O'Loan ruled out support for the amendment. The Alliance Party is trying to convey the fact that NAMA will have an

impact on the people of Northern Ireland and on the Assembly. Therefore, I am disappointed that the Member will not support the amendment.

Paul Butler said that NAMA represents one of the biggest gambles taken by any Government. However, we must accept that we are in the midst of one of the worst financial situations for many years, and it is important that the Government in the Republic of Ireland make some plans to deal with that problem.

Mr Deputy Speaker: The Member should bring his remarks to a close.

Mr Neeson: I ask Members to support the amendment.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. Reflecting on the importance of today's debate, I think that it is clear that it is not divorced from conversations in the media and elsewhere last week on how the Executive will ensure that their Budget will deliver for the people on this part of the island. At heart, this is an economic debate, and, although last week's debate centred on how to divide up the block grant, it should instead have concentrated on how to stimulate our economy to ensure that we have the resources to deliver for the people on this part of the island. In Sinn Féin's view, that cannot be done separately from our neighbours in the Twenty-six Counties, and an all-Ireland approach to the economy is the only way forward.

I listened carefully to the Minister of Finance and Personnel's comments on Mr Hamilton's remark about the economic downturn across the border. I will paraphrase him: we should not look across the border and say ah well, up yours, your economy is in bad shape.

If the South's economy is in bad shape, the North's economy is also in bad shape. We cannot ignore that fact, and we must examine the issue with respect to all-Ireland economic growth.

DUP contributions to the debate, although predictable, were disappointing, even from its own electorate's perspective —

Mr K Robinson: On a point of order, Mr Deputy Speaker. I am not sure whether the acoustics in the Chamber are better than I thought they were, but will the Member clarify whether he used parliamentary language in his description of the state of the adjoining economy?

Mr Deputy Speaker: The Speaker will examine the Hansard report and make a decision on that.

Mr O'Dowd: I look forward to the Speaker's ruling.

In relation to DUP comments on the NAMA proposals, people cannot close their eyes and ears and hope that NAMA will go away, and people cannot adopt a unionist mindset. Even from a unionist perspective, the

implications of NAMA must be understood with regard to what it will do to the economy here, with €4.8 billion to €5 billion worth of assets under the ownership of the National Asset Management Agency —

Mr A Maginness: Will the Member give way?

Mr O'Dowd: I will in just one second.

In his closing remarks, a DUP Member said that rather than set up structures around it, we should continue as we are. I am sorry, but if €5 billion worth of assets in this part of Ireland will fall under NAMA, we must set up structures around that and manage it.

Kind words from the Fianna Fáil Finance Minister will not reassure me. I am surprised that they reassure Sammy Wilson. We are looking at a Government that will, more than likely, go from power if a general election is called. As a republican, reassurances from a Fianna Fáil Minister do not go too far. We must ensure that we have structures around the NAMA proposals if they are passed by the Dáil, and there is no guarantee that they will be passed.

Contrary to what our SDLP friends tell us, Sinn Féin is not the only party opposed to NAMA. The Labour Party, the SDLP's colleagues or sister party, is opposed to it. Fine Gael, another sister party, is opposed to it. The only party that supports the legislation in the Dáil is Fianna Fáil. The Green Party is calling an all-party delegate conference to decide its final approach. I know that it is embarrassing for the SDLP, as Fianna Fáil may be the party that it is involved with after it takes on a new leader. Fianna Fáil is the party that brought the economy to its present position, lectured Sinn Féin on being economically illiterate, led us down this path and left the economy of the Twenty-six Counties in a mess.

The legislators on this island have the responsibility to ensure that we bring forward sensible legislation and find a sensible way forward to ensure that we bring ourselves out of the economic downturn. The contributions from the SDLP concentrated mainly on insulting Sinn Féin, and the reason for that was to hide their embarrassment that Fianna Fáil, its sister party, created and governed over the current mess and is now trying to ensure that the developers and the landlords, of which the SDLP has many, will continue to make money on the backs of the taxpayers across the island of Ireland, not just across the line on the map. All the people in Ireland will end up paying for NAMA for many years to come. The figures do not stack up. As I said to the Finance Minister, the Dublin Government may have assessed that they will give 70% for the loans, but they do not know how much the loans — the bad assets — are worth.

The Carroll case — the first tested case in relation to the financial viability of a major developer — has been back and forth before the Dublin courts for several

weeks. When Carroll was challenged over the value of his assets, he said that they were probably worth 25% of what they were a year ago. Nevertheless, the Dublin Government are assuring our Finance Minister that they will pay 70% of what they were worth. If one looks at the Carroll case, the Dublin Government will be paying 50% more than the assets are worth.

The Minister of Finance and Personnel: The figures are not based on assurances; they are based on the discount that the Irish Government are giving the banks for those loans. Do not put words into my mouth. I was not given an assurance; I was given the hard facts of the discounts. The Government are paying €54 billion for assets that are worth €77 billion.

Mr O'Dowd: With respect, my point proves that they may not be. The Carroll case proves that the Dublin Government do not know how much those assets are worth. They are paying €54 billion of taxpayers' money for assets that they do not know the value of.

That brings me to the point of the fire sale. World politics may dictate that the economy will get worse, with growing tensions between the Western World and Iran and the continued instability of the Middle East. All those factors lead into the economy. If those matters get worse and property prices fall again, where does that leave us? We will be left with even worse assets than we had in the first place, and that will force not only the Dublin Government, but the European Central Bank, to start recouping some of their moneys. Will they take a loss? They may well have to. They will be in such a dire situation with regard to their cash flow and credit that they may have to start a fire sale. What have we got to ensure that a fire sale does not start here? We have assurances from a Fianna Fáil Finance Minister to our Finance Minister.

Sinn Féin is saying that we should forget about the assurances and ensure that the matter is dealt with through the North/South Ministerial Council and that, as our Finance Minister has proposed, if the NAMA Bill does pass through the Dáil and becomes legislation, we have places by right on the board, not by request. We were informed today that when the request was made that we have places on NAMA, we were told that that cannot be done. Why can it not be done? If the NAMA Bill becomes legislation, why does this House not insist, through the North/South Ministerial Council, that we have places on NAMA and that our views are represented there?

2.15 pm

Mr O'Loan: Does the Member not realise that when he suggests that the Irish Government have simply snatched a figure out of thin air to offer to the banks for the loans, he is simply wrong? It has to be approved by the IMF and the European Central Bank

and is subject to EU state-aid rules. The concept of the long-term economic value is the price that has to be paid under the rules, and the best estimates of that that can be made have been made. That is why the figure of €54 billion against the book value of €77 billion has been created.

Mr O'Dowd: The Member refers to several organisations that we should be reassured by. They are the wonderful people — the European Central Bank and the IMF, which have reigned over the collapse of the world economy — who have declared that the figures are correct. Those are hardly organisations to be reassured by. Even if those figures were based on reality, new information has come to light. One of the biggest developers in the Twenty-six Counties — indeed, he has developments across the world — stood in front of a court to say that his assets are worth only 25% of what they were worth last year. That is evidence. Surely there is an onus on the Fianna Fáil-led Government to reassess their current valuations of NAMA. The SDLP's blind support of Fianna Fáil is a disservice, not only to people here but in the Twenty-six Counties. That party needs to stand up to Fianna Fáil and say that it has got it wrong and that it is time to reassess.

The Minister of Finance and Personnel: The Member has just written off the valuation carried out by the Irish Government, the IMF and the European Central Bank, but believes somehow that if the matter were to go to the North/South Ministerial Council, we would get all the assurance we need. That stretches his credibility a bit.

Mr O'Dowd: The Minister has challenged every environmentalist and expert on planet earth in his day, so it is not uncommon for politicians here to —

The Minister of Finance and Personnel: At least I had people backing me.

Mr O'Dowd: We have people backing us on this issue. Regardless of the valuations, the North/South Ministerial Council must be involved in the process.

Mr Deputy Speaker: Order. As I have some sense that there may be a Division on the issue, I will not put the Question now but will do so after Question Time. I, therefore, suggest that Members take their ease until Question Time begins at 2.30 pm.

The debate stood suspended.

2.30 pm

Oral Answers to Questions

EDUCATION

Preschool Provision: South Belfast

1. **Mr Spratt** asked the Minister of Education how many children failed to obtain a preschool place in the South Belfast constituency in each of the past 3 years.
(AQO 90/10)

The Minister of Education (Ms Ruane): The Belfast Education and Library Board (BELB) is not able to tell me how many children have not obtained a preschool place in the South Belfast constituency after the relevant process has been completed.

In the initial phase of admissions, parents are asked to nominate up to four places, and the boards then seek to place children in the provision chosen by parents. It is inevitable that some provision is oversubscribed and, even with four choices, some children will not secure a place. In May, parents of children who have not secured a place are advised of alternative provision, which may be able to facilitate them. It is up to the parents to apply to those providers, and the BELB has informed me that it does not update its records on whether children are placed successfully.

The situation is complicated in that parents may subsequently find provision in other areas. Obviously, this is one of the issues that I will bring to the education and skills authority (ESA) when it comes on board. If education and library boards identify an overall shortage of provision in their areas, my Department seeks to provide additional resources. This year, the five boards requested additional finance for a shortfall of 88 places, which my Department provided. The Department attaches a very high priority to early-years provision and will continue to work with the education and library boards and ESA to ensure that as many children as possible are able to benefit from the preschool year.

Mr Spratt: I thank the Minister for her answer. There are many areas in which provision is lacking: Belvoir Park Nursery School and Fane Street Primary School require many more places, and provision at Blythefield Primary School has been closed. I am disturbed to hear that the BELB has not provided the Minister with details. I ask her to examine the serious lack of places in South Belfast. There are many children from ethnic backgrounds who have been unable to get preschool places. Will she give me an assurance that she will

look into the matter and ask the Department to do the same?

The Minister of Education: I will look into that matter, because early years are very important in a child's life. The Member will know that we give priority to socially deprived children and those with birthdays in July and August. Some children from ethnic minorities will fall into those categories, but some will not. Once that requirement is satisfied, additional criteria for admission to particular preschool settings are the responsibility of each setting.

I will look into the issue, but the Member should note that the Department has funded the number of places that the five education and library boards requested.

Ms Lo: Botanic Primary School and Stranmillis Primary School are oversubscribed. Eighteen children are on the waiting list for Botanic Primary School, and Stranmillis Primary School has to divide into two part-time schools to provide two hours provision a day for each child.

Given that health visitors have contact with children and their families years before they enter preschool nurseries and primary schools, would it not be better for the Department and each of the education and library boards to hold discussions with health visitors so that we know roughly how many children will be going into preschool nursery schools and how many will need special help? Early intervention is crucial.

The Minister of Education: Go raibh maith agat as an cheist sin. It is very important that the Department of Health, Social Services and Public Safety and the Department of Education work closely together, and my Department is working very closely with the Health Department. The education and library boards and ESA will also be working very closely together so we can have planned provision for all our young people.

We provide preschool places for 93% of our young people, and we need to increase that percentage. The Member will accept that there has been a significant increase in provision over the past few years. I welcome that increase, but there is no room for complacency, because preschool provision is very important for all children.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an méid eolais a thug sí dúinn go dtí seo. Tá ceist agam uirthi maidir le ról na Gaelscolaíochta ag an leibhéal réamhscolaíochta.

Will the Minister assure the House that the pre-school education expansion programme provides a level playing field for Irish-medium education?

The Minister of Education: Go raibh maith agat as an cheist sin. Ceapaim, agus tá a fhios agam go gceapann an Comhalta freisin, go bhfuil sé an-tábhachtach go

bhfuil réamhscolaíocht ann do na páistí atá ag dul chuig na bunscoileanna.

It is essential that children who are going to an Irish-medium primary school have preschool education, particularly when they are learning bilingually — dhátheangach. I can assure the Member, therefore, that Irish-medium preschool education is on a level playing field.

Equality is about meeting the needs of the Irish-medium community rather than always comparing it with the English-medium community. The Member will know that in the Irish-medium review, preschool and the naiscoileanna in relation to Irish-medium education is at the top of my agenda. There has, in the past, been discrimination against the Irish-medium sector. Many of the sector's preschools were not on a statutory footing. Thankfully, we are now taking steps to redress that.

Educational Underachievement

2. **Mr Simpson** asked the Minister of Education what steps she has taken to end educational underachievement in working-class Protestant areas. (AQO 91/10)

The Minister of Education: D'fhág thart faoi 11,000 páiste an scoil anuraidh gan cúig GCSE mhaith, lena n-áirítear an litearthacht agus an mhatamaitic. Theip an córas oideachais anseo orthu. Tá fócas agamsa mar Aire Oideachais ar aghaidh a thabhairt ar an tearcghnóthachtáil do gach duine óg.

Last year, 11,000 children left school without five good GCSEs, including literacy and maths. They were failed in many ways by the system here. As Education Minister, my focus is on addressing underachievement for all young people. I welcome the Member's concern about the deeply unequal system that we have and the changes that we will bring about and are bringing about.

I introduced 'Every School a Good School: A Policy for School Improvement' — 'Gach Scoil Ina Scoil Mhaith' — to raise standards in all schools across the North of Ireland. I will soon bring forward a strategy to raise standards in literacy and numeracy. I commissioned the 'Achieving Belfast' and 'Achieving Derry' initiatives to address the particular problems of underachievement in those cities. I am working through the North/South Ministerial Council to tackle underachievement, and we have set up a taskforce on Traveller education. We have also brought forward the review of special educational needs and inclusion, and transfer 2010 will lay the foundations of a system based on social justice, equality and academic excellence. That will end the disadvantage in post-primary admissions suffered by all children from disadvantaged backgrounds.

How, for example, did the transfer test serve the Member's constituency of Upper Bann in 2008-09? There are four grammar schools and 12 non-selective schools in Upper Bann. In the grammar schools, 3% of children are entitled to free schools meals compared with 20% in the non-selective schools. The grammar schools have an average of three children per school who have special educational needs or have been statemented, compared with 37 children per school in the non-selective schools. The result of such inequality is that 44% of children living in Upper Bann — 700 children — left school without having achieved five good GCSEs, including literacy and maths. That is absolutely unacceptable to me, and I am sure that it is unacceptable to the Member.

Transfer 2010 will be supported by other key reforms aimed at raising standards, including revised curriculum entitlement framework for post-primary pupils, an early years strategy, support for newcomer pupils and the extended schools programme. My reforms focus on tackling underachievement and raising standards. I want to make sure that every young person has the same opportunity to succeed regardless of background, gender, sexual orientation or race, and regardless of how much their parents earn. It is really important that we deal with that legacy of disadvantage and discrimination.

Mr Simpson: I take it that the Minister agrees with her Department's document, which gives eight reasons why underachievement exists. Only one of those eight reasons deals with the transfer to post-primary schools; every other point is about social and economic issues.

The Minister of Education: Thankfully, there is now no transfer test. All educational experts understand clearly and have spoken out on the point that the transfer test divides young people socially. I outlined for the Member the statistics on free school meals and special educational needs. I hope that he is not suggesting that we continue with the two-tier system that disadvantages the 700 people whom our system is failing. I hope that his party understands the importance of ensuring equality for all people. The Member should, perhaps, meet the parents of those 700 people and explain how his party's education policy favours children who are advantaged already.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. How has the transfer test previously served the working-class Protestant community, particularly that on the Shankill Road in Belfast? *[Interruption.]*

Mr Deputy Speaker: Order. The Minister has the Floor.

The Minister of Education: The transfer test has disadvantaged every working-class community. I welcome Barry McElduff's question. The transfer test has discriminated against children in the Shankill, 10 of whom got to a grammar school in 2008-09. It has

discriminated against children in Sandy Row, in Upper Bann and in every constituency across the North. It has also discriminated against working-class Catholic children.

Earlier, I answered a question about minority ethnic communities. The current system discriminates against children from minority ethnic communities in particular. In many cases, English is their second language, yet they are expected to sit two one-hour tests. The curriculum has been distorted. Thankfully, we are now in a new era in which there is no 11-plus, no distortion of the curriculum, and no children sitting at the back of the class in primary schools while some are being taught and others are not.

Mr B McCrea: Does the Minister agree that the seeds of educational underachievement are sown in preschool and that most of the damage is done in primary school? The transfer test is largely irrelevant, because the damage has been done by the time children reach that stage. Will she explain why her party — and her party alone — refuses to sort the matter out, as is suggested in today's 'Belfast Telegraph'?

The Minister of Education: I am glad that the Member accepts that damage is done by the transfer test; I noticed that he used the words "the damage has been done." I am on record as speaking about the importance of preschool; I did so in response to an earlier question. Primary school is a key time in a child's life. In the past, the primary curriculum has been distorted. Primary 5, primary 6 and primary 7 are key years in a child's life. In the rest of Ireland, schools are teaching literacy, numeracy, science and various subjects so that when children enter second-level education, their literacy and numeracy skills are top class and enable them to tackle the wider range of second-level education subjects.

The departmental policy on transfer from primary school to post-primary school is transfer 2010. The Members opposite and their Executive Ministers had many opportunities to discuss that. I introduced proposals on three different occasions, and the Executive refused to discuss the matter.

Mr Storey: Not true.

The Minister of Education: That includes the Ministers from the party opposite, a Member of which has just said "not true". That party refused absolutely to discuss it. Time has moved on, and I introduced transfer 2010, which is the policy of the Department of Education. It will make equality the cornerstone of the education system.

2.45 pm

Mr Deputy Speaker: If the Member has a question I will let him in.

Mr Storey: I have been on my feet two or three times, so I thank you, Mr Deputy Speaker.

Let me correct what the Minister of Education said about bringing the matter to the Executive two or three times.

Mr Deputy Speaker: The Member must ask a question.

Mr Storey: The matter was brought to the Executive, and it was the Minister who would not discuss the paper. If she is so concerned about underachievement in the Protestant working class, when will she deal with the findings of her own report? My colleague referred to that report but she refused to answer his question. When will she deal with the findings of the NIAO and PAC reports, which clearly indicated that there is a problem with working-class Protestants? All she does when she comes to the House is to continually tell us that her priority is a language that represents fewer than 1% of the total population of children educated in Northern Ireland.

The Minister of Education: I was elected having clearly stated my party's position on inequality and academic selection. I am totally opposed to inequality and academic selection. I went to the electorate and I got elected on that basis, as did other members of my party. Perhaps, instead of blustering, the Chairperson of the Education Committee and his colleagues should go to the Shankill, the Waterside and Upper Bann, and all over the North, and explain why they support the retention of academic selection, when all the reports, including those that the Member mentioned, show that working-class Protestant and Catholic children are disadvantaged.

Education and Skills Authority: Community Representation

3. **Mr Hamilton** asked the Minister of Education how she intends to ensure that the proposed education and skills authority board will be representative of the Northern Ireland community. (AQO 92/10)

The Minister of Education: Fógraíodh an iomaíocht do bhallraíocht an údaráis oideachais agus scileanna go forleathan i mí Lúnasa. Tá gliondar orm leis an leibhéal suime a léiríodh: chuir 60 comhairleoir ceantair agus 161 ball den phobal i gcoitinne iarratas isteach le bheith ina mball den údarás.

The competition for membership of the board of the education and skills authority (ESA) was widely advertised in August. I am delighted with the level of interest that has been shown; 60 district councillors and 161 members of the general public submitted applications to be a member of ESA. ESA will play a key role in improving the delivery of education to our

children and young people and in raising standards at all levels. It is vital, therefore, that the best people be appointed to drive ESA forward. Members will be appointed to ESA on the basis of merit, in terms of the skills and expertise that they can bring, in accordance with the rules of the Commissioner for Public Appointments.

ESA's role will be to manage and deliver services according to the policies of the Minister of the day. That should be reflected in a relatively small, skills-based membership. Members are not being appointed to represent any particular interest or sector. I have proposed in the Education Bill that there will be general members and district councillors, with the councillors being the majority. I would like to see different political backgrounds represented in a broadly based councillor membership of the education and skills authority.

Mr Hamilton: Notwithstanding the necessity of merit and that nobody should be in position who is not suitable for the post, does the Minister not agree that, given the diversity of the education sectors in Northern Ireland and the diversity of ethos in those sectors, it is essential that all sectors be represented on the board of ESA, not just a handful that suit her own agenda?

The Minister of Education: Members can be assured that I will follow the procedures of the Commissioner for Public Appointments to the letter.

Mr K Robinson: Given the enormity of the potential power that might be ascribed to the education and skills authority, will the Minister acknowledge that she must take steps to allay the fears across the education sector that the Education Bill will create an enormously over-centralised and bureaucratic super-quango?

The Minister of Education: Currently, we have many different organisations and a lot of bureaucracy. We have five education and library boards, the CCMS and the Youth Council, and the system is incoherent. Mr Spratt asked me about preschool places in South Belfast; it is difficult to monitor whether children were placed in their parents' second-choice school, because the Belfast Education and Library Board borders on other boards.

With ESA in place, we will have a much more cohesive, unified approach, more equality in provision across the board, and more coming together of different groups across the education sector. There has to be strict accountability, and I assure the Member that I will ensure that there will be strict accountability during my term as Minister. ESA and the Department are already working closely together to ensure a cohesive approach and equality for all communities across the Six Counties.

Mr P J Bradley: Does the Minister intend to ensure that the ESA board will fully represent all communities across the North?

The Minister of Education: I answered that question previously. I assure the Member that I will follow the code set out by the Commissioner for Public Appointments to the letter.

School Building Programme: South Antrim

4. **Dr W McCrea** asked the Minister of Education for an update on the current status of the building programme for Ballyclare Primary School, Straid Primary School and Thompson Primary School, in the South Antrim constituency. (AQO 93/10)

The Minister of Education: Le deireannas, bhuaile feidhmeannaigh Roinne le Bord Oideachais agus Leabharlainne an Oirthuaiscirt le cláir tógála a phlé, lena n-áirítear an clár do Bhunscoil Bhealach Cláir.

Departmental officials recently met with the North Eastern Education and Library Board to discuss building programmes, including that of Ballyclare Primary School. Major capital works for Ballyclare, Straid and Thompson primary schools are at revised economic appraisal stage. There is concern regarding the low enrolment at Straid Primary School, and my officials have requested an area-based planning statement from the board.

Dr W McCrea: Does the Minister accept that many children in my South Antrim constituency are being educated in intolerable conditions? When will she remove discrimination against the controlled sector and provide an appropriate, building programme to remove that disadvantage?

The Minister of Education: I accept that many schools across the North, in every sector, are not up to scratch, and that that is simply not good enough. I have brought forward a capital programme. In 2008-09, my Department spent 99% of its capital investment budget. Currently, there are a total of 93 major capital projects ongoing, 25 of which are on site, with the remaining 68 in various stages of planning.

I am sure that the Member is not saying that we should not be taking action where numbers are dropping, because we must ensure that we use our money very wisely. We have to fulfil all the criteria of economic appraisals.

I met the Minister of Finance last week, in his capacity as an MLA, in relation to one of the schools in his constituency. He was the first to agree that we must adhere to our processes, and that we should not be building schools that will be subject to questions from the Public Accounts Committee in three of four years' time, to explain why schools were being built in particular areas.

Dr W McCrea: Why are they not being built?

The Minister of Education: I have already answered that, but I will repeat it; departmental officials recently met with the North Eastern Education and Library Board to discuss a number of building programmes, including that of Ballyclare Primary School. As regards Straid Primary School, my officials have requested an area-based planning statement from the board.

Mr P Maskey: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister tell us when the next capital fund announcement will be made?

The Minister of Education: The next capital funding announcement will be made in due course. My officials are working very hard and, as I said, we spent 99% of our capital investment budget last year. There are 93 major capital projects ongoing. To streamline the capital planning process further, projects will now proceed to design and development stage immediately after the economic appraisal has been approved. There are significant benefits to that revised process, including a significant reduction in the project development timescale. Projects will now proceed to procurement and will be on site very soon after the new starts announcement.

Mr Burns: What steps is the Minister taking to ensure that the procurement of capital programmes will be free from the long delays that they are currently subject to?

The Minister of Education: I have just answered that question, but I will do so again to avoid accusations that I have not answered your question. In order to streamline the capital-planning process further, projects will now proceed to project design and development immediately after the approval of the economic appraisal.

Fraud/Suspected Fraud: BELB

5. **Mr O'Dowd** asked the Minister of Education what action her Department is taking to tackle fraud and suspected fraud, as outlined in the Public Accounts Committee report into suspected contract fraud in the Belfast Education and Library Board. (AQO 94/10)

The Minister of Education: Cuirim fáilte roimh thuarascáil an Choiste, a tharraing aird ar cheisteanna maidir le cleachtais soláthair i mBord Oideachais agus Leabharlainne Bhéal Feirste. Bhí an-imní orm nuair a léigh mé cinneadh an Choiste ar nósanna imeachta an bhoird le déileáil le calaois amhrasta.

I welcome the Committee's report, which highlights a number of very serious issues relating to procurement practices in the Belfast Education and Library Board. I was very concerned to read the Committee's findings on the board's procedures for dealing with suspected fraud. The case was originally reported to my Department in 2003, and the issues that are raised in

the report are totally unacceptable. I expect only the highest standards of equality and transparency in public procurement.

During the course of the investigation, we have worked to ensure that our education partners' procurement processes are open and transparent and have equality at their core. That has been vital in ensuring that contractors are granted equality when bidding for work. I have insisted that my Department takes all appropriate actions to ensure that this situation does not arise again, because I will not tolerate such activity. I am determined that we display a zero-tolerance approach to fraud across the education service.

As recognised by the Public Accounts Committee, I have overseen many improvements in the Department's anti-fraud framework during my time as Minister. Notable improvements include the introduction of a comprehensive fraud risk analysis that is supported by enhanced fraud management across the education sector and the extension of a comprehensive annual fraud-reporting mechanism to include the education sector. I will also ensure that the education and skills authority examines the PAC report and that the lessons learned from the investigation are taken forward in the ESA's procedures. I want procurement practices to represent best practice right across the sector and the public service.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle agus a Aire. How will the Minister and the Department ensure that ESA does not make the same fundamental mistakes as the Belfast Board? Indeed, some of the behaviour was deliberate fraud rather than mistakes. How can we ensure that the ESA does not fall into the same traps as the Belfast Board?

The Minister of Education: I have answered part of that important question already. Under my watch, the Department takes a zero-tolerance approach to fraud. I put equality at the cornerstone of every single thing that my Department does, and the anti-fraud framework ensures that we minimise the risk of fraud. Key elements of that include adherence to our statutory duties on equality; the use of fraud risk analysis; an annual fraud report; and my staff's attendance at the Civil Service-wide fraud forum. We also continue to promote our whistle-blowing policy to ensure that any individual can raise concerns of potentially illegal or improper behaviour confidentially, and we regularly survey our staff on their attitudes to fraud-related issues.

Mr Kinahan: The Minister has broadly answered my question but not in detail. In light of the fiscal crisis, what lessons has the Minister learned from the case of the Belfast Board? What steps is she taking to ensure that full value for money is achieved in the proposed education and skills authority?

The Minister of Education: I must make it clear that the suspected fraud happened prior to my time as Minister of Education. From the day and hour that I came into the Department of Education, I have put equality and adherence to statutory duties at its core — that is equality in procurement, access to services and funding. Placing equality and adherence to statutory duties at the core of our work is the best way to ensure that it does not happen again.

The other measures that have been taken include the fraud risk analysis, the annual fraud report, and our participation in ensuring that we spread good practice right across the Civil Service. We also work very closely with the Equality Commission and the Human Rights Commission, both of which are very concerned about many of the procurement issues, and they encourage good practice across the public sector. We also regularly survey staff on attitudes to fraud-related issues.

3.00 pm

EMPLOYMENT AND LEARNING

Apprenticeships: Programme-Led

1. **Mr Lunn** asked the Minister for Employment and Learning for an update on the new programme-led apprenticeships initiative. (AQO 105/10)

The Minister for Employment and Learning (Sir Reg Empey): Between its inception on Monday 7 September and Tuesday 22 September, 2,073 trainees in total have been enrolled on the programme-led apprenticeship programme. That figure comprises 393 females and 1,680 males, and it is likely to remain fluid as training suppliers continue to assess and add young people to the programme. As we are still within the assessment time frame, it is not yet possible to provide more detailed information on the programme, such as uptake by occupational area.

Mr Lunn: I thank the Minister for his answer. Will he assure the House that that programme is only a stopgap initiative during the economic downturn and that employer-led apprenticeships will eventually become the main thrust of the Department for Employment and Learning's initiatives when there is a subsequent upturn? What reaction has the Department had from employers so far? I realise that the programme is in its early days.

The Minister for Employment and Learning: The decision to reintroduce programme-led apprenticeships is my Department's response to the economic circumstances in which we find ourselves. I am personally committed to the employer-led scheme, because it delivers the best possible solution. However, Members must be aware that, had we left it simply as it was,

given the number of employers that has ceased to take on apprentices this year, or has reduced its numbers dramatically, thousands of young people would have had no outlet. Many of them would have joined the ranks of those not in employment, education or training, of which there are already far too many.

I know that Members have concerns about the programme, but I have not changed my view. Young people have voted with their feet, and, in the first couple of weeks, more than 2,000 people signed up to the programme, for which they will be trained in a simulated work environment and receive a recognised qualification. It is not the best possible solution, but it is far better for young people to be in this programme-led scheme than for them simply to be on the dole. I hope that other Members take the same view.

Mr Shannon: I thank the Minister for his response and the encouraging statistic that more than 2,000 people have enrolled in the scheme. I take on board his remarks about that. In the programme-led apprenticeship scheme, does the Minister have anyone from industry to assist him in coming up with initiatives that will also help industry? We are all conscious that, in our communities and the boroughs that we represent, a great many apprentices want not only apprenticeships but jobs at the end of them. I am keen to know the answer to that.

The Minister for Employment and Learning: Under the previous arrangements, an apprentice had to have a contract of employment with an employer. There is no doubt that that is the ideal way in which to conduct apprenticeships, and that is how it used to be done. The way in which our industry, unfortunately, allowed apprenticeships to slip is one of the mistakes that was made in the past 20 years. Some of the larger employers have stopped taking on apprentices completely. Naturally, we have consulted them. I know that one or two representative bodies have written to Members to indicate their concern about that. However, at the end of the day, we must make a choice. If employers will not provide contracts of employment, we cannot get apprentices into employer-led apprenticeships.

We were faced with a dilemma, and we concluded that it was far better at least to have young people in a work environment in which they would have probably only one day a week in a work placement rather than four days, which we would much prefer. As the Member said, the numbers speak for themselves, and I hope that they will grow. We had a target in mind of 2,500, and we are very close to that now. It is not the most ideal solution, but we have been in touch with employers.

In fact, I have spoken to some of the organisations that submitted written responses. When I talked to them privately, they understood the situation and appreciated

that the programme-led scheme is a response to an emergency that is not of the Department's making.

Mr McGlone: What specific action is the Minister's Department taking to ensure that apprentices are placed in longer-term training opportunities that give them some stability and ensure that, in the current downturn, they feel that some sort of future is being presented to them?

The Minister for Employment and Learning: That is our primary concern. The apprentices will attain a recognised qualification at the end of their period in the programme-led scheme. However, if an opportunity arises for an apprentice to become employed, the Department will take a flexible approach so that the apprentice does not lose any of the time spent working towards a qualification. Given the circumstances, we must be flexible, and I have said that I will review the scheme after 12 months to see how it has gone and determine whether the young people are receiving training of the highest quality. The existing quality control mechanisms, which are backed by the Education and Training Inspectorate, will apply to the scheme; it will be subject to the same scrutiny and quality control as every other scheme that the Department operates. I hope that my answer will give Members confidence that standards will be maintained.

WorldSkills

2. **Mr Savage** asked the Minister for Employment and Learning for his assessment of the achievement by the Northern Ireland participant who was successful at the recent WorldSkills event in Calgary. (AQO 106/10)

The Minister for Employment and Learning: The winning of a bronze medal at WorldSkills International in Calgary, where he competed against the most talented young people in the world, was a magnificent achievement for Trevor Woods from County Fermanagh, who was the Northern Ireland competitor on Team UK. Northern Ireland has again shown that its system of skills training is world class and that its talented workforce has the high level of skills required to compete in the global economy. Members will remember that Northern Ireland also won a gold medal in Helsinki four years ago and a bronze medal in Japan two years ago.

Mr Savage: I thank the Minister for his answer. How has participation in the event benefitted the Northern Ireland economy? What is being done to prepare Northern Ireland participants for the next WorldSkills International event, which will be held in London in 2011?

The Minister for Employment and Learning: I am one of four in a ministerial team that has, for the past two years, been preparing for the WorldSkills International event that will take place in London in 2011. The competition generates keen interest, as local

heats and competitions are run in Northern Ireland and other parts of the UK. The Northern Ireland participant, Trevor, was chosen to be the only UK competitor in his particular field.

I attended the event in Calgary, at which more than 900 competitors represented over 50 countries in approximately 40 different trades and professional qualifications. The fact that Northern Ireland consistently wins medals and keeps competing is a great source of encouragement.

I must tell the House that some countries take the event extremely seriously. The South Koreans had a strong team at Calgary. Any member of that team who won a gold medal was given a house, and the reward for a silver medal was a car. In Northern Ireland, a medal winner is lucky to get a walk round the table. That puts in perspective how seriously some countries take the event. At no cost to employers, they are prepared to train their young people for two years and pay them a wage in the process. That is what Northern Ireland is up against.

Apprenticeships

3. **Lord Browne** asked the Minister for Employment and Learning how many people have enrolled in apprenticeships during the past two years, and of those, how many are continuing. (AQO 107/10)

The Minister for Employment and Learning: During the two-year period from September 2007 to August 2009, of the 14,235 people who started new apprenticeships, 8,676 are continuing their training.

For those who do not continue, the reasons are many. Some may have been made redundant, and some change for better opportunities. However, the majority will have acquired skills and qualifications, including national vocational qualifications, technical certificates and/or essential skills.

Lord Browne: It is important that young people can avail themselves of training schemes, especially in the economic climate with which we are faced. In light of the figures that the Minister quoted, does he intend to meet employers so that more schemes can be made available and so that those who commence will finish?

The Minister for Employment and Learning: My Department is working with the Learning and Skills Development Agency Northern Ireland to develop retention strategies, which will be rolled out as best practice early in the new year. I am conscious that many people do not finish training schemes, but there are a variety of reasons for that, some of which are positive. We are already working with the universities on retention strategies, so there is no reason why we should not also work on retention strategies for apprentices.

We commissioned the Learning and Skills Development Agency to help to develop the strategy and to identify good practice. As the Member suggested, that will involve discussions with employers. I hope that the combination of those events and that action will result in a more consistent approach to finishing courses.

Mrs McGill: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister give his assessment of the number of people over the age of 25 who take up apprenticeships and how that scheme has been going recently? Go raibh maith agat.

The Minister for Employment and Learning: I was waiting for the Member to say “in Strabane” at the end of her question. The programme is going well. The Member will be aware that we recently held a jobs fair in her area. I assume that she wants to mention that today, so I have done it for her. It was a successful, well-supported event in Strabane.

All in all, working with young people, and trying to ensure that we get the uptake and a consistent approach, is one way in which we can all make a contribution to ensure that our young people receive the training and support that they need and are able to play an important role in our economy.

Mr P Ramsey: Will the Minister outline what actions his Department is taking to ensure that apprentices are treated fairly and that there is a consistent approach to the training of apprentices across Northern Ireland? The Committee received a report that expressed concerns because there is no model of good practice regarding the training.

The Minister for Employment and Learning: By and large, the reports that we have received from the Education and Training Inspectorate have been reasonably positive because it regards the vast majority of training as being good or better, but there will always be shortfalls. The Member will know that, when such a large number of people is involved, the inevitable result will be some good training and some not so good training. However, we monitor the quality control, and the Education and Training Inspectorate is very rigid.

In my previous answer, I should have stated that some 43% of the apprentices are over 24 years of age, which is a significant figure. We consistently monitor quality control. At this stage, nothing of concern has come to my attention. However, the inspectorate has an ongoing programme of reviews and inspections, which can throw up difficulties from time to time. Indeed, it may be that we will have to take action in the near future because of one or two of the reports.

3.15 pm

However, I assure the Member and the Committee that the inspectorate is rigorous. The Committee has

already met the inspectorate and can call it in to talk to it at any time, so I am confident that our quality control is adequate. The Department took on board comments and criticisms made by the Public Accounts Committee (PAC) about a number of those schemes some years ago. I am sure that the Member is familiar with those comments and criticisms.

Exam Uptake

4. **Mr O'Dowd** asked the Minister for Employment and Learning how many students paid for, but did not take, exams over the last two years. (AQO 108/10)

The Minister for Employment and Learning: Under further education colleges' fees policies, full-time students under the age of 19 do not pay examination fees; that cost is met by colleges. There is also evidence that some students in full-time education in school also enrol in FE night classes to supplement their learning. Other students must pay the examination fees charged by awarding organisations. Most awarding organisations require their examination fees to be paid within a month of learners enrolling on courses leading to their qualifications. Further education colleges simply collect those fees and pass them on to the awarding body.

My Department does not hold information on the number of students from whom fees are collected but who not go on to sit their exams, nor is that information readily available from college records. Colleges advise that collecting that information would require significant manual checking of individual records, primarily because they do not record the sitting of examinations in a way that enables an automated comparison to be made between exam payments and enrolments.

To put that in perspective, checking the possible 150,000 records involved would take considerable time and could only be done at a disproportionate cost. In addition, it is likely that the information collected would be partial in nature. Unfortunately, I am not in a position to provide the information requested.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for providing what information he has. However, his answer raises further questions. A significant number of people, some of whom are publicly funded, sit exams, yet we are not sure whether once that fee has been paid they sit exams. If I have correctly understood the Minister's answer, that causes me concern.

More importantly, and I know that some of this work has been done, are exit interviews conducted with students who drop out of further education courses? It is important to establish why students do not complete their courses: exams are part of those courses. If we can establish the reasons for people

exiting courses, corrective remedies can be put in place.

The Minister for Employment and Learning: The point is that colleges act as a collecting agency for the awarding bodies. In other words, after a month it is normally the case that colleges have to collect the fees and pass them to an awarding body. There is no guarantee at that point that a candidate goes on to sit an examination. Something could happen in the meantime; for example, a job could come up.

As I said in my answer, the fees are paid by the college, and students under the age of 19 do not pay exam fees at all. Therefore, it is a cocktail of measures. I take the Member's point and I am happy to consider the situation further, but the substantial and labour-intensive nature of finding out whether each individual sits an exam is a problem. At the end of the day, people who get the qualifications have sat the examinations, so one can deduce a certain amount.

As I said in answer to the noble Lord Browne, the fact is that we are looking at retention issues in general, but with regard to apprentices in particular. We are looking at retention consistently in higher education and have policies in place. I am happy to take on board the point that the Member makes about retention in further education.

Dr McDonnell: I thank the Minister for his answers. Will he give Members any indication or has he any assessment of the drop off in the number of students who are applying to universities here as a result of the economic downturn? There is some impression among the public that fewer people are applying to go to university. Will he confirm or contradict that?

The Minister for Employment and Learning: At this stage in the year, I cannot stand up and give accurate information about that. The anecdotal evidence is that dropout rates in our universities have been falling. On average, the two universities are running at about 10%. Policies are in place, and we are actively working with the universities, which, in turn, are working with students. We get the feeling that the figures are going down, but that was the position before the downturn had really bitten. I cannot confirm to the Member what the position is now, because there is a time lag between events occurring and the information becoming available. Much of the information on which we rely is gathered by the Office for National Statistics.

However, this year, the number of applications to universities was significantly up, by about 7%. Shortly, we will get the acceptance figures, but the anecdotal evidence that I have been getting is that there has been a surge in applications for further education colleges. I suspect that there has also been a lot of pressure on young people to stay at school.

Recently, I was in the US, and I met folk from George Washington University. Incidentally, the fees for that university, including one's keep, are about \$52,000 a year. Nevertheless, that university's applications are up, so it may be that in a recession there is a drive into further and higher education, from which we can at least take some hope that more people will emerge with qualifications when the recession is over. That might be a future silver lining. When statistics become available, I will write to the Member.

Further/Higher Education Assistance

5. Rev Dr Robert Coulter asked the Minister for Employment and Learning to describe how the Northern Ireland Bureau in Washington is developing its role to assist our Further and Higher Education sectors. (AQO 109/10)

The Minister for Employment and Learning: The Department, recognising the significance of the increased internationalisation of higher and further education, training, workforce development and research, has appointed a development officer, who will be based at the Northern Ireland Bureau in Washington. The appointment will build on and extend the Department's and the bureau's existing work to support the development of collaborative international partnerships and to foster co-operation across all levels in the higher and further education and research sectors in order to accomplish the Department's goals.

Rev Dr Robert Coulter: Will the Minister describe some of the links between higher education establishments here and those in the US? Does the Minister agree that our participation in the US/Ireland R&D partnership has been good for the sector?

The Minister for Employment and Learning: With respect to the Member's latter point, Science Foundation Ireland began as a result of an economic conference that was held in 2001, and it was ably assisted by the US Administration of that time. Towards the end of last year and at the beginning of this year, we announced a number of investments in research and development involving universities throughout the island.

I want the appointment to promote further links. Both of our universities, and some of our colleges, have links with institutions in North America and, indeed, other parts of the world. Queen's has links with Georgetown University in Washington, and, in the past few weeks, a professor from George Washington University came over to meet people from, and build links with, the University of Ulster.

I want to accelerate that process, because, in these difficult times, any kind of research is extremely expensive. We know that there are some quality research

facilities in our universities, so, given the huge costs that are involved, there are opportunities for collaboration between various institutions across the world, not just confined to North America. As far as I can see, both of our universities, our university colleges and, indeed, some of our further education colleges have that in mind. The development officer's remit covers further as well as higher education.

Mr Burns: Has the downturn led to a fall in the number of overseas students, particularly from America, applying to universities here?

The Minister for Employment and Learning: I am unable to provide that information at this stage because, as I have said, there is a time lag. The last information I saw indicated that there had been a small growth in the numbers of people coming to Northern Ireland universities from countries outside the European Union. I am loath to conjecture that that has continued, but I know that both our universities and those throughout the UK and in the Republic are targeting students from jurisdictions outside the European Union. They are doing so for two reasons. The first is financial: they get very substantial fees. The second is breadth: in one research facility at Queen's, there are people from 35 different countries. Such diversity creates networks across the world. There are a whole lot of reasons why universities are targeting people outside the European Union. I cannot give the Member up-to-date information as yet, but once it becomes available I will be very happy to pass it on to him.

I support moves to bring people from diverse regions to Northern Ireland. As Members know, for many years there have been very strong links between Queen's University and Malaysia, and other universities are creating such links. This month, Queen's University is setting up a campus at the University of Malaya in Kuala Lumpur. Our universities are active in this matter, but I cannot give the Member the figures he is asking for.

QUB/Stranmillis: Proposed Merger

6. Mr Spratt asked the Minister for Employment and Learning for an update on the proposed merger of Queen's University and Stranmillis University College. (AQO 110/10)

The Minister for Employment and Learning: Following receipt of the business case for the proposed merger of Queen's University and Stranmillis University College, my officials have been engaged in ongoing dialogue with both institutions to test the robustness of the business case and ensure that it meets HM Treasury green book standards.

It is anticipated that the exercise will be completed shortly and that the business case will be given formal departmental approval, prior to being forwarded to the Department of Finance and Personnel for consideration. If the business case is approved by both Departments, I will then consider the policy elements of the proposed merger before deciding whether to progress to consultation stage.

Mr Spratt: The Minister is aware that one issue raised when the merger was first mooted was the religious education ethos of Stranmillis University College. Queen's University gave an undertaking that that would continue. Will the Minister assure the Assembly that he will press for that point to be made during any future merger, given that the religious ethos is continuing at St Mary's University College?

The Minister for Employment and Learning: I am very much aware of the issue that the Member raises. He will recall that, some years ago, a change was made to the status of Stranmillis College against the wishes of my party and his. I have to deal with the reality of the situation.

The Member is referring to undertakings made by the university; and I must look at those undertakings and see how they will fit into any legislation that might be brought before the House. In an area of such significance, undertakings and assurances are fine up to a point, but they need to have practical backing. I assure the Member that that will be part of my considerations. I am not giving the Member any indication, at this stage, as to where or how it might be done, if it is done. The next stage will be to send the business case to the Department of Finance and Personnel (DFP). If DFP is content, then the issue will come to my Department for a decision on the policy aspect. I assure the Member that, at that time, the issue will be on my agenda.

I have also indicated that I will then move to consultation. The Committee will also want to be involved. If we find that a consensus emerges, a Bill will go through the legislative process in this Chamber, and I have already indicated that I will not be seeking accelerated passage for that process.

Ms Lo: Given that Queen's University has proposed to cut 100 jobs in various departments; will the Minister be seeking, during his assessment of the business case, to protect jobs in Stranmillis College?

3.30 pm

The Minister for Employment and Learning: If the Member has been following events that are taking place in higher education in GB, she will be aware that there have been significant reductions in staff across universities. That is because the grants coming from central government to universities have been reduced significantly, which has not happened here.

However, the Member is getting at the point that, under the current academic plan, reductions in staff at Queen's University were based on the poor research ratings of some departments, and a number of people felt that that militated against the teaching element of the university. The university has given undertakings about the teaching staff at Stranmillis University College. I spoke informally to the vice chancellor about that at a recent event, and I was assured that the university was still standing over its undertaking.

However, that is one of the issues that we will have to discuss in the Chamber when, and if, we get to the point of a merger. I know that it is an issue in many people's minds. At the end of the day, universities throughout the country are going through a very difficult time, given that significant cuts are being made. However, I know that Members will want to assure themselves about the issue when the legislation is presented.

Mr Deputy Speaker: That concludes Question Time.

ASSEMBLY BUSINESS

Mr Ford: On a point of order, Mr Deputy Speaker. I wonder whether you would consider discussing with the Speaker again the guidance that is given for the conduct of Question Time. Specifically, the second question for oral answer to the Minister of Education this afternoon came from Mr David Simpson. That resulted in your calling a Member of Mr Simpson's party who was heckling from a sedentary position while at least two Members were on their feet in accordance with what I understood to be the guidance on how people should indicate their wish to ask supplementary questions. To the best of my knowledge, Trevor Lunn and Alasdair McDonnell were both on their feet at that point.

Further to that point of order, question 4 from Dr McCrea was very specifically a South Antrim constituency question, and it was phrased as such. Mr Paul Maskey, a Member from West Belfast, was called when Mr Thomas Burns and I were both on our feet, and he was, therefore, called in preference to Thomas Burns and to the exclusion of me. I wonder whether you would consider discussing the guidance with the Speaker; I suspect that I am possibly not the only person who is confused at this stage.

Mr Deputy Speaker: I am certainly happy to discuss the matter with the Speaker and with the Member outside the Chamber. However, the Member was not in the Chamber for the initial part of the question; that is why he was not called to ask a supplementary question.

Mr Ford: Further to that point of order, Mr Deputy Speaker, I am sorry, but I was in the Chamber for all the questions for oral answer to the Minister of Education.

Mr Deputy Speaker: We will look at the Hansard report to see exactly what the situation is. If I am wrong, I will correct the situation.

The DUP Member in question was called as the Chairperson of the Committee for Education. That issue has been raised several times. I think that if you were to look at all the questions and supplementary questions, you would see that there is quite a good balance in that Members of all the political parties get to ask both questions and supplementary questions. However, I am certainly happy to discuss it.

Mr Ford: Further to that point of order, Mr Deputy Speaker, the specific issue that I raised was that Mr Storey was heckling from a sedentary position when Trevor Lunn and Alasdair McDonnell were on their feet. I thought that the Speaker had made it quite clear how people would be called; however, it is obvious that I am confused.

Mr Deputy Speaker: As I say, we will discuss it, but the issue was that Mr Storey was called as the Chairperson of the Committee for Education. Whether he was heckling —

Mr Ford: He was sitting.

Mr Deputy Speaker: I ask the Member to respect the authority of the Chair.

PRIVATE MEMBERS' BUSINESS

National Asset Management Agency

Debate resumed on amendment to motion:

That this Assembly expresses deep concern at the possible negative economic consequences for the island of Ireland if the National Asset Management Agency legislation currently under consideration by Dáil Éireann is passed; and calls on the First Minister and deputy First Minister to raise the issue at the North/South Ministerial Council to agree a way forward regarding these assets which will ensure the economic stability of the island of Ireland and movement towards economic growth. — [Ms J McCann.]

Which amendment was:

Leave out all after “consequences” and insert

“for Northern Ireland arising from the potential National Asset Management Agency legislation currently under consideration in the Oireachtas; and, while respecting the right of the Irish Government and Parliament to determine their own response to the banking crisis within their jurisdiction, calls on the First Minister and deputy First Minister, alongside the Ministers of Finance and Personnel and Enterprise, Trade and Investment, to use all opportunities, including the North/South Ministerial Council, to ensure that the potential implications for the economy in Northern Ireland are fully taken into account within any legislation and subsequent action.” — [Dr Farry.]

Mr Deputy Speaker: We will now return to the Question on the amendment to the motion on the national asset management agency.

Question put, That the amendment be made.

The Assembly divided: Ayes 8; Noes 81.

AYES

Dr Farry, Mr Ford, Ms Lo, Mrs Long, Mr Lunn, Mr McCarthy, Mr Neeson, Mr B Wilson.

Tellers for the Ayes: Dr Farry and Mr Neeson.

NOES

Ms Anderson, Mr Armstrong, Mr Beggs, Mr Boylan, Mr D Bradley, Mr P J Bradley, Mr Brady, Mr Bresland, Lord Browne, Mr Buchanan, Mr Burns, Mr Butler, Mr Campbell, Mr T Clarke, Mr W Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Craig, Mr Dallat, Mr Dodds, Mr Doherty, Mr Donaldson, Mr Easton, Mr Elliott, Sir Reg Empey, Mrs Foster, Mr Gallagher, Mr Gardiner, Ms Gildernew, Mr Hamilton, Mrs Hanna, Mr Hilditch, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Kinahan, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Mr McClarty, Mr B McCrea, Mr I McCrea, Dr W McCrea, Dr McDonnell, Mr McElduff, Mr McFarland, Mrs McGill, Mr McGimpsey, Mr McGlone, Mr M McGuinness, Miss McIlveen, Mr McKay, Mr McNarry, Mr McQuillan, Lord Morrow, Mr Moutray,

Mr Murphy, Mr Newton, Mr O'Dowd, Mr O'Loan, Mr Poots, Mr P Ramsey, Mr G Robinson, Mrs I Robinson, Mr K Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Savage, Mr Shannon, Mr Simpson, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.

Tellers for the Noes: Mr Brady and Mrs McGill.

Question accordingly negated.

Main Question put and negated.

PRIVATE MEMBERS' BUSINESS

Civil Service: Equal Pay Claim

Mr Deputy Speaker: I advise Members that a substantial number of individual equal pay cases has been lodged with the Office of the Industrial Tribunals and the Fair Employment Tribunal (OITFET). I, therefore, warn Members that they must not refer to specific cases and must confine their remarks to the general topic of the motion. Should any Member disregard what I have said, I will immediately intervene. If that is clear, we will now proceed.

The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes in which to move the motion and 10 minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

Mr O'Loan: I beg to move

That this Assembly notes with concern that the Civil Service equal pay claim remains unresolved despite the Assembly resolution of 1 June 2009 calling on the Minister of Finance and Personnel to ensure that the staff affected receive their back pay within three months; welcomes the assurance by the Minister that the financial implications of a resolution to this matter will have to be faced in a manner compatible with the Department's legal obligations; and calls on the Minister to state an early date by which a comprehensive settlement offer will be made to the trade union representing the staff concerned.

We were to debate the motion last week, and I thank all who were involved in rescheduling the debate, including the Minister, the Speaker, staff, and the party whips, who all agreed that the motion would be debated today. It is an important motion, which is being looked at closely by a large number of civil servants who are entitled to fairness in their pay settlement, having been underpaid for a considerable number of years.

It is now one year and four months since the previous Minister of Finance and Personnel, Mr Robinson, gave a commitment to settle the claim by negotiation. A year and four months is a long time, and we have still not got a settlement or a clear sign of a settlement.

The essence of the motion is that it asks the Minister to state an early date by which a comprehensive settlement offer will be made. The word "comprehensive" is important. We are not trying to fudge the issue or get some sort of ad hoc settlement that would not actually be agreed by the union on behalf of the staff. We want the matter to be properly settled. It is true, as the Minister has previously indicated, that his making an offer is not the end of the matter; the union has to decide on it, and each worker has to be individually negotiated with. However, the one thing over which the Minister has control is the date on which he can make a

comprehensive settlement offer. That is what the motion asks him to do.

The Assembly resolution of 1 June 2009 is referred to in today's motion. It noted with concern that the Civil Service equal pay claim remained unresolved and called on the Minister to ensure that the staff affected received their back pay within three months.

I am interested in the fact that the Minister, when he spoke to the Committee on 9 September, said:

"I am conscious that an Assembly motion that was passed on Monday 1 June 2009 called for payments to be made within three months. That target has passed. Given that the review of technical grades was not due to finish until August 2009, it was never going to be achievable."

That seems to contrast with what Peter Robinson, now the First Minister, says about the Assembly's role. During Question Time on Monday 21 September, he said:

"However, under the Pledge of Office and the ministerial code, the existing rules, regulations and procedures require that every Minister complies with the decisions of the Assembly." — [*Official Report, Vol 43, No 3, p142, col 2*].

I would have thought that a decision that was unanimously carried by the Assembly was a decision of the Assembly.

The First Minister continued:

"If the Assembly takes a decision, it is the responsibility and obligation of Ministers to comply with that decision. That is the present legal position; it shows strength in the system and respect for the Assembly." — [*Official Report, Vol 43, No 3, p142, col 2*].

Indeed, respect for the Assembly is something that we could look for.

The stance of the current Minister of Finance and Personnel differs significantly from that of the First Minister. Even if the Minister of Finance and Personnel were to present some difficulties in meeting the claim, some recognition of that Assembly motion and some response to the Assembly on how he was handling the matter would have been very welcome. The Assembly did not receive such a response.

I did not see any impetus given to the review of the TG1 and TG2 grades, and we were told that that would take three months. The time that any such exercise requires is surely dependent on the resources and energy that are brought to it. I am disappointed that there is no sign of that review's being hurried onwards.

I am also disappointed to read NIPSA tell us at the end of August in one of its regular newsletters to its members of:

"Management Side's attempt to stall negotiations until the review was completed".

That does not indicate that the Department was hurrying the issue along.

I took a little bit of confidence, but only some, from a commitment that the Minister of Finance and Personnel gave to me in a letter dated 10 August 2009. He said:

"I agree that the financial implications of a resolution to this matter will have to be faced but it is my responsibility to ensure that this is done in a manner that is compatible with our legal obligations, fully informed by the facts".

I was very happy with those words, because I have argued strongly that there is a real problem with the fact that senior the Department of Finance and Personnel (DFP) staff and the Minister have said previously that they have to be mindful of the consequences of the equal pay claim. I was less pleased that the Minister continued in that letter:

"but also in a manner than minimises any impact on public services."

When the Minister appeared before the Committee for Finance and Personnel on 9 September, he said, regarding a settlement:

"it must be done in such a way as to minimise any adverse impact on the public services that might result from having to fund the settlement that proves possible following negotiations with the unions. We need to work towards securing a resolution that minimises the impact on public services, and I do not make any apology for that."

I raised the point at the Committee, and all parties on the Committee agreed, that those are separate issues. A fair settlement is needed. If staff demonstrate in negotiations that they are entitled to a particular settlement, it ought to be awarded. The consequences of the settlement would then have to be faced. As I have said before, if anything else were said in the negotiations, it would be moral blackmail.

A year and four months ago, we were told that it was possible that the settlement would cost more than £100 million. Since then, figures of £200 million and more have been quoted. One is entitled to ask how that money will be found. In a recent letter to all Departments, the Minister outlined that he has serious financial problems for next year because of a shortfall in the order of £370 million. I welcome the Minister's honesty and frankness about the situation, and I understand his point that he cannot quantify how much the settlement will cost, because that would become an instrument in the negotiations. He cannot fully declare his hand.

How will the Minister reassure staff that the money is there, and when is it likely to be paid?

It is now the end of September 2009. Is the Minister telling us that if the settlement happens quickly, there is a possibility that the money could be paid during the current financial year; or is he ruling that out? Directness is needed on that issue.

4.00 pm

One senior official told us that the money would be paid — it would be in people's pockets — three months after a settlement has been reached. I appreciate those

words. At least, that is the beginnings of a timetable. People are looking for indications of a timetable.

The issue has hinged on female workers who claim to do equivalent work to that of certain male workers. If that is substantiated, it may turn out that there are male workers in the same grades as those female workers. In Britain, an Employment Appeal Tribunal ruling said that such male workers should receive equal treatment. I ask the Minister whether he will honour that.

I am told that a majority of NIO staff are seconded from the Northern Ireland Civil Service, and in the long run, many of them will be associated with justice and policing. Therefore, it is hoped that their future will be secured when those matters are devolved. Again, I welcome what the Minister has said in that regard; that he hopes and expects that that will happen shortly. His party has a great deal of say on that issue.

Can he confirm whether back pay will apply to Northern Ireland civil servants who have been seconded to the NIO from DFP?

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

Above all, I ask the Minister for urgency and absolute clarity. If he can do what the motion asks and give a clear, indicative date by which he expects a comprehensive settlement to be made, he will receive a warm welcome, not only from the Assembly and from me, but, above all, from the 9,000 staff who are affected.

Mr Weir: Although I am the Deputy Chairperson of the Committee for Finance and Personnel, I will not speak in that capacity in the debate; I will speak as a DUP member. I understand that, similarly, the Chairperson of the Committee will speak on behalf of Sinn Féin.

The Civil Service equal pay claim is an important topic that deserves to be treated with respect and realism. In doing so, the Assembly cannot allow the tone of the debate to become enmeshed in some of the myths surrounding the issue. Occasionally, the media have given the unfortunate impression that the 9,000 staff who are affected are all female and are all from the Catholic community.

It may well be that a majority of affected staff are female and Catholic. However, it is misleading and, indeed, discourteous, particularly to male and Protestant employees who are affected. It also gives an impression that, in some way, the matter has been delayed deliberately from a perverse sectarian motive. That is not the case.

Mr O'Loan: I thank the Member for raising that point. He is quite right. I believe that, by the nature of the issue, the vast majority of workers who are affected are female. By unhappy coincidence, some element of a majority of staff in the lower pay grades might be Catholic. Therefore, there might be that bias in the

figures. However, that is not the central issue, and I have never made it so. Occasionally, some of the media have misrepresented what I have said in that regard.

Mr Weir: To be fair, I would not accuse the proposer of the motion of ever making such comments. Unfortunately, some of the media's presentation of the matter has been simplistic and misleading. That has created a degree of anger among some of the people who are affected.

Another myth is that the matter is focused purely on Northern Ireland. In fact, there have been issues with regard to equal pay and back pay in Departments across the water. Some Members are also involved in local government. Again, the matter is not exclusively that of central government; it exists, both in Northern Ireland and across the water, in a range of councils, where there have been single-status issues, for example.

To add to the complexity of the problem; in England, some of those local government issues have been tackled in tribunals. We have seen a situation in which a trade union reached a deal with the local council and then found itself being sued by its own members who felt that they had not got a good enough deal. Such situations add to the complexity of the matter.

The worst myth of all is that politicians, particularly the Minister and his predecessors, have been dragging their feet and deliberately do not want to solve the issue. Nothing could be further from the truth. Looking at the situation logically, if there were an opportunity to solve the problem as soon and as fairly as possible, why would any politician in his or her right mind not take it? A lot of work has been done, but we are not necessarily at the end of the process. When the previous motion on the issue was brought before the House in June, a number of us said that although we were happy to support the motion and wanted to see the issue resolved as soon as possible, the three-month time frame was not realistic.

Since June, there has been a reasonable amount of progress. The technical side of it, including the examination of the grades, has been completed. Rather than being a delaying tactic by management, that part of the process was agreed between management and the trade unions. Therefore, the accusation that that was a stalling tactic is misplaced.

There have been detailed discussions with the trade unions that are, by definition, private, and picking over the details of those would not be helpful to the process. As part of those discussions, I understand that a proposal was recently made to the trade union. As was indicated, because of individual rights and the fact that a large number of the employees has sought tribunal action, even when agreement is reached between management and the trade unions, a considerable amount of work will have to be done with individual employees. It is

clear that there is a legal obligation. The Minister and the Executive are committed to meeting their obligations and ensuring that the process is fair.

Another reason why the process has taken so long, and why it is important to get the right solution, is that there is no point in reaching a settlement that cures the initial problem but stores up a new set of problems and a new set of claims that will have to be addressed in five, 10 or 15 years. We have to learn from the mistakes of the past and ensure that the frustrating and difficult position that staff have been placed in is never repeated and that the solution is sufficiently robust to survive future events.

Considerable work has been done, but there is more to do. It would be wrong of us to pretend that the matter will be sorted out overnight. We should ensure that the process is fair and that the dispute is resolved as soon as is practical.

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

Mr Weir: I commend the Minister and his predecessors for their efforts to resolve this very difficult situation so that all staff receive a fair deal.

Ms J McCann: Go raibh maith agat, a LeasCheann Comhairle. I am speaking as a Sinn Féin Member and not as the Chairperson of the Committee for Finance and Personnel.

I am grateful for the opportunity to speak on this important issue that needs to be resolved. As other Members have said, there are ongoing negotiations with the British Treasury on this and other monetary issues. Hopefully, the Minister will give us an update on those in his response.

Although some of the civil servants affected by the issue are male, it is agreed that most of them are women, so I want to speak about the gender pay gap that exists. Despite legislation on equal pay, including the Equal Pay Act 1970, the 1984 amended version and the Sex Discrimination Order 1976, women's average hourly earnings are only 83.4% of men's. Therefore, in many cases, women who do the same job as men still get paid less. That gender pay gap widens with age and qualifications.

There is an onus on employers to have fair and non-discriminatory systems in the workplace, as those are essential components that contribute to overall productivity in the employment arena.

We all have a responsibility to ensure that that gender pay gap starts to close, because women have the right to equal pay for equal work. All employers need to adopt equal pay policies in conformance with legislation, and the Government should be leading by example.

Mrs D Kelly: If the Government and Ministers are to be leading the way, why have the deputy First Minister and First Minister not pushed on and published the equality action plans to tackle gender inequality?

Ms J McCann: I thank the Member for that point. Going back to the issue that we are debating here, this dispute affected women who were not only routinely denied promotion opportunities because of their gender, but received less pay than male colleagues for the same work. Many of those female civil servants are now retired, and they should not have to wait until agreement is reached between the Minister of Finance and the British Treasury. However, I am conscious that negotiations are ongoing.

It is well over a year since the former Minister of Finance gave a commitment that the situation would be resolved and the pay inequalities dealt with. The people who are owed that back pay, and union officials working on their behalf, have been frustrated by the delay in reaching a negotiated settlement. I am led to believe that a review by the Department of technical grades 1 and 2 has been completed, and that NIPSA is studying and discussing its findings with its members. Sinn Féin is asking that the issue be resolved as soon as possible, and that those who are owed back pay be given it. We support the motion.

Mr McNarry: This is an issue about workers and their rights, and none are more concerning or compelling than a person's right to pay, or, in this case, to back pay. Although I appreciate the technical arguments, those workers have been caught up in — and I am being charitable — well-intentioned promises of action and delivery times which have so far failed to materialise.

The motion is a timely reminder of what the then Finance Minister Peter Robinson announced to the House in May 2008. He said that up to 9,000 junior civil servants had been underpaid. No question of prevarication on the issue: 9,000 people underpaid. Robinson estimated an individual cap of £20,000 at an estimated cost of £100 million. If the back pay could have been settled then, would DFP have got away with £100 million of borrowing?

It says a lot for DFP's financial management that there is now big pressure to borrow in order to settle, and still it does not know how much to borrow. This is borrowing, not scrambling around the Departments to divvy up on efficiencies; this is borrowing to fill the hole. It also says a lot that no one is denying that the figure of £100 million may have doubled or even trebled in the final settlement, and that the Treasury will be called in to bail out the Department irrespective of the figure. Borrowing to pay the settlement it will be. Where will the money then come from to meet in the region of £25 million for year-on-year consequences?

Will the Government pay up on the settlement and then dismiss the workforce because they cannot afford to employ them? If that will ever be the case, we will reject that as an outcome.

I heard Robinson — now the First Minister — referring to the Ulster Unionists and the SDLP as “economically illiterate”. The SDLP is able to speak for itself. For my part, however, that sounds as if the DUP is rattled and caught out again, as was illustrated by the Finance Minister's behaviour earlier today. We have been spelling out the challenges for six months, and I can assure the Minister that I can count and I can add up. So, too, can our leading economists.

The media have been carrying headlines such as “The Executive could do more for the recession” and “Executive under fire over Budget review”. Even the Minister has triple-somersaulted from his position only last week, when he finally admitted that there was a black hole, to telling the ‘Belfast Telegraph’ that the DUP will introduce big cuts in public spending and reintroduce water charges.

As for his remarks earlier about my figure of 15%, the source was Eamon Ryan, the Minister of Communications, Energy and Natural Resources in the Republic. I rest my case on that source.

4.15 pm

When cuts are contemplated, it is understandable that pressure will mount, and access to funds will become even more difficult. Junior staff in that workforce — not the high flyers — many of whom are constituents, will be nervous when their claims are held back longer. That is the situation that we will face. It would be helpful to hear assurances from the Minister today. The Ulster Unionist Party supports the SDLP motion.

Ms Lo: I am not a member of the Committee for Finance and Personnel, but I have received correspondence from my constituents, who are among the 9,000 current and former civil servants who are waiting for the issue to be resolved. Most of those civil servants are low-paid female clerical staff who earn around £12,000 or £13,000 a year, and many are staff on the front line who work in stressful jobs in social security offices. They are looking forward to receiving six years of back pay, which amounts to up to £20,000. Many people feel that there has been much talk and that the money should have been in their pockets by now.

It is no wonder that people are frustrated; a year after Peter Robinson's announcement of the settlement, the Department introduced a grading review of staff in TG1 and TG2 jobs. Understandably, people became suspicious that it was a ploy to stall the whole process. People are concerned and feel that those delays will make them lose out on their rightful entitlement eventually. They are concerned that they will lose thousands of pounds in back pay every year that the settlement is

delayed and that the back pay could be paid from a later date.

Staff accept that it is a complex issue that must be worked through. A new, robust system should be put in place to prevent a similar situation in the future. However, people have been waiting for a long time. We have not only a legal obligation to settle those equal pay claims but a moral responsibility to achieve fairness and equality. Staff have made thousands of claims to the Office of the Industrial Tribunals and the Fair Employment Tribunal. If those cases proceed, they will be time-consuming and costly for everyone. A negotiated settlement should be offered to NIPSA urgently to resolve the issue within the next few months. I support the motion.

Mr Hamilton: As previous contributors have said, there is no doubt that this is an important issue that is causing real concern for the 9,000 civil servants who are directly affected by the equal pay claim. In their grades, 9,000 men and women who work at the coalface of the Civil Service have not been historically rewarded with equal pay for work of equal value.

I listened closely to the proposer — as I always do — and, although I do not doubt the sincerity of his concern one iota — as I do not doubt anybody else's concern for civil servants who are affected by the matter — it is somewhat rich for the SDLP to lecture successive DUP Ministers of Finance and Personnel about the issue.

Why is this issue being tackled now, and why are we discussing it today? It is because the then DUP Minister of Finance and Personnel Peter Robinson made a commitment to resolve it. If, or rather when, this matter is resolved, it will be due to the efforts of DUP Ministers of Finance and Personnel.

The same cannot be said of previous SDLP Ministers of Finance and Personnel. The inequalities of Civil Service pay existed when SDLP Finance Ministers were in post. At that time, even though those inequalities existed, and those Ministers knew it existed, no offers, no commitments and no efforts were made to resolve this important issue, and it was allowed to persist. The SDLP can criticise DUP Ministers of Finance and Personnel for not resolving the matter in the sort of artificial timescale that that party wants to construct, but at least there is an effort and a commitment, and there will be a resolution because of the efforts of DUP Ministers.

Mr McCarthy: Does the Member agree that the majority of those who are waiting and who are, in most cases, dependent on the resolution of this issue are not in the least interested whether it is resolved by a DUP Minister, an Alliance Party Minister or an SDLP Minister? All they want to see is the matter resolved and the money put in their hands before much longer.

Mr Hamilton: I do not disagree with the Member; I believe that those who are affected want the matter resolved and do not particularly care whose fault it is. However, it is difficult to take the criticism and the implication from the SDLP Benches that there is prevarication and delay on the part of DUP Ministers. This issue sat, at the early part of the decade, unresolved — untouched, in fact — by SDLP Ministers of Finance and Personnel. Criticism of the DUP is unwarranted; in fact, criticism of the SDLP is warranted, because that party did absolutely nothing to resolve the matter satisfactorily.

In the previous debate on the issue on 1 June 2009, as Mr Weir said, many of us warned that the artificial timescales that were being demanded of the Minister of Finance and Personnel were completely unrealistic, given the complexity of the issue. By their very nature, these issues can be difficult, protracted and complex. That is why it has taken time to get to this point. No one with any sense would want us to rush in and settle the matter at an incorrect figure and get it wrong, not just for the civil servants who are affected now but for future civil servants. We must not store up trouble for the long term.

The job evaluation that was carried out was completely necessary, and, as Mr Weir said, that was agreed to by the unions because they could see the need for it. When we judge what equal pay is, we must also know what represents work of equal value. That helped to solidify for negotiations those figures that we are looking to settle on, and also ensured that when the matter is dealt with, it is dealt with once and for all so that we do not have to come back to something similar in five years or ten years' time.

There are financial implications in resolving this issue. The SDLP says that it wants the Minister of Finance and Personnel to pay this claim now, but it reserves the right to criticise how he would pay for it. I await the day when the matter is settled, for there is no doubt that the SDLP will again complain about how the Minister of Finance and Personnel will propose to pay for the claim. There are implications for the Executive, not just in paying the claim now but on an ongoing basis. I am well aware of the effect that a settlement could have on paying higher rates of pay if people are moved into different pay bands, and on how some civil servants perform outsourced work for other parts of the Civil Service in the United Kingdom.

There is also a need to arrive at a proper figure, not just for the Minister of Finance and Personnel in dealing with his Executive colleagues but for potential further negotiations with the Treasury. Even if the issue were resolved this afternoon, there is a need to consult the unions so that they can assess the figures and ballot their members on whether to accept the settlement. Given that situation, delays are inevitable.

Mr Deputy Speaker: The Member's time is up.

Mr Hamilton: I support the civil servants, but patience is required to resolve the matter correctly.

Mr F McCann: Tacaím leis an rún seo. I support the motion and commend the Members who have, once again, brought the matter to the Floor of the House.

I believe that everyone recognises the importance of finding a fair and genuine solution to this long-running saga. The only people who have suffered are the thousands of workers who were denied their rights to fair treatment and rates of pay. The Assembly has, by and large and across the political divide, supported the right of workers, not only to be treated fairly but to be treated equally. That has not always been the case.

Many thousands of workers were denied their proper rate of pay under direct rule. That was wrong. I hope that we, as an Assembly, have learned lessons from that. Many people think that there are still inequalities in workers' rates of pay. The Minister needs to go the extra mile in ensuring that those affected by the issue are recompensed as a matter of urgency.

On 9 September 2009, the Finance and Personnel Committee was advised that a review of technical grades 1 and 2 had been completed over the summer and that NIPSA had been given access to the report. I hope that that marks an end to the issue.

In the most recent debate on equal pay for civil servants on 1 June 2009, I asked the then Finance Minister to explain what would happen to the back pay of those workers who have passed away before the issue has been resolved. What happens to their rights? Do their families have a right to claim on their behalf? Those questions have not been properly answered. It is not good enough to say that those moneys can be pursued legally. Those people were discriminated against, and their families should have the right to receive the compensation that their deceased loved ones were entitled to. That point has been raised with me by a number of people.

Many of us have been lobbied by our constituents on the issue. Those people are not faceless; they may be our constituents, but they are also our neighbours, friends and relatives. We understand their need to challenge the injustice that they have faced.

In June this year, my colleague from Upper Bann John O'Dowd said that the Assembly expected the matter to be dealt with fairly and quickly. The Minister needs to be proactive to ensure that this long running injustice is settled to everyone's satisfaction. However, we must ensure that we do not go into another year without the matter being settled. That is the task that we must set ourselves.

It would be great if, 12 weeks before Christmas, those workers were given the news that the Assembly

has responded to their justified claims and delivered on them. We all have a responsibility to ensure that the situation is brought quickly to an end, not just for the satisfaction of the workers but the Assembly as a whole.

Mr Bresland: On one hand, it is difficult to argue with the sentiments of the motion. Like most MLAs across the parties and across the country, I have received many letters, e-mails and phone calls from irate civil servants who are wondering why they have not received the back pay that they were promised. It is very important that the matter is resolved as soon as possible. However, it is not as simple as the proposer of the motion makes out.

When the motion calling on the Finance Minister to ensure that the affected staff receive their back pay within three months was passed on 1 June, colleagues on these Benches warned of the dangers of setting a definite date because of the complex nature of the outstanding issues. Members opposite were more interested in scoring a cheap point against a DUP Minister and would not listen.

The issue is very complicated and resolving it will cost a considerable amount of money. Remember, it was the DUP who fought for and got extra money from the Treasury last year — £100 million in total — to address a range of pressures, including equal pay. Today, we face ever increasing financial pressures, and there are signs that the issues will cost more than £100 million to put right. Where will the money come from? Can we rely on the Treasury to come to our aid?

However it is done, we must ensure that the settlement of the equal pay claim is not only fair and meets all legal obligations but that it ensures that we never have to face this kind of situation again. I commend the efforts of the Finance Minister and his predecessors to resolve the long-running dispute and urge him to continue his negotiations with interested parties so that the matter can be resolved once and for all.

4.30 pm

Mr A Maginness: Over several months, I, and colleagues from the SDLP and other parties, have met civil servants who feel aggrieved at not being treated fairly with respect to parity of pay. It is unfair that people whose work has been assessed as being of equal value are paid different amounts. Given that this has been the case, staff, rightly and naturally, expect a settlement that includes arrears and future pay entitlements.

The equal pay dispute has been ongoing for too long, and it must reach a conclusion. It is unfair to allow civil servants, many of whom are not well paid, to carry the burden indefinitely. People rightly expected that the dispute would have been resolved a long time ago. They do not understand the delay, especially given the fact that, some time ago, the Minister of Finance

and Personnel's predecessor indicated that there would be a conclusion in the near future.

Around 5,000 individual cases are going through the legal tribunal process, and the Northern Ireland Public Service Alliance believes that it has a strong case for equal pay. However, a legal remedy on individual cases may not take account of the very complex financing issues that have to be faced when dealing with the collective pay claim, including back pay and pay going forward. The staff side is realistic about jobs and the economy. Does the Minister agree with the staff side that a collectively negotiated settlement would be much better for all concerned?

We understand that the Minister has inherited an historical dispute, and it is not the Minister's fault — at this point in time, I hasten to add. *[Laughter.]* The Minister and his predecessors have expressed a desire to reach a settlement, but there has been no settlement thus far. The Minister has to understand the very deep frustration that is felt in Civil Service ranks. I hope that his contribution to the debate will confirm that he will be closely involved in the negotiations on an ongoing basis. Perhaps he will also give us some indication of how he hopes to manage that process. I hope that he will confirm that a clear process is now in place to resolve the dispute sooner rather than later and that officials have the flexibility and authority to negotiate effectively.

Will the Minister outline whether consideration has been given to the cost of settling the dispute with respect to back pay and pay going forward? Will he say whether budgets contain allowances to meet the demands? Given that the dispute involves pay claims relating to a considerable period of direct rule, will the Minister inform the House about the position of the Chancellor of the Exchequer and the Treasury on their contributions to back pay? A lot of this took place during their watch.

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

Mr A Maginness: They have a moral duty to satisfy, at least partially, the workers' just demands.

Mr Shannon: This is undoubtedly an issue that has been much publicised of late and on which I have received much correspondence from my constituents in Strangford. Other Members have probably said the same. There is a grave concern that the pay dispute has been put on the back burner. That is certainly not the case.

I have been in contact with the Department on numerous occasions by letter, and I have asked parliamentary questions, and I have every confidence that the matter will be resolved and that it is being worked on at the moment. However, as with most aspects of the Civil Service, it will take time — probably longer than most of us like to wait. That is a key issue, too.

The move will affect 9,000 civil servants in the lowest grades, mostly in secretarial and administrative posts, and workers who have retired from the Civil Service in the past six years could also be entitled to back pay, which could amount to as much as £20,000 each.

A hae heered sim fowk alloo at DFP hes bectreacked oan commitments gien afore bae pas' Meenesters an' i particular bae mae pairtie colleague Mr Peter Robinson. A'hm sarious gled tae saie at es motion isnae maakin thon oot an' 'deed hit 'grees at the plen bes staired an bes onie caa'in fer a tim' line.

I have heard some people say that DFP has backtracked on commitments given by preceding Ministers, in particular my party colleague Mr Peter Robinson. I am glad to see that the motion is not suggesting that. Indeed, it agrees that the plan is in motion, and it is calling only for a timeline.

I have met women and men who have worked faithfully for the Civil Service for most of their working lives and who are waiting patiently for the outcome of the review. I must agree that the sooner they get their back pay the better. However, I am also aware that it is a complex issue that must be studied by the legal department with a view to ensure the fairest possible solution. That has to be good news.

Just last week, a lady who had worked in the Civil Service for some years came to my office. She misses the cut-off point for back pay by less than one year. Therefore, despite her years of underpaid service, she is not entitled to anything, as it stands; that does not seem fair. Because of such cases, I am glad that the legal department is working to see just how far back it can go and to what ends.

The issues involved are complex; the amounts of money involved are potentially very large and could have major implications for public services. Last year, in response to a question for oral answer, the Minister of Finance and Personnel estimated that a one-off payment of up to £100 million was possible. It is, therefore, vital that we get the settlement right, and we are very aware of how much it could cost.

It is not in the public interest to spend the sums that this matter demands without ensuring that it is a final solution and not one that will be challenged time and again. Therefore, it is essential that every "i" is dotted and every "t" crossed. The money that this party and the Minister has fought for to meet the challenge must be used for those who have a claim upon it.

Without doubt, the civil servants who have been underpaid have every right to their pay. I join other Members in asking that the Department carry out the review as soon as possible. However, I am sure that a forced deadline will bring the necessary and expected results.

I have every confidence that my colleague Sammy Wilson and the officials in his Department will bring the matter to an end as soon as possible. There is no doubt in my mind that the issue is being investigated as we debate it and that an end to the issue is on the horizon. I stand with those of my constituents who have contacted me in urging a speedy ending but one that is comprehensive, with every aspect looked at and every group catered for.

I support the civil servants who are entitled to back pay; I support the vital work that they do every day and their right to a fair wage. With that statement of support I add a plea: be patient and be assured that we will not stop dealing with this matter until we reach the correct method of ensuring that everyone receives what they are entitled to.

The DUP gave an assurance and we will keep our word to do what those in government before were perhaps afraid to do: put right that which is wrong and fight for equality in these matters. I support our civil servants and our Minister in his quest to deliver what is requested in the motion.

The Minister of Finance and Personnel (Mr S Wilson): I thank everyone who took part in the debate and for the measured way, by and large — although I might refer to a few individuals — in which the debate took place.

This is an important issue. I am sure that Members' speeches reflected the sort of postbag that I, too, as a Member get from people who want to see the issue resolved.

I also want the issue to be resolved, because of the reasons that Members have given today, including the fact that it affects many people who are not well paid. It has to be resolved anyhow, because, on reaching agreement, we are obliged to make payments, and the longer the process, the larger the bill will be. Therefore, Finance Ministers, the Department of Finance and trade unions have no reason to drag their feet.

However, certain realities have to be faced. I noted what Mr O'Loan said about the need to show respect to the Assembly and to the motions that it agrees. With due respect, the Assembly needs to show some respect for itself. There is no point in the Assembly passing motions that bear no resemblance to the complexity of the issues that my Department is trying to address. On 1 June, the Assembly set a deadline that the issue must be resolved within three months, but that did not happen, and it was never going to happen. Today, the Assembly can pass a motion saying that it has to be done in another three months, but the issue is complex.

The one assurance that I can give is that my Department has sought to move forward as fast as possible. Mr O'Loan did not understand why the review of the two grades took so long, but it was a

complex process: 130 posts had to be evaluated, and resources were drawn in from other Departments. For a review of that scale, it was carried out much more quickly than one would normally expect because those additional resources were thrown at it.

Several Members, quite rightly, asked what the timescale is now and whether the issue would be settled and money given out before Christmas. I do not know, because there are a number of imponderables. NIPSA is now looking at the review to see whether it agrees with the findings. My officials and I have now made a proposal to the trade unions. Having looked at the proposal, their response was that they wish to discuss certain issues. My Department is not totally in control of that process of negotiation. It will take time, but I cannot specify how long to the Assembly today.

NIPSA may agree to the proposal tomorrow morning but, even were it to do so, that would not be the end of the story, because it would have to be put to NIPSA members for a vote. Even after that, my officials would have to speak to each individual, because everyone will be affected differently. However, to avoid delay, those stages of the process will not run concurrently. My Department is already taking action so that, if and when agreement is reached, the arrangements will be in place for meeting each of those individuals. Even should we get to that point, there are some people who have taken their cases to tribunal, and that is in their hands.

I am not making excuses; I am simply trying to explain to Members that those realities have to be faced. My only responsibility is to instruct my officials to make a proposal, and that has been done. I have told them to, if possible, do things in parallel, and that is being done. Mr Maginness asked what role I will take in the process. I have made it clear that, if it helps to get my message across and reach a settlement, I am happy to talk to the unions. I want to get this sorted, but I am not going to make promises on the basis that it would be nice to be able to give the timescale that Members demand. There is no point in my committing to a potentially impossible timescale over which I have no control.

A couple of Members referred to a comment that I made at a Committee meeting. I said that there are two issues: fairness and the impact on the public service.

Some Members have decided to interpret that as blackmail. It is not blackmail: it is simply stating the situation. There will be an impact, depending on what happens. I will give an example: there are 1,600 jobs in the Department for Social Development and the Department of the Environment that are outsourced from the Department for Work and Pensions and the vehicle licensing department in Swansea. If the settlement, when it is eventually reached, impacts on the wages costs in those outsourced areas, the DWP

and the vehicle licensing department could decide to no longer bring that work to Northern Ireland because costs might be higher than they originally accepted. I am simply stating that cost implications of a settlement will impact on the public service.

4.45 pm

Mr O'Loan: I understand what the Minister is saying, but I do not understand how it becomes a factor in the negotiations. The process has to be based on comparisons: people must get what they are entitled to.

The Minister of Finance and Personnel: If it were the case that a fixed sum of money was involved, there would be nothing to negotiate about. However, the word "negotiation" implies that there is an area that is open for negotiation because there are uncertainties and matters about which judgments have to be made. That is the point that I am making. One of those things —

Mr O'Loan: I thank the Minister for giving way again. It is terribly important to clarify that the negotiations are about comparability. We are describing this issue as a claim for equal pay so, surely, all the discussions are essentially about the equal pay issue; equal pay for, allegedly and arguably, equal work. That is the only point at issue; not that the implications for the Finance Minister, if he concedes the point on equality, will be so horrendous that he does not want to go there. That is not part of the negotiations at all.

The Minister of Finance and Personnel: The Member is being a bit naïve because, in negotiations, there are a wide range of issues that have to be looked at. When I met the Committee, I made it quite clear that one of those issues was the impact that the settlement would have on the public service. That is something that negotiators have to take into account. As the Member said, it may well be the case that they will simply say that all those issues do not count. That is fine, and that will be their negotiating position. However, in my view, it has to be spelt out that there will be consequences of such a position.

Mr McNarry: When that issue was raised by officials from the Department of Finance and Personnel, it is suffice to say that Committee members were quite horrified at such thinking. Is the Minister saying that in the process of negotiations, it will be transmitted by his negotiators that, in giving and making headway for the settlement, the other side must take or share the responsibility for the consequences that there may be in jobs?

The Minister of Finance and Personnel: I already did that when I spoke to the Committee: I spelt out the position. How people decide to react is entirely for them. I was up front about the matter when I spoke to the Committee, and I welcome the opportunity in the Assembly to indicate the position that I took when I gave that briefing.

That brings me to the issue of cost, which was the central point, and the only relevant part, of Mr McNarry's speech. Most of it was self-justification that was totally unsubstantiated. He claimed that he could count, that he was not economically illiterate and that he was right about there being a black hole. There were more unsubstantiated statements of that kind.

I can understand that he will always want to come back, but he did make one relevant point in a speech that went on for three or four minutes, which was about how the cost of the settlement would be met.

I accept that most Members did not ask about the exact cost. Had they done so and pressed me, I would have given the same answer as I gave the Committee: I do not know what the exact cost will be, because we are still in negotiations and it would be daft of me even to suggest what we believe the global figure might be. That would not be good for negotiations.

At the end of the day, however, the settlement must be funded. There are three options open to us. First, we already have a facility to borrow from the Treasury. That borrowing was not attached specifically to the Civil Service equal pay settlement, but it is money that is available.

Secondly, once the final figure is known, and since part of the pay claim is a legacy issue, I can and am prepared to go to the Treasury. In response to questions from some Members, I have not had any contact with the Treasury. There has been no cause to make contact, because I do not know what the settlement figure is likely to be.

Thirdly, the Executive can consider how resources might be allocated to pay for the settlement. The one thing that I make clear is that, once a settlement has been concluded, we will have an obligation to find the money from some source.

Mr A Maginness: The equal pay claim is a legacy issue. What are the tax implications for recipients if they receive relatively large sums of money that could distort the level of tax that they normally pay? They would be penalised. If they were receiving the money over, say, 10 years, they would not be paying so much tax. That is an issue.

The Minister of Finance and Personnel: That is an issue, and, as far as I am aware, payments would be taxable. That may be a matter for negotiations. There are other ways of paying tax that might help to avoid the issues raised by the Member. I think that those issues will form part of the talks with the trade unions.

Anna Lo asked whether people would lose out the longer it takes to reach a settlement. They will not. The longer it goes on, the greater the bill becomes, but the claim stands from the time that it was made. Therefore, negotiations are not a way by which to get people to

drop off the list. The Member may have a cynical view of the Minister of Finance, but, in this case, her cynicism is not well founded.

Jennifer McCann said that female staff were being denied promotion opportunities. There is no evidence of that; indeed, all the evidence is that male staff are under-represented at administrative assistant and administrative officer levels. Fra McCann asked about the standing of applicants who have died. Claims by staff who left the Civil Service but who claimed within six months have legal standing; former staff who have not claimed have lost out. Those are the issues that I imagine the trade unions will talk about during the negotiations.

In conclusion, I reiterate that I want to see the equal pay issue resolved. I have sought to do so, and I know that my officials are working hard to get it resolved. However, there is a job of work to be done that is not totally in my Department's control. We seek to sort it out as quickly as possible, making it at least one issue that I can get off the list of things that I must do as Finance Minister.

Mrs D Kelly: I thank all Members for their contributions. I welcome that I have not heard any Member say that they will not support the motion, and I hope that the House will not divide on it.

I am sure that most Members know that today is payday and that many people had been looking forward to having extra money and back pay in their pay packets, but that is not the case. Even after this debate, we still do not have a time when they might expect to have that pay, and that is very disappointing. Although the Minister attempted to address some of the questions that were raised by some Members, we have not yet heard whether he will commit to putting in a bid for some of the money that the British Treasury offered to lend to the Northern Ireland Executive for a range of purposes.

The Minister of Finance and Personnel: I thought that I had made it clear that when we reach a settlement with the trade unions that is agreed with the workers, we will be legally obliged to fund that settlement. I offered a range of ways in which that might be done, including taking the money from existing budgets, going and talking to the Treasury or using the facility that is available at present.

Mr McNarry: When Mr Bresland from the DUP was reading the speech that was written for him — certainly, there is no reason why the DUP would not prepare it for him — he congratulated the DUP's Finance Minister for “securing” the £100 million. How does the Member feel that that DUP opinion sits with the one that she has just heard from the Minister about the distribution of the offer?

Mrs D Kelly: There is a discrepancy, and I was going to come to that. The £25 million of ongoing costs for future payments have not been addressed. There seems to be some sort of communication breakdown in the DUP because although the Minister, in his new portfolio, said that he has not approached the Treasury, I understand that the First Minister and the deputy First Minister had this issue on the agenda when they met the British Prime Minister. Somebody is not telling things to somebody else.

The Minister of Finance and Personnel: I think that I made it clear that I have not had talks with the Treasury about this matter because we do not know what the sum will be. However, the £100 million facility still stands — Mr McNarry must have difficulty hearing — and it could be used for this matter. Of course, if they so choose, the Executive might decide to finance it in some other way.

Mrs D Kelly: Therein lies the concerns of the people who are owed money. We have not heard whether, as Mr Bresland indicated, there is a clear commitment to use the £100 million for the equal pay claim or whether that will be needed for other purposes, particularly given that the Minister has at last come round to the SDLP's and Ulster Unionist Party's way of thinking, which is that there is a black hole in the Budget.

We have heard this afternoon that, regardless of the principle of equal pay, the Minister has introduced to the negotiations the potential impact of the claim on contracts that are provided through the Department for Work and Pensions and elsewhere. The implication is, therefore, that if we are forced to pay the equal pay claim, we might lose 1,200 jobs. That is the blackmail to which Members referred and that the Minister interpreted when he addressed the Committee.

The Minister of Finance and Personnel: I answered in response to a question about what I meant by the impact on the public service. I would be being less than honest if I were not to say that we have contractual arrangements with other Departments in GB and that the equal pay settlement may well impact on the cost of running those contracts. All I was doing was explaining the connection. That is not blackmail; it is just explaining the connection.

Mr McNarry: I am grateful to the Member for giving way, because things are getting very interesting. Does the Member agree that we could not fault anyone who is waiting on the outcome of the settlement for thinking that his or her job has become part of the negotiating exercise? Is that really what has happened with the so-called settlement that is taking so long?

5.00 pm

Mrs D Kelly: Mr McNarry stated some of my concerns well. Regardless of how well intentioned the Minister is in being realistic about the settlement, his

words might be interpreted in the way that I described. Equal pay is exactly that: it is a principle whereby people are entitled to their pay, regardless of whether contracts will be won or lost. Surely the British Government cannot say that they will put resources, work and contracts into Northern Ireland only because our workers are cheaper and of less value than their own. Surely some commitment should be made, and surely that should be part of the Minister's negotiations with the British Treasury on the other contracts. There should be no adverse impact as a result of the settlement.

The Minister of Finance and Personnel: I thank the Member for giving way; she has been generous in that respect.

I am not clear where the Member is coming from. I was asked a question, and I answered it. I am now being criticised for answering it. Is the Member saying that she would rather that I had kept Members in the dark and not spelled out the implications? There might be no implications, but there could be. I thought that the whole idea of having a debate in the Assembly and of a Minister responding to it is to ensure utter transparency. It seems that when a Minister is transparent and gives an answer, he is criticised for being too honest. I do not think that that is a good way to proceed.

Mrs D Kelly: That was not my intent, but I am concerned about how the matter may be interpreted elsewhere. I was honest in what I said. Surely civil servants need to know that the Minister is fighting and that he is fighting hard for them.

Mr F McCann: Will the Member give way?

Mrs D Kelly: I am running out of time, but I will.

Mr F McCann: This is a point that I raised earlier. Will the Member tell us what the SDLP and Ulster Unionist Ministers did to settle this dispute when they had the levers of power?

Mrs D Kelly: I can give Mr McCann a history lesson if he wishes. As the deputy First Minister often says, we are moving forward, but if Mr McCann wants to talk about Stormontgate and about how unstable the previous political institutions became because of the actions of his party and the DUP, I am happy to do so. However, the motion is about securing the Civil Service claim for back pay.

I was interested to read the Hansard report of Mr Hamilton's contribution during the previous debate on the matter. The DUP tabled an amendment, which called on the civil servants who were affected to receive their back pay within three months or as soon as possible. That amendment was withdrawn well into the debate. During that debate, Mr Hamilton spoke of how the measure should not be used for political point scoring. However, he used the majority of his contribution, as

Mr McCann is now doing, for that very purpose. That is interesting.

Mr Hamilton: Will the Member give way?

Mrs D Kelly: I am sorry, I cannot give way; I am almost out of time.

One of the issues that I wanted to raise — if I could find it in my notes — is the importance of taxation. My colleague Alban Maginness raised that matter. The tax on the additional money that is to be paid may be a matter for the negotiations, but I am sure that the burden on those civil servants who are owed back pay could be reduced. I am sure that a commitment to discuss that point would be welcomed widely. Indeed, the Minister took that point on board during his summing up. As some Members said, some individual civil servants are owed as much as £20,000. That is not a small sum by any stretch of the imagination, and it would have a severe impact on their taxation.

Mr Weir said that this is not a sectarian issue, and I do not think that Members want to portray it as such. However, it is a gender issue, as Ms McCann stated.

I welcome Members' contribution to the debate.

Question put and agreed to.

Resolved:

That this Assembly notes with concern that the Civil Service equal pay claim remains unresolved despite the Assembly resolution of 1 June 2009 calling on the Minister of Finance and Personnel to ensure that the staff affected receive their back pay within three months; welcomes the assurance by the Minister that the financial implications of a resolution to this matter will have to be faced in a manner compatible with the Department's legal obligations; and calls on the Minister to state an early date by which a comprehensive settlement offer will be made to the trade union representing the staff concerned.

PRIVATE MEMBERS' BUSINESS

McClellan Conacre Case

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 in which to propose and 10 minutes in which to make a winding-up speech. All other Members who are called 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 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 Paisley Jnr: I beg to move

That this Assembly notes with extreme concern the possible extension of the focus on the "McClellan conacre case" by HM Revenue and Customs and is deeply worried at the severe disruption which this could have on our family farming tradition in Northern Ireland.

I say at the outset of the debate that I am happy to accept the amendment standing in the names of Mr McGlone, Mr Burns and Mr Gallagher on behalf of my party because it adds to the substantive motion. I hope that that will help the flow of the debate.

I have no doubt that this issue affects every Member who represents a rural community. Its impact should not be understated: about one third of the land in Northern Ireland is rented out in conacre. It has been accepted historically by HM Revenue and Customs (HMRC) that agricultural land that is rented to other farmers in conacre is part of normal agricultural practice. That is the case with almost every farm in Northern Ireland either renting in, or renting out, land in conacre. However, that land, quite properly, was subject to a business tax relief. As has been identified in the motion, the McClellan case is a clear indication that the Government intend to move away — and, indeed, have moved away — from that justified tax relief.

I will dwell for a moment on the McClellan case because it sets a heavy shadow over the entire farming and rural community of Northern Ireland. The McClellan decision found that the business of letting land in conacre — or, indeed, letting it for livestock — was a business that consisted wholly or mainly of the making of investments and, therefore, that business property relief was not available on such land, and inheritance tax was payable on the excess development value of the land at the rate of 40%. The McClellan decision means that those inheriting agricultural land, which has development or hope potential, let in conacre at the time of the owner's death must pay inheritance tax at the rate of 40% on the development or hope value of the land. The impact of that should be obvious. I am

sure that Members have been lobbied about the issue and have recognised its consequences.

There are a couple of case studies from my constituency that set the scene appropriately. Let us take the example of the estate of an elderly farmer on the north coast of Northern Ireland. The deceased was an elderly farmer who let his land in conacre on his retirement from full-time farming. On his death, his smallholding of 36 acres of farmland was found to have an agricultural value of approximately £450,000 and a development value of, potentially, £370,000. His farmhouse was also found to have a value of about £235,000. My constituent, Mr McIntyre, had always hoped that his land would pass on to his children, and, indeed, his grandchildren had expressed an interest in taking on the farm. However, HM Revenue and Customs has found that the family has to pay 40% inheritance tax on the value of the farmhouse and the potential development value of the 36 acres of farmland. The impact of that finding is that the family farm has to be sold to pay a tax bill; the land is not farmed and will not be farmed by the next generation; and the entire infrastructure and livelihood of that family has been changed desperately and decidedly for the worse of the community.

This is an obnoxious stealth tax, and I do not know why it was introduced. The revenue potential for the Government is slim, because, as Members heard in an earlier debate today, the liquidity in the Province for people to buy vast portions of land is so low that the Government will not get or maintain the tax value that they think there is in the hope value of that land. However, they are forcing people to sell their land in order to pay horrendous tax bills, which should not be the case.

The effect of the decision in the McClellan case means that those who inherit farmland that has a significant development potential will, inevitably, have to sell the land to pay the inheritance tax on the development opportunity, even if they have no desire to pursue that development opportunity. Furthermore, if the development opportunity is never pursued, they will have to pay a huge tax bill on the development value. That has thrown many farms across Northern Ireland into disarray, and it is especially pertinent since, as Members know, our farm owners are in the higher echelons of the age brackets. We know that those people have tried to involve themselves in good financial tax planning, and the inheritance tax throws into disarray all tax-planning arrangements and any desire that they may have in their old age of passing on their farm to their sons, grandsons or granddaughters and allowing them to pursue the livelihood that they have enjoyed. That is wrong.

It has been publicised widely that by taking a greater role in the management of agricultural land,

such as sowing fertiliser, fixing fences and maintaining the land, the owner will avail him or herself of the application of the business property relief to the land, as it applied in the past. I warn the House that that is not a certainty.

I am aware of another case in my constituency of North Antrim, which I will refer to as case study 2. In that case, a lady farmer who inherited 70 acres of a farm upon her father's death, and having worked the land with her father from an early age, had, in her later years, let out the farm in conacre to a number of neighbouring farmers. The lady took an active interest in the animals, including sheep and speciality cattle, which were grazed on her land, and the speciality cattle were wintered in farm sheds close to the farmhouse. The lady played a significant role in caring for those animals. Upon her death, Her Majesty's Revenue and Customs has been unwilling to accept that agricultural property relief should be available for the value of the house, and the case is being brought before the special commissioner's appeal hearing. It is a running case.

The idea that there is a way round it and that so long as a farmer keeps some active interest in the farmland by maintaining the odd fence, for instance, he or she will be able to get past Her Majesty's Revenue and Customs is wrong. In fact, HM Revenue and Customs recently issued a new inheritance tax manual, which contains a new paragraph relating to agricultural property relief. It sounds the death knell for conacre rights in Northern Ireland. It states:

"The availability of Agricultural Relief is a question of fact and degree to be decided upon the particular facts of each case."

In other words, HM Revenue and Customs will take each set of circumstances case by case — through the courts and through special commissioners if necessary — to see how much money they can squeeze out of the farming community at a time when it is least able to pay.

It is right and proper that the House has an interest in the issue and that we lay down a marker to the Government, to HM Revenue and Customs and to the Prime Minister. I am delighted that the First Minister has made representations to the Prime Minister, and that the Minister of Agriculture and Rural Development and the Minister of Finance and Personnel and others have made representations to the Treasury. However, we must speak with clarion certainty that the House will reject the tax, because it will devastate farming and tax planning for the farming community, and it will prevent future farming generations being able to inherit, plough, sow and farm the land in the way that their fathers and forefathers did. The House should take an active interest in the issue and ensure that HM Revenue and Customs hears its voice loud and clear.

5.15 pm

Mr McGlone: I beg to move the following amendment: At end insert

"; and calls on the Minister of Finance and Personnel and the Minister of Agriculture and Rural Development to engage with Revenue and Customs to find a suitable solution."

Go raibh maith agat, a LeasCheann Comhairle. I listened very intently to what Mr Paisley proposed, and I heard what he had to say.

In its amendment, the SDLP asks that the Minister of Finance and Personnel and the Minister of Agriculture and Rural Development engage with Revenue and Customs to find a suitable solution to the problem. Indeed, I note from responses to questions for written answer on 5 May and 19 May 2009 that both Departments were actively engaged with Revenue and Customs on the matter. Indeed, the then Minister of Finance and Personnel stated on 19 May 2009:

"I have written to the Chief Secretary to the Treasury strongly urging her to consider amending the tax treatment of land".

From the start, I must state that I have no particular expertise in matters either legal or accounting. However, I do know that decision in the case is wrong. I also know that it is causing difficulty, hurt and harm, as well as concern for the future of agriculture and farming here.

As Members will know, conacre is a specifically Irish tradition, with those living in rural areas letting small parcels of land for a single crop. In its original form, landowners allocated each conacre tenant a strip of land, to which the tenant was given access to plant and cultivate a crop. However, the tenant did not own the crop until he had paid for it in money, through labour or by a share of the crop. In its modern form, it has become part and parcel of a business, and the business of small farming in particular, and it is absolutely ridiculous that it should ever be regarded as separate "investment activity". Conacre, being temporary by its very nature, earns relatively low returns, and is essentially a way of maintaining land for a farming family that has no particular plans in any given season.

As Members will have read, the McClean case involved 33 acres of agricultural land, parts of which were zoned, and, therefore, the anticipated market realisable value for development purposes was deemed to be £5.8 million, yet the agricultural value was only £165,000. Mrs McClean had inherited the land from her husband in 1983 and, since that time, had let it out to local farmers whose cattle grazed the land from 1 April to 1 November. From 1995, the owner's son-in-law Mr Mitchell organised the letting of the land, as the owner did not have legal capacity to do so. The arrangements were agreed orally and confirmed in writing, and the price was agreed by acre, which is the basis of conacre.

However, as we now know, the special commissioners determined the difference between investment and business, and their conclusion, which the Court of Appeal upheld, was that the letting of those lands constituted a business that consisted wholly or mainly of the holding of investment, and, as such, under the Inheritance Tax Act 1984, it did not attract business property relief.

Agricultural property relief (APR) is available on lands that have been used in agriculture for two years by the person to whom the land was transferred. APR is limited to the agricultural values of those lands, and lands held in conacre were naturally enough entitled to APR, a fact that Revenue and Customs accepted. Furthermore, until recently, Revenue and Customs allowed business property relief on the additional development value, or "hope value", of such lands. Moreover, for income tax purposes, those who grant conacre licences will be allowed business property relief if they are deemed to be conducting a business.

Without delving too deeply into it, the issues in the McClean case were concerned with whether a business was being carried out, whether that business was being carried out by Mitchell or McClean, and whether that business consisted wholly or mainly of holding investments. The special commissioners decided at the time when Mrs McClean died, and in the two years preceding that time, that she was the owner of a business but, because it consisted wholly or mainly of holding investment, that it was not a relevant business property.

However, there are many instances, particularly when area planning has been used to create newly defined towns, villages or dispersed rural communities, in which people living outside zoned land may have a farm of which part lies outside the development zone and part lies inside.

I can think of many in my immediate council area. Those people do not intend to pass the land on for development purposes: they have a working farm and a viable business. This case will have major implications for those people, and it has caused a huge scare in rural areas.

The development issue in zones where the land is let in conacre, or agistment, rather than farmed directly will cause problems, specifically for land zoned in those development areas where the development value of the land, albeit reduced at present, would significantly outstrip the agricultural value.

Around 30%, or 300,000 hectares, of Northern Ireland's total farmland is let in conacre. There is no calculation as to how much of that could, potentially, fall within the development zones, but in those instances where only agricultural property relief applies, the inheritance tax of up to 40% would be applied on the development value of the land. It is incredible that the

people who will inherit such property — people who are getting it tight in farming at the moment — will have to pay 40% inheritance tax on the value of land at its deemed zone valuation. It would put them out of business. They would inherit a huge debt rather than a workable farming business. They would be left to sort out that liability as a result of the lack of recognition of the special arrangements for farmers in Northern Ireland. It is a major issue and a source of grave concern.

The inheritance tax liability in the McClean case is estimated at £2.4 million. I was reared on a small farm of 22 acres; my father was a part-time farmer who also owned a garage. When I think of a few of those 22 acres and the liability that the rest of us would have been left with when my father, God rest him, passed on, I find it incredible. It is incredible for the small-farming community and the generations who may inherit and who may wish to farm — instead of being able to farm, they would be left with a huge tax liability round their necks. The situation is impossible.

The situation might seem reasonable to some civil servants and revenue commissioners — and even to some town planners, although not if they come from a farming background. Under the review of public administration, the situation could cause tensions between the new councils and the landowners whose land would be zoned under the area-plan process that we hear about at the moment, which involves the modernisation of planning and the plans afoot for good councils to deem and zone land to match local need. It would be a big problem in those circumstances. People would be contacting their solicitors immediately to ensure that their land was not being zoned. That would have a knock-on effect on affordable housing, housing development and the need to provide roofs over the heads of our younger generations.

The Minister of Agriculture and Rural Development is in the Chamber but the Minister of Finance and Personnel is not. I appreciate the fact that the Minister of Agriculture and Rural Development is from a rural constituency. However, the situation requires a joint approach. The Ministers must take into account the social, economic and farming circumstances of the community, and the Minister of Finance and Personnel must deal with Revenue and Customs on the matter. The SDLP proposed its amendment to ensure that rural society, the legislation and the amendments that may be required are dealt with in a joined-up fashion to represent fully the people who are concerned about the situation.

Mr Paisley said that some people are saying that there may be a way round the situation, and that some farmers may throw in a bit extra for fertiliser or fencing and posts in their tax returns in the belief that they will manage all right. That is working on a presumption, and it may or may not work.

We need clarity on that. For that reason I propose the amendment, and trust that the Members opposite will accept it in the spirit in which it is meant. It is aimed at arriving at a successful outcome for the people we represent.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I will begin by stating that Sinn Féin supports the motion and the amendment. The amendment calls for the Ministers to engage with Revenue and Customs to find a suitable solution. Although I have no difficulty with that, surely it would be the British Treasury that we would need to get clarification from, and it should be the Treasury that provides a solution. Perhaps the proposer of the motion will address that issue in his winding-up speech.

In nineteenth-century Ireland, conacre was the name given to the system whereby land was let not for a number of years but for a single season, usually one year. Land was let for the purposes of taking up a single crop of potatoes or corn, or for grazing. It was a form of subletting used by landowners and farmers to rent to those who had insufficient or no land of their own to secure the basic food supply needed for their families to survive.

Conacre refers to short-term land lettings, and is an 11-month land rental agreement that is unique to Ireland, and an important feature of Ireland's farming scene. Landowners and farmers use conacre in various ways: farmers can increase the size of their farm by taking land as conacre, or increase their income by letting land as conacre.

In recent years the conacre rates have remained fairly stagnant, and the average income from grazing land is £100 per acre per annum, representing a fairly poor return. It is a rare commodity that landowners accept so little return on a valuable piece of ground, which demonstrates the important emotional and family ties that land holds for Irish owners.

I am very troubled about the potential impact the court ruling may have on the local farming community, with one third of land in the North of Ireland let as conacre. The court decision could result in a significant increase in the acreage of local farmland that is liable to 40% inheritance tax. Recently, the Minister of Finance and Personnel expressed his intention to continue to press the British Treasury for acknowledgement of the uniqueness of the issue for the North of Ireland, and the implications for our local agriculture industry. He also stressed that taxation is a reserved matter for the British Government to determine, and that he would be seeking substantive commitment on the issue.

As the Member who spoke previously already pointed out, the Minister of Agriculture and Rural Development is here. Will she tell us whether she will be attending that meeting along with the Minister of Finance and

Personnel? It is a cross-departmental issue, and has to be dealt with in such a way.

In my opinion, the main issue is quite clearly the fact that taxation and public expenditure policy are set in London. I remember that one of the first debates that took place in the Assembly during this mandate was on the issue of transferring fiscal powers. That issue was brought to the Chamber by Sinn Féin, but it was not supported by the House. We believe that the Assembly, as the elected body for this part of the island, should at least have the ability to review taxation. The issue currently under debate illustrates the case for having fiscal powers transferred. We need as many powers as possible transferred to the Members of the House: that is what the electorate wants and deserves.

Mr Paisley Jnr: Will the Member give way?

Mr W Clarke: I will.

Mr Paisley Jnr: I am pleased that the Member is agreeing with the thrust of the debate. Does he not recognise that we would find ourselves in a reckless position if we had tax-raising powers at this point? The inference would be that we would therefore have to continue with a tax levy, even on farmland. We would actually be the instrument imposing that tax on the people, whereas at the moment we have the leverage to perhaps oppose and prevent it from going any further.

Mr W Clarke: I thank the Member for his intervention, but I do not agree with him. If fiscal powers were transferred to this House, we would review taxation in the round, including VAT, inheritance tax, and all other taxes. We should at least have the opportunity to look at that. This is one particular case of people attempting to bring an English model to an Irish problem, where it does not sit well. Mr McGlone mentioned that, and asked how someone in a different jurisdiction could get an understanding of conacre and its emotional aspect with respect to the community.

The issue is not about political point-scoring; we must look at the real decisions that affect local people, including farmers in rural communities.

5.30 pm

As others said, Ireland has a distinctive historical conacre system that does not operate in any part of England, Scotland or Wales. We do not wish farms to be unduly affected by these developments. The effect of the ruling is that, on the death of the owner of the farmland, the development or hope value will become liable for inheritance tax at up to 40% and that empty property rate (EPR) relief will no longer apply to lands let in conacre.

The ruling shows no understanding of Irish rural life. The tradition of owning land passed from parents runs deep in the Irish psyche. If farms were lost to others outside the family, it would have major implications

that could lead to the demise of rural communities. There are also emotional side effects, including mental-health issues and effects on the general well-being of people who lose land. The tradition of keeping land in one's family may be destroyed —

Mr Deputy Speaker: The Member must draw his remarks to a close.

Mr W Clarke: Small farmers will disappear to be replaced by large-scale farmers. Farming helps to shape our landscape, and that could be lost forever if the implications of the ruling are brought forward.

Mr Deputy Speaker: I remind Members to address all their remarks through the Chair.

Mr Kennedy: I welcome the motion, which was very well presented by Ian Paisley Jnr. The Ulster Unionist Party accepts the amendment. The motion is on a significant and important subject, and a number of months ago, my colleague Mr Elliott and I tabled a private Members' motion on the matter.

Conacre is a major feature of agricultural letting practice that is unique to Northern Ireland and to the Republic of Ireland. Therefore, it is a special situation, and any changes in the rules governing it will have widespread implications for profitability across the farming industry.

The changes to the rules under which letting zoned land under conacre can be considered to constitute a business are deeply misguided. The use of conacre is nothing more than managing an asset that is no different in principle from managing personal finances in a building society account or, perhaps, an investment trust.

To deem the letting of land under conacre as a business also has a negative effect on Northern Ireland, which is the only part of the United Kingdom tax jurisdiction that uses conacre on a widespread basis. Any change in the attitude of HM Revenue and Customs to taxing the use of conacre on development land should take that potent fact into account. At the very least, that should lead to a postponement of the new ruling.

Thousands of acres of land that are let in conacre, which would normally be inherited tax-free, are now subject to an inheritance tax of up to 40% when they pass to the next generation. That will prompt massive numbers of farm landowners to sell up before the deadline, producing a glut of agricultural land in the market, driving down prices and reducing the asset value of many farms. It will also have a severe effect on rural Northern Ireland and will erode our agricultural base at a time when we should be cherishing and supporting the agricultural sector, not least because of security issues and a reduction of dependence on imported foods.

It is no more than a smash-and-grab raid by HM Revenue and Customs on the pockets of decent, hard-

working families and people while public money is being squandered on dubious banking and corporate policies. It will directly affect Protestant and Catholic and other landowners and farmers throughout Northern Ireland, in a country where land ownership is highly sensitive and highly emotional.

Therefore, land inheritance is an important aspect of keeping rural communities together. The latest blow from HM Revenue and Customs has the capacity to break up rural communities and will help to destabilise rural society.

The Assembly is right to oppose that. I welcome the presence of the Minister of Agriculture and Rural Development in the Chamber. All parties should find common cause on the issue because it has drastic repercussions for the agricultural and landowning population of Northern Ireland. I support the amendment and the motion.

Mr Ford: My party colleagues and I will support the motion and the amendment. By way of introduction, I declare my interest — technically my wife's interest — in a shared family farm, which is recorded in the Register of Members' Interests.

Other Members have discussed the unique situation of conacre land in Ireland. According to aspects of HMRC guidance, a conacre arrangement is equivalent to a grazing licence in Great Britain. The HMRC website refers to land in such condition as being treated as eligible for agricultural property relief under inheritance tax. However, it does not spell out the full details and implications of that.

Mr Willie Clarke and Mr Kennedy, in particular, have discussed the nature in which land is held in this society. Nowhere in HMRC's guidance is there any reference to that. It is not true to suggest that people's ownership of family farms — which, in many cases, grandfathers and great-grandfathers sweated blood to purchase under land Acts of a century ago and to maintain as family holdings — is somehow equivalent to owning stocks and shares or investment property. Regardless of whether that satisfies section 105(3) of the Inheritance Tax Act 1984, it certainly does not fit the psyche of people in this society. That problem is simply not recognised in the way that HMRC treated that particular case and others, such as those highlighted by Mr Paisley Jnr when he proposed the motion.

On one hand, a problem exists that does not apply to every farm in Northern Ireland because it relates solely to business-property relief where there is development potential. On the other hand, as we heard from Mr Paisley Jnr, HMRC now decrees what size of a farmhouse is suitable for a particular size of farm. Apparently, if HMRC does not approve of the size of a house, it will regard it as being more than is appropriate for the farm, even though, in other cases, domestic dwellings are not

liable to inheritance tax in certain circumstances. Therefore, there are real issues with the way in which the matter is being treated.

I remember going to a school open evening a few years ago with one of my children. The geography department's display showed documentation that related to a teacher's grandfather's purchase of the family farm from the estate, which he still held, although he was clearly only farming it part time.

I have seen the same situation occur among my family and in-laws. People's attachment to the land is such that, until now, they have not believed that HMRC could simply regard it as investment property. They cannot believe that they must face that realisation.

That means that the Assembly must learn two lessons. First, it must determine what can be done to draw that to HMRC's attention. I am, perhaps, almost as sceptical as Mr Willie Clarke about the Assembly's ability to get that changed soon. Secondly, the Assembly must make the implications clear to people. At present, those who have let land under conacre agreements for many years will have to consider a different way to manage it; perhaps by setting up some special kind of partnership or by passing it on to family. At present, many farms in Northern Ireland that are located in areas where there is development potential are at risk because of that ruling.

It is not credible to say that the Assembly will simply make representations to HMRC because that may well not be enough. The Court of Appeal's judgement, sadly, was given by three judges from Northern Ireland who seem to have been overborne upon by representations from HMRC special commissioners, although, clearly, they were under fairly tight constraints.

However, their decision recognises that a spectrum of different circumstances applies in such cases. The message for many people, which Ian Paisley Jnr expressed reservations about, is that they should shift themselves and their property from one end of the spectrum to the other if they wish to maintain their inheritance. The problem that we face is that people will get nowhere if they continue as they are.

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

Mr Ford: I hope the Department of Agriculture and Rural Development and the Department of Finance and Personnel will show us that they can work together. It is a pity that we only have one Minister in the Chamber this afternoon; I trust that she can report on behalf of both Departments when responding.

Mr Irwin: I declare an interest as a landowner.

The importance of the McClean ruling in Northern Ireland is serious, given that approximately one third of all the land in the Province is rented as conacre. In

my constituency, I can think of scores of families who have farms with significant land let out as conacre. Many of those families have contacted me to express their concerns about the McClean case and what it could potentially mean to them.

Although the main thrust of the McClean case is directly related to land with development potential, such as farmland on the development boundaries of towns and villages, there is much to be concerned about across Northern Ireland because we have scores of towns and villages that all have development zones to permit controlled growth.

In the Armagh area alone, a total of 180 hectares of land across a range of settlements was identified as suitable for new housing, as stated in the 'Armagh Area Plan 2004'. Of that amount, around 85 hectares — approximately 210 acres — remain undeveloped. Although the current development value of land is much reduced compared with even a year ago, there remains a frightening potential for a huge tax bill for a family in a similar position to those in the McClean case.

The 'Armagh Area Plan 2004' identified in the region of 34 hectares of industrial zoned land in the local towns of Keady, Markethill and Tandragee. Only two hectares of that land has been used for industrial purposes and a further five hectares have been used for housing, which leaves 27 hectares. Therefore, I can clearly see why people with conacre land in industrial zones would be concerned by the ruling in the McClean case.

With such a large percentage of land here let as conacre, Northern Ireland should be treated as a unique entity and should be free from such unsympathetic treatment by HM Revenue and Customs. I recently heard of a case in which a constituent inherited from a family member a farm with a small portion of zoned land. The farm was valued for inheritance tax purposes at the height of the property boom about two-and-a-half years ago, which left the family with a bill of over £750,000. The family were forced to put the farm on the market as they were unable to raise the money to pay the tax bill. The highest offer on the farm at present is less than the tax bill, which has left the family with a millstone round their necks. That is an unfair situation that cannot be allowed to continue.

As I said, Northern Ireland is in a unique position due to the large amount of conacre land here. Any attempt to remove tax relief on that land will have far-reaching consequences for the future of the farming community of Northern Ireland.

I welcome the fact that the First Minister has raised the matter at the highest level at Westminster. It is vital that the Westminster Government realise the serious consequences of removing tax relief for conacre land in Northern Ireland. I support the motion.

Mr Elliott: I thank the Members who tabled the motion and apologise to Mr Paisley Jnr for not being in the Chamber when he proposed the motion. Much of what I have heard in the debate has been factual information. I want to deal with some of the realities that may occur from the outworkings of the McClean case.

5.45 pm

We have only to look at the changing farming practices in Northern Ireland over recent decades. More and more land is being leased by farmers, and there are fewer and fewer individual farm units, with other farmers leasing land from neighbouring farmers. As a result of this case, more and more landowners will start small farming practices in order to take that land out of conacre. That alone will have a significant effect by not leaving land available for the more extensive and intensive farmers who need it for their business.

On the other hand, some landowners do not have the facilities to farm that land feasibly. I am thinking about stocking, housing and handling facilities. In addition, they must have all the documentation that is required by the Department of Agriculture and Rural Development, the Department of the Environment and other Departments. That will be a huge challenge for those landowners. Therefore, it is vital that we make every effort to get the Government to realise the significance of this for farmers, beyond the costs to those individual farmers who will be caught up in it.

There is also the difficulty of "hope land" — land that may be on the edge of a development zone and which Revenue and Customs may say has hope value because it may come into a development zone in 10, 15 or 20 years' time. Revenue and Customs will put an additional value on that land. Under PPS 21, meanwhile, one dwelling is allowed per farm unit. Revenue and Customs could say, OK, you are allowed one dwelling on that farm, so we will take half an acre out of that and value it not at agricultural value but at development value. That immediately raises the stakes in that situation.

All those situations and cases must be identified and brought to the Treasury's attention, otherwise, as my colleague Danny Kennedy said, we in this Province will all suffer the same fate, and it does not matter whether you are a Protestant, Catholic or whatever religion. I heard of one case of a man leaving 10 or 12 acres in his will to a local church. The land is in a development zone, and was left with the condition that the church is not allowed to sell it. The church is now left with a huge inheritance tax bill; it cannot sell the land and cannot raise the money. The tax bill is around £2 million, and it will bankrupt the church. It would have been far safer not getting the land. This business is causing huge difficulties and problems not only farmers but for the wider community.

Mr Savage: I declare an interest as a farmer.

The Member was talking about the implications of this case. I noted the words of the Finance Minister in the previous debate about semblance and reality. If this goes through, the semblance and the reality will lie in putting small farms out of business. He also talked about fairness and impact — words that are very important in this context. There will be no small farming industry left here in Northern Ireland if this goes on.

There is an old saying in tax offices: if we do not get you when you are living, we will get your family when you are dead. Those are words that we thought we never would hear, but they are becoming a reality, and the Assembly has to take action.

Mr Elliott: I thank the Member for his intervention; I agree with his points. I, too, of course, should have declared an interest, being a landowner and farmer.

The ruling will affect traditions and assets that have been in families for generations; we cannot allow that to happen. Otherwise, as Mr Savage said, we will destroy —

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

Mr Elliott: We will destroy the farming community in the Province, not only for this generation but for generations to come.

Mr Shannon: I support the motion and congratulate the Members who proposed it. Moreover, I support the amendment, which keeps everything nice and neat.

In April 2008, a local special commissioners case was heard on the availability of business property relief on the development value of land set in conacre. That is where the problem began. It was decided that business property relief was not available because conacre letting was deemed an investment activity rather than a trading activity. The Court of Appeal recently decided to uphold that tax ruling. That could mean that all transfers of conacre land could be liable to the full rate of inheritance tax.

As other Members said, about one third of Northern Ireland farmland is let under the conacre system, which does not operate elsewhere in the UK. The ruling in the McClean conacre case is an attack on the rural community, and we cannot let it pass by today. The House of Lords refused to hear an appeal against the Northern Ireland Court of Appeal decision but supported the claim of Her Majesty's Revenue and Customs that certain agricultural land in conacre should now be subject to inheritance tax. That cannot be the end of the push.

The fact bes at hit means at femmelie fairmin, es we know hit theday, i the province bes aa an enn. The wee femmelie fairm wul bae a thing o' the pas' an' onie business fairmin wul bae fit tae pey hit's wie. Thon

issue was brocht ap tae me bae a nummer o' fairmers wha ir consairned – an they hae ivry richt tae bae — aboot thair richts tae pass a waarkin inheritance oan tae thair weans an' thon bes a thing at bes definitely unner attack fae thon rulin'.

Forebye thon A hae hed screeds fae ither Members o' the 'Sammelie cumin oot wi' the saime consairn an reservations adae wi' the conacre rulin'.

In reality, family farming as we know it in the Province will come to an end if that continues. Small family farms will be a thing of the past and business farming only will be viable. The issue was brought to my attention by numerous farmers who are concerned — and they have every right to be — about their right to pass a viable inheritance on to their children. The ruling definitely puts that system under attack.

I have received correspondence from my colleagues in the Assembly who have expressed the same concern and reservations about the conacre ruling. Indeed, the previous Minister of Finance and Personnel, Nigel Dodds, discussed the implications of the legal judgement on the conacre tax issue with the then Chief Secretary to the Treasury, Yvette Cooper. He highlighted the significant effect that the recent court ruling will have on the agricultural community in Northern Ireland. I am assured that he took the opportunity to impress on Yvette Cooper the importance of the issue and to ask that she consider its repercussions fully.

Although taxation is a reserved matter, the Department of Finance and Personnel has been in touch with the Treasury in recent months to highlight the issue and its potential negative impact here. The work did not end with Nigel Dodds. I am aware that the current Minister of Finance and Personnel, Sammy Wilson, has continued to push the issue with the Chief Secretary to the Treasury, Liam Byrne, and has requested a meeting with him.

To put the scale of the problem in context, we must highlight the fact that Northern Ireland has a unique system in which one third of land is let out as conacre. That ensures that smaller farms can guarantee the longevity of their farm for generations to come. If we remove that ability, it is not an exaggeration to assume that most farmers, who already struggle to make a living due to EU restrictions, will certainly be unable to withstand full inheritance tax when passing the family business on to their children. Subsequently, family farming in Northern Ireland will be a thing of the past. That is our concern.

The Ulster Farmers' Union has 12,500 members — and I declare an interest as a member — and its main mission is to promote and support a vibrant, sustainable rural economy where agriculture is secure and pivotal to its future. For that reason, we must work closely with that body to ensure that farming can continue. That is why the Assembly must stand with our farmers

tonight and ask for action that will avert this devastating effect. If the situation had affected Shorts, the Assembly would have, rightly, taken a big decision to make changes. However, this affects farming, and I expect the Assembly to endorse that message as strongly as it would if jobs were at stake in Shorts.

I have been a member of the Committee for Agriculture and Rural Development for a short time, but I am glad to be on it. This matter has been discussed and fought for at every level in the Province.

Mr Deputy Speaker: The Member must draw his remarks to a close.

Mr Shannon: I congratulate my colleagues for tabling the motion and I ask them to ensure that this issue does not signal the death knell for traditional farming in the Province.

Mr Gallagher: I remind Members that I have declared an interest in farming in the Register of Members' Interests.

I thank the DUP Members who tabled the motion. It is clear that the motion and the amendment have been accepted by all the parties, and that there is a strong united front on an approach to the issue that will lead to turning the Treasury's thinking around. At least one precedent for that comes to mind: when the quarry tax issue was raised in the previous Assembly, our Ministers got together to lobby the Treasury and got a result. For the sake of the farming community, we cannot afford to give up on this issue. I do not believe that we should give any hint to the Treasury that this is its problem and that we are just going to roll over.

This is a uniquely Irish problem; it is unique to the island of Ireland, and I hope that we can build a strong campaign to change the Treasury's mind. Other Members have covered the issue in detail and there is no point in going over that. With my experience, I am aware of the negative impact of this issue on land lettings, which are already down in number because people are worried about the problem.

We all know that the Irish land-letting system is not a money-making operation: it is used by elderly farmers in many of the cases of which I am aware. Nine times out of 10, the land is inherited from the previous generation, and because of age or health considerations, the owners have to retire from farming. They want to hand the farm over just as it was handed to them, and keep the land in the family. That is why the conacre system is used and why it has grown, and it is why land has been passed from generation to generation.

The message for the Department of Finance and Personnel and the Department of Agriculture and Rural Development is that they should work together and take the issue to the Treasury. Our message to the Treasury is that we are not going to give up on it.

The Minister of Agriculture and Rural Development (Ms Gildernew): Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to speak to the Assembly on this serious issue. It will come as no surprise to anyone that I share the grave concerns that have been expressed here today. The discussions that I have had with the rural community, and the volume of correspondence that I have received, have left me in no doubt about the high levels of anxiety and worry that the McClean ruling has created.

I have listened to what Members have said in the debate. There are very few issues that unite the House in the way that this motion has done, and it is obvious, across all political parties, that the Irish attachment to the land is evident here today. I welcome the support that all Members have given on this issue.

Apart from the issues that Members have raised, there are other implications for farmers. Land letting has environmental consequences where land has been grazed and is no longer let.

6.00 pm

Rev Dr Ian Paisley: There is unanimity in the House today. We all know the history of land Acts; we have read our history. In the House today, a solid body of people from all parties is saying the same thing and declaring that we cannot tolerate what is in mind. We are all saying that Ulster is not for sale; we are all saying that what we have we hold; and some of us are saying "No surrender".

Mr Shannon: Further to Dr Paisley's comment, is this a case where Ulster says no?

The Minister of Agriculture and Rural Development: I thank the Members for their interventions, and I thank all Members for their positive contributions.

I have written to the Treasury about the issue, and I discussed it with the Finance Minister in July, when the implications of the McClean ruling were becoming evident. I suggested that we went to the Treasury to discuss the issue and fight it jointly. Although the matter is primarily for the Minister of Finance and Personnel, I feel that I must assure the Treasury that this is a uniquely Irish situation and needs to be dealt with in that way.

Prior to the McClean case, agricultural land usually attracted two kinds of property relief that reduced inheritance tax to zero; those reliefs were generally available whether the land was farmed by the owner or let in conacre. In the McClean case, the land was let in conacre, and the decision was made to deny business property relief on the development value of the land. However, agricultural property relief was granted on the agricultural value of the land. That unhelpful change in how the law is to be interpreted will strike many as unfair, and I absolutely agree.

I have no particular sympathy with large property developments. Members will be aware of the people that I am talking about, who buy farmland for development purposes, develop sites on it and make use of tax reliefs meant for farmers to avoid inheritance tax. We all know, and it has been well articulated here today, that there will be farming families who rent out their land for myriad reasons, perhaps even with the intention of returning to farming themselves, who will be forced to sell their family farm as a result of the McClean ruling.

It is especially worrying that the ruling could affect land rented to close family members, such as between a mother and son or an uncle and nephew. I find that possibility particularly unjust, as it would drive farmers out of business.

The connection that farming families in Ireland have with their land have runs extremely deep. Members who have seen the film or play 'The Field' by John B Keane will know that the feeling for land is very strong in Ireland. As many Members pointed out, that has been with us for generations; it is unique to Ireland, as is the conacre system. It has its origins in past struggles between landlords and tenants, as was mentioned. We all know of cases where families are prepared to face poverty rather than face selling the family farm.

I have no doubt that the McClean ruling will be a great source of anguish for farming families. I believe that the McClean ruling is an attack on the conacre system and on farming families. The full and precise implications of the McClean ruling will become clear only when it is applied to the outstanding cases that have been held back by Revenue and Customs since the McClean ruling was first challenged.

Faced with the threat of huge tax bills, some non-farming landowners, who are in a position to do so, will have to recommence farming activities of some description with the aim of qualifying for business property relief. That is an entirely understandable reaction as they try to protect their family farms. However, that will disrupt existing farm businesses that rely on taking that land. Other families, especially in the outstanding cases, may have no choice but to sell land in order to meet inheritance tax liability. Not only does that seem grossly unfair, it could also disrupt the market for development land due to forced sales.

Therefore, we could end up with disruptions to normal farming activities; distortions to the development property market; and affected families losing their farms. I will be asking the Treasury how that could ever be seen as fair or acceptable.

I suppose, if we are to look for a plus side, the McClean ruling did not question agricultural property relief, as it was granted by Revenue and Customs. We can draw some comfort from that because that is the

relief that is of most concern to the vast majority of farmers and landowners. However, that will not stop us from fighting the McClean ruling. I understand the concern that the eligibility of land let in conacre for agricultural property relief might be the next target for Revenue and Customs. We need urgent clarification from the tax authorities on that issue.

It normally falls to the Department of Finance and Personnel to make representations to the British Treasury on the subject of tax. However, given the potential impact on agriculture and farming families, Sammy Wilson and I have agreed to meet jointly with the Chief Secretary to the Treasury to press our concerns. I will push for clarification on agricultural property relief at that upcoming meeting. I will use the opportunity to outline the negative consequences of denying business property relief on land let in conacre. As an alternative, I will suggest that consideration be given to an exemption from inheritance tax for land that remains in agricultural use.

I also intend to raise the issue of the outstanding cases, because it seems extremely unfair that those people now face huge inheritance tax bills without having been given any prior warning or an opportunity to plan their tax affairs. However, I do not want to raise undue expectations that the British Treasury will respond sympathetically to any of the suggestions. As Members are aware, taxation is an excepted matter under devolution. The Assembly still has no fiscal autonomy and is unable to change tax law, but Members can be assured that this is a battle that I am prepared to fight.

The proposer of the motion, Ian Paisley Jnr, raised the issue of what definition of "farming" will satisfy Customs and Revenue. At this stage, I am not in a position to say precisely what type, or amount, of farming will qualify for business property relief. I suggest that individuals seek professional advice on those matters. In order to qualify for the relief, the business concerned must be deemed to not wholly or mainly comprise holding investments. Tax authorities' judgements on such matters are usually made in the round, taking account of all the activities of the business. However, I agree with the Chairperson of the Agriculture Committee that interpretation is key, and we will all be looking very carefully at that.

We will push for clarification on agricultural property relief. Hope value was mentioned, and what Mr McGlone said about development land is right. There will be farmers, living beside a settlement of whatever size, fighting to ensure that that land is not zoned for development purposes, which will have an impact on housing. The ongoing work on PPS 21, previously PPS 14, and the further restrictions on individual properties in the countryside raises a concerning question: if we cannot live on our land and we cannot live in towns and villages, where is the next generation going to live?

It is my understanding that, for inheritance tax purposes, land is valued at the market value at the date of transfer. Market value, therefore, is influenced by expectations of future developments and includes hope value. However, valuation of land in individual cases is a matter for qualified valuers who take account of a number of factors when arriving at what they consider to be the fair market value.

Today's debate highlights the widespread concern about the McClean ruling. There will be debates on the fairness or unfairness of any tax. However, we are all agreed that this ruling is particularly unfair. The McClean ruling must not result in a large amount of land being removed from the conacre market, to the detriment of the agriculture sector as a whole.

In fact, I have recently had discussions with my counterpart in Scotland about the food shortage issues that we face down the line. I do not think that it is in anyone's interest that land that is currently in agricultural use, and has been so for generations, is taken out of agricultural use and that farming skills cannot be passed down to future generations.

I do not wish to see land taken out of the agriculture sector, nor do I wish to see families forced to sell land that they would otherwise keep in agriculture. That point was mentioned by many Members today.

My officials and I will work very hard on this issue. We will continue to look at it to ensure that every avenue is explored and that everything that can be done will be done. However, I wish to clarify that by saying that, although the point was made about quarry tax being abandoned, in this time of recession, it will be difficult to persuade the Treasury not to tax conacre land. However, we will have to do everything that we can to protect farming families from that terrible ruling. Go raibh maith agat, a LeasCheann Comhairle. I thank the Member for proposing the motion, and I support it.

Mr Burns: I am grateful for this opportunity to speak today on this very important subject. First, I wish to thank the DUP Member Mr Ian Paisley Jnr for tabling the motion and for accepting the SDLP's amendment. I am glad that there has been little difference across the House. This issue affects farmers in every constituency.

All farming families have experienced a certain amount of fear and dread, for they do not understand what the McClean ruling is all about. I am not a tax expert, and I cannot advise them on exactly what it means. All I know is that it is very bad news for small farms and for farmers who have land close to towns and settlements.

The McClean case is complex and is of great interest to me because it is a south Antrim case. I know neighbours of the McCleans who are devastated about the way in which this situation developed. However, for all Members who contributed to the debate this afternoon, the bottom

line is that conacre letting has been deemed by the High Court and the Court of Appeal to be an investment activity, and the House of Lords has prevented any further appeals.

Every field that is let in conacre could be subject to 40% inheritance tax, especially those lands that have any potential for, or “hope” of, development. It is difficult to determine where such hope value exists, given that a new area plan is being developed and that, following the transfer of planning powers, local councils will be able to adapt their local area plans.

As we heard from Members, about one third of local farmland is let under conacre. That proves that conacre letting is a common agricultural practice and is not an investment activity among our farmers. In fact, it is a practice that lies at the heart of our farming community, so the ruling has the potential to totally undermine our whole agriculture sector and, indeed, the wider economy.

As we heard, each Member who spoke told a story from his or her constituency. Tom Elliott told us that his local church had been left 12 acres of land, but the tax bill was greater than the value of the land, and that church must deal with that situation.

There is no doubt that the decision must be reversed. The ruling is a grave injustice and an attack on local farming families. We must not end up in a situation whereby farming families are burdened with huge tax bills for simply keeping a farm in the family by passing it down from generation to generation, as has always been the tradition in Ireland, North and South. If the law remains as it is, it will lead to the forced sale of lands on the death of the senior farmer or landowner. Small farms will be broken up, the value of land will be driven down, and the historical conacre tradition will be devastated. The law must be fought at every level of government.

6.15 pm

Various Ministers have worked on the case, and I welcome the fact that the Minister of Agriculture and Rural Development and the Minister of Finance and Personnel are prepared to take on the battle.

Mr Deputy Speaker: Will the Member draw his remarks to a close?

Mr Burns: I hope that the amendment will serve as a reminder to raise the matter with the British Treasury. That will be no easy task because taxation is a reserved matter, but the issue must be challenged at every opportunity.

I bring my remarks to a close by thanking Ian Paisley Jnr for proposing the motion. The House is united, and I support the motion and the amendment.

Dr W McCrea: I thank all Members who participated in the debate. Ian Paisley Jnr and I, as proposers of the

motion, are happy to accept the amendment. We consider that it adds to, rather than detracts from, the motion. There is, therefore, oneness on the motion and the amendment.

The motion has been brought to the Floor of the Assembly because of the dismay and shockwaves that have been felt throughout the rural community as a result of the McClean conacre case. Moreover, Her Majesty's Revenue and Customs has focused on aspects of the case that will have serious repercussions for the family farming traditions in Northern Ireland. As we all know, Northern Ireland has a long tradition of handing down farms, most of which are small or medium. I declare an interest as the recipient of my father's small farm. Farmers hand down their farms from one generation to the next, entrusting that next generation do likewise after their little day on the farm.

Members are aware that farmers and farming have faced many challenges over recent years. Many farmers have been forced to seek alternative employment because the financial return from farming is not sufficient to meet their families' needs. Financial realities of farming have led others to let their land while retaining ownership so that they can pass it down to the next generation.

The significance of the recent McClean case cannot be understated. I agree with the honourable Member for South Antrim Mr Burns that the case has a particular resonance for us because the area concerned is in our constituency; and I know the family concerned. The case has major implications for many farming families as well as for the wider McClean family. I congratulate the representatives of the McClean family who took the case so far. I regret, however, that their desire to pursue the case still further, to the House of Lords, was denied.

Grave concern exists about the implications of the policy change on the application of business property relief and agricultural property relief on Northern Ireland farms let in conacre. Undoubtedly, the policy shift by Her Majesty's Revenue and Customs has implications for the future well-being of the industry.

Until recently, Her Majesty's Revenue and Customs facilitated the total exemption from inheritance tax of agricultural land that was let in conacre by accepting that that land was eligible for both agricultural property relief and business property relief, a policy that was reflected in the inheritance tax manual, which served as the guidance for Her Majesty's Revenue and Customs officials.

That exemption from inheritance tax was achieved, on the death of the farmer or the landowner, through the application of the agricultural property relief at 100% to the ordinary value of the farmland and, where the land had commercial development potential — hope value — in excess of its agricultural value. However, farming by letting in conacre attracted a second relief

of business property relief, also at 100%, on the development value. That application by HMRC of exemptions of agricultural property relief and business property relief to land that is let in conacre ensured that more than half of the 27,000 family farms in Northern Ireland were free of inheritance tax on the death of a farmer, thus maintaining the integrity and the way of life that is experienced by the farming community throughout Northern Ireland.

However, April 2008 saw the special commissioners overturning that long-standing HMRC policy, and therein lies the dilemma that many face. That decision was taken to the Court of Appeal, where all three judges agreed with HMRC. To make matters worse, the family was denied the opportunity to appeal the judgement to the House of Lords.

It must be remembered that we believe that HMRC may be considering pursuing — the Minister mentioned this point — a number of other cases on the basis of that ruling and challenging the eligibility of business property relief to mitigate liability for inheritance tax. If that is so, the only manner by which those farmers could discharge their obligation under inheritance tax liabilities would either be to sell the land at hope value levels or to create what could be called “new commercial borrowing”. Banks are already placing an intolerable burden on the farming community and other businesses. Therefore, the likelihood of borrowing at any reasonable rate and facility is negligible, which holds a grave threat over the heads of the Northern Ireland farming families. As elected representatives, it is our duty to raise the issue at the highest possible level. We must have robust confidence that our cause is just, and we should hope and intend to come out with success at the end of the day.

It is also true that we cannot make promises that we do not have the power to keep. Therefore, we must be honest and honourable to the community, but we must fight the case. I am heartened by the fact that the Minister of Finance and Personnel wrote to the Chief Secretary to the Treasury to request a meeting. I am also heartened by the fact that the Minister of Agriculture and Rural Development and the Minister of Finance and Personnel will together fight a case that is an important aspect of the Northern Ireland farming community.

The inheritance of land in families is an important aspect of our farming tradition in Northern Ireland, and we want to protect it. The Treasury must know that Northern Ireland has a unique historical conacre system that does not operate in the rest of the United Kingdom. We cannot sit idly by, wish this away and hope that somebody else will rescue the situation. We must ensure that the Treasury knows exactly the state of the matter and its relevance to Northern Ireland. I trust that we will take that opportunity to force the issue onto the agenda here and at Westminster, where I know that this can be debated.

Mr Elliott rightly pointed out a serious issue. It is even worse than was acknowledged by the honourable Member for South Antrim Mr Burns.

That is because the land was left to the church in such a manner that it could not sell it. It was not a matter of selling the land in the hope of getting enough to cover the tax bill; it was left on the overriding condition that the land could not and should not be sold. Therefore, all that the church was getting was the value of letting the land in conacre. That is a very serious issue.

My friend Mr Irwin rightly mentioned the serious matter of a farmer who had to sell his land and was offered less for it than the tax bill that he faced. That demonstrates how serious the issue is. We must ensure that there is clarity. Clarity is one demand that we must make, because none of us is a tax expert. However, one thing is certain: our constituents look to us for advice. Until there is clarity on the conacre tax-relief issue, it will be a serious matter for us, as elected representatives, on which to give advice.

That is why we must ensure that the issue is raised with the Treasury. We must fight the McClean conacre ruling at Westminster and put it firmly on the desks of the Chancellor of the Exchequer and the Prime Minister. I thank the First Minister for doing that already. I thank every Member, and I thank the Minister of Agriculture and Rural Development and the Minister of Finance and Personnel for making representations. I assure Members that the debate has not only highlighted the seriousness of the issue but has shown the unanimity that exists across the Chamber to push the issue to its ultimate conclusion.

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

Main Question, as amended, put and agreed to.

Resolved:

That this Assembly notes with extreme concern the possible extension of the focus on the “McClean conacre case” by HM Revenue and Customs and is deeply worried at the severe disruption which this could have on our family farming tradition in Northern Ireland; and calls on the Minister of Finance and Personnel and the Minister of Agriculture and Rural Development to engage with Revenue and Customs to find a suitable solution.

Adjourned at 6.27 pm.

NORTHERN IRELAND ASSEMBLY

Tuesday 29 September 2009

*The Assembly met at 10.30 am (Mr Deputy Speaker
[Mr McClarty] in the Chair).*

Members observed two minutes' silence.

MINISTERIAL STATEMENTS

Joint Ministerial Committee Plenary Meeting

Mr Deputy Speaker: I would like to inform Members that I have received notice from the Office of the First Minister and deputy First Minister that the First Minister wishes to make a statement regarding the Joint Ministerial Committee plenary meeting.

The First Minister (Mr P Robinson): I wish to make a statement on a meeting of the Joint Ministerial Committee (JMC) in plenary format, held in London on 16 September, which the deputy First Minister and I attended.

The meeting was chaired by the Rt Hon Jack Straw MP, Lord Chancellor and Secretary of State for Justice, on behalf of the Prime Minister. The Prime Minister joined us for the latter part of the meeting. The other participants were: the Rt Hon Alex Salmond MP MSP, the First Minister of Scotland; Michael Russell MSP, the Scottish Minister for Culture, External Affairs and the Constitution; the Rt Hon Rhodri Morgan AM, the First Minister for Wales; and Ieuan Wyn Jones AM, the deputy First Minister for Wales.

The Rt Hon Jim Murphy MP, the Rt Hon Peter Hain MP and the Rt Hon Shaun Woodward MP, the Secretaries of State for Scotland, Wales and Northern Ireland respectively, also participated.

The Rt Hon Liam Byrne MP, the Chief Secretary to the Treasury, attended for part of the meeting to lead a discussion on the economy, with Ian Pearson MP, the Economic Secretary, replacing him for the remainder of the meeting.

We discussed issues of common interest, most notably the economy and inter-Administration relations. We all committed ourselves to regular engagement between the Administrations and agreed the need to maintain and build on successful co-operation in

tackling the challenges of economic recovery and pandemic flu. We will continue to work together in decision-making regarding contingency planning.

The discussion on the economy re-emphasised the need for continued co-operation and the sharing of economic information.

It was agreed that co-operation between Her Majesty's Government and the devolved Administrations in tackling the recession and preparing for the economic recovery through the JMC and the economic summits in Wales and Scotland had worked well and would continue.

A number of issues relating to finance were raised, including further public sector capital acceleration; difficulties over bank lending, particularly for small and medium-sized enterprises; and funding to deal with swine flu. Those will be discussed further over the coming weeks and at the next meeting of the Finance Ministers' quadrilateral, which is scheduled to take place in December 2009.

In the discussion on the state of relations, the positive developments since the last plenary session, particularly in the development of a new subcommittee, JMC(D), to deal with domestic matters, was noted. The subcommittee has held two successful meetings to date and plans to meet again in the coming months.

Recent recommendations on inter-Administration relations emanating from independent reports on the workings of devolution were raised, and it was agreed that a more detailed discussion to agree any improvements should be held at the forthcoming JMC (Domestic) meeting. It was also noted that the Secretary of State for Scotland stated that HM Government would publish a formal response to the Calman Commission report before the end of 2009.

Rounding off the meeting, the Prime Minister opened a discussion on preparations for the G20 summit in Pittsburgh. He spoke of progress since April in implementing the London G20 conclusions and of the continuing need to ensure sustained international co-operation as the world economy moved to the next phase. Each of the devolved Administrations took the opportunity to reinforce the message about the severe budgetary pressures being faced. We also underlined the importance of banks beginning to lend again and of the central Government tempering any easing of fiscal stimuli in recognition that businesses need working capital to avail themselves of an economic upturn.

Mr Moutray: I thank the First Minister for his statement. Can he outline how he sees the Joint Ministerial Committee developing in a devolved United Kingdom?

The First Minister: Over the past years, the JMC has extended its remit quite considerably. From having

a JMC plenary, known as the JMC(P), we have developed a JMC(E), which deals with European matters. I think that the JMC plenary has met on two occasions; the JMC(E) has met on nine. We now have the JMC(D), which will look at domestic issues and is due to meet soon. The Calman Commission report recommends the establishment of a JMC(F) to deal with finance, and a JMC(O), in which officials would meet together. Mr Deputy Speaker, we still have another 21 or so letters in the alphabet to go through to add a few extra.

If we deal with the issues that we have, we have considerably extended inter-relations within the United Kingdom. It is a useful setting for us to consider matters of mutual interest. Each Administration will, of course, want to look at issues themselves; they will have their own take on events. However, there will be matters for which there can be mutual support and on which there can be agreement and a benefit in acting together; that is what the JMC in its various formats will do.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. Tá ceist agam don Chéad Aire. Can the First Minister speak a bit more clearly about the status, purpose and remit of the Joint Ministerial Committee? Where does it fit in the overall architecture of governance east-west and North/South? What is the specific role of the Joint Ministerial Committee? Who provides the secretariat and who is entitled to attend?

The First Minister: There are various formats. The Prime Minister, or someone deputed by the Prime Minister, will chair the plenary session of the JMC. On this occasion, it was chaired by Jack Straw, though the Prime Minister himself attended, which shows something of the status of the event.

The meetings are held in various places, but most of the meetings take place before a British-Irish meeting or at Westminster. The most recent meeting was held in London in the precincts of the Houses of Parliament. Each of the devolved Administrations sends a team along. In most cases, it will be the First Minister and deputy First Minister, but if there is business on the agenda which relates to a specific Department, it is possible and likely that the devolved Administration will bring the Minister who has that particular responsibility.

The JMC does not have a decision-making role; it cannot make decisions for the whole of the United Kingdom. However, if the three devolved Administrations put forward a powerful case, as we have done on a number of issues, it becomes difficult for the central Government to resist. In most of the issues that we raise, there is a considerable amount of common ground among the representatives from the devolved institutions, which gives us a platform from

which to persuade and influence Her Majesty's Government on key issues, and it allows us to have an input on matters to which the devolved institutions might not normally have an input, such as the G20 summit.

Mr McCallister: I welcome the First Minister's statement. A lot of issues that are of importance to a great many people in Northern Ireland, such as increased bank lending, were discussed at the meeting. The First Minister spoke about the pressures and the budgetary positions of the devolved Administrations. Did he get any agreement or reassurance from Her Majesty's Government about increased funding to deal with the swine flu pandemic?

The First Minister: That is an issue that, separately and collectively, we have raised with the Treasury and with the Prime Minister. The short answer is that it is still under discussion. However, I think that we all recognise that if there is a reserve contingency fund, it would be hard to think of any issue that would have a greater call on it than the likes of a pandemic. Therefore we think that there is a strong case for a call to be made to the reserve for assistance. Some health-related matters can be planned for, and some cannot. The Health Minister could plan to have injection needles or masks and gloves available, but he cannot plan to have a specific vaccine in place. Therefore there was a strong call for the Government to take responsibility for the cost of the vaccine.

Mrs D Kelly: I thank the First Minister for his statement and for the focus that was put on the economy. He said that issues of joint concern were discussed. One such issue is the impact of climate change and the working together of Administrations in looking at best practice in meeting targets relating to gas emissions. Were there discussions on the green economy and the jobs that could arise as a consequence of that?

The First Minister: Climate change was not on the agenda for this meeting of the JMC, though it was on the agenda of the previous meeting at which our Administration confirmed that we would play our full part in assisting in the process of meeting UK targets, and that remains the position of the Executive.

References were made by various Administrations to the potential value in the green economy, but there was no specific discussion on it.

Mr Ford: I thank the First Minister for his statement. Following up on what Dolores Kelly has just said, and at the risk of creating JMC (C), may I ask the First Minister whether joint action is being taken in preparation for the UK's position at the Copenhagen summit later this year? Did he, along with his colleague, take the opportunity, on the margins of the conference, to have discussions with Rhodri

Morgan and Ieuan Wyn Jones about the specific interests of what I will not call JMC (B), but the difficulties that we and Wales experience from the Barnett formula — an interest that Scotland does not share with us?

The First Minister: The Copenhagen summit was not on the agenda. However, if there are issues that specifically relate to the devolved Administrations before such a summit is to take place, there will be contact with the Administration, and if the Executive have to take a position, we will bring the matter to the Executive before giving our view to the Government.

10.45 am

As regards the Barnett formula, I always urge colleagues who wish to open that particular can of worms to apply caution. If I were reviewing the Barnett formula, I am quite satisfied that I could present a very good case for an enhancement of Northern Ireland's share of the overall funding from the Treasury. Unfortunately, as soon as that can of worms is opened, arguments will be put to the United Kingdom Government that Northern Ireland already receives an inflated share, beyond that which is received per head of population in Scotland or Wales. There will always be pressures in both directions.

At the moment, the Barnett formula is based on population share. If the formula were to become needs-based, then Northern Ireland would have a strong case for improving its share of funding. However, whether that case would be sufficiently strong to occasion change is another matter entirely.

Mr Spratt: I also thank the First Minister for his statement. Will he indicate the extent to which the Northern Ireland Administration are involved in east-west institutions? Clearly, that aspect was neglected during the last mandate, and I am keen to know if the situation has been fully rectified.

The First Minister: The east-west relationship goes beyond the meetings of the Joint Ministerial Committee. There was a lack of balance between meetings of a North/South nature and those of an east-west axis during the last Administration, but that has now been addressed.

It is fair to say that co-operation in those forums is not simply a unionist thing. The other party to the JMC, the deputy First Minister, does not go to those meetings dragging his feet. Instead, he plays a full speaking role and contributes to debates, just as I enthusiastically attend meetings of the North/South Ministerial Council and play a full part in those meetings.

I am quite happy that there is a good North/South relationship, but structures did need to be built up on an east-west basis, and we now have the JMC in its various formats, and the British-Irish Council and the

sectoral formats that fall under that. Furthermore, a more relaxed attitude is now taken with both east-west and North/South relations, and one is now able to lift the telephone, or have an individual conversation with an appropriate Minister if issues arise. That is the way that it should be, so that there is not always the need for a formality of structure: if things must be done, one can get them done.

Ms Anderson: Go raibh maith agat. I also thank the First Minister for his statement. Does he accept that on certain issues, in particular on European policy, which has been covered in the nine meetings of the JMC(Europe), that there are instances where the British interest is at variance with interests here? That is particularly the case in relation to agriculture and fisheries, and Jim Shannon, who sits on the Committee for the Office of the First Minister and deputy First Minister (OFMDFM) with me, is very keen to highlight the differences that we experience in those areas in comparison to England, Scotland and Wales.

Will the First Minister assure the House that OFMDFM is seeking to develop a working practice in the meetings of the JMC, whether in European or plenary format, which will, when needed, allow the North to derogate from the British position? Will he assure the House that OFMDFM is presenting the case for farming, fisheries and other industries here directly to Europe?

The First Minister: I entirely accept the argument that there is a greater emphasis in Northern Ireland on agriculture issues than there is in the United Kingdom as a whole. That is why the JMC(Europe) is so important, because it affords not only Northern Ireland, but Scotland and Wales the opportunity to influence the role played by UK representatives in Europe.

The junior Ministers, who represent us at most of the meetings, have been able not only to deal with issues at that meeting, but to set up meetings outside the JMC so that our case can be properly represented. It is an important vehicle for that.

The derogation will be a United Kingdom derogation and, therefore, it is a matter of influencing Her Majesty's Government on those issues and, if the case is strong, I have confidence that my colleagues will be able to do that.

Mr Cree: I thank the First Minister for his statement. Did he have the opportunity to discuss the Presbyterian Mutual Society, either in the plenary sitting or in the margins of it?

The First Minister: Good try. The Member will not be surprised to learn that the Presbyterian Mutual Society was not on the agenda of the JMC. However, it is a key issue, and I take every opportunity to discuss the Presbyterian Mutual Society, either in the margins or in separate meetings. We have agreed a date at the

beginning of October — although I will not say exactly when in case other Ministers have difficulty in achieving that date — to take the matter to ministerial level. That is a response to a previous meeting that we had with the Chief Secretary to the Treasury and others. Indeed, officials discussed the matter in London yesterday, so it is being dealt with actively. We are looking at possible proposals, and I hope that when we come to the ministerial meeting at the beginning of October, we will have a proposal that we can all support.

Mr Gallagher: Along with my colleague and other Members, I thank the Minister for his statement. I have a question about cross-border workers, which is within the ambit of North/South and east-west arrangements. I refer particularly to the double taxation issue and tax credits, which are the concern of the Treasury. The tax credits are very complicated since the tax credit offices located in Newcastle or elsewhere else across the water say that they have nothing to do with tax credits.

Mr Deputy Speaker: Will the Member please come to his question? This is time for a question, not a speech.

Mr Gallagher: Will the First Minister raise that matter? Does he agree that it is unfair to ask cross-border workers to fill in the euro:sterling exchange rate when they complete their forms?

The First Minister: I am happy to look at the issue to see how it might best be addressed. It is probably more of an issue for the British-Irish Council at one of its sectoral meetings, rather than one for the JMC. I know that there can be problems with cross-border working, both with double taxation and tax evasion. A wide range of issues can be looked at, and our office will see where those can best be addressed.

Mrs I Robinson: I welcome the First Minister's statement. I do not apologise for returning to the burning issue of the swine flu pandemic. Will the First Minister indicate the views that those representing the other devolved institutions expressed on seeking assistance from Treasury to cover the expensive costs of making the vaccine available?

The First Minister: Our Minister of Health, Social Services and Public Safety and the Department of Finance and Personnel have done some work in estimating the likely cost; I think that they believe that it will be approximately £77 million. That £77 million will make quite a hole in the Budget, no matter what way we decide to handle the costs involved. The First Minister for Scotland and I had a conversation some months ago when the issue first arose of how the matter could be addressed. We both agreed that the three devolved institutions should work collectively to attempt to get Treasury to recognise its responsibility as far as the reserve is concerned.

The Finance Ministers have touched on the issue at a previous meeting. We raised it again at the meeting

of the JMC. There was a united view from Scotland, Wales and Northern Ireland that there had to be a contribution from contingency funding toward dealing with the issue. The belief of the Treasury that it can be absorbed within the devolved Administrations is, I believe, unsustainable.

The Treasury could argue that there are certain elements of the cost that can be absorbed and dealt with, but there is no good reason to believe that the vaccine, the need for which could not have been predicted or costed beforehand, should be a cost to the local Administrations. That would take some of the sting out of the cost element, but it still leaves us with a hefty bill, and the Executive will still have to decide how we deal with the costs that are coming our way. The Executive will start that decision-making process on Thursday.

Dr McDonnell: I thank the First Minister for his statement. I notice that he twice mentioned bank lending to small and medium-sized businesses and the importance of banks being able to lend again. Can he give us something of the tone of the meeting? Were we playing hardball or softball? Was it just happy talk, or was there any serious discussion about getting the banks moving? I am thinking in particular of Lloyds HBOS, which is now effectively 70% owned by the Government. That firm has a big interest here in that one of its main subsidiaries is located here. Will the First Minister tell us if there was any serious discussion, and can he give us any indication of where we go moving forward, and how we can get liquidity moving again? People are coming to my office day and daily screaming that there is no liquidity and that the banks are not providing money.

The First Minister: Whatever it was, it was not "happy talk". One does not have happy talk and talk about banks and lending in the same sentence. There was a united view — not just from the devolved Administrations but from the central Government — on the need for the banks to step up to the plate. The deputy First Minister and I have had a series of meetings with the four main banks, and, indeed, with the other banks in Northern Ireland, most recently with Barclays. The message that we get from the four main banks is that they have never lent more; they throw out statistics to that effect.

Then, when we go to a meeting with businessmen, we get exactly the same kind of message as the Member for South Belfast about the difficulty in getting access to lending, the high interest rates being charged in spite of the low interest rate that prevails, and the significant increase in arrangement fees. I get complaints from companies that overdrafts are being arbitrarily removed and reduced. I do not think that all of those difficulties are being pulled out of thin air. There are issues that the banks have to address.

At the meeting of the JMC, we asked the Prime Minister to use his special position, particularly in relation to RBS, of which the Ulster Bank is a subsidiary, to ensure that there is a flow of money. Unless we get lending moving again, the economy will still be held down. It is vital that the banks start to lend again. I am not suggesting that they go back to where they were — that is the very last thing that any of us want; we want to have responsible lending — but there seems to be an attempt on the part of the banks to hold back from lending to certain sectors, particularly in relation to development. If they continue to hold back, they stifle the construction industry, which has been the worst-hit part of our economy. The banks need to free up lending, particularly in relation to land and property.

Mr Hilditch: I thank the First Minister for his statement. On a theme similar to that of Mr McDonnell, will the First Minister indicate what the experiences of the other devolved Administrations are on the issue of banking?

11.00 am

The First Minister: It is precisely the same. As one would expect, because RBS is a big player in Scotland, in the same way that the Ulster Bank is one of our main banks, Scotland is faced with exactly the same circumstances. I can understand the caution that, in many cases, is shown by banks. In many ways, the banking industry was responsible for the credit crunch and the recession that we now face. Irresponsible lending practices were at the heart of those difficulties. Lending of up to 120% on property or land does not seem to be a sensible way forward. The banks need to start lending, and they need some form of regulation.

I was glad that there was a sense at the G20 summit that that matter should be taken forward on an international basis. It is no use for only the United Kingdom to have that regulation, because banking is of such an international flavour that, if one country were to regulate on its own, it would have no impact. Sensible regulation will take place internationally, but all Administrations have exactly the same difficulties. The banks are a problem, and they must start to lend in a realistic and sensible way.

North/South Ministerial Council

Trade and Business Development Sectoral Format

Mr Deputy Speaker: The Speaker has received notice from the Minister of Enterprise, Trade and Investment that she wishes to make a statement on the North/South Ministerial Council (NSMC) trade and business development sectoral format meeting.

The Minister of Enterprise, Trade and Investment (Mrs Foster): With your permission, I wish to make a statement in compliance with section 52 of the Northern Ireland Act 1998 regarding the meeting of the North/South Ministerial Council in trade and business development sectoral format. The meeting was held in Dublin Castle on Wednesday 8 July 2009.

The Executive were represented by me, in my capacity as Minister of Enterprise, Trade and Investment, and by Conor Murphy, Minister for Regional Development, in his capacity as accompanying Minister. The Irish Government were represented by Mary Coughlan TD, Deputy Prime Minister and Minister for Enterprise, Trade and Employment. This statement has been agreed with Minister Murphy, and I am making it on behalf of both of us. The Deputy Prime Minister, Mary Coughlan, chaired the meeting.

Ministers received a presentation from Mark O’Kane, managing director of Marlborough Engineering, Belfast, and from Martin McVicker of Combilift Ltd, Monaghan, who are both participants in InterTradeIreland’s Acumen programme. Marlborough Engineering employs 35 people, and Combilift employs 155 people and exports 96% of what it produces to 50 countries worldwide.

Ministers received a presentation from the chairperson of InterTradeIreland, Dr David Dobbin, on a strategic review of the body’s operations. The main themes for InterTradeIreland arising from the review are to increase economic outcomes to optimise the return on public expenditure through enhanced support in the public procurement market and facilitating new cross-border co-operation in sectors such as agrifood and renewables; to work in a more co-ordinated way with sponsor Departments and other economic development agencies; to focus on activities that offer the greatest economic benefit; and to increase focus on business and client needs, with greater clarity on InterTradeIreland’s work, marketing and communication.

InterTradeIreland’s chief executive, Liam Nellis, presented a progress report on the body’s work, including the fact that £65.45 million in business value was generated in 2008 through InterTradeIreland’s business networks and firms engaged in its projects.

He pointed out that, in 2008, 590 firms engaged in developing their competitiveness through InterTradeIreland's initiatives. The Council discussed progress on the body's business plan for 2009.

Ministers received a presentation from Aidan Gough, the strategy and policy director of InterTradeIreland, on the body's report on co-operation in the area of science, technology and innovation. The report also identified a number of areas of potential increased co-operation, such as policy co-ordination; research pooling; expansion of the US-Ireland Research and Development Partnership; business-to-business innovation vouchers; new market opportunities from technology convergence; a new market entry innovation programme; and the expansion of the Women in Technology and Science (WITS) re-enter programme.

The Council noted InterTradeIreland's annual review of activities and annual accounts of 2007.

The Council agreed that its next meeting in trade and business development sectoral format will take place in November or December 2009. I commend the statement to the Assembly.

Mr Campbell: I welcome the Minister's statement. Is the Minister going to look at the cost-effectiveness of InterTradeIreland and other bodies that operate between Northern Ireland and the Republic in order to ensure the greatest value for money for taxpayers?

The Minister of Enterprise, Trade and Investment: As the Member knows, the St Andrews Agreement review is ongoing. Obviously, if there is to be cost-effectiveness in Departments, both in Northern Ireland and in the Republic of Ireland, it is only right, as far as we are all concerned, that the same cost-effectiveness is required from North/South bodies. Certainly, InterTradeIreland is highly aware that value for money must be a key priority of its work. I keep a close eye on that.

We have not agreed the business plans for 2010 and 2011: it is hoped that we will be able to sign those off in the near future. In any event, the 2009 business plan will come before the next sectoral meeting in order to be signed off. It is hugely important that value for money is at the centre of the North/South Ministerial Council's work in this sector, as in others.

Mr Deputy Speaker: I call the Chairperson of the Committee for Enterprise, Trade and Investment, Mr Alban Maginness. I apologise, Mr Maginness, for not giving you your rightful place.

The Chairperson of the Committee for Enterprise, Trade and Investment (Mr A Maginness): Not at all, Mr Deputy Speaker.

I thank the Minister for her detailed statement. I welcome her home from India, where, undoubtedly,

she did good work on behalf of all Members of the House.

The Minister stated that a main theme for InterTradeIreland is:

"to increase economic outcomes to optimise the return on public expenditure through enhanced support in the public procurement market and facilitating new cross-border co-operation in sectors such as agri-food and renewables."

Is the Minister aware of the anomaly that exists in the systems that operate for renewables in Northern Ireland and the South? To sell electricity from renewable sources in Northern Ireland, a renewables obligation certificate is required, whereas, in the South, the system is based on feed-in tariffs. That means that if I were to produce energy from wind in west Tyrone, it would be disadvantageous for me to export that energy to Donegal. Will the Minister comment on that issue and raise it with the North/South Ministerial Council in order to create a situation in which renewable energy can be exported from one jurisdiction to the other with ease?

The Minister of Enterprise, Trade and Investment: I thank the Member for his kind words. I made it back from India, probably much to some people's dismay.

The point that I made about renewables in my statement referred mainly to sharing information on renewable-energy technologies. However, the Member has made a fair point; therefore, I will deal with the difference between the system in Northern Ireland and that of the Republic of Ireland. The Member is correct: the Republic of Ireland has a feed-in tariff system. That is how people are incentivised to get involved in the renewable energy market there. However, throughout the United Kingdom, a system of renewables obligation certificates is in operation.

Recently, we looked at the entire area of the Northern Ireland renewables obligation (NIRO). Later, during Question Time, I will refer to that issue. Soon, we will have consultation on the differences between the two systems; whether we need to look at other ways to incentivise people to become involved in renewable energy, and how we can make it attractive for producers of small amounts of renewable energy to get involved in the market.

That consultation, during which we will raise the issue of feed-in tariffs as opposed to renewables obligation certificates, will take place in the near future. We are looking into that.

I am very alert to the issue. However, we are without legislative cover to have a feed-in tariff at the moment. If, after discussion and consultation, it is decided that we need to look at the issue of a feed-in tariff, we will have to legislate for that.

The reason that we are without legislative cover is quite simple: when the renewables obligation legislation was going through the Parliament at Westminster, the House of Lords put in a new clause that allowed GB to have feed-in tariffs for small-scale renewables. Unfortunately, we did not have the opportunity to be involved in that, because I would have had to bring a legislative consent motion to the House, and we simply did not have the time.

Therefore, we do not have the legislative cover to provide for feed-in tariffs in the way that GB has for small-scale renewables. We are alert to the issue, and we hope to consult on it in the near future.

Ms J McCann: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her statement. She referred to the public procurement market. Other reports that are coming out today recognise the importance of the social economy sector in reducing deprivation and increasing labour participation. Was the issue of public procurement contracts being opened up to the social economy sector on a cross-border, all-island basis discussed at the meeting?

The Minister of Enterprise, Trade and Investment: Public procurement is an issue in which InterTradeIreland has been very much involved. The Member is probably aware that public procurement is a huge market that companies can get involved in across the Republic of Ireland and Northern Ireland. About £17 billion per annum is spent on public procurement in the two jurisdictions. That being the case, InterTradeIreland sees it as a very significant market opportunity for the companies with which it works. It has set up a scheme called Go-2-Tender that allows companies to access that market opportunity specifically.

I am talking about smaller companies in particular, because Members, including Ms McCann, have expressed concerns that some smaller companies — and let us face the fact that Northern Ireland has a small to medium-sized economy — cannot access public procurement. Go-2-Tender is an important programme that InterTradeIreland is working on to support people so that they have the opportunity to win those contracts. Given that £17 billion is spent on public procurement annually, it is vital that companies know how that works.

Some companies in Northern Ireland were able to avail themselves of Government contracts in the Republic of Ireland recently. However, some people in the Republic of Ireland were not too happy about that. During the summer, Members might have heard people on the radio condemning the fact that companies from Northern Ireland were able to get those Government contracts. However, I think that it is vital that we support those companies, because we want our companies to

be able to export and to find opportunities and go for them. The Go-2-Tender programme is a very important part of InterTradeIreland's work, and I very much want to see it expanding and doing more.

Mr Cree: I, too, welcome the Minister's statement and welcome her back from India. I thought that I got the whiff of "eau de madras" as she passed by.

The Minister referred to the fact that the business plan for this year is being prepared by InterTradeIreland. Will she advise us as to whether any change of emphasis or direction is being considered, bearing in mind that we are still going through the worst recession in living memory?

The Minister of Enterprise, Trade and Investment: I am glad to tell the Member that I was not in Chennai, so I did not have any madras. However, I was in three other cities.

We found it regrettable that we did not have the 2009 business plan before us in July, because we would have liked to have been able to sign off on that. We know that the economic climate in Northern Ireland and the Republic of Ireland has become extremely difficult. I think, therefore, that it was right to look again at the business plan.

11.15 am

My Department and the corresponding Department in the Republic of Ireland published guidance on efficiency savings recently. We hope that that will mean that the revised 2009 business plan — and, indeed, the 2010 business plan — will come forward in the near future. Hopefully, that will be available at the next sectoral meeting, which is to be held in November or December. Those plans will be subject to ministerial approval by me and by the Deputy Prime Minister in the Republic of Ireland, Mary Coughlan. When we get those plans, we will look at how they deal with the current economic crisis.

However, we cannot be short term in what we do as regards InterTradeIreland or Invest Northern Ireland, a subject to which I am sure we will return later today. It is true that we need to plan for what is happening now. However, we also need to look to the medium term and the longer term, and I hope that the business plan will take that into account.

Mr Moutray: Will the Minister indicate what InterTradeIreland is doing to help Northern Ireland companies to secure new business in the Republic of Ireland, especially given the current advantageous sterling:euro exchange rate?

The Minister of Enterprise, Trade and Investment: I mentioned already public procurement and the Go-2-Tender programme. At present, the competitiveness of Northern Ireland firms is partly what makes them attractive, and the exchange rate

gives us a competitive advantage. We are ensuring that InterTradeIreland is working with companies in Northern Ireland to allow them to take advantage of that.

There are a number of programmes through which companies do that. For example, I referred to the Acumen programme. We had presentations from a company in Belfast and another in Monaghan explaining how they used the Acumen programme to help identify new market opportunities in the two jurisdictions. Network+Getwork is another such programme, and it is a buyer-and-supplier programme. That is delivered in partnership with the Chamber of Commerce movement, and it helps companies to break into the supply chains of some of the largest organisations.

There is a recurring theme, in that we have small companies that need the knowledge that will empower them to break into the bigger markets. InterTradeIreland is working collaboratively with Invest Northern Ireland and with Enterprise Ireland in the Republic of Ireland so that it can give as much information as possible to our smaller firms.

Mr Butler: Go raibh maith agat, a LeasCheann Comhairle. I welcome the Minister home, and I hope that the trade mission to India was a success.

The Minister mentioned InterTradeIreland's report on innovation, science and technology. The report on the independent review of economic policy (IREP) shows that there needs to be a greater emphasis on innovation and research and development. Does the Minister agree that if those are to be increased, there must be greater co-operation with InterTradeIreland and more investment by her Department?

The Minister of Enterprise, Trade and Investment: The Member referred to the IREP report, which is published today. That report states that there is a need for greater emphasis on innovation and research and development, and InterTradeIreland recognises that.

I talked about looking to the short term, medium term and long term. If we examine only the difficulties that we are experiencing now, it is very easy for us to look for jobs, of any description, and get them into our economy. People are hurting and they need jobs, and I recognise that. However, if we are to make the step change that is required for Northern Ireland through Invest Northern Ireland, we need to look at innovation and research and development. I know that that is a difficult message at this particular time, dealing as we are with the economic crisis. However, if we invest in those areas, I believe that the economy will grow and become the open regional economy that we very much want it to be.

Invest Northern Ireland and InterTradeIreland work collaboratively on issues such as innovation and research and development. I do not want duplication,

and I am sure that the Member would agree with that. However, if there are ways in which those organisations can work together and enhance each other's work, that is the sort of thing that I want to see happening.

Mrs I Robinson: I welcome the Minister back from her travels, and I welcome her statement.

Will the Minister indicate whether there was a ceiling on the number of women who qualified for participation in the pilot exercise for the WITS re-enter programme? Given that the success of that exercise in attracting women back into the workforce is there for all to see, are there any plans to roll out the programme across Northern Ireland and the Republic of Ireland?

The Minister of Enterprise, Trade and Investment: The expansion of the programme is something that we want to look at, and it is something that InterTradeIreland feels should be looked at. This is about encouraging more women to come back into the workplace, particularly in the areas of science and technology.

There were 20 recruits in the pilot exercise: five were from Northern Ireland and 15 were from the Republic of Ireland. Fifteen of them have already returned to careers in science and technology and a further four are actively seeking employment. Of the five Northern Ireland participants, four have returned to careers in science and technology, which is a good indicator that the programme has worked well. I want to see it developing and that there is no ceiling on the number of participants so that more women can become involved. We should be encouraging women to return to work after childbirth.

Dr McDonnell: I thank the Minister for her statement. She does herself an injustice: the charm, energy and gravitas that she brings to the Assembly and the Executive have been missing for the past week. A sense of lethargy and limpness had crept in, but I can feel that fading fast this morning.

In some of the questions that I have heard asked this morning —

Mr Deputy Speaker: Order. This is the time for questions, Dr McDonnell. You seem to have a great difficulty using five words instead of 20. I ask you get to your question.

Dr McDonnell: I was about to.

In some of the questions this morning, there has been an undercurrent of perceived underachievement with regard to InterTradeIreland. Has the Minister had any serious discussions with the chairperson of that body, David Dobbin, or the chief executive, Liam Nellis, on the achievement of its targets in the past year and what the aims are for next year? I sense that

InterTradeIreland is achieving a lot, but I am worried about the undercurrents of perceived underachievement.

The Minister of Enterprise, Trade and

Investment: First, I thank the Member for missing me: it is nice to be missed.

InterTradeIreland is doing a very good job, and so is Invest Northern Ireland. I spent a week in India with Invest Northern Ireland and saw the level of research that it carries out and the number of meetings that it arranges — 26 companies were at over 100 meetings in India. That does not take away from the fact that we need to look continuously at such organisations, which is what today is about for Invest Northern Ireland.

That is also what the strategic review did for InterTradeIreland, which is why David Dobbin briefed Ministers on the strategic review at that meeting. It was important for us to hear the issues that he mentioned, such as the need by the two Departments that sponsor InterTradeIreland to work in a more co-ordinated way; the need to work with other economic development agencies, such as Enterprise Ireland and Invest Northern Ireland; the need to focus on activities that offer the greatest economic benefit, which Members will agree is very important; and the need to have greater clarity on the work of InterTradeIreland, such as its marketing and communications.

The Member is correct, but he will agree that there is always a need to review organisations, which is why David Dobbin was very clear in his comments to me at that meeting.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister detail the main obstacles to cross-border mobility that remain in the areas of trade and business and outline how she and her Department plan to address them?

Will she also detail the main characteristics and benefits of the Acumen programme? The Minister said that the programme tries to identify new market opportunities. How successful has it been?

The Minister of Enterprise, Trade and

Investment: The Acumen programme has been one of the success stories for InterTradeIreland. Perhaps the Member is aware of companies in his constituency that have taken advantage of the programme. A number of companies in Northern Ireland — some in my constituency — have benefited greatly from the Acumen programme. It is a sales and marketing programme that goes into small companies, gives them the expertise to sell their wares — that is, sadly, sometimes lacking in some smaller companies — and helps them to identify and scope out new market opportunities. That is just one of the programmes in which InterTradeIreland engages. It also works in co-operation with some of Invest Northern Ireland's programmes.

Aidan Gough, InterTradeIreland's strategy and policy director, suggested areas in which he felt that there was a need to expand or to look at new ways to work together, whether in policy co-ordination, research pooling, new market opportunities, the WITS re-enter programme, to which I referred, and new market-entry innovation programmes.

InterTradeIreland is working in a number of areas, and it is working better with Invest Northern Ireland. It helps that some InterTradeIreland board members are also on the board of Invest Northern Ireland. There is, therefore, a crossover and an understanding of what is going on in the two bodies.

Mr McCarthy: I, too, welcome the Minister's statement. My concern is about Invest Northern Ireland and InterTradeIreland working together, an issue that she has mentioned. I congratulate InterTradeIreland for the volume of business that it has brought across the whole island of Ireland. How can that best be taken forward by Invest Northern Ireland?

The Minister of Enterprise, Trade and

Investment: InterTradeIreland and Invest Northern Ireland have different remits and roles. There has been a concern that there may have been some duplication in what they did. InterTradeIreland is meant to operate in areas of business competitiveness that are common to all economic development agencies, but it engages only in those initiatives that require funding in both jurisdictions; that is, the Republic of Ireland and Northern Ireland. In addition, when we do economic appraisals on InterTradeIreland, one marker that we use is that it must not duplicate what other agencies are doing.

In the past, InterTradeIreland was, perhaps, perceived as a body that worked only along the border, in areas such as Fermanagh, Tyrone and Armagh. I have recently seen InterTradeIreland going into places such as Ballymena, holding road shows and helping to deal with the credit crunch in those areas. I applaud InterTradeIreland for doing that and want to encourage it in that, because it has much to offer Northern Ireland.

Ms Anderson: Go raibh maith agat. I thank the Minister for her statement. I am aware that my point may be a repetition of points that have already been made. I appreciate that the Minister probably feels a need to defend or support Invest NI. However, given the review into Invest NI, and in the context of the Minister's statement that referred to the review into InterTradeIreland and a need for better co-operation and collaboration, there are genuine concerns in constituencies about Invest NI. There are concerns about it working with agencies such as Enterprise Ireland and how a more collaborative and co-operative approach will be achieved.

I am concerned that if the recommendations and findings are not embraced fully in order to make Invest

NI a more effective, efficient and better economic development agency that will work with Enterprise Ireland, and then, together, work with InterTradeIreland, we might lose an opportunity. I ask the Minister to take into account — as I am sure she will — all those recommendations, but to do that in the context of improving the relationship between InterTradeIreland and Invest NI.

11.30 am

The Minister of Enterprise, Trade and Investment: In the past, there may have been some overlap between InterTradeIreland and Invest Northern Ireland, and relationships may not have been as strong as they should have been. Those relationships have improved, and I think that they will continue to improve. I do not feel the need to defend Invest NI. When Members receive the report, which is quite hefty, they should take the time to read it. It contains constructive criticism, and Members should bear that in mind.

There is little point in my asking for an independent report on Invest Northern Ireland and, indeed, my policies in the Department of Enterprise, Trade and Investment for it to recommend no changes. We need to examine the report in its totality, consider the constructive criticism and take on board any ways in which we might improve the Northern Ireland economy's overall performance. I hope that people will take the time to read the entire report. Thereafter, I intend to make it subject to a short consultation period — probably around six weeks — and proceed from there.

I assure the Member that, given that I commissioned the report, I will read it and consider its comments very carefully.

Mr Deputy Speaker: That concludes questions to the Minister of Enterprise, Trade and Investment on her statement. The Minister of Finance and Personnel is not yet in his place, so I ask Members to take their ease until the Minister arrives.

North/South Ministerial Council

Special EU Programmes Sectoral Format

Mr Deputy Speaker: The Speaker has received notice from the Minister of Finance and Personnel that he wishes, albeit late, to make a statement on the meeting of the North/South Ministerial Council (NSMC) in special EU programmes sectoral format.

The Minister of Finance and Personnel (Mr S Wilson): I hope that the title “late Finance Minister” does not become attached to me. I apologise for my delay in arriving in the Chamber.

The North/South Ministerial Council met in special EU programmes sectoral format in Dublin on 8 September 2009. It was the first NSMC meeting in that format since November 2007. The Government of the Republic of Ireland were represented by the Minister for Finance, Brian Lenihan, who chaired the meeting. I represented the Northern Ireland Executive and was accompanied by junior Minister Gerry Kelly.

The meeting began with a presentation from Pat Colgan, chief executive of the Special EU Programmes Body (SEUPB), who updated the Council on developments since the meeting in November 2007. Mr Colgan noted a number of achievements over the two-year period, including the ongoing work to close the old Peace II and INTERREG IIIa programmes. SEUPB expects both programmes to earn all available EU receipts. Mr Colgan informed the Council that the SEUPB's annual report and accounts for 2007 and 2008 are fully up to date and have received clean audit reports from the Comptroller and Auditor General for Northern Ireland and his counterpart in the Republic.

Mr Colgan updated the Council on the current Peace III and INTERREG IVa programmes, both of which have been open to funding applications since the end of 2007. Several hundred project applications have been assessed. Of those, close to 150 have met the agreed project selection criteria and have been approved for funding. However, the very ambitious levels of Peace and INTERREG programme spending that the SEUPB had forecast for 2008 were not fully achieved. Nonetheless, SEUPB is confident that both programmes will achieve their respective first EU spending targets by December 2009.

Finally, Mr Colgan mentioned the SEUPB's ongoing work to develop local projects that might compete for funding under the EU's transnational and inter-regional programmes. The Council welcomed the progress that has been made in implementing the Peace III programme. More than 100 projects have been approved, representing €156 million of programme funds. That is close to half the available programme budget of €333 million, and includes the €13 million

allocated to Ilex to take forward the construction of the Foyle footbridge and €55 million that has been made available to councils, North and South, to take forward their peace and reconciliation local action plans.

The Council welcomed progress on the Peace III theme 'Acknowledging and Dealing with the Past', which has a special focus on the needs of victims and survivors of the terrorist campaign. To date, 55 projects have been approved under that theme, on which €22 million of programme funds have been spent. Ministers noted that the SEUPB has been engaged proactively in outreach measures with groups that are under-represented among the programme beneficiaries, including the Protestant community. The purpose of that outreach work is to ensure that all communities participate fully in the programme. Ministers also noted the work that is under way to share the experiences of peace funding through the development of a peace network.

Ministers welcomed the progress that has been made on the INTERREG IVa cross-border programme, which has a budget of €256 million. To date, 34 projects have been approved, representing funding of €151 million — more than half the programme total. The continued participation of the five local authority partnership groups was noted and welcomed. Those groups were a particular success of the earlier INTERREG programme.

Ministers welcomed the participation of Scotland, which is newly eligible under the INTERREG IVa programme. To date, Scotland has been a very active newcomer; Scottish partners are involved in 13 of the projects thus far approved.

The Council noted that this year, and in all subsequent years, the significant challenge under Peace III and INTERREG IV is to translate commitments into actual expenditure. Both programmes will have to meet the challenging annual spending targets set by the European Commission.

Ministers were encouraged by the SEUPB's work to promote North/South participation in the EU's transnational and inter-regional programmes. The Council discussed the SEUPB business plan and budget for 2009, including the need for efficiencies. Finally, the Council noted the SEUPB's annual report and accounts for 2007 and 2008. The Council aims to meet again in special EU programmes sectoral format early in the new year.

The Chairperson of the Committee for Finance and Personnel (Ms J McCann): Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. I want to ask him about match funding. I am sure that he is aware that many organisations that have already received special EU funding were unable to secure match funding, which made things difficult for

them. Was there any discussion, or was any information provided, about following the example of other European Governments who have given full match funding to similar organisations in their countries?

The Minister of Finance and Personnel: The issue of match funding was not raised. Nevertheless, I understand the point that the Member has made. I will make a note of it and seek to raise the issue at the next meeting, which will take place early in the new year. It is something that we can examine before that meeting, as can the SEUPB.

I was not aware that there was flexibility to move away from match funding; my understanding was that it was an intrinsic part of funding that is made available through the programmes. If there are ways in which other countries have dealt with match funding, that is well and good.

If match funding was possible, and was to be done, it would simply mean that all funding would come from the same pot, and fewer projects would be able to secure funding. Therefore, there would also be a downside. The whole point of match funding is that EU money would lever in money from other sources, therefore adding value.

Mr Weir: I thank the Minister for his statement. He indicated that the INTERREG programme spending forecast for 2008 had not been met, but that the SEUPB was confident that both programmes would achieve their EU spending targets by December 2009. Can the Minister indicate what the level of shortfall was for the targets in 2008? What action is being taken to ensure that those can confidently be met by December 2009?

The Minister of Finance and Personnel: I hope that I have not given the wrong impression. The first target date is at the end of this year. In working to that target, it would be a wise precaution for any organisation to have a profile of how it expects to spend its money until that target date. I do not have the exact figure on the shortfall to date.

One reason why the profile might not be continuous is that a lot of the programmes and projects are now much larger than they were in the past. Previously, a lot of small programmes spent smaller amounts of money. In moving towards larger programmes, each with a larger spend, the profiles may be less even than they were in the past.

A number of projects are in the pipeline, some of which have tight deadlines. For example, Members from the Foyle constituency will be aware of the Ilex programme. Some large programmes will require planning permission, and so forth, which can cause delays and affect the profile of spend. I have been assured that local authorities have been working hard to ensure that they will do all that they can to facilitate

those projects. Again, the Ilex project is a good example, in that planning was brought forward more quickly to enable the project to be on stream for the end of the year. In doing that, the targets should be met.

Mr McNarry: The Minister alluded to the fact that, in light of the further expansion of the EU, the ongoing recession and fiscal constraints, EU funding programmes are less likely to be prevalent in Northern Ireland in the forthcoming years. We are aware of that; however, large parts of Northern Ireland's social economy are reliant on EU funding. What steps are the Executive taking to prepare Northern Ireland's social economy for such changes? Have any discussions taken place at a North/South level about making our social economy more sustainable?

The Minister of Finance and Personnel: I did not say in my statement that we expect EU funding to fall in the future, although I suppose that one may surmise that to be the case. The social economy does rely heavily on EU funding, and that is an issue that individual Departments need to deal with. For example, DSD has a huge interface with the social economy and with a lot of community groups, and, through the kinds of projects that are now being granted permission, it is working hard on the infrastructure that will be attached to those community groups. Such infrastructure should, therefore, help to give them a sustainable income afterwards. That is the way forward.

11.45 am

There is always a conflict about whether to fund workers or to fund infrastructure. Funding infrastructure will give groups the ability to generate income and to be more sustainable in the future. We have all had a debate about that conflict. A lot of people are employed in the social economy on the basis of the grants that are coming forward. However, we are moving in the right direction in the long term. We are looking at improving infrastructure, which will hopefully enable groups to become more sustainable.

Mr O'Loan: I very much welcome the fact that, as part of the Peace III measure 'Acknowledging and dealing with the past', €22 million has been spent on the needs of victims and survivors. What is distinctive about the Peace III spend on victims and survivors? It is very important that what is done on the ground in relation to victims and survivors meets the Executive's top-down policies. Following the Eames/Bradley report, will the Minister give his commitment to a very robust method of finding the truth about the past? Pain and embarrassment will be caused to many people, but does the Minister accept that that is necessary if we are to deal with the past properly?

The Minister of Finance and Personnel: There was widespread concern about the way in which Peace II funding was used because of the emphasis that was

placed on one side of our society. It is welcome that, for the first time, much more money is being spent on victims and survivors' groups than has been spent on ex-prisoner groups. People demanded, and will welcome, that shift.

I do not want to dictate the kind of projects that victims and survivors, groups should undertake. Some of the work may be about finding out what happened in the past. I am more disposed towards groups that work to help people who are still suffering from what happened in the past, whether physically, financially or through keeping some kind of contact to avoid isolation. However, whatever groups require should be the emphasis of the funding. The main theme is to acknowledge and deal with the past, but people have their own way of dealing with the past. I am not necessarily of the view that dealing with the past simply means digging up everything that happened in a search for explanations.

Dr Farry: I declare an interest as a member of the Community Relations Council.

What efforts are being made to ensure that the Peace III investment is co-ordinated with other good-relations projects? Efforts must be made to ensure that there is no duplication; that the two approaches complement each other; and that long-term funding programmes are not undermined by the impact of a short-term injection of Peace III money.

A number of bodies that were funded under Peace II are unlikely to qualify for funding under the Peace III criteria. What steps are being taken to manage expectations and to explain to groups why they are no longer in a position to receive funding because of changes in the rules?

The Minister of Finance and Personnel: Groups know well that Peace III was not a continuation of Peace II, and great lengths were gone to explain that. Some of the groups may not like that answer, but there has never been any attempt to hide the answer or an explanation of the new criteria from them.

The Member makes an important point about duplication. One of the ways in which we have attempted to get around duplication and the plethora of bodies that deal with funding is by rationalising the number of local strategy partnerships from 26 to 11 and reducing the number of implementing bodies. That, in itself, helped to remove some of the confusion and duplication. As a result, SEUPB took on more work. That is one reason why SEUPB's staffing levels have gone up considerably, although that issue must be dealt with in the future.

Mrs D Kelly: I declare an interest as a member of the East Border Region Committee (EBRC). I thank the Minister for his statement. Will he explain why that NSMC meeting was the first in that sectoral format?

I am sure that the Minister is well aware, from his experience as a local councillor, that organisations are always chasing deadlines, because there is a delay, either at programme body or European level, in their receiving information and application forms. Will he explain that?

Will the Minister tell the House how much money was returned to the EU last year and why? Will he conduct an analysis of that to ensure that it does not happen again? I also ask him to give us a flavour of the types of projects that cross-border bodies are funding and to tell us which ones are particularly welcome?

The Minister of Finance and Personnel: First, I hope that the Member does not blame me for the fact that there had been no NSMC meeting in special EU programmes sectoral format since November 2007. I arranged this month's meeting as quickly as I could. Delays occurred partly as a result of difficulties in the Irish Republic. A first meeting was delayed because Ministers in the Republic were diverted by the first referendum on the Lisbon Treaty. I suppose that if the vote does not go the way in which Europe wants it to on Friday, there will be a third referendum, because that is how Europe tends to work — it just wears people down. I would have thought that it would have been sufficient for Europe for the people of the Irish Republic to speak once, but apparently not. Europe never takes no for an answer.

A second meeting, which was to be held in November 2008, was cancelled because our Executive were not meeting.

Mrs D Kelly: I wonder why that was.

The Minister of Finance and Personnel: I think that we know the reason. The irony is, of course, that the Executive were not meeting because Sinn Féin had some difficulty, and I am afraid that it was the fault not of unionists but of republicans that cross-border meetings did not happen. That is one of the ironies of our situation.

The meeting that was scheduled for April 2009 was cancelled, at the request of the Dublin Minister, who was tied up with emergency Budget business.

I hope that the Member can see that unionists were not to blame for any of the delays. They were caused by a combination of Ministers and events in the Republic and the difficulties that existed with the Executive and Sinn Féin. I hope that the Member is assured that we are not dragging our heels on the matter.

Secondly, the delays should not have impacted on funding applications, because the North/South Ministerial Council does not deal with the detail of applications.

As far as the shortfall and the amount of money given back is concerned, no money was returned and, therefore, no analysis is required.

I know that Members are allowed to ask only one question. However, Mr Deputy Speaker, you indulged the Member, but I cannot remember her third question. If she wants to repeat it, I will try to give her an answer.

Mr Deputy Speaker: I call Mr John Dallat.

Mr Dallat: I also welcome the Minister's statement. He referred to the wonderful Ilex project in Derry that includes the provision of a footbridge across the Foyle. Is he aware that another means of crossing the river a bit further downstream, the Foyle ferry service, may no longer be available from tomorrow? Will he tell the House whether any efforts have been made to obtain funding for that service?

The Minister of Finance and Personnel: I picked up on that in the news yesterday. I understand that the Foyle ferry had been jointly funded by councils in the Republic and Northern Ireland, but that both have decided not to continue providing that support. I am not aware that any application has been made for funding through any of the EU programmes. I will ask whether that is the case and write to the Member.

EXECUTIVE COMMITTEE BUSINESS

Water and Sewerage Services (Amendment) Bill

Second Stage

The Minister for Regional Development (Mr Murphy): I beg to move

That the Second Stage of the Water and Sewerage Services (Amendment) Bill [NIA 3/09] be agreed.

The Bill amends the Water and Sewerage Services (Northern Ireland) Order 2006 to extend by three years the period during which my Department is prepared to subsidise NI Water (NIW) in lieu of customer payments. If the change were not made, the existing provision for the payment of a subsidy would expire on 31 March 2010.

In wider terms, the effect of the Bill is to provide for the continuance of a sound legal basis on which the Executive can pay domestic customers' bills on their behalf. It gives financial stability to NIW and ensures that the funding to allow the delivery of services is provided.

I appreciate that much wider questions exist about how the Assembly should deal with the future funding of water, but the Bill does not address those: that is a matter on which the Executive must decide. The three-year extension of the subsidy simply provides for the continuance of current funding arrangements.

I have set out the principle that underlies the legislation and what will be achieved by its introduction, the necessity for which is self-evident. I commend the Bill to the Assembly.

The Chairperson of the Committee for Regional Development (Mr Cobain): As Chairperson, I welcome the opportunity to contribute to the debate on the Second Stage of this important Bill. The issue today is whether the Assembly is content to endorse the principles of the Water and Sewerage Services (Amendment) Bill 2009. In the absence of funding through payment by customers, the Bill aims to ensure the continued provision of a subsidy to Northern Ireland Water.

Under article 213(3) of the Water and Sewerage Services (Northern Ireland) Order 2006, the Department for Regional Development (DRD) is required to make grants to Northern Ireland Water equal to the amount of discounts provided to customers in the initial period. The 2006 Order defines the initial period as three years from the coming into operation of the Order. During that three-year period, the direct rule Administration had intended to phase in charges for water and sewerage services. That initial period expires on 31 March 2010,

and the Department has stated its willingness to make grants to Northern Ireland Water after that date.

As the Minister said, the Executive have yet to make a decision on the future funding of water and sewerage services. Even if a decision were to be taken next week, the indications are that Northern Ireland Water would not be in a position to issue bills and collect revenue by April 2010 as there would not be sufficient time.

The Committee for Regional Development is mindful of the need to progress business in an efficient and effective manner while discharging its responsibility for scrutiny to the entire Assembly thoroughly and conscientiously. The Committee will take that approach with the Bill.

12.00 noon

The Committee does not intend to oppose the principles of the Bill. It is important that Northern Ireland Water operates within a stable financial environment to ensure that the much-needed sewerage infrastructure investment programmes make progress and that the planned efficiencies and service improvements are delivered.

However, significant financial implications for Northern Ireland arise from the deferral of charging for water and sewerage services. This Bill creates the mechanism to put into action a decision by the Executive to continue to defer water and sewerage charges. Recently, there have been some discussions in the media about the impact on the Northern Ireland block grant of deferring water and sewerage charges. The Committee explored some of those issues with DRD officials during pre-introduction briefings and over the course of the previous session as the issues emerged.

At Committee Stage, we will seek clarity of the costs of continued deferral, including the costs that are associated with the reclassification of Northern Ireland Water for public expenditure purposes, the basis for valuing Northern Ireland Water assets and the ongoing ability of Northern Ireland Water to reclaim its input VAT. The Committee will also seek clarity of the financial impact that ongoing deferrals may have on the Northern Ireland block grant as a whole, the DRD budget and the budgets of other Departments. The Committee looks forward to receiving this Bill at Committee Stage. I assure the House and the Minister that this Bill will be treated by the Committee as a matter of priority.

Miss McIlveen: As the Chairman of the Committee for Regional Development indicated, the Committee discussed the principles of the Water and Sewerage Services (Amendment) Bill and has agreed to support them.

It is a very short Bill that appears to be mainly technical in nature, the purpose of it being to continue the customer subsidy to Northern Ireland Water (NIW). As was indicated, the power that was given to the Department under the Water and Sewerage Service (Northern Ireland) Order 2006 to pay the grant equal to the amount of discounts to customers comes to an end on 31 March. Obviously, the direct rule Administration had anticipated that the phasing in of charges for water and sewerage services would have been complete at that stage. Members are clearly aware that that is not the case and that water charges have been deferred, hence the requirement for this legislation.

It is my understanding that if the payment does not continue from 1 April 2010, Northern Ireland Water will be unable to pay for the delivery of what we very much take for granted; that is, water and sewerage services. Due to a legacy of many years of under-investment in our infrastructure, Northern Ireland has lagged behind the rest of the United Kingdom. Only in recent years have we started to see the benefits of investment. I know that in my constituency, a substantial number of infrastructure programmes are being carried out and are planned for. Future investment in water is critical from an environmental and a health perspective.

The issue of water and how it is paid for is hugely emotive. The Chairman highlighted the issues around the continued deferral of water charges. However, it would probably be mischievous and unwise for us to deviate from the principles of the Bill that is before us today. At this stage, I am content to accept the principles of the Bill. I look forward to the Committee Stage.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Ar dtús, ba mhaith liom a rá go mbeidh Sinn Féin ag tacú leis an Bhille, agus táimid ar son leanúint ar aghaidh leis an obair seo.

Sinn Féin will support the taking forward of this Bill. The Water and Sewerage Services (Amendment) Bill is designed to ensure the continued provision of a subsidy to NIW by the Department. Therefore, as has been stated, it is very much a technical Bill.

The current situation is that the Department's ability and legal competence to pay a subsidy to NIW expires on 31 March 2010. That was a condition that was laid out in the Water and Sewerage Services Order 2006, which, in essence, established the company on 1 April 2007. If that Order expires, there will be no provision for the Department to provide grants or subsidies to NIW. Therefore, the company's ability to exist and its ability to continue with the provision and management of our water and sewerage system will come to an end. This Bill will provide the basis to move forward and allow NIW to continue with its investment programmes and related works.

I welcome the decision, as outlined by the Chairperson, that the Committee for Regional Development supports the principles of the Bill. We look forward to working with it. Irrespective of decisions that were made in the past by previous Administrations — all of us have our own views of those decisions — as the Chairperson pointed out, it is incumbent on all of us to ensure that NIW operates within a financially stable environment and to allow the continuation of its work. The Bill allows that to happen.

We also support the Bill because it creates a mechanism by which the Executive can continue to defer water and sewerage charges. I agree with the Chairperson that it will be important to seek clarification at Committee Stage of the direct and indirect costs of deferral. Those issues have been discussed on many occasions at the Committee and will, undoubtedly, be revisited at Committee Stage.

I welcome the commitment of the Chairperson, the Deputy Chairperson and the Committee to prioritise the Bill. I assure the Minister of the full co-operation of Members on this side of the House as he takes the Bill forward. Go raibh maith agat.

Mr Gallagher: I apologise to the House, and to the Minister in particular, for being a few minutes late for the debate; I was delayed at a meeting of the all-party Assembly group on learning disability.

The SDLP has serious concerns about the Bill. For one thing, the full financial implications have yet to be debated fully and openly. We are being asked to support a Bill that, we are led to believe, will give the Executive the option to continue to fund Northern Ireland Water through the payment of a customer subsidy. However, neither the Department for Regional Development nor the Department of Finance and Personnel (DFP) will state convincingly that they will use that option if the Bill is approved by the Assembly.

Members should remind themselves that, at present, the public are worried, mainly about their jobs, mortgages and impossible increases on rates bills. The shadow of potential water charges now hangs over that. Only last week, the Minister for Regional Development said that he was unable to rule out the introduction of water charges during this Assembly's lifetime. Around the same time, the Minister of Finance and Personnel said that he may be forced to introduce water charges because of pressures on the block grant. Indeed, his Department's costings for previous years included allowances for payments through water charges.

Those comments and documents from the heart of Government, some of them leaked, tell us that, despite the absence of debate, the public are completely bewildered about water charges, particularly in relation to the positions of Sinn Féin and the DUP. Prior to elections, those parties told the public that they would

stop the introduction of water charges. That is not what happened.

Mr Hamilton: My party's position is perfectly clear; the position of the Member's party, on the other hand, is a little more confused. If he is so opposed to the introduction of water charges at any stage and under any circumstances, will he explain why his colleague the Minister for Social Development, Margaret Ritchie, voted in the Executive for a Budget predicated on the introduction of water charges by now?

Mr Gallagher: We all understand very well that we have a strange democracy here, in which, under a ministerial code, Ministers are required to support Executive decisions. *[Interruption.]*

I am outlining the party's position, and I referred to the position of Mr Hamilton's party because it is so well known.

Despite all the promises to which I referred, what happened in 2008? Water charges for businesses were introduced at a 50% rate, and, in April 2009, they were increased to full charges. How do we explain that to the public? The best way is to have a full and open debate in the Assembly, and that has not happened. We have never been afforded that opportunity.

Yet serious problems in relation to Northern Ireland Water emerge almost every week. Recently, the Utility Regulator published 'Water and Sewerage Service Price Control 2010-2013: Draft Determination Summary Report'. It rightly raised the infrastructural problems which we have inherited and which have to be tackled. It also showed that Northern Ireland Water had bid for £136 million more than the Utility Regulator deemed necessary. In July, Northern Ireland Water admitted that it had been overcharging some business customers. There is a great deal that is not right within the system, and in the way that we are taking forward the Bill, we are not facing up to that. Let us see what happens when the Bill gets to Committee Stage. We all know that there has been no public consultation prior to the introduction of the Bill, so there is a great deal of work to be done as it progresses through the Committee. There is a very short time frame, and we are all being put under pressure to pass the Bill.

I have referred to the infrastructural problems. There is no doubt that the public wants to see a water service that works efficiently and provides for the utilities as it is supposed to. Behind all of this lies the question: has the Treasury put the Executive on notice that it will not allow us to continue subsidising Northern Ireland Water? That question needs to be answered. When it is answered, there will be a wider debate on how the issue is going to be handled. At the Committee Stage, the SDLP will continue to express

very grave concerns about that. At least, we will try to open up a debate about it.

Mr B Wilson: I reluctantly support the Bill. It is disappointing that, after two years, we have not yet resolved the issue of how to pay for our water, and it is now necessary to rush this Bill through the Assembly to ensure that Northern Ireland Water can have funding in the new financial year. However, I recognise that we must keep that option open and we have to pass the Bill. If we fail to pass it, Northern Ireland Water could be left in April without funding. However, even if we pass the Bill, we should not assume that Northern Ireland Water will be funded automatically from the block grant in the next financial year.

I am opposed to water charges based on property values, which is the obvious alternative. They are grossly unfair and they fall heavily on the elderly and those on fixed incomes. However, I recognise that we must find an alternative means of funding the water and sewerage services. It cannot continue to be met from the block grant, as that would be at the expense of other services. Under the Barnett formula, there is no provision for water in the block grant. In the rest of the UK, consumers pay the charges directly to water companies and there is no call on public finance. Therefore, we get no money for the funding of Northern Ireland Water.

Northern Ireland Water must be funded from existing sources. The alternatives are to fund it from the regional rate or from the block grant. If the Executive decide to continue funding it from the block grant, it must inevitably mean a reduction in the resources available for other services such as housing, health and education. I highlighted that issue in my Budget speech in November 2007, when I pointed out that, because there was no alternative funding for water, the budget for the Health Service would have to be reduced — and that that would inevitably lead to cuts in service and significant redundancies. I pointed out at the time that the increase in the health budget was only 2.6%, which was the lowest for 10 years, and that, in practice, because of demographic trends and because NHS inflation is significantly higher than basic inflation, the 2.6% increase for the Health Service represented at best a freeze in overall expenditure, compared to a 4% increase in real terms for the Health Service in England. Funding our water means that there is less funding available for the Health Service.

12.15 pm

The Budget also referred to new demands that we had to meet, such as those of the Bamford review. I was just at the learning disability —

Mr Deputy Speaker: Order. Mr Wilson, the debate is about the Water and Sewerage Services (Amendment) Bill; please stick to the issue at hand.

Mr B Wilson: Yes; I am sorry, Mr Deputy Speaker. The Bill proposes that water and sewerage services be funded from the block grant. If that is done, there will be an impact on all other services. I feel that that is a perfectly legitimate argument to use.

The Independent Water Review Panel, which was chaired by Professor Paddy Hillyard, examined in detail the question of the funding of Northern Ireland Water. The Green Party welcomed that report. We had always argued that water services should be funded from general taxation, and, therefore, we supported the recommendation that there be no separate water charges. In accepting the report's main recommendation, which is that the regional rate be frozen for two years, the Executive gave the impression that the problem of paying for water and sewerage services had been resolved. In fact, nothing had changed. Any public celebrations were premature. The issue has not gone away, and, as we now see, the money is not available for next year because we did not take any action on the Hillyard report.

Mrs Long: Does the Member agree that an opportunity to study in more depth ways to levy separate water charges fairly and affordably has also been missed? The assumption was that, because the charges were being deferred, they would not be implemented. We could now be facing a situation in which they are implemented in what is not a fair, affordable and transparent way, despite the fact that there has been a deferral.

Mr B Wilson: I thank the Member for that intervention. She raised one of the major points that I was going to discuss. We had the situation whereby we were going to introduce the charges based on property values. That would have been grossly unfair, because it would have hit the poor, the elderly, and those who are on fixed incomes. We should have been looking at alternative forms of funding at that stage. The fact is that the opportunity to find fair and alternative forms of funding has been overlooked. We are now left, in the few months that remain before the funding runs out, with having to rush this legislation through the Assembly. We should have been looking at other forms of taxation that are based on the ability to pay.

We should be looking at the Lyons and Burt reviews from Scotland and England on other forms of local government finance, for example. We should be considering options such as a local sales tax, a service tax, and green taxes that would help the environment as well as raise revenue and that would be based on the principle that the polluter pays. We should also be looking at something such as a land value tax. For the past two years, we have not taken the opportunity to consider the alternatives, and we are now being pushed into accepting that the charges will come out of the block grant. If that happens, it must inevitably be at the

expense of other services. Therefore, we will see a reduction in those other services.

Therefore, although I support the Bill, I feel that we should not be rushing it through the Assembly. I hope that the —

Mr Weir: I am curious about the Member's assertion that the Bill is being rushed through the Assembly. There is no accelerated passage, and the Bill will have a full Committee Stage. How is it being rushed through the Assembly?

Mr B Wilson: As far as the business of the Committee for Regional Development is concerned, everything else has been set aside for the next month. I assure the Member that the parliamentary timetable is extremely tight.

In conclusion, I support the Bill, but I hope that we will find alternative ways of funding the services in question, because the present method of funding from the block grant or from property taxes is unacceptable.

Mr Bresland: Although the issue of water charges is one that gives rise to strong views and often heated debates, it is important to remember that the Water and Sewerage Services (Amendment) Bill is technical in nature and that we are debating its Second Stage. We are considering the principles behind the Bill. Those principles are concise and clear. We need the Bill if Northern Ireland Water is to be able to continue to provide a water and sewerage service and maintain its networks beyond next April.

If the Bill is not passed, we will have a real crisis, and water charges will have to be introduced from next April. There will be many more opportunities for a full and frank discussion on the future funding of water and sewerage services, but, this morning, we must control ourselves and limit our debate to the Bill that is before the House.

I support the Second Stage of the Bill, and I hope that the rest of the Assembly will do likewise.

Dr Farry: I am happy to support the Second Stage of the Bill. However, I want to follow up on some of the comments that were made by Mr Cobain, the Chairperson of the Committee for Regional Development, and by my friend Brian Wilson about the context in which the Bill is being progressed. There is a financial crisis facing Northern Ireland, and the Executive need to find major efficiency savings. Furthermore, it is clear that the Exchequer will call for further cuts at some stage in the future.

A lot of parties are engaging in cheap populism over the issue; they are taking stands and saying that there will be water charges in Northern Ireland over their dead bodies. I am not sure whether that approach is realistic and whether they are being frank with the people of Northern Ireland. In fact, one can foresee a

situation in which we will be forced, under European Union directives, to introduce separate water charges. Leaving that aside, our current financial context may well mean that it is something that the Executive have to consider.

The Alliance Party has been consistent and straight with people on the issue. We have not ruled out a situation in which water charges may have to be introduced, and we were clear on that in our 2007 manifesto for the Assembly elections. The Executive have a duty to find efficiencies in what they are doing now, before they go down the path of water charges.

The Alliance Party stresses the importance of addressing the cost of division, and other parties have their hobby horses with regard to efficiencies. Therefore all those issues are in the mix, but one must be realistic and recognise that that may not be enough. The Executive will be faced with a choice. Put simply, and as Brian Wilson outlined, the Executive will have to consider whether to go for deeper cuts in public services or look towards the introduction of a form of water charging.

A lot of people talk about water charges affecting people who are in need or who are on the margins of society. That brings us to the whole issue of affordability and ability to pay: a water charge that is based upon the value of property will not properly reflect that. Neither would such a system reflect the relative usage of households. For instance, a situation could arise in which a single pensioner is living next door to a family of four adults who all earn a wage and who use a lot more water. It would be unfair to base the water charges for both households on the value of property. However, if we can find a fairer way of imposing water charges, it will be a progressive way of raising revenue.

On the other hand are people who are in difficulty because of their need for access to public services. They are often the most needy and disadvantaged people in our society, and they would not be eligible to pay water charges, if they were introduced. If steep cuts are imposed on the Health Service, those are the people who will suffer the most. When people talk about suffering and the disadvantaged in society, let us not focus entirely on the charges that the Assembly may or may not pass on to individuals; let us look at the nature and quality of the public services that we are funding and bear in mind that people are dependent on those and on a high quality of service.

If water charges are introduced, there is the issue of people paying twice for water, as part of the regional rate already covers water. If water charges are introduced, these Benches expect a proportionate reduction in the regional rate to account for the

element that is currently being paid into the regional rate being transferred into any future water charges.

In broader terms, the deferral of water charges could be costing the Executive approximately £200 million a year, which is a considerable sum. It is the democratic choice of a devolved Executive to defer water charges, because, as Brian Wilson said, it does not form part of the Barnett formula. Therefore, the Executive are essentially taking money from the block grant to fund that deferral and are forgoing the opportunity of spending resources elsewhere.

The Assembly passed a Budget that was based on the initial deferral of water charges, but water charges have continued to be deferred without that Budget being modified to take into account the cost of that deferment. Therefore, decisions and announcements on water charges are now being made in advance of the budgetary and financial framework having caught up, and the Executive are having to find money in different areas to plug the gaps. That is not an appropriate or mature approach to the financial management of Northern Ireland's scarce resources.

I appreciate that the Bill is designed to give options. I am happy for everything to remain on the table, but we must be realistic about where we are heading as a society. If the introduction of water charges is being considered, we must be straight with people; we must not lead them up the garden path by telling them that those charges will be withheld at all costs. Furthermore, if water charges are introduced, we must ensure that the system of charging used reflects people's ability to pay and is based on their usage rather than on the value of their property. That system is a very blunt and, frankly, regressive form of taxation, which I hope all Members would reject; although I have my doubts.

Mrs Long: I concur with everything that my colleague said, and I will not repeat the points that he made.

The Water and Sewerage Services (Amendment) Bill, if passed, will allow the Department for Regional Development to continue to fund water and sewerage services, and the Alliance Party has no objection to that. What is now termed "water and sewerage services" was for a long time called public health engineering, and that was for good reason. The biggest improvement that we, as a nation, have witnessed in public health came as a result of the introduction of proper water and sewerage services. Indeed, the introduction of those services probably made the biggest contribution to increased length and quality of life. Therefore, it is absolutely critical that we continue to fund that service appropriately for the future and to ensure that there is no regression.

Water charges, particularly separate water charges, are required under the EU water framework directive.

That directive not only requires that separate charges be introduced, but the ethos behind the directive is that those charges should encourage water conservation. One of the problems with the previously envisaged structures to levying water charges here was that they were based on the price of a property, which has no reflection on the amount of water used. Therefore, water charging in that form does not fulfil the requirements of the directive. From the perspective of the Alliance Party, the question is not whether we pay for water but how we pay for water: charging must be fair, transparent, affordable, and also preferably and, importantly, it must be linked to usage.

The continuing deferral of water charges has created a sense among the public that the introduction of charges is not on the agenda. Therefore, I am glad that the Bill has come to the House, because it demonstrates that the Executive are not in a position to make the decision to defer water charges indefinitely at this time and in the current financial circumstances. I hope that it raises public awareness of the fact that the debate is ongoing.

12.30 pm

The deferral has not, as I had hoped, bought time so that alternative approaches to levying fair charges could have been considered. Instead, it has simply put the issue on the back burner to be dealt with at a later stage, with no particular improvement to the kind of charges that are envisaged. That is an unfortunate wasted opportunity. As we agree the Second Stage of the Bill, I hope that work is ongoing in NI Water and in the Department for Regional Development to look at how charging — if it has to be introduced — is made fair, affordable and transparent and linked to usage. No one wants to pay taxes, but when we have to pay taxes — and we all recognise that we have to fund our public services — we want to know that those moneys are being dealt with affordably and accountably.

I want to raise one other issue, which relates to today's Adjournment debate: the need for continued investment in water and sewerage services. We will be discussing the flooding that took place in my constituency and the investment required to deal with that. No doubt the Minister will be harangued by many Members at a constituency level for what are seen as the failings of the Department to deal with those issues. We have to be realistic and say that, without significant investment in the next five to 10 years, it is conceivable that the problems that we are experiencing locally will be more widespread and continue to cause problems.

There are difficult financial decisions ahead. However, we need to prioritise the issue of water and sewerage. Although it may not be one of the more

glamorous aspects of our work, it is absolutely fundamental to public health, and it is important to focus investment in that area. As my colleague has stolen most of my thunder, I am happy to concur with what he has said and not repeat anything.

Mr Deputy Speaker: The Business Committee has agreed to meet immediately upon the lunchtime suspension. I therefore propose, by leave of the Assembly, to suspend the sitting until 2.00 pm, when the Minister will conclude and wind up the debate.

The sitting was suspended at 12.32 pm.

On resuming (Mr Deputy Speaker [Mr McClarty] in the Chair) —

2.00 pm

The Minister for Regional Development: Go raibh maith agat, a LeasCheann Comhairle. I thank all the Members who commented on the Bill. I welcome the support for the Bill from the Chairperson and the Deputy Chairperson of the Committee for Regional Development and from other Members.

Mr K Robinson: On a point of order, Mr Deputy Speaker. I am sorry to interrupt the Minister in full flight, but do we have a quorum in the Chamber?

Mr Deputy Speaker: It is obvious from looking around the Chamber that there is not a quorum.

Notice taken that 10 Members were not present.

House counted, and there being fewer than 10 Members present, the Deputy Speaker ordered the Division Bells to be rung.

Upon 10 Members being present —

Mr Deputy Speaker: The Minister may continue.

The Minister for Regional Development: Go raibh maith agat arís, a LeasCheann Comhairle. It appears that when Members are speaking to the media, these are important issues, but when it comes to debating them in the Chamber, they are not so important as to warrant significant attendance. Nonetheless, as I was saying, I welcome the support for the Bill from the Chairperson, the Deputy Chairperson and the members of the Committee for Regional Development and from most, if not all, parties.

The exception appears to be Mr Gallagher, although I am not sure whether he indicated that he would be voting against the Bill or whether his opposition to it means that his party proposes the immediate introduction of payments for water, because that is the only circumstance in which we would not need to extend the legislation. The main point of extending the subsidy provision is to maintain our water and sewerage services on a sound financial basis, and any other, wider decisions in relation to water and sewerage services will be taken separately.

Most Members who spoke understood and supported the purpose of and necessity for the legislation. I look forward to working with the Committee, along with my officials, during Committee Stage. It was interesting that some Members referred to the “rushed nature” and “compressed time frame” of the Bill. The Bill is following normal process, so I am not sure where those concerns arise. The Executive could have sought accelerated passage for the Bill, but they have brought it forward to allow the Committee to have its full say in the debate, as is rightly the case. The Committee will arrange its

own timetable and programme of work to accommodate that, and I am grateful to the Committee for that.

I wish to respond to some of the issues that were raised. Mr Gallagher raised what he termed “serious concerns”. He alleged that there had been no debate on the issue, that I was unable to rule out charging for water, and he asserted that the public were bewildered. If there is bewilderment among the public, he should examine his own attitude, statements and record — and those of his party — on the issue over the past decade. I could go into the history and implications of the reform and reinvestment initiative, which was launched and lauded by his current party leader, Mr Durkan, and by the former First Minister, David Trimble.

I refer Mr Gallagher to a few points. If he is worried that a lack of consistency has bewildered the public, I suggest that he look to himself in the first instance to correct that. He berates me for not ruling anything out, but the last Finance Minister from his party said in 2002, around the time that he launched the review of rating and water policy:

“nothing has been ruled in and nothing ruled out... But we must be under no illusions, as private citizens we pay considerably less in local taxes than people do in England and, while it may be unpalatable, we may also have to accept that if we want better public services here we will have to pay more for them.”

When the Member is looking for consistency when debating these issues, he should look to himself.

Strangely, when his own party made a submission to that review, despite what its Finance Minister had said — it was during a period of suspension — the SDLP said:

“water supply is a basic service... that we believe should be guaranteed to all and free at the point of use.”

However, in response to the panel that I established when I took up office, that party expressed its position as:

“no privatisation, no water-metering, no separate water charges or double taxation, but water revenue as a clear component of rates.”

In my experience, most of the parties have been quite consistent. If the public are bewildered because of any lack of consistency on the issue, the Member may wish to look to his own party to firm up the consistency. In the past few years, the SDLP seems to have advocated at least three different positions on the issue [*Interruption*]. I notice that the Member is trying to make comments from a sedentary position. I am happy to give way if he feels that he has something intelligent to contribute to the debate. Obviously, he does not.

Mr Gallagher alleged that no debate has taken place on the issue, and he bemoaned that. He is free, at any stage, to bring a motion to the House for debate. I have not noticed that he has tabled such a motion. He is now a member of the Committee for Regional Development, and he is free to raise the matter through that Committee.

He must be clear in his facts. Some of his statements were factually incorrect, which for any Member would be worthy of criticism, but it is hard to understand how a member of the Regional Development Committee could be incorrect with their facts. He stated that the Executive had introduced business charges and that they had implemented them at 100%. Neither part of that is true. Most non-domestic customers have had water charges for years. They were not introduced by the present Executive, which unanimously decided to keep those charges at 50%.

If Mr Gallagher wishes to assist with what he believes to be some degree of public confusion, perhaps he should table a debate on the matter, but he should be sure of his facts and be consistent on his position if he does so. The Executive, on which his party is represented, unanimously decided on the issues.

In response to Mr Hamilton, he said that “we have a strange democracy” where a party is obliged to take a position in one forum but can take a different position in another forum. Indeed, it is a strange form of democracy when the SDLP’s representative on the Executive can vote for a certain position and the party feels free to adopt a completely different position in the Chamber and in front of the general public. If Mr Gallagher feels that the public are bewildered, I suggest that he might look to address that.

Mr Gallagher raised a few other points in relation to billing errors. NIW has taken steps, in consultation with the Consumer Council, to address that. Improvements to data and to systems are being made in conjunction with the regulator, and I certainly welcome those. Mr Gallagher also raised the issue of the draft determination from the regulator that NIW had asked for too much money. The regulator’s document is only a proposal, which is subject to consultation, and my aim is to ensure proper engagement between the regulator and Northern Ireland Water to get the right level of resources so that adequate water and sewerage services can be provided and to make up for the historic underinvestment in those services.

Brian Wilson said that the legislation was being rushed through. Given that the normal processes for putting legislation through are being followed, I am at a loss to see how he can describe the legislation as being rushed. He spoke for some time about the unfairness that he felt about different ideas that have perhaps been suggested by him and other parties. I have certainly not suggested those ideas. He said that alternative means had to be found, and I waited patiently to hear those. He quickly rattled off a couple of suggestions to do with using land taxes and green taxes. I have never heard the sole representative of the Green Party put those ideas forward for debate on the Floor of the Assembly, and he has never brought those ideas to my attention. If the Member has ideas on how water and

sewerage services should be funded, I am sure that the Assembly and the Executive will be pleased to hear them. Two and a half years into the process, the Member has made a few offhand remarks.

Mr B Wilson: I made all of those points during the debate on the Budget in November 2007. At that time, I called for a review of how local finance should be funded, and I went into the details of each of those proposals. My concern is that nothing has been done since then. We have to look at alternative sources of funding.

The Minister for Regional Development: The Member’s suggestion that nothing has been done is incorrect. We are doing something now: we are extending the legislation to allow the Executive to continue to cover the additional costs of water and sewerage services. That is the third decision that we have taken in relation to this. When I took office, Sinn Féin had the position — similar to those of many parties, although some of them have wavered back and forth — of being opposed to the direct rule propositions on water charging.

My party opposed privatisation of the Water Service. It wanted a full inquiry so that the costs that are required for water and sewerage services can be ascertained and so that a degree of transparency can be brought to the matter.

Every one of those pledges has been delivered. The Executive have stopped the direct rule proposition for water charges. They gave the independent panel a remit that would rule out the privatisation of water services. They brought forward the panel’s report, which continues to be the subject of debate on all matters that are connected to the requirements for water and sewerage services.

Therefore, if the Member has alternative propositions, I would certainly be glad to hear from him. If, as he says, the Executive have done nothing on the matter since the Budget debate in November 2007, I would not be in the Assembly debating a piece of legislation that would allow us to continue to do what we have been doing.

Dr Farry and Mrs Long raised a number of wider issues about water payments, and they pointed out that the Executive have never advocated double payments for households. The Independent Water Review Panel’s proposals addressed that. The Executive have yet to decide on any methodology for household payments. As is the case with any other Executive decision, we have made the commitment to consult publicly on anything that we do.

Therefore, a LeasCheann Comhairle, I trust that I have dealt with a number of points that were raised in the debate. As I said, I am somewhat at a loss when Members say that the issues have not been debated; I

have discussed them on many occasions in the Assembly. Of course, Members are free to table any motion on those matters that they so wish, and I am sure that the Business Committee would consider the merits of any of those motions for debate.

Certainly, as I said at the outset, the Bill proposes to allow the Executive to continue the current funding arrangements. Since they came into office, the Executive have made two decisions: first, to continue those arrangements; and secondly, to extend that ability to ensure that the necessary investment — which, in many ways, is catch-up investment — in water and sewerage services that was not made under direct rule continues to be made.

Of course, the Executive will continue to struggle with all the financial issues that face us. However, the Bill allows us to continue to make that subvention to Northern Ireland Water.

Question put and agreed to.

Resolved:

That the Second Stage of the Water and Sewerage Services (Amendment) Bill [NIA 3/09] be agreed.

EXECUTIVE COMMITTEE BUSINESS

Rates (Amendment) 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 the Speaker's provisional grouping of amendments selected list.

There are two groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1 and 2, which extend information-gathering powers to the domestic sector. The second debate will be on amendment No 3, which provides a minor technical amendment that is consequential to clause 7 of the Bill.

I remind Members who are 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 has been 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.

Clauses 1 to 5 ordered to stand part of the Bill.

Clause 6 (Extension of liability for unoccupied hereditaments to dwelling-houses, etc.)

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 No 2.

These amendments extend information gathering powers to the domestic sector.

2.15 pm

The Minister of Finance and Personnel (Mr S Wilson): I beg to move amendment No 1: In page 8, line 10, at end insert

“(5) Until such day as the Department may by order appoint, the power conferred by Article 26(2A) of the principal Order (power of Department to require information in respect of unoccupied hereditaments to which Schedule 8A to that Order applies if name and address of person entitled to possession unknown) shall by virtue of this subsection be exercisable as if any hereditament which is included in a capital value list were a hereditament to which Schedule 8A to the principal Order applies.

(6) In subsection (5) ‘hereditament’ and ‘capital value list’ have the same meaning as in the principal Order.”

The following amendment stood on the Marshalled List:

No 2: In clause 19, page 13, line 24, at end insert “section 6(5) and (6);”. — [*The Minister of Finance and Personnel (Mr S Wilson).*]

The Minister of Finance and Personnel: I will speak to amendment Nos 1 and 2 because both deal with the information-gathering powers related to the rating of empty homes.

Amendment No 1 is minor in nature but is necessary to ensure that Land and Property Services (LPS) has the powers to verify and obtain information on the people who will be liable to pay rates when the rating of empty homes is introduced. I stress that this amendment simply extends a power enabling the details of liable persons to be obtained that is already available in the current rating legislation but is restricted to commercial properties, to which unoccupied rating already applies.

Although in the course of its duties Land and Property Services can request information on the persons entitled to possession, in the absence of amendment No 1 there will be no statutory recourse if the information is not provided. The amendment provides a statutory backing for LPS to request the necessary information and will ensure that the LPS database on empty homes is as robust as possible. The power needs to apply prior to the rating of empty homes in order that it can be effectively introduced. That should make billing and recovery more robust. The absence of the information gathering power prior to the rating of empty homes being introduced may reduce the revenue — estimated at between £6 million and £8 million — by 50%.

As I have already indicated, this is not a substantive policy change; rather, it is a minor and technical amendment to extend an existing power relating to unoccupied property for the purpose of effectively introducing the rating of empty homes. Amendment No 2 provides that amendment No 1 will come into operation once Royal Assent is obtained.

Mr O’Loan: I have some little concern about amendment Nos 1 and 2, but the Minister may be able to allay those. The Bill was granted accelerated passage because of the considerable delay in the prior process. Given that delay, one would have thought that the Department would have fully considered its position on all matters relating to the Bill. I am, therefore, disappointed that amendments have been put forward only now, after the initial presentation was made to the Committee and after the Bill had its First Stage and Second Stage readings in the Assembly.

I am also disappointed that, when the amendments came forward, Members were not simultaneously provided with explanations for them. We had to do some research to find out the nature of the amendments, because the language used in them is extremely technical. However, I am not so sure that the effects of them are only

technical, as has been described. I thank the Minister’s departmental officials for providing information on the amendments to Committee members; however, that was done only yesterday.

As the Minister said, amendment No 1 relates to the powers of the Department to obtain further information on the ownership of vacant property and the persons to whom it might serve a bill. I am concerned about the strength of those powers. When the Committee received evidence from the Minister and his officials, we were given strong assurances that the sharing of information will benefit the persons about whom the information is obtained by enabling them to obtain reliefs. However, the amendment is quite different; it gives the Department strong powers to gather information for billing purposes.

It enables it to serve a notice to the owner of the property and to a considerable number of bodies, such as district councils, NIE, BT and other communication and telecommunication providers. I presume that the serving of a notice puts those bodies under a legal duty to provide any information that the Department asks for. We are told that that is an extension of powers that are used in other cases. That may well be so; however, it is a significant addition to the Bill. Therefore, I am concerned that that amendment was proposed at a late stage. It is a significant addition to the Bill, and there ought to have been time for it to have been fully explained to the Committee so that any concerns that I, or others, may have, could have been allayed.

I had considered proposing a further amendment about the rating of vacant non-domestic property, which is an issue that I raised with the Minister. If there is an issue about not bringing in the power to rate vacant domestic property at this time, the same issue applies to the rating of vacant non-domestic property. The evidence shows that ratepayers with a business property that they cannot use because of the economic downturn are carrying a significant burden as they have to pay rates on that property. That is something that was introduced only fairly recently. However, no amendment was necessary, because the power to deal with that is already in the hands of the Minister. After I spoke during the Second Stage of the Rates (Amendment) Bill, the Minister said that his Department was conducting an evaluation of the impact and effectiveness of the policy of rating empty non-domestic properties. It would be good for the outcome of that evaluation to be made known quickly. Perhaps the Minister will consider that.

Mr F McCann: Thank you, a LeasCheann Comhairle. Unlike Declan, I did not see the amendments until a few minutes ago. I share some of his concerns. In Committee, Declan asked questions about the precise nature of the legislation, the gathering of information, and the sharing of information that would allow people who are in need of rate relief to better tap into what is available. I have just become aware of the additions,

and, as I said, I share Declan's concerns. Later, I want to speak about the issue of empty homes.

In common with many other political parties, including the DUP, Sinn Féin has raised concerns about the use of accelerated passage. However, in this case, we were informed that accelerated passage was not only a necessity but that it was essential to ensure that people, especially those with small businesses, could get relief. Therefore, we supported it.

In the past, other Committees raised concerns about the use of accelerated passage. When we supported its use, we found that when we came to the Assembly, we were berated for daring to take part in a debate when accelerated passage had already been agreed. That is not a criticism of the Minister; it is a criticism of the widespread use of accelerated passage. The Committee agreed to the use of accelerated passage; however, it is difficult to make a decision when amendments are proposed at such a late stage. Declan said that he saw the amendments yesterday. I have not been clued in because, as I said, I saw the amendments only minutes ago.

The Minister of Finance and Personnel: I think that there is a bit of confusion. The data-sharing aspect of the Bill, which was designed to benefit pensioners and those who are eligible for rate relief, and which both Members referred to, is not in that part of the Bill.

To that extent, Mr Deputy Speaker, Members have wandered beyond their remit, dipped under your radar and spoken on matters about which they should not have spoken. However, I am happy to deal with that confusion. Although the date for introducing the rating of empty homes has not been decided, the point of the amendment is to ensure that there will be a level playing field when it is introduced and that all legal owners of empty homes will be uniformly subject to the regulations.

Information is available about the owners of non-occupied commercial premises, and they can be fined if they do not supply the relevant information. The amendment is technical and will ensure that the same powers are available in the domestic sector. No Member wants a system in which those who are wily or who are able to hide property ownership are exempt from a charge that is being imposed on other people. The point of the amendment is to ensure that there is equity in the application of the regulation if and when it comes into force. Once again, I emphasise that we have not decided when the rating of empty homes will be introduced.

Mr F McCann: That is one of the issues that most people have been concerned about. Due to the Bill's accelerated passage, which we all agreed to, people were concerned about the non-rating of empty homes. They took into consideration the economic downturn

and the additional pressure that introducing the rating of empty homes could bring.

Parties have different points of view on the rating of empty homes. My party raised the issue during a debate a couple of years ago, which may have started the process. We are concerned that the rating of empty homes may be an added burden at present, and it is difficult to determine when the process should start. Thousands of people are being added to the waiting list for houses every year, and it is possible that some empty homes could be used to ease that pressure.

If the rating of empty homes is postponed this year, will we be in a position to introduce the measure next year or the year after? That is something that has caught everyone's imagination over the past couple of years.

The Minister of Finance and Personnel: The Member's intervention has made me even more puzzled. I thought that his original concern was that we were introducing a power that would enable us to find out who owned empty homes so that we could impose rates on them.

Mr F McCann: Will the Minister give way?

The Minister of Finance and Personnel: I will take the intervention in a minute.

From the Member's latest intervention, and I am quite happy for him to make himself clear in a moment or two, it seems that he is concerned that we are not introducing the rating of empty homes quickly enough, and that the measure is needed because so many people are on the waiting list for houses. If he wants the rating of empty homes to be introduced quickly, he can make that point when we review the situation and the Committee expresses its view.

I want to make it clear to the Member that the power that the Department is seeking, through the amendment, is to ensure that when the rating of empty homes is introduced, the very point he has made can be facilitated. There will be a financial obligation on the owners of empty houses to pay rates on their properties, which will, hopefully, encourage them to put such properties on the market. I thought that the Member would have welcomed that change instead of being critical of it.

2.30 pm

Mr F McCann: Go raibh maith agat, a LeasCheann Comhairle. We would welcome that. We pointed out at the Committee that we reluctantly agreed to the empty homes amendment because of the economic downturn. I just had a glance at the additional amendments that came through this morning. The amendments that I was speaking about were additional legislation that would allow people to move away from tapping into their rates relief and allow them to expand that into other pieces of information. I was talking about two completely different things.

With regard to rating empty homes, Sinn Féin has argued for a considerable period that the sooner it is introduced the better.

The Minister of Finance and Personnel: I hope that you understood that, Mr Deputy Speaker. I assure the Member that the amendment — and it is a technical amendment — is to ensure that if and when the rating of empty homes is introduced, LPS has the same powers as it has for commercial properties; that it can trace the owner and know to whom to send the bill. That creates a level playing field, and Members should welcome that.

Mr F McCann: Declan O’Loan said that it would have been better if we had had this information earlier. I received information about the amendments on my computer about half an hour ago. It is difficult to prepare for a debate when one is fed amendments only at the last minute.

The Minister of Finance and Personnel: I made it clear that I would rather not see Bills introduced by accelerated passage. I will endeavour to ensure that that does not happen, although this was beyond my control. Indeed, the Member might be more easily able than I to upbraid those who were responsible.

I made officials available to brief the Committee. This was not a last-minute panic measure. The amendment was identified earlier in the process, but it could not be introduced earlier due to the fact that the Bill had been approved by the Executive. Therefore, this was the only stage at which the amendment could have been introduced without again going through the process of getting an amended Bill approved by the Executive.

Mr O’Loan raised the issue of rates on empty commercial properties and the fact that the Department said that it would evaluate the impact and effectiveness of the policy of rating empty non-domestic properties. That evaluation was always planned, and it has, as Mr O’Loan pointed out, been given added importance due to the effect of the recession on the commercial market. As part of that evaluation, the Department is taking soundings from stakeholders to get their views on the effect of the policy. I will take on board those views, as well as the views of the Committee for Finance and Personnel. I want to consider all factors in order to have a detailed analysis before the Department decides how best to proceed.

Mr O’Loan: The Minister did not come back to me with an explanation of why the amendments were brought forward so late. They were entered no later than last Thursday. My party staff made enquiries on Friday and got good verbal explanations from departmental officials. The Committee, through its secretariat, was informed only yesterday, when members were given a full written explanation of the amendments. When one gets complex

amendments like this, it causes the Committee concern if we do not simultaneously have a clear explanation in language that we can understand of what the amendments are about.

Given the long delay in bringing the Bill forward, I find it surprising that all the issues were not covered, that those amendments were not in the Bill when it was presented to the Assembly at its First Stage, and were not then explained in full to the Committee when it was briefed by departmental officials and the Minister himself.

The Minister of Finance and Personnel: I thought that I had provided an explanation. The Bill had already been approved by the Executive and could not be amended. Amendments cannot be made and published until after the Bill’s Second Stage. As the Member knows, the Second Stage took place late on Tuesday evening or early on Wednesday morning; I cannot remember exactly when it was passed. Therefore, the amendments were tabled as soon as possible thereafter. We did move quickly.

The Member makes a good point. The amendments are technical rather than complex, and I hope that I have at least explained the rationale behind them. The powers that are already available for commercial properties will now be available for domestic properties. Information must be provided to show who owns a property. If that information is not provided, sanctions can be imposed, including a fine of up to £1,000. That is the explanation of the amendment. I hope that I have explained the reason behind it, which is one of fairness and equality.

Although there would have been a longer discussion had the Bill undergone a Committee Stage, I am, nevertheless, happy to explain the thinking behind it in this format. I hope that I have explained why the tabling of the amendments was delayed until last Thursday. That is part of the arrangements in the House for tabling amendments. Therefore, they could not have been tabled any sooner.

Mr McNarry: In case the Minister is worrying, which I am sure he is, I will explain the reasons why the Ulster Unionist Party will make no interventions during the Consideration Stage. Although we sympathise with Members’ points, we are content, as we have said since the start, to allow the Bill to proceed.

I wonder whether I could have the Minister’s attention. I raised the issue of carers with him. I want to take the opportunity to thank him and his officials for the manner in which they have dealt with the issue of carers in relation to the introduction that I had to this Bill, particularly with regard to rates relief for carers. I met his officials, and I am satisfied that, as a result of my requests in the House and at the Committee, we may be — I will put it no stronger than that — able to find a way to determine whether there is a way to address

that issue. I want to put on record that I am grateful for all the assistance that I have received.

The Minister of Finance and Personnel: I thank the Member for his gracious intervention. I am sure that he will not make a habit of it. I thought that he perhaps wanted to intervene again to ensure that I did not get the wrong end of the stick.

Mr McNarry: He wants me to repeat it again and again; do not get carried away.

The Minister of Finance and Personnel: I will not get carried away. I will take such a gracious intervention when it is available, because I know that it will always be tempered with other kinds of intervention and speeches on other occasions. I had made a promise — I know that we are wandering off the subject — that officials would meet the Member, and I am glad that it was a useful and productive meeting.

Moreover, I am also glad to receive assurance from the Member about the Ulster Unionist Party's support for this important measure, which many people outside the Assembly want to be introduced. That is one reason why Members from all parties agreed to accelerated passage.

Amendment No 1 agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clauses 7 to 18 ordered to stand part of the Bill.

Clause 19 (Commencement)

Mr Deputy Speaker: Amendment No 2 has already been debated and is consequential to amendment No 1's having been made.

Amendment No 2 made: In page 13, line 24, at end insert "section 6(5) and (6);". — [*The Minister of Finance and Personnel (Mr S Wilson).*]

Clause 19, as amended, ordered to stand part of the Bill.

Clause 20 ordered to stand part of the Bill.

Schedule 1 (Minor and consequential amendments)

Mr Deputy Speaker: We now come to the second group of amendments for debate. There is only one amendment, amendment No 3, which provides a minor technical amendment that is consequential to clause 7.

The Minister of Finance and Personnel: I beg to move amendment No 3: In page 14, line 20, at end insert

"4A. In Article 52 (procedure on appeal to Commissioner), in paragraph (4A)(b), for the words from '12(1)' to the end substitute '15 of Part 1 of Schedule 12 (subject to paragraphs 7(3) and 12)'."

Members may wish to note that the amendment is minor and technical in nature and is consequential on the new anti-avoidance powers that are set out in clause 7.

It will help if I first provide an overview of clause 7, which is intended to address measures that ratepayers may take to avoid liability through deliberately damaging property or by disregarding any changes that have an effect on its valuation for a certain period.

Clause 7 will enable my Department, by regulations, to amend the valuation assumptions that apply to domestic property. It also contains a power to include additional matters in regulations, including assumptions that changes have been made to the state of the property in comparison with an earlier time.

Article 52(4)(a) and (b) of the Rates (Northern Ireland) Order 1977 provides that, where the Commissioner of Valuation for Northern Ireland makes an alteration in the valuation list, he may alter the valuation of any comparable property, having regard to the valuation assumptions. It will therefore be necessary, in respect of that, to take account of any changes to the valuation assumptions provided for in clause 7 where the property is an empty home. Amendment No 3 gives effect to that.

Amendment No 3 agreed to.

Schedule 1, as amended, agreed to.

Schedule 2 agreed to.

Long title agreed to.

Mr Deputy Speaker: That concludes the Consideration Stage of the Rates (Amendment) Bill. The Bill stands referred to the Speaker.

2.45 pm

COMMITTEE BUSINESS

Public Accounts Committee Reports

Mr Deputy Speaker: The Business Committee has agreed to allow up to two hours for the debate. The proposer of the motion will have 15 minutes in which to move the motion and 15 minutes in which to make a winding-up speech. All other Members who are called to speak will have seven minutes.

The Chairperson of the Public Accounts Committee (Mr P Maskey): I beg to move

That this Assembly takes note of the Public Accounts Committee Second (23/08/09R) and Third (38/08/09R) Composite Reports and of the following Committee Reports:

Report on Managing Sickness Absence in the Northern Ireland Civil Service (38/07/08R)

Report on Sea Fisheries: Vessel Modernisation and Decommissioning Schemes (06/08/09R)

Report on Statement of Rate Levy and Collection 2006-07 (13/08/09R)

Report on Delivering Pathology Services: The PFI Laboratory and Pharmacy Centre at Altnagelvin (16/08/09R)

Report on Warm Homes: Tackling Fuel Poverty (18/08/09R)

Report on Shared Services for Efficiency - A Progress Report (21/08/09R)

Report on Brangam, Bagnall & Co: Legal Practitioner Fraud Perpetrated Against the Health and Personal Social Service (26/08/09R)

Report on Road Openings by Utilities (33/08/09R)

Report on the PFI Contract for Northern Ireland's New Vehicle Testing Facilities (35/08/09R)

Report on Control of Bovine Tuberculosis in Northern Ireland (40/08/09R)

Report on Review of Financial Management in the Further Education Sector in NI and Governance Examination of Fermanagh FE College (41/08/09R)

and the following Department of Finance and Personnel Memoranda of Reply:

Report on Managing Sickness Absence in the Northern Ireland Civil Service (NIA 47/08-09)

Report on Sea Fisheries: Vessel Modernisation and Decommissioning Schemes (NIA 60/08-09)

Report on Statement of Rate Levy and Collection 2006-07 (NIA 74/08-09)

Report on Delivering Pathology Services: The PFI Laboratory and Pharmacy Centre at Altnagelvin (NIA 74/08-09)

Report on Warm Homes: Tackling Fuel Poverty (NIA 91/08-09)

Report on Shared Services for Efficiency — A Progress Report (NIA 91/08-09)

Report on Brangam, Bagnall & Co: Legal Practitioner Fraud Perpetrated Against the Health and Personal Social Services (NIA 110/08-09)

Report on Road Openings by Utilities (NIA 125/08-09)

Report on the PFI Contract for Northern Ireland's New Vehicle Testing Facilities (NIA 168/08-09)

Go raibh maith agat, a LeasCheann Comhairle. The motion will give Members some indication of the remit and range of the work of the Public Accounts Committee. I will not go into detail on every item listed in the motion, but I will remind Members of the scope of the Committee's work.

The Public Accounts Committee is a Standing Committee that considers reports on accounts laid before the Assembly. The accounts of all Departments and of most public sector bodies are prepared and laid before the Assembly by the Comptroller and Auditor General, the head of the Audit Office. The Comptroller and Auditor General may also make value-for-money reports, as well as reports of investigations that his office carries out as a result of audit findings.

The Audit Office's role is to examine public expenditure closely from the position of the independence of government. As such, it performs a natural partnership function with the Assembly, assisting in its scrutiny role and complementing its systems of checks and balances, which are fundamental to a healthy democracy. Audit Office reports are an invaluable tool in enabling the Public Accounts Committee to improve accountability and good governance in the public sector.

I commend the Audit Office for the excellent support that it provides to the Committee. I also thank the Committee Clerk and her staff, who work very hard every week to make members' deliberations easier. There have been some changes in the Clerk's team, but the secretariat staff have worked very hard to ensure that those changes were seamless. The Committee thanks all the clerical staff and the secretariat.

The Committee has welcomed a new Comptroller and Auditor General this year in Kieran Donnelly — Comhghairdeas le Kieran. Congratulations to Kieran on his successful application for the role. He has already established a good working relationship with the Committee, which is to his credit. The Committee also thanks John Dowdall, the previous Comptroller and Auditor General, for his mentoring. He gave us many good years.

The Committee has worked again this year to improve standards in public life, stewardship of the public purse, financial governance systems, and processes and controls to maintain accountability and value for the taxpayer. In each of its inquiries, the Committee endeavours to identify key shortcomings and to recommend improvements for future practice, continually promoting learning in

public spending. Those lessons are particularly relevant in the current climate of recession.

As in the past year, the Committee addressed some of its business into composite reports, which examined by correspondence certain issues of concern. Those have been circulated to Members, who will be familiar with the contents. The Committee also selected Audit Office reports to deal with as a priority, using the order of expenditure, impact on the taxpayer, and the extent to which lessons could be learned as selection criteria. The Committee studied those reports in detail, and heard evidence from the accounting officers of the relevant spending bodies, and probed and dissected all the evidence in order to come to its conclusions.

I will particularly focus on two reports: the Committee's 'Report on Statement of Rate Levy and Collection 2006-07', and the 'Report on Brangam, Bagnall & Co: Legal Practitioner Fraud Perpetrated Against the Health and Personal Social Services'.

George Brangam, solicitor and owner of the legal practice Brangam Bagnall and Co, was found to have fraudulently extracted at least £278,000, over a period of seven years, from six of the 11 health bodies to which his practice provided legal services. Public sector fraud is always a headline issue for the Committee. The Committee was relieved that the Department recovered money and legal costs of £123,000 in full. Nevertheless, on behalf of the Committee, I reiterate the gravity of the case.

Fraud is an abuse of position and trust, and no level of fraud is acceptable. Systems and controls, no matter how simple, must be in place to prevent anyone from deceiving the taxpayer in such a way. The Brangam case was particularly frustrating because the fraud could have been prevented and detected easily through basic payment checks. Unfortunately, the checks and supervisions were dispensed with because the health bodies were working with a professional person: a lawyer who had previously been a colleague.

Information sharing is another area in which lessons should be learned from the case. The Committee repeatedly recommends that Government must create a culture of openness in which employees are encouraged to flag up non-compliance with controls and to identify problems early on. Allegations about the solicitor's conduct, behaviour and probity were not shared with the Health Service. The Committee was not satisfied with the Department's handling of the solicitor's departure from the Health Service, particularly with regard to the conflict of interest arising from his involvement in the procurement of legal services. That was a factor in the Committee's conclusion that it had never before seen an example of such poor procurement practices.

The Committee also challenged the adequacy of the Department's investigation into the fraud, and it made

a number of recommendations for the scope and terms of reference of future forensic investigations. The Committee gained a broad understanding of the implications of the case by seeking the additional perspective of the Law Society in its capacity as a regulatory body of legal practitioners. In December 2008, the Committee heard evidence from the Law Society and the accounting officer of the Department of Health, Social Services and Public Safety before making its recommendations.

The Committee agrees that the Department has reduced risk to the Health Service by transferring most legal advice to an internal health and social care directorate. The Department has also introduced new procedures that do not permit cheques in settlement of legal cases to be channelled through solicitors where there is no sensible business case to do so. Those procedures would have prevented the majority of frauds perpetrated by George Brangam if they had been in place. The Committee remains of the view that the Department must learn lessons from the case for future forensic investigations and ensure that there are no conflicts of interest among the personnel who are responsible for the procurement of services.

The Health Service is, arguably, the priority for taxpayers. For good reason, it receives the bulk of the local Budget. As a constituency politician from the vibrant but deprived area of West Belfast, I deem this report to be the most significant of the year because it deals with prolonged and systematic malpractice in the most crucial and cherished front line public services that are offered here. As Chairperson, I have no doubt that the Committee's inquiry has strengthened public service for the benefit of taxpayers in every constituency.

I now turn briefly to another inquiry that has significant implications for every taxpayer. In the 'Report on Statement of Rate Levy and Collection 2006-07', the Comptroller and Auditor General was unable to give the Assembly any assurance on Land and Property Services' assessment and collection of rates in that year. That was due to significant system control problems that arose following the introduction of a new IT system.

The Committee decided to prioritise the topic because of the considerable impact of rates revenue, which is assessed at £1 billion a year, on local and central government. The Committee reported on rate collection activity during a time of considerable change in policy, systems and management structures. We considered that the Department of Finance and Personnel and the agency were trying to do too much in too little time.

On 1 April 2007, domestic rates bills were issued under a completely new regime. For the first time, annual rates bills were based on a home's estimated selling price rather than on rental values that were

determined some 30 years previously, as had been the case for many years. A new computer system was installed in October 2006 to process bills based on the new policy. However, as new policy and new computer systems were being introduced, senior management and staff were handling the additional challenge of setting up a new agency.

Land and Property Services was created by merging four existing agencies — the Rate Collection Agency, the Valuation and Lands Agency, Ordnance Survey and Land Registers — over a two-year period. The Committee's overall conclusion was that the implementation of the new IT system was poorly managed and resulted in significant additional costs being incurred to resolve basic failings in the system that had not been discovered before it went live. Members found it hard to believe that short cuts were being taken to implement a complex and large IT system and that staff were transferred from operational duties to ensure that the system went live on time.

The Committee considered that the decision to proceed with the implementation of the new system was based on a fundamentally flawed risk assessment. The Department did not take sufficient account of the huge risk of inadequate system testing, the impact of transferring front line staff to work on the introduction of rates reforms and the enormous financial consequences of postponing the collection of arrears.

On the subject of arrears, the Committee noted that ratepayer debt rose from £48 million in 2006 to £124 million in 2008 as a result of the decision to delay the recovery of arrears. That financial impact had been significantly underestimated in the Department's plan. Although the Department achieved its objective of successfully calculating and issuing bills based on capital values by April 2007, that did not provide either central government or local government with any additional revenue.

New reforms may have led to a fairer allocation of rates, with some ratepayers paying less and others paying more, and various reliefs and allowances, such as the lone pensioner allowance, were introduced for those in great need. Nevertheless, the Committee's view was that a properly considered risk assessment would have avoided many of the problems that were encountered, by postponing the reforms by one year.

The Committee made a number of important recommendations for the Department and Land and Property Services to ensure that what went wrong will be fixed and that the resulting adverse consequences to ratepayers, councils and staff can be quickly resolved. The Committee also noted wider lessons on implementing complex new IT systems. Many of the lessons are already incorporated in best practice, but the mistakes seem to be repeated time and again by civil servants. In

the Department's memorandum of response issued in January 2009, the Department accepted the Committee's recommendations and advised that a financial review was being carried out by Land and Property Services to ensure that all outstanding system problems would be addressed.

The Committee continues to monitor progress, and I believe that the Deputy Chairperson, Roy Beggs, may discuss recent updates regarding some of the reports. I am glad of the opportunity to present to the Assembly the work of the busy and dedicated Public Accounts Committee. I appreciate that we have little time before Question Time, but I know that the debate will continue after that. Go raibh mile maith agat.

Mr Deputy Speaker: Members will be aware that questions to the Minister of Enterprise, Trade and Investment will start at 3.00 pm. Members can take their ease until that time. The debate will resume at 3.30 pm, when the first Member to be called to speak will be Mr Jonathan Craig.

The debate stood suspended.

3.00 pm

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

Oral Answers to Questions

ENTERPRISE, TRADE AND INVESTMENT

Mr Deputy Speaker: Question 1 has been withdrawn.

Unemployment: Economic Strategy

2. **Mr O’Loan** asked the Minister of Enterprise, Trade and Investment, given that the latest labour market figures released by her Department show an increase in unemployment of 1,600 people last month, for her assessment of the need to reassess the economic strategy in order “to grow a dynamic, innovative economy”. (AQO 121/10)

The Minister of Enterprise, Trade and Investment (Mrs Foster): I acknowledge the impact of the increase in unemployment on many families in Northern Ireland. As with other parts of the United Kingdom, Northern Ireland continues to feel the effects of the global recession.

However, it is important to stress that the pace of the downturn appears to be lessening. The 1,600 increase in the number of claimants, for example, to which the Member’s question refers, is among the lowest in the past year. Furthermore, the Executive and my Department have taken specific steps in an effort to limit the short-term impact of the downturn on people and businesses: last year, the Executive announced a £44.5 million package; Invest Northern Ireland hosted credit crunch seminars; a £5 million accelerated support fund aimed at providing fast-track support to client companies was set up; and a £15 million short-term aid scheme is available to Invest Northern Ireland client companies and the wider business community.

It is also important for the medium to long term that we remain focused on the economic goals outlined in the Programme for Government. We must grow a more dynamic and innovative private sector; otherwise the short-term increases in unemployment could become more structural and long term. I will give careful consideration to the findings of the independent review of economic policy. I commissioned the review in December 2008, and it was published earlier today. In particular, I note that the review panel endorsed the

economic goals that the Executive have identified in the Programme for Government.

Mr O’Loan: Even if, as I hope, we emerge from the recession, all indications are that unemployment will continue to rise. The Minister’s colleague the Minister of Finance and Personnel has made it clear that his Budget for next year is in serious trouble. In the past few days, details have been emerging of the Barnett report on Invest Northern Ireland. It suggests that Invest Northern Ireland does not deliver jobs in the way that we expect it and need it to do. In light of those facts, will the Minister support my call for a full revision of the Budget? Will she use SDLP documents as the basis for that revision?

The Minister of Enterprise, Trade and Investment: What the Member presents as facts are, of course, not facts. To take account of changing circumstances and ensure that we are focused on addressing the key challenges, the Executive are committed to an ongoing review and the necessary revision of the Programme for Government. I set up a panel to carry out an independent review of Invest Northern Ireland and the Government’s wider economic policy. I ask the Member to accept that the Barnett review pointed out that the Executive were right to make the economy their number one priority.

After much media spin on the review from certain quarters, it is important to set the record straight. The report is balanced; it contains some criticism, but that criticism is constructive. Page 6 of the Barnett report states:

“Invest Northern Ireland has contributed significantly to NI’s economic performance in terms of employment growth. Offers of assistance through SFA were associated with 28,000 new jobs, 15,000 safeguarded jobs and £2.4 bn of investment over the period 2002/03-2007/08”.

It is simply wrong, therefore, for commentators and Members to say that £1 billion was wasted in that period. Are they saying that they did not want those 28,000 jobs? I do not think so, because Members consistently ask me what I am doing to safeguard jobs in their constituency or to bring new jobs there.

Very rarely in this House do I hear talk of closing the productivity gap. The report rightly looks at the issue of closing the productivity gap, which I am committed to doing. However, if that is what this House wants us to do, there are choices that have to be made. There is no point in Members coming to this House and saying that they want Invest Northern Ireland to bring low-paid jobs to their constituencies if, when they next come to the Assembly, they criticise Invest Northern Ireland for doing exactly what they asked it to do.

There is a job of work to be done in relation to the report. I am content to look at the report and to take it

forward, and I hope that Members will do it the justice of reading it in its entirety.

Mr McFarland: In light of the economic downturn, the Department recently introduced a short-term aid scheme for businesses. Will the Minister advise us of the actual take-up by businesses, rather than the number of applications? In other words, how successful has the scheme been so far?

The Minister of Enterprise, Trade and Investment:

The short-term aid scheme has been successful. I am quite happy to write to the Member with the specific details. To date, I think that somewhere in the region of 18 companies have taken up the scheme. Yesterday, when I met employees of Stream International from the city of Londonderry, I told them that one of the ideas that we are considering to help that company is the short-term aid scheme, so that the company can retain the skills and the management that are required to keep it going in the short term. The short-term aid scheme has been an incredibly useful tool to have in the armoury of Invest Northern Ireland, and I will follow up with the specific details for the Member.

Mr Neeson: I am glad that the Barnett review has been published. I very much regret that it was not seen by the members of the Committee for Enterprise, Trade and Investment before it went to the press, but I know that the Minister had no control over that.

How does the Minister intend to respond to the Barnett review? How does she respond to the suggestion that the Department of Enterprise, Trade and Investment and the Department for Employment and Learning should merge?

The Minister of Enterprise, Trade and Investment:

In respect of the first part of the question, I intend to have a very focused period of consultation — probably in the region of six weeks — so that I can hear what the community and interested parties have to say about the content of the review. It is important to do that. It is more than likely that I will then make a statement to this House and take the matter to the Executive, because a large number of issues in the review are cross-cutting. The Member mentioned one of them: the recommendation that we should have a Department of the economy instead of having the Department for Employment and Learning and the Department of Enterprise, Trade and Investment.

From a political point of view, it should come as no surprise to Members that I very strongly support that recommendation. We believe that there is a need to cut the number of Government Departments. We believe that that would be efficiency in government, which is what people want to see us doing in this place. We should cut the number of MLAs and the number of Government Departments, so, from a political point of view, I wholeheartedly support that recommendation.

However, I will of course listen to the views of others in relation to the consultation, and I will take it to the Executive in the near future for discussion.

Mr Deputy Speaker: The Member who was due to ask question 3 is not in her place, and question 4 has been withdrawn.

10-day Payment Rule

5. **Mr P J Bradley** asked the Minister of Enterprise, Trade and Investment what discussions her Department has had with the Department of Finance and Personnel to ensure that a greater percentage of small sub-contractors, employed to service large Government contracts, benefit from the ten-day payment rule adopted by Departments. (AQO 124/10)

The Minister of Enterprise, Trade and Investment:

The Department of Enterprise, Trade and Investment (DETI) has not been in discussion with the Department of Finance and Personnel about the matter. However, I have raised concerns with the Minister of Finance and Personnel. At the request of the Finance Minister, contracting authorities are encouraged to pay suppliers within 10 days of the receipt of a valid invoice. However, that is not a contractual requirement. The Minister of Finance and Personnel advised that in the case of construction-related works and services contracts that are procured throughout his Department, the contracting authority is required to pay main contractors within a maximum of 24 days from the receipt of a valid invoice. Subcontracts include terms that complement the main contract.

For non-construction related contracts for supplies and services, the payment of all sums that are due to be paid by the main contractor to subcontractors is required within a specified period that does not exceed 30 days from the receipt of a valid invoice. I am advised that the Department of Finance and Personnel will keep payment terms in contracts under review.

Mr P J Bradley: Will the Minister undertake to give more help to local businesses to enable them to compete for large tenders? I give the recent Invest Northern Ireland advertising contract as an example.

The Minister of Enterprise, Trade and Investment:

After an open procurement exercise, that contract was awarded to the person that complied with the contract tender. I regret that the Member was not in his seat to hear me when I talked about public procurement this morning. However, public procurement is one of those areas in which Government can help a lot. We have seen InterTradeIreland introduce the Go-2-Tender programme, which has been successful in helping a number of companies in Northern Ireland secure Republic of Ireland Government contracts. We should welcome

very much the work that InterTradeIreland is doing in that regard.

Small companies that I visit raise the issue of public procurement with me. The fact that sometimes there is a ceiling on the amount of money in turnover that those companies must have before they can apply for Government procurement contracts is an issue about which I wrote to the Finance Minister last week, because it was mentioned when I visited a company.

I know that the Committee for Finance and Personnel is conducting an inquiry into public procurement, but it is an area on which we must keep a close eye so that our small businesses get access to it. We know that 82% of Northern Ireland businesses are small or medium in size. We need to tell them that there is a route into Government procurement. On that, I agree with the Member wholeheartedly.

Mr Ross: Will the Minister tell us how her Department's performance compares with that of others in meeting that 10-day payment target? Will she tell us whether that performance has been improving or worsening over recent months?

The Minister of Enterprise, Trade and Investment: I am glad to say that DETI is one of the better payers in Government. Around 88% of its invoices are paid within 10 working days each month. One may say that that is all very good for DETI, but it is important that my Department shows a lead. I am pleased to say that it is doing so. Our non-departmental public bodies pay 73% of invoices within the 10-day target. The performance of those public bodies is improving monthly, and it is something that we are watching.

Ms J McCann: Go raibh maith agat, a LeasCheann Comhairle. Given that she emphasised the need for small and medium-sized businesses and the social economy sector to have equal access to public procurement contracts, what input has the Minister's Department had into the Committee for Finance and Personnel's inquiry?

The Minister of Enterprise, Trade and Investment: I do not have that information to hand, but I want to contribute to the Committee's investigation. As I said in answer to an earlier question, public procurement is a recurring theme in my visits to companies, particularly those in the construction sector, which often question why they cannot get access to Northern Ireland Water or other contracts.

My Department and Invest Northern Ireland organised a successful event at the new South West Acute Hospital in Enniskillen, during which we introduced a number of small suppliers to the principal contractor on the site. That worked well, and we will consider repeating that in other large scale contracts.

Rev Dr Robert Coulter: Are all Departments co-operating actively in applying the 10-day payment rule?

The Minister of Enterprise, Trade and Investment: As far as I am aware, all the Departments are being monitored against the 10-day payment target. I recall seeing a table that listed all the Departments and the percentage of payments that they make within 10 days. I am sure that table will be made available to the Member if he asks for it.

Renewable Energy: Feed-in Tariff

6. **Mr B Wilson** asked the Minister of Enterprise, Trade and Investment if she has any plans to introduce the feed-in tariff for renewable energy to encourage the development of the renewable sector. (AQO 125/10)

The Minister of Enterprise, Trade and Investment: There are no immediate plans to change the Northern Ireland renewables obligation (NIRO) from being the main support mechanism for encouraging renewables development. However, DETI is about to publish a consultation on changes to the NIRO to ensure its consistency with the GB obligations. That consultation will seek initial views on the feed-in tariff as an alternative mechanism. However, any proposal to introduce a feed-in tariff needs more detailed assessment and consultation and, if agreed, would require changes to both primary and subordinate legislation.

3.15 pm

Mr B Wilson: I thank the Minister for her response, although I find it disappointing. Feed-in tariffs have been very successful in Europe, and, in many European countries, they have led to a big increase in the number of renewable systems. Next year, the UK will introduce feed-in tariffs, so we should follow suit. Will the Minister look at what the UK Government are doing and consider implementing those measures here?

The Minister of Enterprise, Trade and Investment: That is another subject that we discussed in the House this morning, and I explained why we are different from the rest of the United Kingdom in that respect. Feed-in tariffs for small-scale renewables were not in the Westminster legislation, although the House of Lords tabled an amendment to include such tariffs in legislation. Unfortunately, because there was not enough time to bring a legislative consent motion to this House, we were unable to be included in that legislation. That is why there is a disparity between us and the rest of the United Kingdom.

This Friday, I will launch a consultation process on how we should incentivise small-scale and other renewables, and as part of that process we will discuss feed-in tariffs. However, the Member must be aware that if, after consultation and discussion, we intend to

go down that road, primary and secondary legislation will be required. In the meantime, there are other ways of incentivising the renewables sector. As I said, the consultation process will be launched on Friday.

Mr Hamilton: I am sure that the Minister will join me in welcoming the success of SeaGen's marine current turbine project in Strangford Lough. Given the additional boost to our economy that can come through developing renewable technologies, such as the SeaGen project, what support is the Minister's Department giving to the development of offshore renewable energy generating technology for wind and wave power?

The Minister of Enterprise, Trade and Investment: That is a matter of awarding various bands of Northern Ireland renewables obligation (NIRO) certificates; the higher the band, the more valuable it is. Therefore, we have been looking at ways of incentivising newer energies, such as those to which the Member referred.

This is an exciting time for energy policy in Northern Ireland. The strategic energy framework is out for consultation, which will close soon. We also have the bioenergy consultation process. That is going on at a time of flux for energy policy. In addition, we are carrying out a strategic environmental assessment of tidal energy off the north Antrim coast. A great deal is going on with respect to energy policy, but we must do all of that if we want to be a key player in the area. I am confident that Members will play their part in developing the policy.

Mr P Maskey: Go raibh maith agat, a LeasCheann Comhairle. What progress have we made on the renewable energy targets in the draft strategic energy framework, and are they still achievable?

The Minister of Enterprise, Trade and Investment: The consultation on the strategic energy framework has not yet closed. Nevertheless, the Member is right: the 40% target in the framework is challenging; however, in order to meet our renewable energy commitments, I felt that it needed to be included.

I welcome the fact that the Minister of the Environment delayed the publication of the supplementary planning guidance on Planning Policy Statement 18 until we were able to assess whether that should be the target and until we had a detailed assessment of its potential effect on wind-turbine development. That is an example of joined-up government. After we have looked at the 40% target, it is important that we consider its implications on electricity prices, which, as the Member will know, is an important issue, and on our medium to long-term energy mix, security of supply and competitiveness. Those matters are also of keen importance. I want to look at the consultation responses, and we will do so in the near future.

Renewable Energy: Targets

7. Mr Easton asked the Minister of Enterprise, Trade and Investment what assistance is available to help businesses meet the renewable energy targets set out in the draft strategic energy framework. (AQO 126/10)

The Minister of Enterprise, Trade and Investment: As I said, the most significant target in the strategic energy framework is to increase the amount of electricity from renewable sources to 40% by 2020. The primary source of financial assistance to developers whose renewable energy businesses will contribute to this challenging target is the Northern Ireland renewables obligation.

The Assembly voted for increased assistance under the NIRO for newer renewable technologies in the banding of the NIRO, which was brought in on 1 April 2009. I have also ensured that the Northern Ireland landfill gas developments are maintained at one renewables obligation certificate per megawatt hour, unlike elsewhere in the United Kingdom. That is a clear case of devolution delivering for Northern Ireland. The draft strategic energy framework highlights the significant potential to generate increased economic opportunities from sustainable energy activities in Northern Ireland.

As an example of how the Government are helping businesses to make the most of those economic opportunities, Invest NI is hosting a Northern Ireland energy and environment conference in the Waterfront Hall on 14 October. The event will cover real business opportunities in wind, marine, bioenergy and other low-carbon technologies, giving businesses access to the Crown Estate, and the European Union water and United Nations procurement programmes. Invest Northern Ireland's strategy for the renewables sector also includes a range of initiatives that is aimed at increasing the deployment of sustainable technologies and improving energy efficiency, including direct business support provided by the Carbon Trust.

Mr Easton: What is Invest Northern Ireland doing directly to help local businesses that are interested in the development of sustainable energy?

The Minister of Enterprise, Trade and Investment: Invest NI has taken on board the views of the green new deal group, which, as Members know, issued a report some months ago. The group wants to take up the opportunities provided by the green new deal, grasp them and take them forward. It has chaired the economic opportunities subgroup of the interdepartmental working group on sustainable energy. That working group specifically examines the opportunities to create green jobs and skilled development in Northern Ireland, with the aim of developing and agreeing an action plan among the relevant Departments by the end of December.

2009. That section of Invest NI is examining renewable energy. It is important that that is done because there are great opportunities in that area.

Mr McNarry: Will the Minister inform the House what discussions are ongoing with regard to developing the Northern Ireland Civil Service estate as a major renewable energy user? If there are no such discussions, will she encourage them to take place?

The Minister of Enterprise, Trade and Investment: Discussions are ongoing on that issue. In an earlier answer on the 10-day payment rule, I said that it is important that the Government lead, and the interdepartmental working group on sustainable energy includes representatives from across Government, who feed back into their own Departments. It is important that we hear from the government estate, especially from the Departments that own a lot of property, such as the Department of Health, Social Services and Public Safety, the Department of Education and the Department for Regional Development. We need to know what they believe to be the best way forward. In the Department for Employment and Learning, much work has been done in some colleges of further education. The Omagh campus of the South West College has carried out much work on renewable energy, and that work was done in an exemplary way.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her responses so far on the assistance that is available to businesses, which I want her to broaden. I know that she has been active and vigorous in local areas. I met her in my constituency because she was involved in a job creation project.

Has the Minister discussed the possibility of reducing rates on non-domestic vacant properties with the Minister of Finance and Personnel? That would help smaller businesses to reduce their current excruciating overheads.

The Minister of Enterprise, Trade and Investment: We have not discussed that issue. However, to increase the energy efficiency of small companies and to decrease their energy bills, the Department puts a large amount of funding into the Carbon Trust, which visits companies and advises them what to do. In some instances, the change has been dramatic. Some large companies have saved about 17% on their energy bills because of the intervention of the Carbon Trust.

I urge small companies that are having difficulties with their energy bills, and I am sure that there are many, to consult the Carbon Trust. The organisation is willing to talk.

Signature Projects

8. **Mr Doherty** asked the Minister of Enterprise, Trade and Investment for an update on the five signature projects and if all five will be delivered on target. (AQO 127/10)

The Minister of Enterprise, Trade and Investment:

In the Walled City signature project, which is now in phase 2, the culture and animation programme is complete. The Playhouse project is complete, and the theatre is due to be officially opened in autumn 2009. Contractors will be appointed at the end of October 2009 for St Columb's Cathedral and the First Derry Presbyterian Church projects.

In the Apprentice Boys of Derry Memorial Hall project, the needs and costs involved to appoint a project manager have been assessed and evaluated and a detailed business case has been completed. That is currently being considered and the outcome will be communicated to all concerned in due course. The Northern Ireland Tourist Board remains supportive of this project and is keen to see it proceed.

An economic appraisal of the Guildhall project is under way, and the lighting strategy and Aras Colmcille projects have been economically appraised. The latter is completing the interpretative plan to meet the Heritage Lottery Fund's requirements for funding.

The Giants Causeway visitor centre economic appraisal has been completed. A number of minor queries are being addressed by the Tourist Board. Subject to necessary approvals, it is hoped that a letter of offer will be issued in December 2009 and the project is expected to be delivered by spring 2012.

For the Mourne signature project, St Patrick's signature project, and the Causeway signature project, excluding the visitor centre, 74 successful applications are going through the economic appraisal process. The Tourist Board has been working on those with the Northern Ireland Environment Agency, the Department of Agriculture and Rural Development and the Planning Service.

On 27 November 2008, the Executive confirmed support of up to £43.5 million for the Titanic signature project, subject to satisfaction of certain conditions. The project is at an advanced stage of consideration. Harcourt Construction continues to work on site at risk, with the secant piling complete for the basement walls, the excavation complete for the signature building, and the piling for the signature foundations having commenced.

Mr Doherty: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her detailed and lengthy answer. Given the potential of the Sperrins region for activities such as hillwalking, does the Minister have any plans to invest in that area with a view to making it a signature project?

The Minister of Enterprise, Trade and Investment:

It will not surprise the Member to know that I would have preferred it had a certain area in Fermanagh been considered for a signature project as well. The signature projects were awarded before I came into this office,

so I am playing the hand I was dealt. However, the new tourism strategy for Northern Ireland will be issued at the end of this month or the beginning of next month, and I am very hopeful that we will see the way forward for Northern Ireland tourism in that, as well as the importance of the five signature projects.

The tourism development scheme has attracted two applications from the Omagh District Council area in West Tyrone. One relates to An Creagán team-building facility: the project cost is in the region of £65,000 and the grant sought is half of that at £32,500. The other project in the Member's constituency is the Tennessee Plantation House, which is also being half funded: the total project costs £300,000 and it is being funded to the tune of £150,000. Both applications have been approved in principle for financial support, subject to economic appraisal.

Therefore, although I understand why the Member is asking me the question in relation to West Tyrone, I want to assure him that we have not forgotten about other areas throughout Northern Ireland — perish the thought — and we will continue to support those other areas. I hope that he understands that those two projects are being supported.

Mr Craig: Will the Minister outline what she proposes to do with regard to the production of a new tourism strategy for Northern Ireland?

The Minister of Enterprise, Trade and Investment: As I indicated, the new strategy is being developed. The steering group that I set up has been meeting tourism leaders and business and public sector representatives. I very much hope to have that tourism strategy in the near future. It will give me a clear and inspiring vision for an action plan for the development of Northern Ireland as a tourism destination.

When I was in India last week, I took the opportunity to promote Northern Ireland as a place for people from India to visit. It gave me great pleasure to do that, because I believe that we have a tourism product that is increasing in value, and we need to continue to promote it as much as we can.

3.30 pm

Mr Deputy Speaker: That concludes Question Time. I ask Members to take their ease until the Speaker takes the Chair.

(Mr Speaker in the Chair)

COMMITTEE BUSINESS

Public Accounts Committee Reports

Debate resumed on motion:

That this Assembly takes note of the Public Accounts Committee Second (23/08/09R) and Third (38/08/09R) Composite Reports and of the following Committee Reports:

Report on Managing Sickness Absence in the Northern Ireland Civil Service (38/07/08R)

Report on Sea Fisheries: Vessel Modernisation and Decommissioning Schemes (06/08/09R)

Report on Statement of Rate Levy and Collection 2006-07 (13/08/09R)

Report on Delivering Pathology Services: The PFI Laboratory and Pharmacy Centre at Altnagelvin (16/08/09R)

Report on Warm Homes: Tackling Fuel Poverty (18/08/09R)

Report on Shared Services for Efficiency — A Progress Report (21/08/09R)

Report on Brangam, Bagnall & Co: Legal Practitioner Fraud Perpetrated Against the Health and Personal Social Service (26/08/09R)

Report on Road Openings by Utilities (33/08/09R)

Report on the PFI Contract for Northern Ireland's New Vehicle Testing Facilities (35/08/09R)

Report on Control of Bovine Tuberculosis in Northern Ireland (40/08/09R)

Report on Review of Financial Management in the Further Education Sector in NI and Governance Examination of Fermanagh FE College (41/08/09R)

and the following Department of Finance and Personnel Memoranda of Reply:

Report on Managing Sickness Absence in the Northern Ireland Civil Service (NIA 47/08-09)

Report on Sea Fisheries: Vessel Modernisation and Decommissioning Schemes (NIA 60/08-09)

Report on Statement of Rate Levy and Collection 2006-07 (NIA 74/08-09)

Report on Delivering Pathology Services: The PFI Laboratory and Pharmacy Centre at Altnagelvin (NIA 74/08-09)

Report on Warm Homes: Tackling Fuel Poverty (NIA 91/08-09)

Report on Shared Services for Efficiency — A Progress Report (NIA 91/08-09)

Report on Brangam, Bagnall & Co: Legal Practitioner Fraud Perpetrated Against the Health and Personal Social Services (NIA 110/08-09)

Report on Road Openings by Utilities (NIA 125/08-09)

Report on the PFI Contract for Northern Ireland's New Vehicle Testing Facilities (NIA 168/08-09) — *[The Chairperson, of the Public Accounts Committee (Mr P Maskey).]*

Mr Craig: For my sins, I have been asked to speak about private finance initiatives (PFI). The Public Accounts Committee has looked at a number of PFIs in the past year. One of the first PFI contracts that the Committee looked at was the upgrade of MOT centres to the tune of £57 million. The contract was to provide installation and maintenance of new MOT testing equipment. For whatever reason, this was state-of-the-art equipment, and it has been in operation since 2003. However, given the time that the equipment has been in operation, the full test is not being carried out in line with EU requirements, and the targets for test times included in the PFI contract are not being achieved.

It was interesting to note in that investigation that the Driver and Vehicle Agency (DVA) has not claimed or received compensation from the private contractor. One thing that the Committee outlined and underlined in the course of its work was that any future contracts need to be clearly and properly structured and have built-in enforceable penalty clauses to cover circumstances in which the private sector does not deliver on the targets set out in the PFI contract. In the case of the MOT centres, it looks as though the private contractor found a get-out clause and managed to walk away.

However, the Committee welcomed the fact that DVA's performance against the 18-minute test time in the MOT contract has improved drastically in recent times. Anybody who has had to MOT their car in the past year will fully recognise that the waiting lists are well down. However, that improvement has come with a huge price tag to the public sector. It took £6 million in extra staffing costs to bring about that reduction in waiting lists.

The DVA is considering that it is no longer realistic to conduct an MOT in 18 minutes, and it is looking at a 27-minute period as a more accurate time for each test. All those issues will have a knock-on effect with regard to throughput in all centres.

For example, if MOT centres were to take 27 minutes rather than 18 minutes to complete a test, it would not be possible to inspect the same number of vehicles, and there would be huge cost implications. Huge additional resources would be required, and those resources would no doubt be sought from the public purse.

The Committee considered the Driver and Vehicle Agency to have done too little to resolve its difficulties, and it urged it to complete quickly a full performance review of the entire contract. On my speaking notes, I have underlined the phrase "complete quickly" because that recommendation was made in the then Comptroller and Auditor General's report three years earlier, and yet that review has never been carried out. That is very telling.

There is wide recognition that, when it comes to MOTs, the standard in Northern Ireland is probably a great

deal higher than it is anywhere else. I am very tempted to say that it is higher than anywhere else in Europe — anywhere else in the world, come to that — yet whether we need it to be of such a high standard is another matter. However, the Committee did receive reasonably positive feedback that the situation had improved under the PFI contract.

Another PFI contract that the Committee examined was the contract to build the laboratory and pharmacy services centre at Altnagelvin, a key component of the £250 million redevelopment of the Altnagelvin Area Hospital complex. The project involved the construction of a highly complex newbuild at the site, but, despite its complexity and cost, the Committee was still genuinely surprised to learn that the whole project would not be completed until 2015-16 — more than 20 years after the redevelopment programme was launched. The centre took over six years to be developed and there were inbuilt delays, which caused an increase in the initial cost of approximately £4 million. Those costs were reflected in an increase in the unitary charges over the 25 years of the contract.

However, all the Committee members were genuinely impressed that, despite the complexity of the project and the inbuilt delays of the process, the costs were kept under control. That was the result of the use of exemplar design in the management of the project, and it was quite clear from the Committee's investigation that the use of that process had enabled the contractors to keep the costs under control, and one of its recommendations was that future PFI projects should make use of that process. The project at Altnagelvin did not meet its projected timescale, but its costs were kept under control, and those costs ultimately would have had to have been met from the public purse.

Mr Beggs: I also pay tribute to the staff of the Public Accounts Committee, and to the staff of the Northern Ireland Audit Office, without whose assistance we would not be able to function appropriately. Given the recent retirement of Comptroller and Auditor General John Dowdall, who had served for many years, it is also appropriate that Committee members should record our appreciation for his advice and guidance.

Accountability is the key to good management and to the deliverance of good performance. The Northern Ireland Audit Office, and the subsequent scrutiny of its reports by the Public Accounts Committee, holds permanent secretaries and other senior civil servants to account for expenditure. The Committee's recommendations endeavour to prevent the repetition of bad practice so that better use is made of public funds.

During the 2007-08 and 2008-09 sessions, the Committee examined a wide range of reports. Although it normally highlights the need for improvements to be

made, the Committee also highlighted some of the good practices that it has come across.

The PFI laboratory and pharmacy centre project at Altnagelvin was mentioned earlier. During the Committee's investigation it found that, although not subject to a full gateway review, it was subject to a health check to ensure a final appropriate contract specification. It also made use of exemplar design. The views of stakeholders were incorporated so that the final design met the needs of those who would use the service.

The Committee covered a wide range of Departments in its investigation. I have chosen to concentrate on some specific reports where Departments must do more work.

From the perspective of a local councillor — and I declare an interest as a local councillor — I encountered some of the difficulties that arose from the miscalculation of the penny product. Indeed, I, along with other councillors, experienced huge variations in the amounts of money that we could expect to raise during the estimation of our rates calculations for the subsequent years. At one stage, we were told that additional moneys would have to be raised locally, and we were then told that extra money would be coming to us. We found it very difficult to have a stable base from which to plan and work the rates process. Indeed, several councils wrote to the Committee to draw attention to that issue. The Committee addressed those issues in the course of its inquiry, which it followed up recently. Councils have had difficulty in setting an accurate rate, given such variations in the penny product.

The Public Accounts Committee also exposed the scale of the failure of Land and Property Services to inspect vacant property. Surely, that is one of the most basic functions of a rates collection agency. Fortunately, local council staff worked subsequently with Land and Property Services to assist in invoicing an additional £21 million. That money will be available to the Northern Ireland Executive and councils to pay for public services, and it will help to keep down the cost for ratepayers who have been paying their rates. It is important that that aspect of the work is carried out.

During the evidence session, I related to civil servants the difficulty that I had in requesting a rates bill. I had to chase Land and Property Services repeatedly for a bill to pay. That is a very strange phenomenon for an organisation whose job it is to collect money. I assure Members that no business would have such difficulty. That, and other issues exposed by the Public Accounts Committee, contributed to the decision to have the performance and efficiency delivery unit (PEDU) examine Land and Property Services's operations and the subsequent action plan.

I had a brief look at the action plan, which lists some basic issues: the need for integration between the

valuation and revenue functions; the need to focus on its business priorities; a clear sense of purpose for the organisation; strengthening the understanding of and focus on the agency's key customers; and maximising revenue collection against accurate and timely assessments. Those points are not rocket science. However, the need to have them listed illustrates that Land and Property Services must have lost its way if those basics were not central to what it was doing. I welcome the fact that those issues have been highlighted as key points.

It is hoped that additional moneys will be raised and available for public use. A more timely intervention should reduce rates arrears and bad debt. Regrettably, however, poor past performance will, undoubtedly, result in increased levels of bad debt being declared and less money being available for public use. I hope that there will be significant improvements in that area.

I turn now to the report on managing sickness absences in the Civil Service. It is estimated that the private sector has an average of six days' absence for each employee each year; the Civil Service in Great Britain has an average of 9.3 days' absence for each employee; the Northern Ireland Civil Service had an average of 13.7 days' absence for each employee for 2006-07. Although there are increasing strains on public finance, it is even more critical today to get more value for the money that we spend. Paying for absentee staff is not good value.

The vast majority of civil servants have a good attendance record and others have certified illnesses, but some are abusing sickness entitlement and putting additional pressure on their colleagues.

3.45 pm

The Committee's second recommendation was that the Department should keep a firm spotlight on that and that the reports should be significantly disaggregated to identify absentee hot spots in Departments and agencies. I hope that that will occur. It is important that all managers recognise their accountability and manage the absenteeism of their staff. Equally, there is a role for Committees in that area. During the evidence session we also advised that —

Mr Speaker: The Member should bring his remarks to a close.

Mr Beggs: There is no reason why there should be lower levels of attendance in the Civil Service than in the private sector.

It has been a busy year for the Committee, which has covered a wide range of subjects, and regrettably we have had to return to some subjects, but —

Mr Speaker: The Member's time is up.

Mr Dallat: I wish to focus on the PAC report on financial management in the colleges of further education prior to the reorganisation into six regional colleges in 2007. I will try to explain why I believe that that was a very important report. It outlines a classic example of hands-off bodies stashing money that they do not need and which could be spent on providing educational services that are in great demand and under pressure.

A total of £44 million was in the vaults of six colleges, doing nothing for the people for whom it was intended. It fails me to understand why those colleges could not find a use for that money to improve the educational prospects of people who look to the colleges of further education for a second chance to learn skills that would improve their prospects of getting a job, or, indeed, developing their skills to get a better-paid and more secure job. If those colleges were so well heeled, they could have handed the money back so that it could be used to fund front line services, such as the Health Service, which was starved of money.

The report found that senior management teams in the pre-regional colleges were not equipped with the skills and experience necessary for financial governance responsibilities. That was a damning indictment of the Department, which should have ensured that recipients of public money had the basic skills in how to manage it. If there is any good news from the report, it is an undertaking from the Department — given only last week — that in future, no more than 10% cash balances will be retained. The Public Accounts Committee welcomes that.

In trying to understand how so much money could lie idle in bank accounts, the PAC discovered that the Department was negligent in several ways. Monitoring reports were frequently submitted late with no penalty, and no action was taken when the reports flagged up serious financial practices. The Department, I am glad to say, has given an assurance that improved governance arrangements have been put in place for the six new colleges; however, I have to question that because problems have arisen in the new Belfast Metropolitan College, and the Department has not been able to explain why.

Speaking personally, it is a great source of frustration that, after the PAC devoted a great deal of time and energy to scrutinising reports produced by the Comptroller and Auditor General, we find that our recommendations are frequently ignored. That suggests that greater penalties are needed to ensure that the PAC is fully effective in the job that it does — and does with great commitment.

It would be remiss of me not to spell out how serious the incompetence of the colleges of further education has been and how their lack of financial management skills has affected the people who should benefit from

the services that they are supposed to deliver. One quarter of the total population between the ages of 16 and 64 lack basic skills — skills that may just make them employable at a time when unemployment has doubled in the past 12 months. Those who are in employment could have upgraded their skills and gone on to obtain more highly skilled jobs that would be less at risk in the present economic downturn.

I have often said in the Chamber that education is the greatest weapon for resolving inequality and offering political stability. I declare an interest in that I owe my further education to the technical college in Coleraine, and I have nothing but admiration for the people who have delivered vocational education there to many students for more than 70 years.

The case of Fermanagh College of Further and Higher Education, which was covered by the Committee's report, was particularly worrying. Fundamental breaches of public accountability and basic financial mismanagement resulted in the college having to repay more than £1 million of improperly claimed funding. That money had been claimed before class numbers had been finalised. Clearly, there was no clear leadership or sense of strategic direction at the college.

It is gratifying that the Department for Employment and Learning has responded to the Committee's concerns with a review of governance arrangements. The Department has also undertaken to effectively communicate lessons to all the colleges through a programme of health checks, which are to commence before March 2010, with a workshop for all college senior managers to take place this autumn. Further training programmes are to take place in the future.

I wish to put on record my personal thanks to the former Comptroller and Auditor General Mr John Dowdall for his outstanding contribution to tackling financial irregularities, poor service and, indeed, fraud in public bodies. He was extremely concerned about the rights of the people whom I mentioned at the beginning of my speech, the 25% of people who lack basic skills and who could have their lives transformed if colleges of further education were to make best use of the resources that they are given.

Stashing the money in the vaults was a serious injustice. Let us hope that the publication of the report will mean that never again will that kind of embarrassment hang over the Assembly. In future, let us hope that FE colleges will be known for their students' successes and that the great history that they have had will be restored. That can happen only if the people who work in those institutions have the financial support and expertise in the future that they clearly did not have during the time that I have just spoken about.

Mr Lunn: I have been asked to talk about the general subject of fraud in the public sector, rather than about a specific report.

Fraud is a serious problem, and it is estimated that it costs the public sector in Northern Ireland around £500 million every year. Given today's economic climate, in which we are in the teeth of a recession, the public sector must be even more vigilant in guarding against fraudulent activity.

The cliché that fraud is not a victimless crime is worth repeating because every pound that is stolen by a fraudster is one pound less for the improvement of public services. I notice that the Minister of Finance and Personnel is in the Chamber; if he were able to get his hands on some of that £500 million, he would be more than pleased. It might make a difference to the figure of £370 million that is being bandied about in the other direction.

The Comptroller and Auditor General has been given powers to deal with the problem. Under statutory provisions that were inserted in the Audit and Accountability (Northern Ireland) Order 2003 by the Serious Crime Act 2007, the Comptroller and Auditor General has the power to conduct data-matching exercises for the purposes of assisting in the prevention and detection of fraud.

That legislation provides a significant opportunity to tackle and reduce the scale of fraud in Northern Ireland and beyond, and it should provide a strong deterrent against future fraudulent acts. Data matching is a powerful tool in combating fraud, as is demonstrated by the national fraud initiative, which was established by the Audit Commission in 1996. The Audit Commission has so far helped participating bodies to identify around £400 million of fraud and overpayments.

In consultation with the Information Commissioner and other stakeholders, the Audit Office has prepared a code of practice for data matching. On 25 July 2008, that code was laid before the Assembly. It promotes good practice and data matching. It helps to ensure compliance with the law, especially the provisions of the Data Protection Act 1998.

The first exercise was undertaken by the Comptroller and Auditor General as part of the national fraud initiative exercise for 2008-09. The Audit Commission, on behalf of the Comptroller and Auditor General, carried out key aspects of the exercise, including the collection and processing of data.

A total of 70 public sector bodies provided data for the first round of the exercise. They included Departments and their executive agencies; larger non-departmental public bodies; Health Service bodies; and district councils. A small number of other bodies provided data voluntarily.

The types of data sets included information on payroll; pensions; trade creditors; housing benefits; housing tenants; blue badge holders; rates; and the electoral register. Those data sets were gathered in October 2008. The matching exercise took place shortly after that. In February 2009, bodies started to receive their results, which they are now in the process of examining. It is hoped that by the end of 2009, the process will be substantially completed. The Audit Office then proposes to compile a report on the national fraud initiative. We look forward to that report.

The Chairman outlined the Brangam Bagnall and Co inquiry in some detail; therefore, I will not. That inquiry has given me a perspective on public sector fraud, which, certainly, informs my work as a PAC member. In 2007, we looked at a relatively minor case of fraud that involved the Ordnance Survey of Northern Ireland. In 2008, we produced our report on social security benefit fraud and error. In 2009, we have dealt with the inquiry into suspected fraud in the education and library boards.

The Committee has also dealt with certain aspects of a report on Valence Technology, which is due to be published soon. We could not get to the bottom of certain matters. As a result, the Committee has repeated recommendations on counter-fraud policies and the importance of basic checks and supervisory arrangements. Those simple steps can identify and prevent fraud at an early stage.

As is evidenced in the report on Brangam Bagnall and Co, and in other cases to which I have referred, fraud is often simple. It relies on the incompetence of supervisory staff; on basic checks and procedures being lax; and, in the case of Brangam Bagnall and Co, on friendship and trust replacing a businesslike approach and general vigilance. The late Mr Brangam exploited the old boys' network shamelessly. No one came out of that case with any credit; not even the Department of Health, Social Services and Public Safety or the Law Society, which were supposed to supervise his activities.

The data-matching exercise reinforces the Committee's recommendations in its inquiries. Departments must allow information sharing in order to prevent fraudsters from repeating offences. An environment of open communication is encouraged. It contributes to early detection of non-compliance with controls and can help to identify problems early.

It is also a key part of the culture that is required for a robust, whistle-blowing policy to be maintained and fully implemented. During the course of its work on various reports, the Committee has found that, often, whistle-blowers' allegations, which should be properly investigated, are not.

Many times, as a constituency politician, I have heard misgivings that have been voiced by members of the

public, which, when investigated, have led to significant findings of malpractice and conflict of interest, in particular. Therefore, I fully endorse all efforts by Departments to promote a whistle-blowing culture. I commend the national fraud initiative as an example of good practice and robust efficiency. The role of the Public Accounts Committee, as the guardian of taxpayers' money, is to ensure that no fraud is deemed acceptable.

Earlier, I mentioned Valence Technologies. The report on that case is due to be published on 1 October 2009. Therefore, I cannot discuss it. Let me just say that some reports have been known to highlight matters other than fraud; perhaps, the need to maintain good practice, even under pressure, and to learn lessons from previous experiences and, indeed, previous PAC reports, such as that which was produced on the DeLorean inquiry.

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

Mr Lunn: I will finish there, Mr Speaker.

4.00 pm

Mr Wells: The other day, someone asked me to describe the role of a Back-Bencher in controlling the Executive, and I said that trying to control the Executive is like standing jeering at a passing steamroller. To a large extent, that is how one feels about one's role as an obscure Back-Bencher in this House.

However, the Public Accounts Committee (PAC) is the one Committee that really seems to have teeth. That is because Departments fear the arrival of the Comptroller and Auditor General in their offices, and they fear the PAC's reports.

I spent a very happy 15 or 16 months on the Public Accounts Committee; it was interesting to watch it in action. I pay tribute to the staff, particularly the outgoing Comptroller and Auditor General, Mr John Dowdall, who is a remarkable individual. At his farewell meeting with the Committee, I said to him that he has the intellect of an accountant and the voice of an archbishop. He has that resounding air of authority that makes people respect him. I knew that his staff were in very good hands. He has since retired, and on behalf of the people of the Province, I pay tribute to his controlling investigations into the misuse of expenditure. My colleague Mr Craig also congratulates Mr Dowdall on his hard work. I wish Mr Dowdall all the best for a long and happy retirement.

When I was on the Committee, I saw two extremes in its reports. During the Committee's investigation of the pathology laboratory at Altnagelvin Area Hospital in Londonderry, I kept asking myself what we were doing and why we were there, because the only scandal that I saw was that there was not a pathology laboratory such as that in Altnagelvin in either Newry or Downpatrick. It is an outstanding facility with wonderful staff who

do tremendous work. The only crimes that the trust was perhaps guilty of were excelling in patient care and trying to do too much for patients. The laboratory might have run over budget, but the motivation behind that was getting a gold-plated facility for the people of the north-west. I congratulate the trust for that.

I know that the Committee felt obliged to look at that issue. However, I felt that the trust came out of that process with shining colours. I ask that there be similar facilities in Daisy Hill Hospital and Downe Hospital so that the Committee can investigate those as well. My constituents would love to have such wonderful facilities.

That is one extreme of the type of work that the Committee does. I suppose that we must look at the good guys as well as the bad guys to give a sense of balance. The Committee also looked at the issue of absenteeism. I worked for the National Trust for 10 years during the late 1980s and early 1990s. That was a wonderful time; however, not everyone understood my role. I once asked someone to join the National Trust, and he said that his money was with Bradford and Bingley already. Therefore, not everyone understood the role of the National Trust in Northern Ireland.

During my time with the National Trust, I noticed a fact about absenteeism that came out in the Committee's 'Report on Managing Sickness Absence in the Northern Ireland Civil Service'. I had hourly paid staff who did not get paid if they did not turn up and monthly paid staff who got paid no matter what happened. It was, therefore, no surprise that absenteeism was 14 times higher among the monthly paid staff than it was among the hourly paid staff. Both were doing identical work and hours, but if the hourly paid staff did not turn in, they did not get paid. Will someone explain to me why monthly paid staff can catch a range of plagues, diseases and illnesses when hourly paid staff are as fit as Olympic runners? There must be some reason for that.

Will someone also explain to me why pestilence swept through my office on Friday afternoons and Monday mornings but did not seem to affect the office on Tuesdays and Wednesdays? I never understood that. That report found that discrepancy: in certain workplaces staff got very ill, while in others, staff were very healthy.

I do not know what was going on in DRD or DARD, but staff in both those Departments seemed to be very happy; everyone came in, and nobody got ill. However, Members cannot say that that was because of the Ministers — *[Laughter.]* The Committee's report dealt with the pre-devolution situation, so those Ministers, who remain utterly unmentionable, cannot claim that staff were happy because they worked for them.

Why is it that in DARD the absenteeism rate was considerably lower than in DSD, DOE, or other Departments? It may be that the DARD staff were happier in their work, or there may be other reasons.

However, there can be no excuse for the fact that absenteeism in some Departments within the Northern Ireland Civil Service is almost double that in certain parts of private industry.

Quite simply, there are some civil servants who, unfortunately, consider that there are a number of days a year that they can take off as what are known as “sickies”. For example, they feel that it is allowable to take a few days off to go Christmas shopping. That is simply not allowable. It is not allowable for MLAs, it is not allowable for our staff, and, therefore, it should not be allowable for civil servants.

We may all laugh about that and it may seem very amusing. However, when you add up the total cost to the Exchequer of absenteeism in Northern Ireland, it equates to several new hospitals or several thousand new nurses. It is important that we get to grips with absenteeism, and, therefore, I think that it was important that the PAC did a report and exposed the difficulties that we face. We must drive down absenteeism to the average of private enterprise. That simply has to be the case. We cannot tolerate the *laissez-faire*, easy-going attitude that there is.

That said, being a member of the PAC was an enjoyable experience. It is hard to judge, but I think that I have moved on to perhaps slightly higher things. However, I know that the Committee is in good hands, and I welcome the fact that a letter from the PAC calling witnesses to give evidence is still seen as a fearful, torturous process that no permanent secretary wants to experience. The PAC must keep up the good work, keep causing fear within the Departments, and, hopefully, someday, we will do ourselves out of a job. I doubt that that is going to happen in my lifetime. However, Mr Dowdall can enjoy reading and playing golf, safe in the understanding that he has done a very good job for the people of Northern Ireland.

Mr McGlone: I was not anticipating being called to speak in this debate, but no matter. I am relatively new to the Public Accounts Committee, although it was visited upon me once upon a time before. The notes from which I am reading say “arcane”, but, sometimes, I am not sure whether the PAC is arcane or archaic.

Nevertheless, since becoming a member of the Public Accounts Committee, I have attended one briefing and one evidence session. Issues have cropped up in my capacity as an MLA, and I have referred those to the Comptroller and Auditor General’s office. I have to say that when I was previously at the PAC, Mr Dowdall always came across as extremely competent, very approachable, knowledgeable in his brief, and knowledgeable in the method by which one should approach that brief with the backup of his staff.

During the period to which the motion relates, the Committee undertook a report on the financial governance

arrangements of North/South bodies. In researching that report, the PAC conferred with the Committee of Public Accounts in the Oireachtas in Dublin. This working year, the two Committees will meet again to cross-reference their findings on North/South bodies and, perhaps, even go so far as to synchronise the launch of their respective reports on those matters. In common with other Members, we look forward with bated breath to that approach.

This year, the Committee produced two composite reports, its second and third, and the subjects dealt with are too many and varied for me to deal with today. For me to even recall them at such short notice would be quite a task. However, I note that that mechanism enabled the Committee to make important contributions to the development of the reinvestment and reform initiative. It is hoped that that will be of particular interest in this time of economic concern.

I note from previous reports that an issue which has been brought to my attention — the involvement of private consultancy firms, and their cost to the public exchequer — has come before the Comptroller and Auditor General and the Public Accounts Committee. Inevitably, given the more recent revelations, that will come back under the scrutiny of the Committee.

I have looked into the reports that Members will be most aware of; namely, those dealt with by evidence session. In particular, I will discuss the recommendations that the Committee made in its progress report on shared services, which is part of the Civil Service reform agenda to make public services more efficient. Turning to the shared services report, I will give a brief overview of the projects, and comment on the lessons that the Committee drew from its evidence sessions.

The report on shared services was a snapshot of the reform project and incorporated seven initiatives, including Workplace 2010, Account NI, HR Connect and Network NI. The Committee was aware that the reform programme represented a major commitment of resource; it was estimated to have a total value of £3 billion.

As all the reform projects were central to the future organisation and delivery of public services, it was the Committee’s view that projects should be subject to the Gateway Review process at the prescribed stages of their procurement, implementation or service operation. The Committee recommended the approval of DFP Supply before committing resources, which was also a key safeguard in providing assurance to the Assembly that decisions had been subject to independent scrutiny.

The Committee also found that the projects presented an enormous management challenge for the Department and that, although it had taken steps to build capacity and skills among staff through its new Centre for Applied Learning, 2006 research showed that the Northern

Ireland Civil Service was ill-equipped to deliver such a varied range of projects. Apparently, the Committee was aghast that one individual was given a key role and responsibility for delivering four of the major shared-services projects.

Overall, it appears that the Department took on a challenging workload and ambitiously initiated the reform agenda only to find that the timetabling for the projects and the resource requirement allocated to them were unrealistic. The Committee was also concerned at delays in implementation and at the suspension of the Workplace 2010 project at the time.

In addition, the procurement of the Workplace 2010 project, which was subsequently terminated, identified a key lesson that has wider applicability across the public sector. The procurement process was the subject of a legal challenge by an unsuccessful bidder. Although DFP was convinced that it could win the case, after advice from counsel, it settled the case at a cost to the taxpayer of £225,000. However, the full cost to the Department was £1.2 million.

In the Committee's view, concluding a settlement in cases where Departments are convinced that they will resist legal challenge sends the completely wrong signal to other unsuccessful bidders about the Government's determination to stand over their tender processes where there is a robust case to do so.

This was a very useful case study by the Committee. By the time of next year's debate, it says in my speech that I will be a "fully fledged veteran" of the Committee.

Ms S Wilson: The Member will be ancient. *[Laughter.]*

Mr McGlone: I am already encouraged by the role that I see the Committee fulfilling in impartially scrutinising Government expenditure and rolling out recommendations for improved financial governance across the public sector.

From one veteran to another, Mr Speaker, thank you.

Mr Shannon: I am not sure whether I am a veteran, but I have been a member of the Public Accounts Committee for almost a year.

The Public Accounts Committee has had a varied and busy year of business. I will focus on two reports; one on bovine TB and the other on the sea fisheries scheme for the modernisation and tie-up of vessels. Both of those issues have significant public-expenditure impacts; they impact aggressively on farming and fishing communities in Northern Ireland.

I will initially make my remarks as a member of the PAC. However, I will also speak in my capacity as an elected representative, because, coming from a farming and fishing constituency, I can bring my knowledge of that to the debate.

A quarter ir mair o' aa the herds o' kine I Norlin Airlan hae bovine TB an' the Committee richtly allooted at thon hannlin shud bae leuked intae. Thair wus a bag ris' i caases this las' wheen o' years peakin' i 1997 aa 13% at bes the heighest level i Europe. I the las' 10 yeirs the Depairtment hes spent sum 10 million pun oan hit's programme tae dae awa' wi' bovine TB. The airt wurst hit bae bovine TB bes Strangford an' mid-Down

At least a quarter of all cattle herds in Northern Ireland have had bovine TB, and the Committee correctly concluded that that grave problem merited investigation. Just today, at a meeting of the Agriculture Committee, that matter was raised with departmental officials. There has been a significant increase in cases of bovine TB in recent years; in 1997, it peaked at 13%, which was the highest level in Europe. Over the past 10 years, the Department has spent some £200 million on its bovine TB control programme. The area with the highest incidence in the whole of Northern Ireland is Strangford and mid-Down.

Despite the Department's investment in controlling the disease, bovine TB can cause considerable economic losses through livestock deaths, chronic disease and trade restrictions.

It is certainly in the taxpayers' interest to eradicate it, and it has been eradicated in many countries. The Committee was, therefore, staggered to hear the Department concede that its current bovine TB strategy will not lead to eradication. That the Department should spend so much to achieve mere containment is unacceptable.

4.15 pm

I am not sure whether anyone from the Department is in the Public Gallery. I encouraged them this morning to come along to the debate, but perhaps the thought of being lambasted by the Public Accounts Committee has made them stay away. However, if they are here somewhere, I congratulate them.

The Department formally reviewed its bovine TB eradication policy between 1999 and 2002. However, we are still no further along. Progress has been slow, and not all the recommendations of that review have been implemented. Similarly, in a review of testing arrangements, a range of improvements were recommended by consultants in 2006, and those have still not been acted upon. The officials told us that they will have a wee talk about it for five years. However, the Public Accounts Committee wants action. Such delays are indefensible.

The Committee was also surprised that the Department was not fully compliant with the EU directive on combating bovine TB, and had not, therefore, availed itself of EU funding that is aimed at eradicating the disease. Again, there seems to be a delay in the Depart-

ment. At long last, the Department has accepted the Committee's recommendation to bring itself into line with the directive, which is a welcome step. However, we will wait to see whether the words are turned into actions.

The Committee further recommended that the Department introduces the pre-movement testing of animals to address the risk of purchasing infected animals; that it reaches an objective, evidence-based conclusion and strategy on the impact of wildlife, particularly badgers, on bovine TB; and that herd owners on infected farms are given biosecurity training. Let us see action following the words.

We cannot be complacent about the continuing grip of bovine TB, nor about expenditure of, on average, £20 million a year to contain it. The Department of Agriculture and Rural Development must move urgently, focus on concrete measures, and use good practice from successful eradication policies to end bovine TB in Northern Ireland.

I have often asked questions about the undoubted link between badgers and bovine TB, yet the Department refuses to take the views of farmers and vets seriously. I advocate the eradication of badgers, and I ask the Department to do likewise. I know that the green Member to my right —

Mr Wells: Will the Member give way?

Mr Shannon: I will gladly give way to the Member. I am sure that he will have words of wisdom.

Mr Wells: I cannot allow those scurrilous accusations against the badger community to go unanswered. The jury is still out on a link between badgers and bovine TB. Some scientists believe that there is a direct link, and others believe that they have proved that there is no link. There is also a view that attempted eradication simply causes badger communities to disperse, thereby spreading disease among cattle. Although the Member is entitled to his opinion, I ask that he does not quote it as fact. It is heresy.

Mr S Wilson: Stop badgering him. *[Laughter.]*

Mr Shannon: It is not heresy; it is fact. The Member has his opinion, and I have mine. I can back my opinion up with scientists' views. The Member will, of course, have his environmental, green-tinted view, which we also have to accept.

Sea fisheries grant schemes have amounted to £18 million since 1993 to fund three vessel decommissioning schemes and three vessel modernisation schemes. I have often stood up in the Chamber to represent the fishermen of my constituency, and I have helped them to make a living despite EU restrictions and regulations. I know that my colleague who just spoke has done likewise. Europe is so concerned with the so-called scientific reports that say that there are no fish reserves

that it will curb fishing completely, which will undoubtedly kill off any chance of fishermen in the Province being able to make a living.

The EU wants to cut fleet sizes and the time that fishermen spend at sea. I was late arriving in the Chamber because I was at a meeting with fishermen of white fish at which that very issue was raised. Many issues need to be taken on board. The Public Accounts Committee examined the issue of help and grant aid to fishing boats. I was hopeful that the outcome would be one of support for fishermen, because there is something wrong when fishermen can see schools and schools of fish but are not allowed to touch them.

The Committee also found that, despite spending £3 million on modernisation schemes, the Department had failed to survey the fleet and identify and prioritise specific modernisation needs. Nor did it observe good practice in allocating only the minimum amount needed for the project to proceed. The Committee has now received undertakings that the Department will address both those points. Again, the Public Accounts Committee has made sure that that will happen.

The Committee addressed other issues —

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

Mr Shannon: Do I not get a wee bit of extra time because of the intervention?

Mr Speaker: No.

Mr Shannon: Oh, for goodness' sake.

I accept that. Speaking with my constituency hat on, the Department must step up and handle the issue with greater skill and interest. I hope that the Minister will make that pledge today. As a new member of the Committee for Agriculture and Rural Development, I assure the House that I will remind officials of their obligations on bovine TB and on decommissioning.

Mr Speaker: The Member's time is definitely up.

The Minister of Finance and Personnel (Mr S Wilson): This is my first Public Accounts Committee debate, and I am pleased to respond to the valuable, varied, interesting and amusing comments of Committee members and others who have been thrown off the Committee and have, as Mr Wells said, been elevated to higher things.

I have listened intently to Members' contributions. I will make a few general remarks, after which I will try to deal with as many as possible of the issues that Members raised. I acknowledge the work of the Committee, which has held 12 evidence sessions and made a significant number of valuable recommendations to strengthen financial management and corporate governance across the public sector. Furthermore, I acknowledge the role of the Chairman, Mr Maskey, and the Deputy

Chairman, Mr Beggs, who have created a Committee that, as Mr Wells said, engenders fear and trembling in the public servants who are called before it.

I want to add my comments about John Dowdall, who recently retired as Comptroller and Auditor General. I echo other Members' comments; we owe him a deep gratitude for his work as an accountant who preyed on Departments or as an archbishop who prayed for Departments. I am not too sure which of the two roles he played. I congratulate his successor, Kieran Donnelly, on his appointment to the post of Comptroller and Auditor General. That role is challenging in the current economic climate, when public services are under pressure and when all public servants need to deliver more with limited resources.

I want to outline what I believe should be the role of the PAC and the Audit Office reports. I do not need to remind Members of the financial pressures on us, and Ministers have already taken several measures to alleviate the problems created by the local economic downturn. That downturn has reduced capital receipts through its impact on the property market. The Executive need to address that issue. The Executive must also address the issue of providing support to local households and business through, for example, the deferral of domestic water charges and the new policy on the prompt payment of invoices, which helps small business and gets money out much more quickly. On top of that, we have had to address other pressures such as the cost of swine flu and the efficiency savings from Her Majesty's Treasury. The list goes on.

In light of those pressures, it is important that public servants work more smartly, more efficiently and more effectively to deliver the best possible services. In doing so, we must not sacrifice proper accountability for public expenditure and transparency for our actions. That is what the debate has been about. However, I want to emphasise that we must be careful not to criticise people for taking reasonable risks and initiatives to deliver on public services. We need to open new ways of working, and staff need freedom to innovate. I know that the Minister of Enterprise, Trade and Investment answered questions on the independent review of economic policy earlier today.

One of the points made in that review was that Invest Northern Ireland should be allowed more freedom to be innovative. That freedom means not having to go through box-ticking exercises. I want to say something about that, because I fear that, sometimes, we do not get the balance right. There is much that we have to do to find new and better ways of doing things.

'Managing Public Money', which is the Treasury's guide to the use of resources in the public sector, makes an important point. It states:

"It is also important to be aware that excessive caution can be as damaging as unnecessary risk taking."

That appears to me to strike the right note. Although I believe that the Audit Office and the Public Accounts Committee have important roles to play in achieving that balance and in helping public sector organisations to get value for money from the resources that they use, it is right and proper that those who have the responsibility of spending taxpayers' money are held accountable to the Northern Ireland Assembly for the use of the resources that are under their control.

Scrutiny of public spending is in all our interests; not only does it instil confidence in our system, but it allows us to promote good practice in the management of public funds and to expose examples of poor use of resources, and, even worse, as Mr Lunn pointed out, instances of fraud, which can take place in any organisation.

Over the past two or three years, there has been considerable focus on compliance and governance issues. A number of Audit Office reports have dealt with those issues and have led to a significant strengthening of governance in the period. Despite that, however, has the process become more important than the product? I worry that finance directors in Departments and public bodies are spending more time giving the Audit Office what it wants, as regards box-ticking exercises, than concentrating on the better use and best use of resources. We have all had experience of that in our constituency roles.

Mr Dallat: I hope that the Minister agrees that it is important to put on record that neither the Audit Office nor the Public Accounts Committee have ever criticised or condemned any Department that had in its criteria the risks that he referred to and that managed those risks properly. The only Departments that have been criticised are those that did not do so.

The Minister of Finance and Personnel: Perhaps the Member has missed the point. The importance that the Audit Office has sometimes placed on process has led to the introduction of caution in decision-making, which is not always the best way of using resources effectively.

I am going to develop that point. When the Assembly examines the use of public resources, we use the three "Es" — efficiency, effectiveness and economy. Those should form the central premise that we employ when we consider how resources are used. The process is, of course, important, and the proper procedures must be adhered to. However, I sometimes fear that reports which, by their very nature, concentrate on process and governance either put less emphasis on, or ignore, the principles of efficiency, effectiveness and economy. Perhaps we should ask whether all the scrutiny by the Audit Office and the Public Accounts Committee, and,

indeed, my Department, improves performance and ensures that public money is well spent.

I will throw out a challenge to the PAC. Since devolution, that Committee has been very active and has produced a large number of reports. However, does the Committee recognise that it has made over 450 recommendations? I am happy to take interventions from its members about this matter.

4.30 pm

Has the Committee thought about the systems and bureaucracy that have sprung up to monitor recommendations and to ensure that they have been followed up? Sometimes, the Assembly takes decisions for the best of reasons, but implementation requires the use of departmental resources, whether through manpower, time or capital. We must bear that in mind.

In preparing for the debate, another issue struck me, which was how long ago some of the events addressed in the reports occurred. Some Members referred to that. For example, Mr Dallat mentioned the review of financial management in FE colleges, which goes back to 1998. I do not want to get into the semantics of whether it is in our remit to examine issues that occurred before the Assembly was set up, but the report deals with issues that arose in the early years of this decade. Mr Beggs referred to a PFI contract that was signed in March 2001. The report on the New Deal 25+ that the Committee will consider next month goes back to 1998. The system has learned lessons and has moved on.

The Chairperson of the Public Accounts Committee (Mr P Maskey): The Minister has said that the system has moved on. However, in examining the reports, the PAC is seeing that aspects of the system have not moved on. Personnel may have changed, but I assure the Minister that when the Committee asks questions about mistakes that have been made in the past, we want Departments to learn from those mistakes and to ensure that staff in all Departments will not make the same mistakes again.

The Minister of Finance and Personnel: That is a laudable aim. No one will disagree with that objective. My point is that some issues go back well over a decade. We are looking at the effectiveness, efficiency and economy of the spending that is being undertaken now; not processes that have been used in the past. We all have a responsibility to ensure that taxpayers' money is used economically, efficiently and effectively.

Mr Beggs: The report into the funding of FE colleges that the Minister mentioned covered a period when there was considerable change and reorganisation of the colleges. Does he agree that, given that the FE colleges have gone through an additional review and reorganisation recently, there are lessons from the previous reorganisation that had to be learned and

should be applied to minimise losses and poor use of public funds today?

The Minister of Finance and Personnel: I agree absolutely. That is not contrary to the point that I am making.

In targeting a subject to investigate, the three "Es" should be considered. The example that the Member has given refers to the effective use of public money. Reports should be seeking to draw that out, but, sometimes, they focus on the processes. The way in which the investigations and reports are structured leads people towards making sure that they have ticked the right boxes in order to show that they have dealt with the process as laid down, rather than make effective use of resources. If the latter is the direction that the Committee is taking, and the objective that it has, it should continue to undertake that role.

I will deal quickly with the points that Members have made. First, Mr Wells and Mr Beggs referred to the report on managing sickness absence. Mr Wells made his point in a humorous, but very telling, way. Why are workers in certain Departments and certain parts of the public sector most prone to illnesses on Friday afternoons and Mondays? Why are there higher rates of absence in the public sector than in the private sector? Why are there huge differences in absences rates between people who receive monthly salaries and those who are paid on the basis of turning up for work?

We need to address the matter for two reasons. First, we want to make more efficient use of our resources. Secondly, it is bad for the morale of people who do not take time off to regularly have to cover for those who do. I am pleased that the average level of absence, which was 12.9 days in 2007-08, reduced to 10.9 days in 2008-09. That is still below our target of 9.7 days, but some progress has been made.

Mr Wells: That progress is commendable, but can the Minister explain why there should be any inherent difference between absenteeism in the public sector and the private sector? Absence levels in the public sector are still 50% above what would be tolerated in a private company in Northern Ireland, yet the work is largely similar. The overall target has to be to reduce the public sector's average rate of absence to the same level as that of Northern Ireland Electricity, for example, or, indeed, any shop or business in the Province.

The Minister of Finance and Personnel: I absolutely agree with the Member. It will not be a case of resting once we have reached our target. We will continue our efforts to push absence rates down, and more work needs to be done in all Departments. I note what Mr Wells said about DRD and DARD. I do not know whether workers in those Departments are scared of their respective Ministers, or whether those Ministers give a better lead, as was suggested by Members on

the Benches opposite. However, it is good to see, whatever the reason. The variety in absence rates across Departments perhaps indicates that it is a question of management. We need to keep pushing the targets to improve on our current record, and we are committed to addressing the issue on a continual basis.

Mr Beggs and the Chairperson of the Public Accounts Committee, Mr Paul Maskey, both raised the issue of rates collection. One of the aims of PEDU's review of LPS was to deal with some of the very issues that are highlighted in the PAC report. I believe, and, indeed, the PEDU report has made it quite clear, that the core business of LPS should be the efficient collection of local property taxes. Resources ought to be dedicated to that.

I do not want to make excuses, but the process of amalgamating four organisations into one, and implementing regular changes to the rating system — indeed, earlier today, we passed more changes in the Rates (Amendment) Bill — is bound to have an impact on the work of LPS. Nevertheless, it is important, from the local councils' point of view and as regards the Executive's available revenue, that we have a proper database; that we know where rates should be collected; that those rates are collected; and that we do not find that some people pay rates while others are exempt from doing so. We are working towards addressing that issue.

I will not be able to deal with all the comments that were made by Members. Mr McGlone is not here, so, rather than dealing with the issue that he raised, I will jump to shared services and Mr Shannon's point about fisheries and the PAC's 'Report on Sea Fisheries: Vessel Modernisation and Decommissioning Schemes'.

DARD has already acted on the recommendations of that report prior to the introduction of any new grant schemes through the European Fisheries Fund. It has completed a revision of the fleet futures analysis and carried out a survey of the modernisation needs of the fleet. DARD also carried out a comprehensive review of the economic appraisal and the project evaluation requirements. Based on the PAC's recommendations, there have been further improvements to the application and assessment and monitoring processes.

Mr Shannon: Sometimes, the PAC's decisions are not about allocating money back to the people; they can also be about returning money to the Department. For example, when the Committee discussed sea fisheries, money went both ways.

The Minister of Finance and Personnel: I take the Member's point —

Mr Speaker: Unfortunately, the Minister's time is up. However, I will allow him to respond.

The Minister of Finance and Personnel: I have not responded to some Members' points, and I will

seek to respond to them in writing. I am sorry that we have run out of time.

The Chairperson of the Public Accounts

Committee: Go raibh maith agat, a Cheann Comhairle. I suppose that one feature that maximises the effectiveness of the Public Accounts Committee is that it is not within its remit to criticise Ministers or their decisions. That is the role of the Statutory Committees. Instead, the Public Accounts Committee focuses on regularity, propriety and getting best value for money for public expenditure, and it calls for accounting officers to justify spend on those counts and to defend the systems and controls that they have put in place to safeguard taxpayers' money. That makes for a Committee that can focus on the common purpose of financial accountability, and rarely, if ever, do party political concerns distract members from the business at hand. Today's debate demonstrated just that, and I thank and commend my Committee colleagues for their rigour and determination to speak out against waste, fraud and inefficiency.

If I may follow on from where the Minister left off, he is correct to say that the Committee has made some 450 recommendations. That shows the determination of the Committee to strive to ensure that public services here are accountable. I remind the Minister that Members are elected by the people of the North of Ireland to ensure that accountability is enshrined in all Departments. We will tackle the issues.

The Public Accounts Committee allows the public and taxpayers to have faith in the system and, if things go wrong, to have faith that the Committee and the Audit Office will provide scrutiny. We have made 450 recommendations, and I am sure that, over the next while, we will make probably another 450 recommendations. That is the poor thing about it, because as the Minister's colleague Jim Wells stated, the Public Accounts Committee will be in the business of making recommendations until it is no longer needed to do so. The Minister is part of the Executive, and I suppose that it is up to Departments to ensure that the mistakes that have been made in the past are no longer made.

I wish to add a point about risk. I have said on record that the Committee, and I, as its Chairperson, welcome risk taking as long as it is well calculated. For far too long we have seen Audit Office reports that show the absolutely disgraceful expenditure that some Departments were able to get away with for many years. The Minister is right to point out that some of the reports go back a long time. However, for far too long we were, for want of a better phrase, governed by direct rule, and there was very little scrutiny of Departments at that stage. If mistakes were made then, it is wrong to continue making the same mistakes. It is the Committee's job to drive home the message that risk can be taken as long as it is well calculated.

The Minister of Finance and Personnel: I appreciate the Chairperson's point, but does he recognise that risk taking sometimes means that processes may be cut short and, for example, if a quick decision is required, there may not be an opportunity to tick all the consultation boxes? The emphasis on process sometimes reduces people's willingness to take risks, because, if the risk does not work out and they are found guilty of cutting the process short, they are subject to criticism in Audit Office reports.

The Chairperson of the Public Accounts

Committee: Again, it is about what Departments do with the Committee's recommendations. Even before the current Public Accounts Committee, when we look at the failings that Trevor Lunn mentioned — which will be in the report that will be published this Thursday — we can see that the IDB did not adhere to some of the recommendations that were made on DeLorean.

4.45 pm

In times gone by, Public Accounts Committees made recommendations that Departments failed to implement. That failure is an indictment of Departments, and it means that the same mistakes have been made twice, which is wrong.

I am thankful that the PAC is up and running and challenging Departments. We will monitor the 450 recommendations that we have made so far to determine which of them have been implemented. I must, however, inform the Minister of Finance and Personnel that Departments agreed to most of the 450 recommendations.

The Minister of Finance and Personnel: I would be surprised if Departments did not agree the recommendations. My point was that when recommendations are made and accepted, their implementation and monitoring by Departments has an implication for resources. Sometimes, those recommendations, because of something that happened in the past, may introduce a note of caution into a Department that militates against the taking of risks to get processes moving, which is what the Chairperson of the Committee wants to encourage Departments to do.

The Chairperson of the Public Accounts

Committee: The Committee is on record as saying that well-calculated risks should be taken. However, how did people benefit from the risks that banks took over the years? We are in the midst of a global financial crisis. I hope that the banks will learn from their mistakes and ensure that we move out of the global financial crisis.

I hope that Departments in the North will learn from the PAC's recommendations. No one should be afraid of the recommendations that we ask Departments to implement, as they have agreed to most of them. The PAC's purpose is not to make recommendations for the sake of it but to ensure that Departments learn from the past and that we can move on together.

I hope that the day will come when the PAC is no longer needed, because Departments are working so well. I doubt, however, that that day will ever come, because people will always make mistakes. The PAC aims to minimise those mistakes and to ensure that they happen rarely. That will give everyone, including taxpayers, confidence in the Executive. As the Chairperson of the PAC, my heart is set on instilling confidence in society to have faith in us. We must strive to create that confidence.

I will move on to some of the points that Members raised, but I will not go into every detail. Several interesting points were raised. Jonathan Craig and Jim Wells mentioned the PAC's visit to Altnagelvin, where we saw facilities that were second to none. The visit to that amazing project in Derry was the first time that the PAC had been outside Belfast.

It is easy to go through reports and to ask questions of Departments and the Audit Office. However, it is only on visiting the projects that it becomes clear that the reports could have been worse. The PAC took an important initiative in travelling to see the first-class facilities at Altnagelvin. I echo the earlier point that the staff in the trust must be highly commended for their hard work.

The Deputy Chairperson, Roy Beggs, talked about public funds and, in particular, the penny product. I am no longer a councillor, although some Members still are. The miscalculation of the penny product had a drastic effect on councils throughout the North of Ireland because staff had been budgeting to progress certain projects. The miscalculation that affected Belfast City Council, for example, was in the region of £4 million.

It set councils back, because they had planned for the future and had ensured that they had put all the checks and balances in place regarding front line services, and yet there was a miscalculation of more than £4 million. That is wrong, and if it is wrong for Belfast City Council, it is wrong for all others. A number of councils were caught out in that regard.

John Dallat referred to arm's-length bodies as being "hands-off bodies": that phrase is well known among Committee members. He also said, in relation to further education colleges, that £44 million was, in his terms, lying in the vaults. Some of the reports that have been published concern ensuring that people learn and are educated. If that £44 million had been spent on education, it would have enabled a much greater number of people to be educated and to gain employment opportunities or go back into further education and perhaps on to university.

Trevor Lunn mentioned the national fraud initiative, and he said that fraud is costing in the region of £500 million a year. He informed the Finance Minister that if that money were not being lost, then with respect to the documents that were leaked last week, we would

not need to have a conversation about a shortfall of £370 million. Fraud has a detrimental effect on everything.

Jim Wells was a very valued member of the Public Accounts Committee. I think that he said that he served on the Committee for 15 or 16 months. I actually thought that it was longer than that, but it may have just seemed that way. However, he was a very influential person on the Committee and always brought a bit of life to it. On that note, Jim Shannon raised an issue regarding badgers, and I wondered how long it would take Mr Wells to get to his feet and respond. Jim came to the defence of the badgers. From some of the Committee's conversations, I know that John Dallat used to have a pet badger, so he may have also been offended by that issue.

Patsy McGlone, who is not in the Chamber, is a new member of the Committee. He mentioned the challenges for the Department of Finance and Personnel. As well as those challenges that DFP must address, he highlighted what the Committee could say to the Department about the recommendations that are made.

Everyone who spoke in the debate mentioned the hard work of John Dowdall during his stewardship of the Audit Office. As I said in my opening remarks, we very much appreciate the hard work that was done, and the dedication that was shown, by him and the entire staff of the Audit Office, as well as our clerical team. When we were looking at some reports recently, we noticed that it was a trainee in the Audit Office who highlighted the issue regarding the Nomadic, which is a good sign for the Audit Office going forward. The Minister may not agree with that because he could be challenged by the very trainee who raised that issue.

Mr O'Dowd: I thank the Member for giving way. As a former Chairperson of the Public Accounts Committee, I put on record my appreciation of the work of John Dowdall during my tenure. I found his assistance and advice invaluable, and the work that he contributed to the Public Accounts Committee allows us, as a local Assembly, to be more efficient in the delivery of our services.

The Chairperson of the Public Accounts

Committee: I thank the Member for that intervention. I also thank the Minister of Finance and Personnel for responding to the Committee's work and to Members' comments today about the concerns that drive them. I agree entirely that the current economic period is the ideal time for the PAC to work along with the Government to develop a constructive path forward for efficiency in public services. That is a very important note.

People have told me and other Committee members that our Committee is the one that they want to stay clear of. I hope that that represents their desire to work effectively, creatively and efficiently with taxpayers' money rather than being afraid of the individuals. As

the previous Chairperson of the Committee said, this is not a blood sport: it is about ensuring delivery and value for money.

I also thank the civil servants who helped the Minister to prepare for this debate. They are the same officials who assist the Treasury Officer of Accounts in rolling out the PAC's recommendations and in representing the Department's views on financial guidance. The Committee and I are grateful for their professionalism and support. Go raibh míle maith agat.

Question put and agreed to.

Resolved:

That this Assembly takes note of the Public Accounts Committee Second (23/08/09R) and Third (38/08/09R) Composite Reports and of the following Committee Reports:

Report on Managing Sickness Absence in the Northern Ireland Civil Service (38/07/08R)

Report on Sea Fisheries: Vessel Modernisation and Decommissioning Schemes (06/08/09R)

Report on Statement of Rate Levy and Collection 2006-07 (13/08/09R)

Report on Delivering Pathology Services: The PFI Laboratory and Pharmacy Centre at Altnagelvin (16/08/09R)

Report on Warm Homes: Tackling Fuel Poverty (18/08/09R)

Report on Shared Services for Efficiency — A Progress Report (21/08/09R)

Report on Brangam, Bagnall & Co: Legal Practitioner Fraud Perpetrated Against the Health and Personal Social Service (26/08/09R)

Report on Road Openings by Utilities (33/08/09R)

Report on the PFI Contract for Northern Ireland's New Vehicle Testing Facilities (35/08/09R)

Report on Control of Bovine Tuberculosis in Northern Ireland (40/08/09R)

Report on Review of Financial Management in the Further Education Sector in NI and Governance Examination of Fermanagh FE College (41/08/09R)

and the following Department of Finance and Personnel Memoranda of Reply:

Report on Managing Sickness Absence in the Northern Ireland Civil Service (NIA 47/08-09)

Report on Sea Fisheries: Vessel Modernisation and Decommissioning Schemes (NIA 60/08-09)

Report on Statement of Rate Levy and Collection 2006-07 (NIA 74/08-09)

Report on Delivering Pathology Services: The PFI Laboratory and Pharmacy Centre at Altnagelvin (NIA 74/08-09)

Report on Warm Homes: Tackling Fuel Poverty (NIA 91/08-09)

Report on Shared Services for Efficiency — A Progress Report (NIA 91/08-09)

Report on Brangam, Bagnall & Co: Legal Practitioner Fraud Perpetrated Against the Health and Personal Social Services (NIA 110/08-09)

Report on Road Openings by Utilities (NIA 125/08-09)

Report on the PFI Contract for Northern Ireland's New Vehicle Testing Facilities (NIA 168/08-09)

PRIVATE MEMBERS' BUSINESS

Social Tariff System

Mr Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes in which to propose the motion and 10 minutes in which to make a winding-up speech. All other Members will have five minutes in which to speak. One amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes in which to propose and five minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes.

Ms J McCann: I beg to move

That this Assembly calls on the Department of Enterprise, Trade and Investment and the Department for Social Development to bring forward a proposal to the Utility Regulator, NIE Energy and Phoenix Gas to introduce a Social Tariff System to help people who are most vulnerable to fuel poverty.

I welcome the opportunity to debate the motion. Fuel poverty has been widely discussed inside and outside the Chamber for some time. We have listened to the debates and have heard all the parties' perspectives on the issue, yet fuel poverty still exists. We must seek innovative new initiatives to alleviate fuel poverty. That is why I tabled the motion.

At the outset, I am not indicating that any one Minister or Department has full responsibility for tackling fuel poverty. The two Departments that are named in the motion are those responsible for energy and for social policy. I call on the Assembly to send out a united message that its Members are really trying to find innovative ways in which to tackle the problem and to help the most vulnerable people in society before we enter another winter. We all remember the hardship that low-income families and the elderly went through last year as a result of fuel poverty.

In the North of Ireland, the Government are responsible for payments that help those vulnerable people to pay their energy bills. Customers here do not have access to any form of social tariff, or affordable tariff, or whatever people want to call it. We do not receive that luxury from either of the two main suppliers of energy to households, which are NIE Energy and Phoenix Natural Gas. Let me make it clear that I am not asking for other domestic customers to pay for that social tariff; we want the energy companies to pay most of it, with some costs being met by larger commercial businesses.

That there is no competition here means that we are in a unique situation. NIE Energy and Phoenix Natural Gas have market monopolies. An independent review commissioned last year following huge electricity price hikes recommended changes in how the system

is regulated. The Department of Enterprise, Trade and Investment's draft strategic energy framework 2009 consultation provides an opportunity to ensure that the system is changed to become more transparent and fairer to customers, particularly NIE Energy customers.

Members know that Douglas McIlldoon's report sets out a number of recommendations, including extending the two-month purchasing period for electricity and reviewing whether to continue payments to backup power stations. That raises generation costs, which are passed on to the customer. The report also identifies other issues, such as the guaranteed profit margin of NIE Energy and the impact of using dual currency for the single electricity market, both of which contribute to the customer's paying more. More public debate is needed on those issues.

We have heard in debates that three factors cause fuel poverty: a home's energy efficiency; the cost of heating fuel; and family income. I am also conscious that most households here — I think that the figure is 70% — use oil for heating. However, we must also take a particular look at electricity, which almost every household uses.

5.00 pm

Mr Hamilton: Does the Member agree that omitting oil from the motion is detrimental to the energy strategy, because closing the competitive gap between gas and oil will not encourage people to move away from oil? Any social tariff that puts up the price of gas, which, as everybody knows, is much more energy-efficient and environmentally beneficial, will dissuade people from moving from oil to gas and could harm our energy strategy.

Ms J McCann: I did not mention oil in the motion because the regulator is not responsible for it. As I said in my opening remarks, I am not asking for household customers to pay for social tariffs; it should be the energy companies, which make huge profits here.

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

At present, 34% of households here with children live in fuel poverty, compared to 16% in the South of Ireland and only 7% in England — although even 7% is too many. In addition, up to 40% of people who live in fuel poverty are elderly.

Mr Brady: Although the introduction of social tariffs for all vulnerable groups would be most welcome and is, indeed, necessary, does the Member accept that the elderly are most at risk from fuel poverty? Between 2001 and 2007, 1,997 older people in the North died from cold-related illnesses.

Ms J McCann: I accept the Member's point. In addition, the money to alleviate fuel poverty would be saved in other areas, such as services that deal with people's health and well-being.

The sectors that are most vulnerable to fuel poverty are the elderly and low-income families, particularly lone parents, many of whom have to work part-time due to their need for flexible working hours. Furthermore, the recent rise in unemployment will result in more families becoming vulnerable to fuel poverty.

In the North, the Government are responsible for payments to assist vulnerable customers with their energy bills, mainly in the form of one-off winter fuel payments to the elderly. Customers do not have access to social or affordable tariffs from either of the two main local energy suppliers, NIE Energy and Phoenix Natural Gas. In addition, customers cannot switch suppliers, so they do not have the choice that customers have elsewhere.

In the South, the Government operate a system of free gas and electricity units as part of a household benefits package, which is available to low-income and elderly households, all people over the age of 70, carers and people with disabilities. Recently, the amount of gas and electricity that is provided free of charge there increased. As part of the welfare system in the South, the Government fund a national fuel scheme, which is a means-tested benefit that provides a weekly fuel allowance to low-income households that are in receipt of certain qualifying payments. The allowance is payable for 29 weeks, from the end of September until the middle of April.

The scheme that operates in the South has been highlighted by organisations such as National Energy Action, which used the scheme to bolster its campaign for the Government to become more involved in regulating social or affordable tariffs. The National Energy Action campaign is based on its concern that the matter is being left to the discretion of the energy industry, and that is why I have asked the two Ministers to take this matter forward.

The Government must be more proactive in developing social or affordable tariffs, which should not be left solely to the energy companies. Some of the energy companies in Britain have admitted that even the extra £225 million that they have pledged for social assistance is inadequate. Organisations that represent the elderly, such as Age Concern, have called for the introduction of a mandatory social tariff to help the most vulnerable households.

Given that energy companies make huge profits here and that energy prices here are higher, those companies have a corporate social responsibility to offer social or affordable tariffs to the households that need them. Whatever Members want to call such tariffs, we need to ensure that, this winter, those who are most vulnerable to fuel poverty are given the help that they need. Although I would like to see that assistance being given this

winter, it might take some time. I want to see negotiations with the energy companies start now.

I want to stress that individual Ministers who have the responsibility for identifying vulnerable households, such as the Minister for Social Development, and for energy policy, such as the Minister of Enterprise, Trade and Investment, must enter into negotiations with NIE Energy and Phoenix Natural Gas to take this forward. That is why I singled out those Ministers in the motion.

All of us have a social responsibility to help those most disadvantaged in society. Energy companies and the larger commercial customers should pay for this, rather than other domestic customers. Social tariffs, taken in isolation, will not eradicate fuel poverty, but as part of an overall package they will definitely help vulnerable households this winter.

Mr Simpson: I beg to move the following amendment: Leave out all after "Assembly" and insert

" , being mindful of the alarmingly high levels of fuel poverty in Northern Ireland and the negative impact high energy prices have on the fuel poor, calls on the Minister for Social Development to work with her Executive colleagues to obtain an accurate assessment of actual need in respect of fuel poverty; notes that social tariffs could result in higher prices for a significant number of households and businesses; and urges consideration of a range of options to assist people most vulnerable to fuel poverty."

The motion calls on the Executive:

"to help people who are most vulnerable to fuel poverty."

It is hard to disagree with that sentiment. It is only right and proper that we do all we can to help the most vulnerable members of society. Fuel poverty is a problem throughout the United Kingdom, but it is a particular problem in Northern Ireland. High energy prices adversely impact on thousands of householders, with resultant damage not only to incomes but to health. Last winter the Executive sought to do what they could, and in his December monitoring statement my colleague the former Finance Minister Nigel Dodds announced £15 million to alleviate fuel poverty. A £150 payment was made to 100,000 households in receipt of income support or pension credits.

The motion may be well-meaning and superficially attractive, but it is fundamentally flawed. There is a danger that, in seeking to help those caught in the fuel poverty trap, we adversely impact on other sections of society. In short, we are in danger of robbing Peter to pay Paul.

If we introduce social tariffs, it will cost £76 million to provide a £300 payment to the 34% of households in Northern Ireland that are estimated to be fuel poor. How will that cost be met? How can the Government, faced with ever-increasing pressures on already-limited resources, find that sort of money to subsidise the fuel poor? If the Government cannot pay, do we turn to the energy companies? That is not a realistic proposition

either. The energy companies are already limited to a profit margin of 1.5% and do not have the scope to subsidise customers directly. If pressure is applied to the energy companies to encourage them to pay, it will merely be a disincentive to further competition in the Northern Ireland energy market. The only other option is to pass on the cost of the social tariff to other consumers. Hard-pressed and hard-working families along with local firms and small businesses, already struggling in a recession, will face higher energy bills in order to subsidise the fuel poor.

Ms J McCann: NIE Energy alone made a profit of £120 million for shareholders last year. Its profit margin may be limited, but the profit is still large.

Mr Hamilton: It was reinvested.

Mr Simpson: My colleague has shouted it out before I got to it.

Energy companies make substantial reinvestments. The Member also sits on the Committee for Enterprise, Trade and Investment, which only last week was told that all energy companies were limited to a profit margin of 1.5%. Therefore, a substantial amount of money is reinvested.

I believe that the motion is a dangerous option. Let us look at the broader picture and consider the likely impact of such a move. It would plunge other families below the fuel poverty line. It could push businesses over the edge and into closure, with the result that more workers will join the dole queue and add to the fuel poor. Surely the proposers of the motion do not want that outcome. In seeking to correct one social injustice, we must be very careful not to create others. In seeking to cut off the head of the fuel poverty monster, we could enable it to grow more heads.

We need a full and accurate assessment of actual need in relation to fuel poverty. We urge the Minister for Social Development, in co-operation with her Executive colleagues, to conduct such an investigation urgently. There are cases in which circumstances dictate that it is almost inevitable that a person or household will find themselves in a fuel poverty trap. For example, a single pensioner, a lone parent, or a household with an annual income below £7,000 could easily slip into fuel poverty. However, for all the cases that are black and white, there are many that are grey, where the issue is less to do with income than with energy efficiency. In other words, throwing money at fuel poverty is not always the answer.

I commend the hard work that has been done by my colleagues the Minister of Enterprise, Trade and Investment and the Minister of Finance and Personnel to introduce and encourage energy efficiency initiatives; that is one of the main keys that will help us to unlock this problem. Ideas such as enhancing the fuel efficiency of homes; converting homes to use more efficient

fuels; encouraging more use of pay-as-you-go and keypads, which offer the lowest possible price; and reforming a system that favours electricity generators over consumers need to be explored and encouraged.

At the start of my comments, I mentioned the high energy prices in Northern Ireland, but it is worth remembering that, in January, electricity prices fell by 10.8% and gas prices fell by just over 22%. A further review resulted in prices falling again this week, which is good news for all families and businesses.

Whatever way we address fuel poverty, and it must be addressed, let us not fall into the trap of undoing the progress that is being made. Knee-jerk reactions, as Members opposite never tire of telling us, are not the best sort of reactions. The motion has a hint of a knee-jerk about it, and that is the reason for the amendment. I commend the amendment to the House.

The Chairperson of the Committee for Enterprise, Trade and Investment (Mr A Maginness): I speak as Chairperson of the Committee for Enterprise, Trade and Investment. This is my first opportunity to address the House as Chairperson.

The Committee agrees that there should be some mechanism to assist those in fuel poverty to ease the burden of energy costs. However, I emphasise that the Committee has not rushed into proposals for how that should be achieved in practice. Part of the reason for that is that the issue is not as simple as it might first appear.

Stephen McCully, the managing director of NIE Energy, speaking on 'Good Morning Ulster' on 15 September, said that the 2.5% discount offered by the keypad pay-as-you-go system represents a very good social tariff.

When such statements are made, it is important to define what is meant by a social tariff. Ofgem defines it as a tariff that is at least as good as the lowest tariff offered to customers in an area. DSD defines it as the lowest possible tariff offered by suppliers to vulnerable or low income consumers, regardless of the payment method.

5.15 pm

Direct debit customers receive a 4% discount from NIE. Therefore, the pay-as-you-go system is not as good as the lowest tariff and is not the lowest possible tariff offered to customers. In fact, it represents a 1.5% surcharge over and above that paid by direct debit customers. To describe it as a social tariff might be considered as misleading by some. Under Ofgem and DSD's definitions, a 4% discount for keypad pay-as-you-go customers, similar to that enjoyed by direct debit customers, would represent a social tariff.

As I said, the issue of social tariffs is not as simple as it might first appear, and there is a number of reasons for that. Not least of those reasons is the issue of who

pays. We have had some discussion about that. DETI officials have told the Committee that social tariffs are not a means to reduce NIE Energy's profits, but operate by spreading the additional costs among other consumers. On the other hand, the Consumer Council believes that the energy companies must make a valid and significant contribution to social tariffs. Suppliers, however, believe that they should not have to pay. Should companies, such as NIE Supply, Phoenix Gas and Firmus Energy have a role in paying for some social tariffs? That is a reasonable question.

Should other organisations that are contributing to the electricity tariff, such as the generators and those claiming network system costs and supply costs, have a role in paying for social tariffs? Should the Government or councils have a role in paying for social tariffs?

There are higher levels of fuel poverty here than in Britain. What will a social tariff system cost here? Electricity prices are already 12% higher here than in GB. If ordinary consumers have to pay, how much will such a tariff add to their fuel bills? I know that some Members are resisting that imposition, and that is a fair position to adopt.

If someone uses more electricity than their neighbour because, for example, they have a family or because they are a carer, will they have to make a higher contribution to the social tariff through a flat-rate system, or will there be a fixed-rate contribution from all consumers? What about those in fuel poverty who do not have access to gas and who rely on oil or coal for heat? Will they be excluded from this aspect of a social tariff? What will the administration costs be? Would it be less costly to provide help to those in fuel poverty through the benefits system, so that there is already clarity around who would be entitled, rather than to set up and administer a whole new system?

The Committee supports the introduction of a mechanism to ease the burden of those in fuel poverty. However, the questions that I have asked today are reasonable, and it remains for the Committee to make its mind up fully on the issue.

Mr Armstrong: The motion deals with a subject that is of great interest to many thousands of people in Northern Ireland who are affected by fuel poverty and the high energy prices. The Ulster Unionist Party is committed to tackling those issues. In 2004, 23% of households in Northern Ireland were in fuel poverty, and that rose to 34% by 2006. The cost of domestic electricity increased by 36% between January and October 2008, and, in the same period, the cost of domestic natural gas increased by 19%.

The rate of fuel poverty in Northern Ireland is almost three times the level that it is in England. We must focus on what we are trying to achieve and ensure that the lowest possible tariffs are provided to

vulnerable or low-income consumers in Northern Ireland, regardless of their payment method.

Currently, no supplier in Northern Ireland offers social tariffs to customers. Although social tariffs may be part of the solution, they are not the entire solution. Indeed, the Northern Ireland Fuel Poverty Advisory Group has said:

“Social tariffs offered in isolation will not eradicate fuel poverty.”

Several initiatives have already been introduced by various bodies in an attempt to combat fuel poverty in Northern Ireland. Those initiatives include schemes from the Housing Executive, the Department for Social Development's warm homes scheme, winter fuel allowances and the Assembly's one-off fuel payment of £150.

The Minister for Social Development established a fuel poverty task force in May 2008, and among its recommendations on how to tackle fuel poverty, which were published in September 2008, was the need to examine the feasibility of the introduction of social tariffs. In light of that, the Minister of Enterprise, Trade and Investment has confirmed that the Utility Regulator has been working internally in that area and has employed consultants to undertake a policy analysis for the implementation of a social tariff in Northern Ireland. That analysis includes an examination of the potential positive and negative impacts that are associated with different options, and the Minister has also stated that the next steps in that process will include a public consultation on the report.

Therefore, work is in hand, and, consequently, it would be wise to await the outcome of that consultation. At that point, we can make an informed decision.

Mr Neeson: I welcome today's debate, because as the Chairperson of the Committee for Social Development said, the Committee has been dealing with the issue of social tariffs for some time.

Fuel poverty is higher in Northern Ireland than in any other part of the UK, with 34% of the population living in fuel poverty. Research has shown that a reduced tariff, based on personal circumstances — a social tariff — is the most popular type of financial support that can be offered to those who have trouble paying their energy bills.

In other parts of the UK, energy providers have offered social tariffs to help their most vulnerable customers. Indeed, all energy providers in GB must offer social tariffs to help their most vulnerable customers to cope with the high costs of gas and electricity. Those companies also offer a range of other services such as free insulation, boiler checks and advice to fuel-poor customers, particularly elderly people and those on low incomes.

British Gas's Essentials tariff is the UK's largest social tariff, and it aims to reduce the gas and electricity

prices of 75,000 of the company's most vulnerable customers. Those customers' energy bills will drop by some £307 a year. The tariff also provides extra help to vulnerable customers, particularly those who use pay-as-you-go energy meters, which, despite helping those on low incomes to budget, are often a more costly way to pay for gas and electricity.

E.ON's social tariff, StayWarm, is specifically designed to help vulnerable customers who are over the age of 60. It is a fixed price tariff that keeps costs the same for 12 months after a customer has signed up to it. E.ON also offers free loft and cavity wall insulation to anyone over the age of 70 or to those receiving certain benefits, such as income support, housing benefit, council tax benefit or income-based jobseeker's allowance, whether or not they are customers. E.ON customers who are over the age of 60 can also switch to the Age Concern tariff, which could save them an average of £69. Those customers also receive safety and energy efficiency gadgets, such as energy-saving light bulbs and carbon monoxide detectors.

It is not just a question of refunding money; it is also about making customers more energy-efficient, and that is an issue that we need to address in Northern Ireland.

EDF Energy's assist tariff is aimed at those customers who have to spend more than 10% of their household income on gas and electricity or those receiving income support or pension credit, giving a 15% discount on EDF's standard energy prices. About 57,000 customers benefit from that reduced tariff, which is applied directly to those customers with standard or economy 7 meters, while those with prepayment or complex metering will atomically receive a rebate each year.

ScottishPower's carefree plus social tariff offers eligible customers a saving of up to £112 a year on their energy bills. Customers on the new tariff will also be able to have free insulation work done on their homes and receive a benefits health check to ensure that they receive all the help to which they are entitled.

Mr Hamilton: Will the Member give way?

Mr Neeson: I am sorry; I do not have the time.

A considerable number of consumers in Northern Ireland still use household coal, domestic heating oil and liquefied petroleum gas, and there is no control over the distributors of those fuels. The point was rightly made that some mechanism should be developed to bring the sale and distribution of those energy products under control.

Mr Moutray: I support the amendment in the names of my colleagues David Simpson and Simon Hamilton. By securing the amendment, they have injected an important element of common sense into the debate on energy in general and on fuel poverty in particular.

Fuel poverty concerns us all, as it has a serious financial and health effect on too many households in Northern Ireland. We all agree that it must be tackled robustly, but how? A social tariff is not the answer. Indeed, there is a danger that we could make a bad situation worse by suggesting that we throw money at the problem without properly analysing the issues. That is why the amendment urges the Minister for Social Development to work with her colleagues to assess fully the extent and nature of fuel poverty.

We must examine a range of options to help those who are worst off. We also need to ensure that in helping the worst off, more people and businesses are not adversely affected as a result. Since last winter, as Mr Simpson said, the price of electricity and gas has fallen twice. That is good news for all customers, and we need to see more of that, as it should help to reduce the number of homes caught in the fuel-poverty trap.

Mrs McGill: Go raibh maith agat, a LeasCheann Comhairle. I welcome Minister Foster's presence in the Chamber.

I have listened to the Members who have spoken so far, and I understand why Members on the DUP Benches referred to getting a more refined definition of fuel poverty. Sinn Féin's motion provides that opportunity in the best circumstances. There is confusion around fuel poverty. Are the right people targeted and are the most vulnerable identified correctly? As my party colleague Jennifer McCann said, we have these debates from time to time. However, we must get clarity on the issue and we must take it a step further.

5.30 pm

I am not a member of the Committee for Enterprise, Trade and Investment, so I am not privy to all the detail and nuances of the debate, but it is important that the social tariff get an airing. I will be disappointed if the House divides on the issue.

I thank the Assembly's Research and Library Service for providing an information pack on the issue. It refers to 'The Utility Regulator's Social Action Plan 2009-2014', which, I understand, contains a proposal, as part of the regulator's forward work programme, to produce a scoping framework document in 2009-2010 that will refer specifically to introducing a social tariff system. It is significant that that suggestion will be made by the regulator.

The information pack also contains a replication of the joint paper commissioned by the Consumer Council and the Utility Regulator. The research in that document comes out in favour of the social tariff system. I took some statistics from that document. It mentions three options, but the option that is favoured by 64% in a particular age group is the social tariff.

I think that Mr Maginness referred to people on benefits and the fact that there is clarity on their position at the moment, but the document that I mentioned contains statistics showing that 66% of those not on benefits favoured the social tariff for those in financial difficulty and fuel poverty and that 60% of those on benefits also favoured it. Almost the same percentage of those who are on benefits favour the social tariff as of those who are not on benefits.

I wish to make another point about who pays for it all. As my party colleague said, our position is that the consumer should not pay for it, and I am fully in agreement with that. Other Members also mentioned that.

The Consumer Council, in its response to the Utility Regulator's social action plan — again I refer to the information pack — said:

“Social tariffs are potentially an important tool with which to tackle fuel poverty. The Consumer Council is strongly of the opinion that social tariffs must not be solely funded by other consumers but that energy companies must make a valid and significant contribution.”

My party is proposing the social tariff system, and I am prepared to take the views of the Consumer Council on board. Go raibh maith agat, a LeasCheann Comhairle.

Mr Easton: I support the amendment, as it is the best means of addressing fuel poverty.

First things first: as any good auditor acknowledges, we need to know the extent of the problem if we are to tackle it effectively. In this case, an accurate appraisal of what is required is the order of the day. I encourage the Minister to be proactive in response and to use the expertise and knowledge base of her Executive colleagues and the intelligence and data in their respective Departments to deliver a computation of need that can be stood over with a high degree of certainty.

All of us note the high energy prices that we in Northern Ireland pay. That, coupled with poor energy efficiencies and low income, creates in many cases a negative situation, which leaves many of our households fuel poor and living with the difficulties and complexities of fuel poverty. We cannot afford to ignore the high level of fuel poverty. It is a red flashing light that rightly alerts and warns public representatives that something must be done. I reiterate that high energy prices have a detrimental impact on the fuel poor. That is a fact that we cannot afford to ignore.

Many tools can be utilised to tackle fuel poverty, and we would be well advised to consider all options. The amendment is essentially correct in that a one-size-fits-all approach is the incorrect response to the complexities of fuel poverty.

I strongly contend that the research base showing that a social tariff system will act as some form of

panacea to the woes of fuel poverty does not exist. In my analysis, there is no evidence base to justify a social tariff system as a mechanism to adequately address fuel poverty. We certainly do not wish to introduce a measure that, in seeking to address one problem by tackling fuel poverty, creates further harm by placing higher bills on the budgets of a significant number of other households. That would be a false economy. We must be careful, because many households that are taking a prudent approach to the household purse in difficult economic circumstances are genuinely fearful of increased bills leading to debt.

If the social tariff model is followed blindly, it should be anticipated that many households and the business community, which is taking the difficult economic strain, would be put in the position of facing mounting bills. We do not wish to take that direction or go down that route. Rather, like any good general, we should consider using all the weapons in our arsenal that have the capacity to minimise the number of households that have to live in fuel poverty. The public would, rightly, look aghast at us if we were to do otherwise.

We must look to energy efficiency. Too much energy is lost, and the energy resource is drained by poor housing and inadequate insulation. That is a key area, which, if effectively tackled, will reduce the number of households living with fuel poverty. Therefore, that and many other options must be further explored. Lead responsibility lies with the Department for Social Development, and many factors cut across other Departments. The issues of proper and effective insulation, to which the amendment speaks, will not only drive down costs and place fewer people in fuel poverty but will prove to be the environmentally friendly option. People do not wish to throw good money after bad because their boiler is underperforming. The amendment aims to address that, and it speaks to all the positive environmental benefits. I recommend it to the House.

Mr Cree: The issue is an important and emotive one, and I thank the Members who tabled the motion and those who tabled the amendment.

Fuel poverty is a real and persistent problem. Between 2004 and 2006, an additional 60,000 households in Northern Ireland entered fuel poverty. In light of rising fuel costs and increases in unemployment, there are concerns that the number of people who are fuel poor has reached unprecedented levels. Fuel poverty is caused by a combination of factors, including poor household energy efficiency, low income and expensive fuel.

Therefore, numerous potential solutions and ameliorating policies are open to us, of which a social tariff is one. I note and commend the actions that the Executive have already taken: the warm homes scheme, Housing Executive programmes and the one-off payment of £150 to people who are on income support and

pension credit. It is obvious that the Executive and the Assembly are taking the issue seriously.

At first glance, the proposition to introduce a social tariff is attractive, because it reflects our desire to help the people who are most in need. However, given Northern Ireland's energy market, the make-up of the energy supply and the pricing system, such a proposition must be given careful scrutiny and thought. I note that the Fuel Poverty Task Force recommended that a study into a social tariff be carried out and that the Utility Regulator has undertaken investigations that he plans to report to the Minister of Enterprise, Trade and Investment. That is the correct way to address the issue. No guarantees or decisions should be given until we have all the facts.

The DUP amendment recognises those concerns. I note that an NIE briefing paper estimates that the cost of introducing a social tariff could lead to an increase of between 8% and 12% in electricity prices for all other users. In light of pressures that families already face due to increases in energy prices —

Ms J McCann: A couple of Members have suggested that households will have to pick up the bill for social tariffs. That does not have to be the case. Energy companies and larger commercial businesses should pick up the bulk of that.

Mr Cree: That is a nice idea. However, unfortunately, a monopoly applies in Northern Ireland. The actual margin for the electricity company, in particular, is fixed.

Mr Hamilton: Will the Member give way?

Mr Cree: I am concerned about getting through my wee bit. If the Member is quick, I will give way.

Mr Hamilton: Does the Member agree that passing the cost on to big business, however that is defined, will act as a disincentive to attracting that type of business to Northern Ireland and, indeed, could put people in those businesses out of work and thus create a vicious circle in which more people are trapped in fuel poverty?

Mr Cree: The Member is quite correct. Now, to get back to my point, for which, I am sure, Members are all waiting — *[Laughter.]*

In light of pressures that families already face due to increased energy costs, rising unemployment and the ongoing recession, such an increase could be detrimental, not only to the people who are involved, but to the entire economy. That point has just been made by Mr Hamilton.

Social tariffs exist in Great Britain. They were introduced initially to enable customers to access electricity at the lowest available rate, regardless of the method of payment. That issue arose from the fact that pre-payment customers in GB paid around £100 per annum more than those who paid by other means, such

as direct debit or credit card. That situation is not as prevalent in Northern Ireland.

In addition, it must be recognised that the virtual monopolies that exist in Northern Ireland's gas and electricity markets have resulted in much tighter net profit margins, greater regulation, and much smaller scope for companies to subsidise customers directly, or, indeed, for customers to shop around for the best deals.

Fuel poverty is a major issue. It is a top priority for the Ulster Unionist Party. The strategic energy framework provides an opportunity to address some of the structural and underlying problems that create fuel poverty and which can limit the Assembly's options to solving it.

The Assembly looks forward to the findings of the Utility Regulator on the potential for a social tariff and the possible ramifications of introducing one. In the meantime, efforts must continue to reduce fuel poverty by increasing energy-efficiency measures in the home, ensuring maximum benefit uptake, and ensuring that all people who are eligible for the £150 one-off payment take it.

I support the amendment.

Mr O'Loan: The debate is worthwhile because the social tariff is an important, though not an easy, issue. The Chairperson of the Committee for Enterprise, Trade and Investment made a number of good points. Incidentally, it is clear that if the motion were carried, the matter would be DETI's responsibility.

To set social tariffs is a worthy concept, but a difficult one to carry through. There are considerable difficulties in realising that, which the Assembly needs to be mature enough to recognise.

Everyone recognises that three broad factors affect fuel poverty. They are energy costs, household income and household fuel efficiency, which has two elements: insulation standards and the efficiency of the heating system. Any programme to tackle fuel poverty must involve measures that deal with all three of those factors, not just one.

Measures that are already in place include the warm homes scheme, which is one of the Executive's key responses. The scheme is operated by the Department for Social Development. It has been hugely successful and very popular. Since 2001, more than £118 million has been spent on the scheme and, as a result, about 71,000 houses have been made warmer.

5.45 pm

Members will be aware of the new warm homes scheme, the managers of which are H&A Mechanical Services Ltd and Bryson Charitable Group. That scheme will better target resources so that those most in need get the most assistance. We should welcome the fact that for the first time, young families that are in receipt

of working tax credits can benefit from improvements to their home-heating systems and that people over 60 can also benefit from the scheme.

We all know about the budgetary pressures on DSD in respect of housing. Despite that, £20·5 million has been allocated to the warm homes scheme this year, and that should assist 10,000 households. Therefore, good work is being done in that area.

DSD also looks after the public housing stock, one element of which is the conversion of houses to natural gas. More than 29,000 home-heating systems in Housing Executive properties have already been converted; however, DSD wants that conversion to be extended much more widely. That, of course, depends on the extension of the gas network, the need for which we are all starting to recognise. New social houses are being built to a very high standard and with a minimum code level 3 environmental rating, which makes them 25% more energy-efficient than before. Those are all relevant measures.

Maximising income is important. The focus on the economy and on getting more and better-paid jobs has its place in tackling fuel poverty. Of course, many of those who suffer fuel poverty are dependent on social security benefits. DSD's measures are extremely important in making people aware of the role of child tax credits, working tax credits and pension credits.

Benefit uptake is also extremely important, and DSD has run successful campaigns that have given a great deal of money to families and brought extra money into Northern Ireland.

DSD also administers the winter fuel payment. Although we want that payment to be increased, it makes a significant contribution to household budgets. The Executive's household fuel payment gave out no less than £24·5 million in April by distributing £150 payments to 167,000 homes.

To tackle the issue, we must look at the measures already in place to make each one better by being open to new ideas. The concept of a social tariff certainly deserves study. I am uncomfortable with the amendment, because it is too sweeping in its rejection of the social tariff concept. As I said, although the concept is difficult to realise, it is definitely worthy of examination.

The Minister of Enterprise, Trade and Investment (Mrs Foster): I welcome the opportunity to discuss the issue, and I congratulate the Members who tabled the motion. This discussion is timely because the strategic energy framework is the subject of a consultation process, which a number of Members pointed out. That framework acknowledges the high levels of fuel poverty in Northern Ireland and emphasises my Department's continued commitment to work with the Department for Social Development on areas of mutual policy development to ensure that fuel poverty issues can be addressed.

I noted with some amusement Mr O'Loan's comment that if the motion were carried, the issue would be mine and mine alone to address. He then went on to tell the House about all the things that DSD does to address fuel poverty. I am not sure where all that sits. Nevertheless, he will be glad to know that Minister Ritchie and I work together to address those issues, and that that is recognised in the strategic energy framework.

The framework acknowledges that the Government are, as the Member pointed out, already working hard to ensure access to secure, competitively priced and sustainable energy supplies, while — and this is important — supporting economic growth as well. The framework also acknowledges that the era of cheap energy is over — something that we are all acutely aware of — that we must be more energy efficient and that we must seek to reduce our energy consumption.

Given the publication today of a report by Invest NI, it is appropriate that DETI's role, and my primary focus as economy Minister, is on business competitiveness. My Department's goal is to grow a dynamic, innovative economy, and the Programme for Government states that growing a dynamic, innovative economy is the Executive's top priority for the period 2008 to 2011. A key element in supporting that priority is ensuring that there is a fit-for-purpose energy policy in Northern Ireland. We are very much committed to ensuring an efficient, diverse, competitive and sustainable energy market that offers economic opportunity to businesses in Northern Ireland. We will work to ensure that energy costs are as low as possible for all consumers, consistent with maintaining adequate incentives for investment in energy assets for security of supply, irrespective of the investment being provided from equity-based or mutualised company models.

What has caused the high prices in energy? As elsewhere, the main driver for retail gas and electricity prices in Northern Ireland is the global price of wholesale gas. In 2008, global increases in the price of wholesale gas increased the price of gas, oil, coal and electricity for all energy consumers, including those already in fuel poverty.

I am pleased that, in late 2008, the Utility Regulator initiated separate reviews of the natural gas tariffs of Phoenix Supply Ltd in the greater Belfast licence area, and the electricity tariffs of NIE Energy throughout Northern Ireland. That led to the gas and electricity tariff reduction of 22·1% and 10·8% respectively in January 2009. A further tariff review resulted in an announcement by Phoenix of a 19% reduction in gas prices, and in a 17·7% price reduction for domestic consumers with Firmus Energy. From 1 October 2009, NIE Energy's 5% reduction in domestic electricity prices will come into effect. Those price reductions for consumers are particularly welcome given the significant

economic difficulties that are being faced by many at the present time. I think that that needs to be acknowledged.

I welcome the debate on possible measures on electricity prices that would help hard-pressed customers. That said, I think it is important that we continue to focus energy policy on improving business competitiveness and on ensuring that we have a secure and sustainable energy future for all consumers. For example, as was mentioned, the Department supports the continued expansion of the natural gas network to provide additional fuel choices for consumers. The Department and the Utility Regulator are looking at the potential extension of the natural gas network in Northern Ireland, and I am very much looking forward to that vital piece of work being completed. I think that that will be welcomed across the Chamber, and I know that people will look forward to receiving it.

The Department plans to undertake a study to determine the economic cost-benefit analysis of implementing smart metering in domestic properties and micro-businesses in Northern Ireland. We have consulted on better billing and metering in Northern Ireland. The Electricity and Gas (Billing) Regulations (Northern Ireland) 2009 requires suppliers to provide 12 months' worth of historical consumption data on energy bills. That will allow consumers to be better informed about their usage and to make more informed choices about energy use and energy efficiency.

As has been recognised by a number of Members, DSD works to address fuel poverty, too. In particular, the House will recall the one-off fuel payment of £150 that was made to vulnerable homes, which we heard about earlier in the debate.

It is important that we have an evaluation of how that scheme was rolled out. The House will then need to consider whether the action that was taken was the best way to deal with fuel poverty last winter or whether there are more appropriate measures to help vulnerable households.

Other Government initiatives were mentioned in the debate, including the warm homes scheme, through which DARD has provided funding to specifically target rural homes; the Social Security Agency's benefit uptake campaign; and, as I said, the winter fuel payment. All those initiatives help with fuel poverty.

There has been a lot of talk about the profit made by energy companies, but Members need to acknowledge that those companies are doing things to help. For example, the vulnerable customer programme, which is called For Your Benefit, is managed by NIE Energy. That programme assists vulnerable customers with identifying and claiming the various publicly funded benefits to which they are entitled. There are also customer-care registers operated by electricity- and gas-supply companies, which aim to keep a record of

vulnerable customers so that the appropriate level of support can be offered.

There has been a lot of talk today about prepayment meters. It is important to say that Northern Ireland prepayment customers do not pay more than other customers, unlike their counterparts in GB. That is the result of a voluntary agreement established by the electricity- and gas-supply companies, working with the Utility Regulator. NIE Energy prepayment customers are offered a discount of 2.5% compared with standard credit customers, and natural gas customers are offered a prepay tariff that is equivalent to the standard-credit tariff. In other words, NIE Energy customers who prepay get a 2.5% reduction.

The Chairperson of the Committee gave us definitions of a social tariff, and I would expect nothing less from him. He said that, because direct-debit customers receive a 4% reduction on the standard tariff, the prepayment method was not, in effect, a social tariff. I acknowledge that, but he must acknowledge that we have a better system than the one that is available in GB, because there is at least an incentive to prepay. Other schemes include Firmus Energy's firmuscare scheme and the Phoenix Supply Ltd energy care scheme. The latter is aimed at the over-60s, the disabled and the chronically ill.

The aim of social tariffs in the energy sector is to enable low-income and vulnerable customers to access competitively priced energy tariffs. Given the level of fuel poverty in Northern Ireland, I empathise and understand that the concept of social tariffs merits further investigation as an appropriate policy response.

The proposer of the motion talked about the need to innovate. The concept of social tariffs has come to prominence in Great Britain, and it has been the subject of debate there for quite some time. In GB, many low-income customers use prepayment meters and, because they are vulnerable and need to use that method, they pay more for their electricity and gas, which seems perverse. That is not the case in Northern Ireland, where prepayment meters give a 2.5% reduction on the standard tariff.

Gas is the dominant form of heating for domestic customers in GB, but, as we heard from Mr Hamilton, that is not the case in Northern Ireland. Here, 70% of households are reliant on oil for home heating. As oil is not subject to economic regulation, there is relatively little information available on customer purchasing patterns in the oil industry. The Member for East Antrim Mr Neeson mentioned that both the LPG and oil industries are not regulated, but he will acknowledge that regulation of those industries would add to the cost of oil and LPG, although LPG represents a small proportion of the market. We need to recognise that adding regulation to the oil industry will add to costs for the consumer.

6.00 pm

Some information suggests that customers who can afford to buy only a small amount of oil at a time are offered higher rates per litre compared with those who can afford to order in bulk. That, too, concerns us, because those in fuel poverty are being charged more for smaller amounts.

My Department is already working with the Utility Regulator's office to establish what scope exists for regulatory action to make tariff changes for those in fuel poverty. As Mr Armstrong, and, I believe, Mr Cree, indicated, the Utility Regulator is considering a consultant's report on the potential options for progressing the development of social tariffs in the electricity sector. The Utility Regulator's office issued the report as an informal pre-consultation document to allow key stakeholders to comment, including DSD and my own Department, with a view to understanding better the complex issues and charting the most appropriate way forward.

The Utility Regulator indicated that he hopes to release the consultant's report on social tariffs by the end of November, perhaps with initial suggestions on the way forward. The issues are complex and the theme of social tariffs touches on wider issues of social policy as well as policy and technical issues relating to energy markets. When the report comes out, therefore, it will be shared with the energy industry, voluntary groups, key energy stakeholders and all the other Departments.

However, any move to introduce social tariffs in the energy sector is, potentially, prone to negative knock-on effects. That fact was acknowledged throughout the debate. As I said in my opening remarks, as economy Minister, my priority is to promote Northern Ireland businesses and to guard against damage to economic competitiveness and employment. Businesses here already contribute to the Northern Ireland sustainable energy programme through a levy. We need to acknowledge that. There has been much talk about profits and companies doing nothing, but they do contribute. To expect them to contribute again to a fuel poverty levy would further increase business energy costs.

Many times, I have been lobbied by big businesses about their energy costs in Northern Ireland. The House would be sending a very negative message if it said that big businesses needed to pay more for energy. That would be a difficult message to send out. Indeed, perversely, it could result in the loss of business competitiveness, and, therefore, employment, which could bring associated increases in fuel poverty numbers. That point was made by several DUP and UUP Members.

I welcome the debate, which was measured and informative, and I look forward to the wind on the motion and the amendment. However, I urge Members

to bear in mind the complex nature of the issue and to take everything into account when they vote.

Mr Hamilton: Everyone has acknowledged that there is a real fuel poverty problem in Northern Ireland. An estimated one in three households is in fuel poverty, which is a much higher rate than the rate in GB. That has a negative effect on not just household incomes but on the health of those in affected households.

It has been suggested before, and again today, that a social tariff is the solution to that problem. It was a bit of a fad and very much in fashion about this time last year when energy companies were putting up their prices — a bit like trainers with wheels in them or Tamagotchis, it was the popular thing at the time. In suggesting social tariffs as a solution to fuel poverty, however, it is worth posing and examining four broad questions.

First, who should it help? As the proposer of the amendment suggested, it is understandable that single pensioners, lone parents and those on extremely low incomes could get trapped in fuel poverty. When preparing for the debate, however, I read Northern Ireland Housing Executive figures from October 2008 which showed that a noticeable percentage of households with an income in excess of £30,000 were in fuel poverty. Questions then have to be asked about why and how that household is in fuel poverty.

The answer is not so much about income and more about fuel efficiency and energy efficiency in that household. In assessing the accuracy of need in Northern Ireland, we must consider whether the measurement model that we use to assess fuel poverty is correct. Moreover, we must assess the impact of the recent price reductions on those one in three households and the impact of the £150 fuel credit that was paid last year.

The second question is: who should pay? The debate has concentrated on that issue, and it should be foremost in our thoughts. In the current climate, we cannot expect Government to find the estimated £75 million that was mooted by some Members. There is talk that energy companies can pay out of their profits. Energy companies in Northern Ireland — Phoenix Gas and NIE, in any case — are restricted to margins of around 1.5%. Other Members cited examples of energy companies in GB. However, they operate on a margin of 6%, from which they pay social tariffs. Indeed, the cost of the social tariff was one reason that was cited recently for those energy companies' failure to reduce prices. It is much easier to do that with a bigger margin.

Asking energy companies here to pay out of their existing margin has a disruptive effect on incentivising competition, which we all support in the Northern Ireland energy market. Therefore, the only other option is to ask customers to pay for it. Whether some people should pay more so that others pay less is a legitimate question. It is important to pose that question, but it is extremely

difficult to answer. Passing the cost to business, whether big or small, will disrupt competitiveness in Northern Ireland. Businesses in Northern Ireland increasingly cite energy prices as a hindrance to competitiveness; heaping more pressure on them will not be beneficial.

We must also ask what sort of system of social tariff we would put in place. Would people on certain benefits enjoy the benefit of a social tariff? When I examined the role of social housing, I visited some houses and noticed that some of the most fuel efficient houses, through their energy sources and insulation, are occupied by people who, I am sure, would receive a social tariff after a benefits test. However, they live in fuel efficient and energy efficient homes.

Ms J McCann: Will the Member give way?

Mr Hamilton: No; I do not have time to give way.

Should we consider providing a social tariff on the basis of usage? Single pensioners have low usage, and, under such conditions, second homes and holiday homes could benefit.

What are the other options? Are other options as effective, if not more effective, than a social tariff? When considering increasing energy efficiency, we should consider converting properties that use inefficient fuels such as coal and oil to fuels such as gas. Thousands of houses in the Housing Executive stock do not meet the decent homes standard for thermal efficiency, and many houses that could use gas do not do so. We should consider converting those properties.

I accept the earlier points that were made about encouraging people to use pay-as-you-go tariffs and keypads. I agree with the Minister for Social Development; it is as much an income issue as it is one of fuel costs.

Mr Deputy Speaker: The Member should bring his remarks to a close.

Mr Hamilton: We need to consider a system that benefits generators over ordinary customers. Therefore, more money is not always the answer. As a society, we could take measures to help fuel-poor people, other than social tariffs or giving out more money.

Mr Butler: Go raibh maith agat, a LeasCheann Comhairle. We have had a fairly thorough debate, in which we debated the pros and cons of the motion. I thank everybody who spoke. Whether or not we achieve agreement on the motion is another matter.

When my colleague Jennifer McCann brought the motion to the House, she was aware of the concerns about who pays for social tariffs. Other Members asked whether those costs should be passed on to other customers and businesses. Jennifer McCann made it clear that that is not the case and that we live in a society that has high levels of fuel poverty. Some

Members, including Sean Neeson, Leslie Cree and even David Simpson, mentioned that levels of fuel poverty here are much higher than in Britain; I think they are three times higher than in Britain. The intent behind the motion was to address that issue.

Ms J McCann: Members have talked about the definition of “fuel poverty” and about who can afford to heat their homes and have electricity. Is the Member aware that the deaths of approximately 2,000 elderly people over the past six years were caused by cold-weather-related illnesses? People who do not have the money to heat their homes or put on the electricity — when we talk about fuel poverty, that is what we are talking about.

Mr Butler: I thank the Member for that information. It is startling that so many people in this society are still dying as a result of fuel poverty.

Jennifer McCann mentioned a very good scheme in the South of Ireland that has a social tariff dimension, particularly for pensioners. They get a certain amount of free units of electricity, oil or gas to heat their homes. It is worth noting that there are no concerns down South about elderly people and those on low incomes getting the benefit of social tariffs.

I realise that the issue is a complex one. David Simpson mentioned the £150 one-off payment that was made last winter. That was provided for in the Financial Assistance Act 2009. The Assembly recognises that fuel poverty is a big issue; that one-off payment went a long way towards alleviating difficulties for many people who were facing hikes in gas and electricity prices.

David Simpson also mentioned the tight profit margins on which the energy companies operate. He asked whether social tariffs would lead to reduced profits for those companies. However, the energy companies do have quite high profits. Jennifer McCann said that NIE Energy made a £120 million profit.

The Chairperson of the Committee for Enterprise, Trade and Investment, Alban Maginness, spoke about the use of keypads as a form of social tariff. The Minister of Enterprise, Trade and Investment said that there were concerns that people who pay by direct debit get a 4% reduction in their electricity prices, whereas keypad users only get a 2% or a 2.5% reduction. Mr Maginness also made a fair point about asked whether energy generators should pick up some of the costs of having a social tariff system.

Mention was made in the debate that 70% of households here use oil, the supply of which is totally unregulated. Some Members pointed out that the oil companies bear no responsibility whatsoever to bring in any energy efficiency measures. In addressing fuel poverty, we must think outside the box in determining how people on low incomes, elderly people and disabled people can pay less for their electricity. The Minister

mentioned benefit uptakes and check-ups, and energy efficiency measures in the home, such as cavity-wall insulation and loft insulation.

Other Members, including Billy Armstrong, mentioned the warm homes scheme. Declan O'Loan gave Margaret Ritchie a plug when he said that more money has been invested in that scheme recently. Those measures can reduce fuel poverty, but there are still pensioners and people on low incomes who will suffer high levels of fuel poverty. As was said, it is unacceptable that approximately 2,000 elderly people here die every year as a result of fuel poverty.

My colleague Claire McGill asked how the Utility Regulator and the Minister can move the social action plan forward. The Committee for Enterprise, Trade and Investment has also discussed that issue. The Utility Regulator is considering the issue of social tariffs, and how NIE Energy and Phoenix Natural Gas, among other energy providers, can help to alleviate fuel poverty and reduce the bills that people here are paying.

6.15 pm

Alex Easton said that we must be more energy efficient in our homes. He spoke about inadequate loft insulation and about how high energy prices impact on the most poor and vulnerable in society. That has been the theme of the debate. Although we may not agree on how to deal with fuel poverty, particularly among low-income families and the elderly, who are dealing with high electricity and gas prices, we all agree that we need to make it a priority for the Assembly to reduce gas and electricity bills.

As the Minister said, we need to examine how we can introduce measures to help alleviate fuel poverty as part of the strategic energy framework. The Minister will have to weigh up the social tariff and decide whether it will form part of that framework. Her main focus in the current economic climate is on helping businesses and driving the economy forward.

The Minister is concerned that businesses should not pick up the tab for any social tariff that is introduced. It has been made clear during the debate that the main thrust of the motion has been that neither other customers nor the business community should have to pay for social tariffs. Energy providers such as NIE Energy, Phoenix Natural Gas and others have a responsibility.

I acknowledge that those companies have some social responsibility; indeed, they have introduced some measures in past years. Controversy surrounds the discounts offered to electricity customers who use the keypad system, but that type of meter has been popular with many customers. Grants have also been provided, but we say that more needs to be done, given the high levels of fuel poverty from which this society suffers.

I hope that I have summed up the debate on what is a very important issue. It is complex and difficult to resolve. Whatever happens today, I hope that the Committee for Enterprise, Trade and Investment and its Minister, as well as the Minister for Social Development, will revisit the issue. Go raibh maith agat.

Question put, That the amendment be made.

The Assembly divided: Ayes 36; Noes 31.

AYES

Mr Armstrong, Mr Beggs, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Craig, Mr Cree, Mr Dodds, Mr Easton, Sir Reg Empey, Dr Farry, Mr Ford, Mrs Foster, Mr Hamilton, Mr Hilditch, Mrs Long, Mr B McCrea, Mr I McCrea, Dr W McCrea, Mr McFarland, Miss McIlveen, Mr Moutray, Mr Neeson, Mr Newton, Rev Dr Ian Paisley, Mr Poots, Mrs I Robinson, Mr P Robinson, Mr Ross, Mr Simpson, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Armstrong and Mr Bresland.

NOES

Ms Anderson, Mr Boylan, Mr D Bradley, Mr P J Bradley, Mr Brady, Mr Brolly, Mr Butler, Mr Dallat, Ms Gildernew, Mrs Hanna, Mrs D Kelly, Mr G Kelly, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Dr McDonnell, Mr McElduff, Mrs McGill, Mr McGlone, Mr M McGuinness, Mr McKay, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Mr P Ramsey, Ms Ruane.

Tellers for the Noes: Mr Brady and Mr F McCann.

Question accordingly agreed to.

Main Question, as amended, put and agreed to.

Resolved:

That this Assembly, being mindful of the alarmingly high levels of fuel poverty in Northern Ireland and the negative impact high energy prices have on the fuel poor, calls on the Minister for Social Development to work with her Executive colleagues to obtain an accurate assessment of actual need in respect of fuel poverty; notes that social tariffs could result in higher prices for a significant number of households and businesses; and urges consideration of a range of options to assist people most vulnerable to fuel poverty.

Motion made:

That the Assembly do now adjourn — [*Mr Deputy Speaker.*]

ADJOURNMENT

Flooding in East Belfast

Mr Deputy Speaker: The proposer of the topic for debate will have 15 minutes in which to speak. All other Members who wish to speak will have approximately 10 minutes.

Lord Browne: For the second time in slightly over two years it is necessary for an Adjournment debate in the House to highlight the repetitive flooding in my constituency of East Belfast.

On 31 August 2009, homes and property in East Belfast were once again damaged by rainfall. In contrast to previous occasions, however, the rainfall was restricted — [*Interruption.*]

Mr Deputy Speaker: Order. Members should either resume their seats or leave the Chamber.

Lord Browne: In contrast to previous occasions, however, the rainfall was restricted to a period of a few hours in mid-afternoon, yet it caused substantial flooding. The relevant agencies had argued that the rainfall in July 2007 was exceptional and they, therefore, presumed that to be the main cause of the flooding. However, no one could reasonably argue that that was the case on 31 August 2009. Yet again, the severe flooding in East Belfast made the headlines in the newspapers and other media. Among the worst-hit areas were Sydenham, Cregagh, the Woodstock Road, Castlereagh, Belmont and other areas in East Belfast.

However, without repeating the well-presented arguments that were made in the previous debate, I will highlight the main issues that need to be addressed as a matter of extreme urgency.

There is an urgent requirement to address the need both for a joined-up Government approach to flooding issues and for short-term flood-protection solutions as part of an overall strategic programme. Furthermore, there is a need to improve communications and information sharing. That could be done through a stakeholder group, because it is essential that stakeholders have an input to defining the problem before the Government try to resolve it.

Each of the drainage agencies must co-operate in providing joined-up approaches to mitigate recurrent flooding and to develop long-term prevention measures. There is an obvious lack of joined-up thinking and working among the drainage agencies in the areas in

question. Until that is resolved and adequate resources are devoted to such work, flooding will, unfortunately, recur.

Of course, we know that many short-term initiatives can be implemented. Those include installing larger street gullies, increasing the availability of sandbags and fitting sewer line de-silting mechanisms in alleyways that are adjacent to homes that are likely to be affected. However, it is essential that the Departments that are involved implement, as quickly as possible, the strategy to prevent flooding recurring in parts of East Belfast.

The EU floods directive of 2007 requires transposition into domestic law by November 2009. I understand that the draft Water Environment (Floods Directive) Regulations (Northern Ireland) 2009 have been produced in order to implement that directive. In fact, the Department of Agriculture and Rural Development (DARD) has been appointed as the competent authority for Northern Ireland for the implementation of that EU directive on the assessment and management of flood risk. Therefore, I would appreciate it if the Minister would confirm whether the Rivers Agency, on behalf of DARD, will take the lead in implementing the directive. I would also appreciate it if the Minister would confirm whether legislation will be in place by the appointed date.

In East Belfast, as in the rest of Northern Ireland, the historical approach to managing storm water and foul water has been to use a combined system that transports storm water and foul effluent to a treatment works. However, in recent years, installing separate systems has been the practice in new developments. Foul sewage is now collected in a dedicated sewer and goes to a treatment works, while storm water is directed into a watercourse in instances where little or no treatment is necessary.

Unfortunately, a large number of dual sewers are still in operation. That is particularly the case in built-up urban areas such as East Belfast where the population has grown. Of course, there has also been a reduction in permeable surfaces, which means that the sewers are increasingly unable to cope with the storm water.

The situation has also been exacerbated by the legal requirements to comply with the water framework directive and the EU floods directive and by the intense rainfall that we have experienced over the past number of years. Indeed, issues of climatic change need to be fed into any assumptions that are made and into the models that are used to assess future flood risk.

To address those issues, and in response to commitments that were made in the Northern Ireland sustainable development strategy to have sustainable drainage systems, Government have developed a strategy, which is known as SuDS, for promoting the use of sustainable drainage.

Sustainable drainage systems are hard and soft engineering solutions that are designed to mimic closely natural catchment processes in the management and treatment of storm water. Source-control SuDS seek to reduce storm-water discharge from developments by dealing with the run-off close to the source, whereas permeable-conveyance SuDS slow the velocity of the run-off, and then reduce its volume via filtration, infiltration and evaporation.

In developing the SuDS strategy, the Government established a working group comprised of representatives from all relevant Departments and agencies. I would appreciate the Minister's updating the House on the progress of that group. The Northern Ireland Environment Agency's consultation document 'Managing Stormwater: A Strategy for Promoting the Use of Sustainable Drainage Systems (SuDS) within Northern Ireland' raises interesting and challenging issues.

For example, it is accepted that traditional drainage systems may be inadequate to deal with storm water in new developments, especially with apparently more intense and increasingly frequent rainfall. However, the real problem could be that, although individual buildings are now designed, as I said, on a twin system, that system may merge into a single, combined system at the main drain. The loss of permeable surfaces that can absorb rainfall is exacerbating existing drainage problems and creating new flooding problems in urban environments, particularly in areas where large houses are harvested and replaced by multi-apartment buildings with car-parking spaces and little or no gardens.

Alternative, viable options to the traditional drainage systems, including SuDS, must be considered. However, all alternatives and additional methods of dealing with storm-water drainage to supplement or replace existing systems should be seriously considered. A holistic approach that involves developers and all the relevant agencies from the earliest stage of the planning process is also imperative to enable SuDS to be integrated into site designs, thus maximising the flood alleviation and water pollution benefits of SuDS.

It is crucial that all Departments and all the relevant agencies, including local government, co-ordinate and communicate before, during and after flooding episodes. It is vital that all possible steps are taken at the stage at which flooding might be prevented.

Although we should debate the need for joined-up Government thinking, action and strategy to rectify flooding in East Belfast, we should never forget the human suffering that many constituents have had to endure over the years. I know of a 93-year-old woman who has been greatly affected on no less than six occasions over the past four years. That would be an extremely difficult situation for anyone, never mind a lady of 93.

The time has long passed for talk and debate on this subject: it is time for the Assembly to deliver so that our people will not have to endure the hardships of flood water and sewage contamination in their homes time and time again. It is important to remove the fear that many of my constituents experience every time it rains. Many confine themselves to their homes when they get adverse weather warnings because they are afraid to go shopping; some feel that they have to return from holidays. Those people are suffering trauma and they need reassurance. Therefore, I call on the Minister to ensure that we are not back here in a year's time to debate flooding and the hardship that it causes in East Belfast. It is time for action.

Sir Reg Empey: In his opening remarks, Lord Browne referred to the previous debate, so it is déjà vu all over again.

On 26 June 2007, we made the same points that Lord Browne made in his speech this afternoon. There were several factors in recent events; over the summer, there was not just one, but a series of events. I spent several hours out in my constituency, and it was impossible to get through on the flood line. On ringing the traditional numbers, one was told that it was someone else's responsibility. That issue has not been resolved.

6.45 pm

The same places are affected again and again and again. Maintenance, which should not be a huge logistical problem to overcome, is still not being carried out properly. I saw blocked gratings in places that we know are liable to flooding. Simply applying a six- or twelve-month maintenance schedule for the hot spots may not be adequate. The local Roads Service office knows where the hot spots are. I know that people park cars over gullies, etc, but those problems have to be overcome.

Every time it rains heavily, people are terrified. Even then, sandbags cannot be distributed until flooding occurs. We also asked for local people to be provided with signs that they could put out to stop people in 4x4s driving past and causing a backwash that brings water into their homes. Some housing associations have experimented with putting plastic or metal barriers over doorways and ventilators to stop water getting in.

The fact remains that the same people are suffering time and time again. I plead with the Minister to ask the Roads Service to review its maintenance schedules. I know that there is major expenditure in the area on Belfast's sewerage system — it is one of the biggest investments ever made — but that is no good if street gullies are unable to accept the water. It is clear that a lot of them are blocked. Sometimes builders are careless, and they leave sand and cement, which is washed down drains where it solidifies. There are lots of people who

can contribute to the problem; however, the fact is that it is happening in the same places again and again.

I refer Members to the debate in June 2007. Although the focus then was on getting cheaper block insurance for people in such circumstances, Members made the same points. To be honest, the matter has not resolved itself. We are told that some of the main channels require additional maintenance and that they are silting up, but that is normal in such a system. Upstream of all this, so much development has been allowed that the system is inadequate; infrastructure has not kept pace with development.

None of the infrastructure will be of value unless it is maintained to an acceptable standard. Given that there are 10 or 11 hot spots in the area — we all know where they are; the Roads Service knows where they are — why is extra-special attention not given to them? Why do we have to ring up all the time? Why is the maintenance of those hot spots not put on an additional rota for extra-special attention? At least that would give people in those areas some confidence that their plight is being taken seriously. At the moment, many of them are in despair.

Mr Deputy Speaker, you well know what it is like to have a place flooded; it is almost worse than a fire. Everything is ruined, including the electrics; there is the smell; sewage mixes with storm water; and the place is in a terrible state. I appeal to the Minister to ask the Roads Service to redouble its efforts and concentrate on the hot spots, so that those people can be given some relief and confidence that their homes will not be flooded in the future.

Mrs Long: I thank Lord Browne for raising this issue again, although I regret the fact that we are having to have this debate.

I thank the Minister for meeting me on a number of occasions to discuss the ongoing and serious problem of flooding in East Belfast, including flooding that occurred during the past week. I apologise to him that, as a result of that, some of what he will hear now he has heard already. I am sorry that it is repetitious, but so is the flooding, and I will continue to repeat what I am about to say until I see a resolution to the problem. Most of my colleagues will agree that that is necessary.

I want to preface my comments with recognition that not all the responsibility for this situation lies with the Minister who is present to respond to the debate. Road drainage, the sewerage network and our rivers are interconnected, and, particularly in flooding conditions, there is surcharging and flooding as they interact with each other via combined sewer overflows (CSOs) and other linkages. Although he is here to respond, I trust that the Minister will ensure that his colleagues take note of what is said in the Chamber and that it is considered and acted on.

I will deal first with the strategic issues associated with flooding, and then I will comment on issues connected with the response, because those are two separate areas. We all recognise that the sewerage and drainage network, including rivers and culverts, is ageing and that its upgrade and refurbishment has failed to keep pace with development. We must be conscious that, in the case of rivers, upgrading is often restricted by development. Therefore, the system is under increasing pressure, and the issue of development is one that we must carefully consider. For example, in a combined system, where foul and run-off rainwater are in the same pipes, the problem is not just the number of housing units but the extent to which areas previously available to act as soakaways are being paved. In addition, it is not just the volume of run-off rainwater but the speed at which it reaches the system that can lead to flooding, particularly of the flash nature that we have experienced in East Belfast in recent years.

I want to highlight three measures concerning development that must be considered in the short to medium term. First, there must be an obligation on all developers to use sustainable urban drainage systems for any new development, including attenuation tanks to enable the slow release of run-off and rainwater. Rainwater recycling, which is not only environmentally sound but will reduce the amount of run-off that is reaching the system, must also be considered.

For a number of reasons, the introduction of such systems makes sense. It puts the onus on the developers to deal with the infrastructure pressures that their development creates. Economically, that is sound judgement. It is also environmentally sound and tackles issues around water quality, in that it should deal with the problem of CSOs triggering very rapidly. It will also maximise the life and capacity of the existing network and buy a little time for the Department to invest. Building Control Northern Ireland and the Planning Service have an important part to play in that.

The second issue that I want to raise in the context of planning is the quality of response from Northern Ireland Water when it comes to proposed new developments that are going through the planning system. When the Planning Service refers applications to Northern Ireland Water, Roads Service and other agencies, we must be confident that sufficient attention is being paid to the flooding history when responses are made. I have specific examples, as do other Members present, of situations in which there is a flooding history, yet Northern Ireland Water raises no objections to those developments. That is not acceptable. Furthermore, it is not simply a matter of someone's looking to see whether a specific location or address has flooded. Rather, it should involve consideration of the system downstream to see whether there is pressure there, and then consideration of whether the new development can

be accommodated without exacerbating that problem. In responding to current and future applications, that must be carefully considered.

Thirdly, there have been examples of where under-capacity in a treatment works has caused the introduction of a moratorium on new upstream developments that connect to it. I am not aware that that has ever happened in a case in which the network is under capacity. I acknowledge that it is much harder to identify accurately the capacity of the network because of its complexity and the interconnections. A ban on development upstream of flooding points is no one's plan A, and we would much rather see the infrastructure improved. However, if, in the short term, we cannot get the investment to allow the infrastructure to be brought up to suitable standards, we cannot rule out the option of declaring certain locations completely unsuitable for development in the short term.

I also want to talk about the definition of "development". Paving in grassed areas is currently not counted as development, so people can pave their gardens. In a number of locations in East Belfast, Roads Service has paved features such as grass verges. As I said, that is not classed as development, but it should be, and to do it should require the consent and intervention of Northern Ireland Water before it goes ahead, because it has a direct impact on the network.

I want to move on to the medium to long term: the drainage area study and the plan that will come from it. A lot of energy has been invested in that work, and the recommendations that are developed from it will clearly alleviate some of the issues that we are discussing today and will plan for the future. Again, I raise my concern that the drainage network for East Belfast is being planned in the absence of an agreed Belfast metropolitan area plan. It is ludicrous that the infrastructure is being planned in a planning vacuum. However, that is a longer-term issue and a resource-intensive process.

In the meantime, I would like to see the implementation of flood alleviation schemes accelerated in areas where flooding is happening on a repeat basis. The argument that those floods are due to exceptional weather conditions no longer holds water — pardon the pun. Given that some locations have flooded three or more times this summer alone, it is no longer exceptional. Having suffered repeatedly, people are weary of the situation.

Accelerated flood alleviation schemes are crucial. In the meantime, residents continue to live with the stress, cost and disruption of not only the flooding itself but the threat of flooding. In those circumstances where it is repeated, it can be either impossible or unaffordable for people to insure against flooding; unlike in England and Wales, there is no public intervention on that. It also opens the Department and Northern Ireland Water

to claims for compensation where they are aware that there is an underlying problem and have not acted to address it in a timely fashion. I would rather see money spent on prevention than cure; I would rather see it invested in the system.

With that in mind, and recognising the budgetary pressures, I will digress slightly to talk about how we spend money in relation to this. I want to highlight the £1,000 payment to assist those whose homes were flooded, which was welcome in the context of reassurances that it was as a result of exceptional weather conditions. However, that has now been invoked three times in the past three years, to the tune of around £3 million. That raises serious questions about how exceptional such flooding is and whether the payment is a good use of scarce resources.

A number of residents in East Belfast, who have been eligible for the payment on more than one occasion, have indicated to me that they would rather see money invested in measures to deal with the underlying causes. To put it in context: £16,000 to £20,000 could pay for storm water separation in some localities or provide assistance for scores of people to protect their properties against in-house flooding, both of which would address not only risk but consequent access to insurance. That is something that needs to be looked at. In relation to strategy, the maintenance of gullies and culvert grills needing to be cleared is also a serious matter.

I want to look briefly at the issue of response to flooding. I acknowledge the Executive's efforts to improve the response, but, despite those efforts, it remains woefully inadequate. The creation of the single line to report flooding was a welcome development. However, I had hoped that it would not be a single person answering that line. I believe that at the peak of the flooding on the bank holiday in August, there were two people answering the phones. It was the first test of the system, and Sod's Law dictated that it happened on a bank holiday weekend and without a severe weather warning. Nevertheless, the service was abysmal. It took upwards of 25 minutes to get through on the flood line, and people did one of two things: they gave up completely or they circumvented the system through elected representatives using other numbers. With the latter, we have no guarantee that those calls are being recorded and followed up in the same way as other calls.

There was a unified number, but not a unified response. People are still coming out on the ground telling residents that the water that they are standing ankle-deep in is not their problem; that adds insult to injury. We have to accept that responsibility is spread over a number of Departments, but we should not have residents left to cope alone. We also need co-ordination of other services. A number of Members have talked about road closures, for example. I hope that that is

something that we will see better co-ordinated in future, as well as the follow-up and investigation.

However, if we are to have that level of co-ordination in strategy and response, we need the inter-agency flood working group, which was to be convened by DARD, as the competent authority via the Rivers Agency, to meet more regularly and to work intensively on the problem. I am disappointed by the flood working group's lack of activity and progress. I believe that no meeting was called until August or September. I hope that the Minister can reassure us that his colleagues will be putting that at the top of their agenda.

It is not acceptable or sustainable that our constituents live with the threat of flooding on a repeat basis. I hope that the Minister will be able to offer them and us, as elected representatives, some comfort that action will be taken to alleviate it as soon as possible.

7.00 pm

Mr Newton: I thank my party colleague Lord Browne for securing this Adjournment debate on what is an ongoing and serious problem in the East Belfast constituency. As Lord Browne said, this is the second time that flooding in East Belfast has been the subject of an Adjournment debate in the House, and the matter has also been raised during Question Time, in face-to-face meetings with Ministers and by delegations of residents and business owners whose properties have been affected by flooding. Those who are suffering would not forgive us if the matter were not raised again and again. Members who have spoken in this Adjournment debate have made the point that until the problem is sorted, our constituents will expect us to continue raising the matter.

I thank the Finance Minister and the Environment Minister who took time out of their busy schedules to visit residents who were affected by the floods in the East Belfast constituency. I pay particular thanks to the Finance Minister for making the flood relief payment available on 31 August.

Over the past three years, we have seen East Belfast suffer what are probably the worst floods that have been experienced throughout the whole of the Province, and we have witnessed homes in areas such as Cregagh, Clonduff, the Castlereagh Road, Clarawood, Hamel Drive, Ardgowan Street and Hillsborough Drive being flooded. The names of those areas roll off the tongues of representatives of the East Belfast constituency, because for the past three years, we have had regular contact with the residents of those areas every time that heavy rain is forecast or when there is heavy rainfall.

Rev Dr Ian Paisley: I live in East Belfast, and there is great concern in the whole area about the lack of action and the lack of change. We are talking about serious flooding. When I moved to Cyprus Avenue in East Belfast, we had a beautiful fruit garden, but that

garden has been washed away by floods, and we cannot depend on it not being flooded. Every time that it rains, the floods come. Therefore, a large part of my garden is absolutely useless. The rain also flows into the garden of the property next to mine and gathers there, and, subsequently, it affects the garden next to that. The floods are destructive, and I hope that the Minister will see to it that we will see action and a change in this situation as quickly as possible.

I thank the honourable Lord Browne for bringing the subject to the House, and I trust that the people of East Belfast will benefit from the Adjournment debate and that action will be taken.

Mr Newton: I thank Dr Paisley for his intervention. The situation that he described, with gardens being flooded, is replicated in the Finchley Park area, where two houses flood regularly every year. In fact, when we held a meeting with representatives of the statutory agencies in the back garden of one of those properties, the gentleman concerned produced a file, which was about two inches thick, on the correspondence that he has had on the flooding issue.

I referred to the areas in which homes had been flooded, and people in those areas are concerned. Such is their concern about the potential of being flooded out of their homes, some folk store sandbags on their driveways as a precaution. Having met a large number of residents from the areas affected and representatives from the Rivers Agency, Roads Service and the Department of Agriculture and Rural Development over the past months, I can understand residents' frustration. I look forward to the publication of that report, and also to the report on the Loop, Knock and Connswater rivers. It is important, though, that action is taken as a result of those reports.

There appears to be some confusion as to which of the Departments is responsible for responding to flooding in East Belfast and for the maintenance of the rivers and the tributaries that contribute to that flooding. Indeed, statutory officials have told me that several very small rivers in the Clonduff area are unmapped, and although the officials know that those rivers exist, they do not know who is responsible for them. That lack of knowledge of who is responsible has contributed to the problems suffered by one lady in the Clonduff area whose home has been completely flooded four times in the past 11 years, and who is afraid to leave her house for a weekend or for a holiday for fear that it will be flooded again. The statutory authorities are aware of the problems, but we must reassure those residents that we are going to take action to tackle them.

Deciding who is responsible for the problem is difficult, but of equal difficulty is bringing about a solution. Action has been taken on the ground, and the various agencies want and are willing to help to find a solution

to the problem. Indeed, when those agencies arrive, and see at first hand the difficulties that householders are having, there is a willingness among them to try to solve the problem. However, the problem can only be solved by the Departments taking a joined-up approach, the lack of which is not unique to this problem. Indeed, it runs through other issues and problems that are debated regularly in the Chamber.

There is confusion in the minds of those who are affected by the flooding, and for those who are seeking a solution to it. Those people know that there is a need for a joined-up approach, but they do not recognise that there is a problem between the Departments; they simply want a solution to the sporadic flooding.

The argument for a joined-up approach has been made by other Members. That approach was also emphasised by Belfast City Council, which, through its flood group and health and environmental services committee, compiled a number of proposals to deal with the flooding in East Belfast.

The first of those proposals highlights a need to improve communications between the various agencies and the public on what improvement works are being undertaken or planned. Furthermore, Belfast City Council has suggested that there is a need to develop a Government scheme to help those householders whose insurance premiums have been increased because of the risk of flooding. Indeed, I recently took a group of businesspeople to meet the Minister of Agriculture and Rural Development to discuss that issue. Those people's businesses had been flooded on several occasions due to an overflow of the Loop river, and, as a result, they now find it virtually impossible to insure their businesses.

Belfast City Council also identified the need for the Housing Executive to consider flood protection measures, and that further joined-up working on the provision of sandbags was required. I pay tribute to the organisers of an initiative in the Orangefield area where approximately 15 homes were completely flooded two years ago, and in addition to cleaning the river adjacent to the houses, a large container of sandbags was placed close to the houses and residents were given the telephone number of the person responsible for that container. That means that, in the event of flooding reoccurring, those sandbags can be distributed in perfect condition very quickly to allow residents to prevent the spread of the flooding. We need to have more such initiatives.

I welcome the fact that the Minister is in the Chamber; that is a good sign. I hope that, as a result of this and previous debates, some solutions will be found.

The Minister for Regional Development (Mr Murphy): Go raibh maith agat, a LeasCheann Comhairle. I thank the proposer for securing the debate, and I welcome the opportunity to participate in it. I also

welcome the comments of the Members who contributed to the debate.

I recognise, quite understandably, why people express frustration at the reoccurrence of flooding in East Belfast over a number of years. However, many responsible and helpful suggestions and solutions have been put forward. I will ensure that a record of the debate is distributed among the various agencies, some of which are under my authority in the Department for Regional Development, and some, as Members have recognised, are outside my authority. Nevertheless, I will ensure that all the agencies have a copy of the Hansard report of the debate so that they will be aware of the issues that were raised and the helpful and productive suggestions that have been made. If Members have raised particular points that are not covered in my response, I will ensure that I respond in writing.

I appreciate fully that flooding causes great distress to people in addition to the damage it causes to homes. I also appreciate the frustration that Members have expressed when trying to deal with those matters.

During the latest flooding incident on 31 August 2009, the Met Office estimated that approximately 6 mm of rain fell in approximately 20 minutes. I accept what the Member said about that not being the type of exceptional rainfall that we had previously, and, therefore, it is all the more disappointing that, in those circumstances, areas continue to flood. The surface water accumulated rapidly during the middle of the day on 31 August, which resulted in surface flooding in the Carrington Street area and other areas of South and East Belfast. As a result, the design capacity of the drainage network was exceeded and, in some cases, was totally overwhelmed.

The flooding that occurred on 31 August was not caused by any failure to maintain the operational effectiveness of storm-water gullies or the road drainage system. The road drainage infrastructure was simply overwhelmed by the deluge of rain that fell in a relatively short time. Members will be aware that the responsibility for the drainage infrastructure is shared between the three main drainage organisations: the Rivers Agency, which is an agency of the Department of Agriculture and Rural Development, Roads Service, and Northern Ireland Water (NIW).

Procedures for liaison and co-ordination of emergency responses between the three drainage organisations are set out in the inter-agency flooding information pack, and that information pack is currently being revised. I note people's concerns about what they considered to be the lack of a joined-up approach.

There is also a shared flooding hot spots list, which identifies those areas at greatest risk of flooding and the lead organisation for each location. Those organisations also take the lead in the development and implementation

of measures to reduce the likelihood of future flooding of those hot spots. In addition, hot spot lists are held by each of the drainage organisations, and they have their own programmes for dealing with those on a priority basis.

In the case of Roads Service, the problems encountered at flood locations are not always easy to resolve, as a solution may be prohibitively expensive or not immediately obvious. Even with the most careful and thorough planning, gullies, road drains and watercourses can simply be overwhelmed by a deluge of rain falling in a short time. Roads Service has plans in place to deal with roads-related flooding incidents, which ensure that a response is available 24 hours a day, seven days a week.

As far as possible, Roads Service co-operates and works alongside NI Water, the Rivers Agency and other responding organisations, including the PSNI, local councils, the Fire and Rescue Service and other statutory agencies, to ensure that a quick and appropriate response is made to flooding incidents. In its response to flooding, Roads Service seeks to restore normality to flooded roads, having regard to the safety of the public and Roads Service personnel, the prevention of traffic disruption and the protection of homes and property.

When Roads Service becomes aware of roads that have flooded, signs are erected, where practical, to advise road users of the possible risks. However, in the event of widespread flooding, resources will be targeted to the busier routes that carry the greater volume of traffic.

7.15 pm

Roads Service aims to inspect and, where necessary, clean all gullies in urban areas twice a year. That policy ensures that a reasonable level of maintenance is carried out to drainage systems, taking account of the Department's finite funding and staff resource levels. In addition to that scheduled operation, further cleaning is carried out to deal with blocked gullies, particularly at locations where falling leaves represent an ongoing problem at certain times of the year, or where there has been a history of gullies becoming blocked for other reasons.

Mrs Long: I thank the Minister for giving way on that particular point. There is an ongoing issue, which I think was raised by Sir Reg Empey and others, of cars being parked over gullies when the cleaning cycle is ongoing. In other countries, residents are notified in advance of the day on which their gullies will be cleaned, and vehicles that are blocking those gullies on those days can be towed away. Residents are advised not to park on those roads, which are marked on that day, so that the gullies can be cleaned. Can we not consider introducing similar measures here to ensure that gullies are properly maintained?

The Minister for Regional Development: I am content for Roads Service to examine that suggestion. The difficulty is that, although residents may be informed and may co-operate, there may be other people either doing business or visiting a street who may not be aware of it. I do not doubt that, if someone who was visiting a sick or elderly relative had their car clamped or towed away, other representatives would be saying that the Roads Service was being heavy handed. There are always contrary arguments —

Mr Newton: Will the Minister give way?

The Minister for Regional Development: I will give way in a moment. It would probably be better to ascertain the level of the problem caused by parked cars before we introduce measures to deal with it, but I am quite happy to explore that suggestion with Roads Service.

Mr Newton: I thank the Minister for giving way. He makes a valid point about visitors, and so on, but does he not agree that it would be common sense not to create the gullies in designated car parks so that the problem does not arise. I raise that point because it was a contributing factor to the flooding two years ago in the Clarawood estate, where vehicles were parked. The residents live in the high rise flats, and the gullies were actually created in the car-parking spaces.

The Minister for Regional Development: I will ask Roads Service to examine that particular issue, but I accept the Member's point. We often inherit systems that were built some time ago, and we try to make the best of them. I will ensure that note is taken of that particular issue, and will come back to the Member.

Since the flooding in East Belfast in 2008, Roads Service has carried out drainage-improvement schemes in Orangefield Lane, Merok Crescent and Tudor Drive. New gullies have been installed at Sandhill Park and Earlswood Road, and a number of replacement gullies have been installed in the lower Ravenhill Road area. In addition, further works are planned for Clonduff Drive, as has been mentioned by some Members, and Wynchurch Road, and investigatory work is continuing in Carnamena Avenue and Rosetta Road.

The Rivers Agency also has a regular inspection and maintenance programme for designated water courses in East Belfast to ensure the free flow of water. That includes the weekly clearance of urban grilles where blockage may cause a flood risk. The Rivers Agency has advised that, prior to the 2007 flooding, it had already been taking forward two flood-alleviation studies in East Belfast. Those studies have been concluded, and it is proposed that, subject to the availability of funding, substantial flood-alleviation works on the reaches of the Loop, Knock and Connswater rivers will be incorporated into the Connswater community greenway project. That multi-million pound urban environmental project is

scheduled to commence in 2010-2011, and the flood-alleviation scheme is designed to manage the risk of flooding from rivers, but will not address the capacity of the road-drainage and sewerage network.

In advance of the proposed flood-alleviation works, the Rivers Agency has liaised with Northern Ireland Water, Roads Service and Belfast City Council to provide mitigation where possible. NIW has advised that its officials attended a site meeting with residents and elected representatives of Cooneen Way on Friday 4 September, and remedial work to reduce the risk of flooding has since been undertaken. NIW has undertaken a major de-silting operation at Carrington Street. Work commenced on 25 August and is expected to be completed by the end of this month. Investigations are also ongoing into the condition of the sewerage network in Cregagh Street, Willowholme Drive, Ardgowan Street and Hillsborough Drive, and an upgrade at Ravenhill Avenue is being considered in order to relieve the catchment.

NIW undertook a CCTV survey of the combined sewer in Sydenham Avenue to check for possible blockages, and some root intrusion was found. Work to resolve that problem has recently been completed. I understand that, during an investigation into localised flooding problems in Hawthornden Road, NIW discovered a cable that was partially impeding a sewer. The cable was relocated and the operation of the sewer has returned to normal.

All those measures are intended to prevent further flooding, pending the outcome of the ongoing drainage area study on the east Belfast sewerage network. The study will determine the condition of the infrastructure and identify any improvements that are required. The study is expected to be completed by late 2009, after which a drainage area plan, incorporating any improvements that the study recommends, will be developed. Completion of the plan will take a further six to nine months, and any planned improvement works will subsequently be included in NIW's capital works programme. The implementation of any proposals that are part of the plan will, of course, be dependent on the availability of funding.

After the flooding in August 2008, a flood improvement action plan was developed. That is being implemented by all three drainage organisations for emergency planning, actual response and the clean-up and recovery phases.

Over the past 12 months, the three drainage organisations have put considerable time and effort into developing the flooding incident line. The phone number was released into the public domain on 29 January 2009, and the new service is available 24 hours a day, seven days a week. I fully appreciate that, when a person's house is flooded, it is important to know who to contact

and from whom to seek help. Members of the public do not now have to decide which organisation to ring; they simply contact the flooding incident line, where the details of the incident will be recorded and passed to the relevant agency.

I am aware, as has been raised today, that some residents reported difficulties with contacting the flooding incident line on 31 August. Members will recall that Minister Wilson explained that, on 31 August, the forecast weather conditions did not trigger a Met Office alert. However, an incident did occur, and the flooding incident line received a surge of calls: 42 calls were received between 2.00 pm and 2.30 pm, while only three calls had been received in the previous six hours. The number of staff was quickly increased, but, in the initial half-hour, some of the people who called to report incidents had to queue to have their calls answered.

Roads Service is involved in the implementation of the draft Water Environment (Floods Directive) Regulations as a preventative strategy for flood management. Those regulations establish a framework for managing flood risk that is aimed at reducing the adverse consequences on health, the environment, cultural heritage and economic activity. The regulations place an obligation on Government to identify areas of potential significant flood risk by undertaking a preliminary flood risk assessment of all river basin and coastal zones by December 2011.

Flood risk management plans must be produced by December 2015. Those plans will focus on prevention, protection and preparedness, and will detail objectives and measures to reduce the significant risk in those areas. The Rivers Agency will take the lead in implementing the directive here. The directive represents a shift to a more integrated, proactive and holistic approach to reducing flood risk and places an emphasis on the use of sustainable flood management.

I assure Members that the circumstances of, and my Department's response to, the flooding incident of 31 August 2009 will be investigated to identify any opportunities to reduce the risk of further events and to improve the standard of the inter-agency response. As with all such incidents, it is essential that lessons be learned for the future. I thank Members for the opportunity to speak in the debate. Go raibh míle maith agat.

Adjourned at 7.23 pm.

Committee Stages

NORTHERN IRELAND ASSEMBLY

COMMITTEE FOR EDUCATION

9 September 2009

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 John McCallister
Mr Basil McCrea
Mr John O'Dowd
Mrs Michelle O'Neill

Witnesses:

| | | |
|------------------|---|-------------------------|
| Mr Chris Stewart | } | Department of Education |
| Ms Eve Stewart | | |

The Chairperson (Mr Storey): I am sure that, over the summer, members did not forget the Committee's scrutiny of the Education Bill. I remind members that this session is being recorded by Hansard, and I welcome our colleagues from Hansard. Members have a first draft report for their consideration. I am glad that Chris Stewart and Eve Stewart are present. Chris, you are welcome back to the Committee; I have no doubt that we shall see more of you over the next few weeks.

I shall go through the draft report to set the Bill in context at Committee Stage. The draft report sets out the background to the Committee's consideration of the Bill and the approach that will be taken.

In the section that deals with consideration it attempts to record by clause, groups of clauses or schedules the concerns raised by stakeholders; any advice or assistance of which the Committee has had the benefit; the issues that emerged during the Committee's deliberations on the Bill; the Committee's engagement on those issues with the Minister, departmental officials and stakeholders; and the progress made on resolving issues.

Members will appreciate that the Committee must progress its scrutiny so that it can finalise the report,

including its conclusions on each clause and schedule so that it either stands part of the Bill or is to be subject to a Committee amendment. We hope that more progress will be made in the next couple of meetings as the Committee finalises the report.

We will look at the draft report as we revisit some of the outstanding issues. After that, we will resume our consideration of the Bill at clause 24; there are only 55 clauses, so we are getting there.

Mr Chris Stewart (Department of Education):
And the schedules.

The Chairperson: And the schedules.

I commend the Committee Clerk and his staff for the huge amount of work that they have done over the past weeks to bring us to this stage.

I propose that the Committee adopt the draft report in its present form. I stress that the draft report is a working document — I am not asking anyone to buy into something with which they cannot agree. The draft report is a working document; additional content and amendments that emerge from each Committee meeting and are added to the draft report will be tracked so that members can easily identify changes.

There are appendices to the report. Appendix 1 contains extracts from the minutes of the Committee's consideration of the Bill, which the Committee has formally approved.

Appendix 2 contains all the Hansard reports of oral evidence. Those reports have not been copied, because of the volume of paper that that would involve; each Committee member would have 14 files if all the reports had been copied. I remind Committee members that the Hansard reports of the evidence sessions on the Bill have been approved by the Committee, and that all 27 Hansard reports up to and including that of 1 July 2009 are available. They are sitting on the desk in my office if anyone wants to look at them, but I am sure that Committee members have received copies.

Appendix 3 contains the written evidence submitted by stakeholders; Committee members will be familiar with that evidence from the spreadsheet.

Appendix 4 contains correspondence and written submissions, including the Committee's correspondence with the Department, the Minister and the Secretary of State. It also contains letters and additional submissions from other bodies.

Appendix 5 contains a list of witnesses who gave evidence to the Committee during the Bill's Committee Stage. I ask Committee members to review the appendices over the next week with a view to approving them for inclusion in the draft report at next week's meeting. I am sure that Committee members will look forward to doing that over the weekend; I

will ring you all on Saturday evening to make sure that that is what you are doing.

Mr O'Dowd: An Indian summer has been forecast for the weekend. *[Laughter.]*

Mrs M Bradley: That means that we can sit outside.

The Chairperson: You can sit outside and get a tan.

During the Committee's September meetings, members will be asked to approve the additional items necessary to keep the draft report's appendices up to date. I appreciate the indulgence of Committee members in that; there is a huge amount of work to be done, and we need to be as methodical as the Committee Clerk and his staff in collating all the papers.

Before the Committee continues its clause-by-clause scrutiny at clause 24, in light of information received from the Minister and the Department and advice received over the summer recess, I propose that we review several issues that were discussed at previous meetings, including the Minister's letter to the Committee of 5 August 2009.

The Department's responses of 31 July and 4 September are also included under item 2 in the white folder. Items 8 and 9 of matters arising are at tab 4 of the black folder.

Earlier, we referred to legal advice that we have received from the Examiner of Statutory Rules; we have agreed that we will pass that on to Chris. Perhaps we should deal with it now. Will we come to it later?

The Committee Clerk: That issue will arise naturally, Chairman.

The Chairperson: In that case, we shall work our way through the issues that are being revisited. The first is the membership of the education and skills authority (ESA). Paragraph 2(1) of schedule 1 proposes that the membership of the ESA will consist of a chairperson and between seven and 11 other members. Paragraphs 27 to 34 of the draft report set out the concerns of stakeholders and some members on that issue.

At the start of the summer recess, the Minister was still reflecting on the number of the ESA's members. On 5 August, the Minister wrote to the Committee, and her letter was circulated to members by the Clerk on 6 August. The Minister said that she will:

"continue to examine the issue of greater representation on the Board measured against factors such as finance and efficient delivery of services and will advise the Committee of my views as soon as possible."

The advertised remuneration for non-councillor members of the ESA is £8,800 per annum, plus travel and subsistence allowance. Chris, do you have an update from the Minister and the Department on that issue?

Mr C Stewart: No; there is no change in that position. The Minister continues to consider the matter of the number of members of the ESA and is aware of the Committee's deliberation on that point. To pick up on a point that Basil made earlier, it remains the Minister's policy that, irrespective of the number of members of the ESA, the majority should be local councillors.

The Chairperson: OK. We will have to wait for further detail. Like ourselves, the Minister and the Department are constrained by time. As the Minister is still thinking about the matter, I remind the Committee that in previous discussions several members said that they wanted the ESA's proposed membership of one chairperson and between seven and 11 members to be increased to about 20. Bearing in mind that the Committee has only two more scheduled meetings in which to finalise its report and that the result of the Minister's long reflection may well be to approve membership of between seven and 11, do members want to discuss that problem and how we might fix a number for the ESA's membership? It looks as though we could run into difficulty if, on reflection, the Minister tells us that she is not prepared to increase the ESA's membership.

Mr Lunn: Given that the advertisement has been published and the application stage of the process is now complete — the closing date for applications was 7 September 2009 — and that, presumably, the selection procedure is now under way, it seems highly unlikely that the Minister will change her mind about the number of board members. We can regard that as a given. The question now is whether there should be seven or 11 members. Does that depend on the quality and number of applications that have been received?

Mr C Stewart: It is difficult for me to speculate; I am not involved in the selection process at all. However, I can reassure you with respect to the first part of your question. The fact that the application process has been completed will not, in itself, determine the number of members, which will be decided by the Minister, having considered the Committee's views. When the advertisements were placed and the process was under way, we were aware that a final decision on the number had not been made, and that was reflected in the advertisement and the material that was sent to candidates. The fact that we have gone through the first part of the selection process will not determine the number of members who will be appointed.

Mr Lunn: However, for now, the selection panel will have to select a certain number, although I think that the Bill allows for additional members to be appointed in future as necessary.

Mr C Stewart: The Bill allows for the number of members to vary, either up or down, by Order, although, as you rightly surmised, the likely direction will be up. Of course, the first part of the process involves determining

which applicants are eligible to be appointed and who meets the criteria to determine the pool of candidates who are, to use the popular phrase, above the line. It will only be at the subsequent stage, when the Minister makes appointments, that it will be necessary to have a number for the appointments to be made. At this stage, it is possible to continue with the process, even in advance of a decision on the numbers.

The Chairperson: I see that academic selection is not being used either. The advertisement states:

“Whilst there are no academic qualifications required”.

Therefore I will be looking for a comprehensive board.

Mr C Stewart: I am sure that the Minister is looking for a broad range of competencies that will be assessed in various ways.

Mr O'Dowd: We must be conscious of the cost of boards. If the number rises to 20, it will cost roughly an additional £64,000 a year just to pay board members to meet twice a month. Although I am open to persuasion about the number of members, we must be conscious of the cost.

The Chairperson: We must also be conscious of the fact that we are moving from five boards with 40-plus members to one board with 11 members, and we must think seriously about whether that is a fair and reasonable transition. Consequently, the cost of increasing the number of board members to 20 is miniscule compared to the Department's overall budget of £2-something billion. Although I do not underestimate the importance of cost savings, the nature and composition of the board is paramount, because it will deal with the most important issue. I am not saying that other boards do not deal with important matters; however, given the complex nature of education, we must ensure that we get it right.

Mr Lunn: I take a different view from John. Given the expertise and experience that is required for such key positions in what will be a huge organisation, I was surprised by the low salary being offered. The position probably merits a bit more than £8,800 a year. For that reason, I would be a bit worried about the quality of applicants.

Mr O'Dowd: You have spent too long running down councillors, saying that they were not worth paying.
[Laughter.]

Mr B McCrea: How was the figure of £8,800 arrived at?

Mr C Stewart: The short answer is that it was determined by considering the market rate to attract candidates of the necessary calibre, while bearing in mind, as John emphasised, the need to minimise the amount of money spent.

Mr B McCrea: Given what you said about the Bill being the most fundamental reform of administration and the contribution that members of the board will be expected to make, it seems to me that the job is very big. Therefore, to value it at £8,800 is interesting. Perhaps we have not got the balance right to get the type of people that we want.

It is not for me to influence that, but perhaps it could be looked at. Perhaps you could provide us with more information. You said that that is simply the market rate, but how did you arrive at that?

Mr C Stewart: I cannot comment on that in detail because the legislation team is not involved in it in any way. If the Committee wishes to have more information, I shall ask colleagues who are involved to provide it.

The Chairperson: What is the position with regard to existing members of boards? It may differ from board to board. If, as is envisaged by the Minister, the 11 members will also chair the 11 local committees, they will not only be engaged in board meetings but in a raft of other activities. That will be pretty demanding. Is that mentioned in the job description in the advertisement? Perhaps it was not required to be mentioned. Our recollection is that part of board members' functions will be to chair the local groups.

Mr C Stewart: That is certainly envisaged.

Mr D Bradley: In theory, the board could have seven members; that is the minimum number that is required. Even with a maximum of 11, the board would still be quite small. Given the advice that a body's size would impose limits and restrictions on its ability to be representative, it makes sense for the board to have more than 11 members. I am in favour of the board's having about 20 members.

The Chairperson: We shall return to that issue. Earlier today, we discussed the issue of how membership of the ESA will reflect the community in Northern Ireland. The Minister's position is set out in her letter of 17 June 2009, which stated:

“A representative membership is appropriate for Commissions that are operationally independent of Ministers and the Assembly. However, the ESA will not be operationally independent. Its role will be to implement the policies of the Minister of the day and legislation as passed by the Assembly with scrutiny and oversight by the Education Committee and the Assembly generally. As such, the ESA — like similar authorities for libraries, health and housing — ought to have a membership that reflects its core role of managing and delivering services.”

Some members expressed the view that the provision of education, unlike other areas that are affected by the RPA such as health and libraries, is largely provided in two separate school systems, reflecting the two largest political/religious communities in our society. Appointment purely on merit may — but will not necessarily — produce a broadly representative ESA regarding community background and education sector or, indeed,

the geographic area of Northern Ireland and the gender balance of members. If one community, education sector, gender or sub-region of Northern Ireland is under-represented, there is a risk that the underrepresented group will not have the confidence in the ESA. Members might have seen a recent article in 'The Irish News' that highlighted that point.

The Minister's letter of 17 June also stated:

"I recognise that it will be important for the ESA membership to have the trust and confidence of education interests and the broader community. With this in mind, the appointment arrangements will reflect the need to ensure balance, insofar as this is compatible with the Commissioner's Code of Practice and the merit principle."

Members will recall that the Committee wrote to the Secretary of State regarding the arrangements by which he fulfils his statutory obligation in appointing a member from the Equality Commission and the Human Rights Commission and that, as far as is practicable, he secures that the commissioners as a group are representative of the community in Northern Ireland.

Members have been provided with a response to that issue from the Secretary of State, a summary of which is given in paragraph 31 of the draft report, and which includes the following extract:

"The second way in which the Secretary of State is able to take steps to meet the statutory requirements is at the final selection stage. The list of appointable candidates is provided to him, and he selects the candidates to appoint. In doing so, he can have regard to the community background of the candidates and other relevant information, including, for example, the practical expertise they could bring to the commission, and he can make selections that help to ensure that the commissioners as a group are representative of the community in Northern Ireland."

We may wish to consider whether amending the Bill to include a duty on the Minister to, "so far as practicable", ensure that the ESA membership is representative of the community in Northern Ireland would give the Minister greater freedom to ensure balance — a balance that, her letter of 17 June suggests, is desirable. Members will recall that the Minister's ability to ensure balance was subject to that balance being compatible with the code of practice of the Commissioner for Public Appointments and with the merit principle. Does the Committee have a view on whether the inclusion of a statutory duty would give the Minister greater freedom to ensure balance and thereby ensure public confidence in the membership of the ESA?

Mr B McCrea: We have discussed the issue, and I would like to hear what the departmental officials have to say.

Mr C Stewart: I have not seen the Secretary of State's reply, but from your brief summary it does not strike me that the process outlined by the NIO is significantly different from the process that was followed under the guidelines of the Commissioner for Public Appointments. It strikes me as a sound approach, and one that the Minister will want to adopt.

The Chairperson: We will ensure that Chris receives a copy of the correspondence from the Secretary of State.

Mr B McCrea: Will you get back to us and tell us whether that is how the Department will deal with the matter?

Mr C Stewart: Certainly. I have no doubt that the Minister will wish to respond to that. In her public comments and in her correspondence with the Committee the Minister has made clear her intention to have a process similar to that sought by the Committee that will produce an outcome similar to that which the Committee has said that it wishes to see. I cannot comment on whether an amendment along the lines described would assist or hinder the Minister in taking forward such a process. We would have to get legal advice on that.

Mr O'Dowd: The sensible approach is to forward the Secretary of State's letter to the Department and await a response about its approach. I must say that the Secretary of State and the NIO are not great sources of guidance on appointments processes — or perhaps they are now, after losing two judicial reviews on the matter and having their practices severely criticised by the Commissioner for Public Appointments. Perhaps they have refined their systems and are now using the Commissioner's public-appointments system. It is worth knowing that what brought them back into line was the judicial review process, under which the legislation before us is open to challenge. If any person or group is concerned that the appointments process has not been open, fair and transparent, it is open to judicial review.

The Chairperson: Surely we should ensure that we get it right in order to avoid judicial reviews and the difficulties that were encountered in the processes to which you referred. Without wishing to demean any other aspect of the delivery of government, education is not clean-cut; it is not the same as health. People make choices about where they are educated; therefore there is a distinct difference in the realm of education, although I will not go back over the history of it. That is why we need to get it right.

My understanding is that the Minister is not in favour of any proposed amendment to schedule 1 that would state that members of the board will be representative of the community in Northern Ireland. The Committee would appreciate clarification on that issue.

Mr C Stewart: It would be best if that were put to the Minister formally and if she was asked to reply formally to the Committee. To date, she has not indicated to me that she would favour such an amendment.

The question relates to the earlier question on numbers and on the view that the Minister and the Committee might take on the nature and purpose of the membership of the ESA. We have sought to illustrate

in previous evidence that if the policy intention is that the ESA board should be a management-type or technical board that will scrutinise and govern the affairs of the organisation, then the numbers currently outlined in the Bill are in line with current best practice. On the other hand, if the policy intention is that the board must be representative of communities, then practice tends to be that such boards have a larger membership. As Dominic pointed out, it is easier to achieve the sort of balance or representation that is being sought when the numbers are larger.

The Minister's current position is that while she wants to achieve balance and ensure that there is not a lack of balance in the membership, the emphasis to date has been on the managerial role of the membership, which is reflected in the numbers. The Minister is still considering that. If the Committee's view crystallises around a particular number, I am sure that the Minister would want to consider and formally respond to that view.

Mr B McCrea: I agree, Chris; the seminal discussion is about the purpose of the ESA board. That is why we need to consider remuneration, the skills set and the numbers.

Let us take the scenario in which the board is composed of a smaller number of people and the focus is on management. It is still important to find a way of addressing concerns about community balance and other issues, because as the Minister herself has said, those issues are important. If the Minister suggested a smaller number, proposals would have to be made to outline how the Department would address the outstanding issues of community confidence and inclusion. Conversely, if the board were to be made up of a larger number because it is to try to deal with inclusivity and so on, then that raises certain issues about performance and management. It would be better if we could reach a consensus about the way in which those processes will work, because it would be easier to frame legislation that reflects a consensus.

Our underlying concern is that what is set up with good intent may end up working in a different way once the gates are opened. We need to find some way of safeguarding those legitimate concerns.

Mr C Stewart: I understand that position. That is reflected in the fact that the Minister has indicated that she has not yet made a final decision and has not closed the matter down as far as the numbers and related issues are concerned. If the Committee has a consensus position on a number or range of numbers and on the need or otherwise for the sort of amendment on representativeness that has been discussed, I am sure that the Minister would want to respond formally very quickly.

The Chairperson: There are two points. The Committee has received legal advice on aspects of the

issue. Does the Committee have the power to forward that advice?

The Committee Clerk: Not in full and specific terms, but it may be useful to communicate the bottom line of some of that legal advice to officials to help the Minister when she looks at the issue of representativeness, because there is a way to define what is representative of the community in educational terms. That was part of the advice that the Committee received.

Mr C Stewart: That would be helpful. I do not expect the Committee to share the legal advice with us. I know that lawyers everywhere tend to be very resistant to that sort of notion. However, if the Committee could give us a broad steer on the direction in which it thinks we ought to travel — and which, on foot of legal advice, the Committee is convinced is sound — then the Minister would want to consider that.

The Chairperson: There are two issues. One, of course, is the possible amendment. The amendment to paragraph 2 of schedule 1 to the Bill would be that members of the ESA, as a group, should be representative of the community in Northern Ireland. Would members be happy for that to be forwarded to the Minister for consideration? That does not tie any party down to agreeing to the amendment; rather it states that the Committee requests that that be considered and asks for a response, given the very tight timescale to which we are now working. Is that agreed?

Mr O'Dowd: So we are not endorsing the amendment?

The Chairperson: We are not endorsing the amendment. I have a letter that staff will give out now so that members have it. I want to be clear: this is not about members endorsing the amendment, so it is not tying any party down to the particular wording of the amendment. However, it is the Committee saying that there is an amendment that we would like the Minister and the Department to consider. We can then come back to that issue.

Mr Lunn: Chris asked us to put a figure on the board membership, but we cannot do that. It is the other way around: the figure would be the end result of trying to satisfy all the criteria. There are 14 in the advertisement and there are four more of which I can think. There is specific mention in the advertisement of people aged under 40 and of women.

I would have far more sympathy with the Minister if she said to us that the Department wants to put together a board that is — whether or not we propose the amendment — representative of the people and the various interests in education in Northern Ireland. However, we cannot really talk about a board of between seven and 11 members any more that we can suggest a figure of 20, or 18, which I proposed a few months ago. It is top-of-the-head stuff — we really do not know what the optimum number would be. I

agree that the optimum number should be as small as possible. However, there are many interest groups, and four different education sectors for a start. If the board were to have seven members, there would leave only three places for those sectors.

The Chairperson: In fairness to the Minister on this issue, she has indicated that she would like a steer from the Committee. Correct me if I am wrong, but this Committee's view is that the board membership should be more than what is currently outlined, which is seven to 11 members. The issue is whether it should be 18, 20, 25 or 30.

The simple way of doing this is for us to agree that the figure should certainly be more than what is currently proposed — seven to 11 — so that we do not get into the situation to which the Deputy Chairperson referred whereby it could be seven and not 11. It has to be a number that is greater than what is currently proposed, but consideration must be taken of the fact that some members said that there should be 18 members and others said that there should be 20.

Mr C Stewart: That is what I was suggesting, and I would not necessarily ask the Committee to settle on a particular number. Indeed, legislation on such matters usually tends to be framed to include a range of numbers, recognising the fact that it is not an exact science. I must be very careful not to pre-empt any decisions or views that that Minister might come to. However, if there is a consensus among the Committee that the range that is currently indicated in the legislation is not right — because the Committee feels that it would not be possible for the ESA membership to do its job or to meet other criteria such as representativeness and inclusivity — and if it were minded to suggest a different range, the Minister would want to take that on board.

It would also be helpful if the Committee would express a view as to whether any changes to the numbers need to be reflected formally in an amendment to the legislation, or whether such changes are capable of being dealt with by the provision already in the legislation to vary the number of members.

The Chairperson: Basil, I want to bring you in before we move to the issue that might help us to bring some sense to this matter.

Mr B McCrea: I hesitate to speak too long, given that there is a solution coming up. *[Laughter.]*

The difficulty appears to be that when one asks for advice, that advice should come from the Minister, through her proposals. The Committee has outlined certain concerns, one being about inclusivity, but the number of members depends on the functions that they will undertake; form will follow function.

What is it that the Department intends those members to do? I raised an eyebrow earlier when you said that

you expected that small number of people to be very influential in a very important body and to chair a load of subcommittees all for a relatively small amount of money. You must decide. Someone must present proposals and decide whether the board is expected to fulfil a management role. If that is the case, we must have some other way of addressing the inclusivity issues that people have raised. I am providing this as an example only — it is obviously not what would be acceptable — but the Department could decide that it wants a management board with an advisory board to sit alongside it to deal with the larger issues such as inclusivity. That advisory body would include people who are there to represent the interests of the community rather than undertake a managerial role.

The Committee could come up with 101 different ideas, but to what purpose? The Department must say to us that it is taking on board the Committee's desire to do this and the Department's desire to do that and present its proposals. If those proposals address the concerns then the Committee will be able to say that they are a good idea.

At the risk of ruining Trevor's morning by agreeing with him again, the Committee could pick a number out of the air, whether it be 20, 18, seven or 11, but it really depends on what the Department wants those people to do.

I will not go on, but I will put the ball back firmly in the Department's court. Unless the Chairperson is able magically to create a solution, the solution must come from the Department. The Department must take on board the genuine concerns that have been raised by the Committee, and if the Department does that, the Committee will support it.

Mr C Stewart: I take your point entirely. I would not wish to give the impression that the Department is waiting for the Committee to jump first on any particular issue. The Minister will give her view in due course, having considered the views of the Committee and of the stakeholders. I merely asked the question to find out whether there is an emerging consensus in the Committee on a particular approach or a particular number. If that were the case, the Department would put that suggestion to the Minister.

Mr O'Dowd: As I said earlier, I am open to persuasion regarding the numbers. However, I do not want to re-establish an education board.

The ESA will be a management body, and its role will be to manage an education system through the policies of the Department of Education and legislation passed by the Assembly. People have referred to the scrutiny role and representative role of the ESA. Perhaps we have been out of power for so long that we have forgotten what the role of a politician is. We are the representatives; people elect us to represent

their views. We are representative of the broader community, as a collective body.

The Education Committee's role is to scrutinise the Department of Education and the ESA, if and when it comes into operation. All those scrutiny layers already exist, so I am concerned that we could end up establishing yet another quango. As far as I am aware, most, if not all, of the parties are seeking to reduce rather than increase the number of quangos. I agree that we must get the balance right, and there are genuine concerns about a number of issues, but let us not get carried away. The body will have a management role; let us not undermine the Committee's scrutiny role.

Mrs O'Neill: I would like to clarify one point. The legislation provides for the number of board members to be changed as required. If the Committee decides to specify a number in the legislation, that would make the provision rigid. For example, say the board has 15 members but down the line it is decided that it is not able to cope with the demands being placed on it, another piece of legislation would then be needed to change the number of members. To specify a number would make the provision too rigid.

Mr C Stewart: Not necessarily; the way in which the legislation is drafted deliberately includes a degree of flexibility — the means to vary the number by an Order. That is in recognition of the fact that as an organisation evolves and develops the interim conclusions on the number of members required can change. The issue is more one of pragmatic consideration. Given that a mechanism already exists to change the numbers if the need to do so arises, is an amendment to the legislation actually needed? That is a matter for the Committee to decide on.

The Chairperson: That is the thing that worries me about Departments; they tell you what they cannot do, but there is always a clause in a Bill that tells you what they can do. Of course, paragraph 2(3) of schedule 1 states that:

"The Department may be order amend sub-paragraph (1)(b) by substituting for the numbers specified there such other numbers as may be specified in the order."

So, if we set the number at 15, the Department could increase it to 20 if it discovered that that number was not sufficient. Therefore, being prescriptive does not hinder the Department's powers. Even keeping the figure between seven and 11 will not mean that the Department does not have the power to change the number — the provision in schedule 1 gives it the power to do so.

Mr Lunn: I would be satisfied with the provision that the number could be increased in years to come as needs require. That is not the issue. My problem is with the initial composition and how we square the

circle as regards the need for representation, however we describe it, and the demands of the job. Purely as a way of trying to move things forward, I suggest that we propose that the figures seven and 11 be changed to 12 and 20 and that the provision to increase or diminish the number of positions remain in the Bill.

The Chairperson: We will park that issue for one moment and move to a draft letter that has been prepared by Committee staff. I sound like I am appearing in a TV cookery class when I say that it is something that we have prepared earlier. Let me assure you that this is not an attempt to try to steamroll the Committee into a particular position; rather it is an attempt to try to respond to the Minister, and the draft gives us something on work on at today's meeting.

Members can appreciate where we are with this at the moment. Over summer recess, some correspondence was sent to the Committee, copies of which were sent to members. Just to refresh members' memories, I asked the Clerk to prepare during recess a draft response to the Minister's letter of 5 August so that the Committee could consider it and try to reach some agreement on the issue. The draft reflects the legal advice that the Committee received on the matter earlier today.

No doubt, there will be other matters about which the Committee will wish to write to the Minister, so I suggest that we add to the draft letter as we work our way through the Bill. There may be other points that members feel it is important to include in the letter, so I ask you to take a few minutes to read it and comment on whether it brings together in a coherent way the matters that we have been discussing.

Trevor, does the draft weaken or lessen your proposal?

Mr Lunn: What will the second page say?

The Chairperson: Do you want to include the suggestion that the number of ESA board members be increased to no fewer than 12 or more than 20?

Mr Lunn: That is what I proposed, so yes. It does not bind anybody to anything.

The Chairperson: If you had 12 —

Mr Lunn: Make it 11 to 19, plus a chairperson.

The Chairperson: I take Chris Stewart's point about us tying ourselves down to numbers —

Mr Lunn: We are being pressed to provide some sort of steer on the numbers.

Mr C Stewart: I would hate the Committee to think that I was pressing it about anything.

The Chairperson: Is it not the case that we are looking at a minimum of 20 members, as opposed to a figure of between 12 and 20?

Mr O'Dowd: We are not looking at anything.

The Chairperson: I am in the Committee's hands, so I would appreciate it if someone would say. Trevor is suggesting 12 to 20 board members whereas, other members have said 20 or 18.

Mr Lunn: All the suggestions have been in that range, and Dominic's offer of 20 is the highest yet. I am taking that range as a basis on which to move forward. Michelle has just whispered that we should wait another week until we see the Minister's response, but the Committee has been waiting for responses for more than two years and they have been very slow in coming forward, so I am just trying to move the ball forward a bit.

The Chairperson: Trevor has made a proposal, so, as the Chairperson, I am duty bound to —

Mr B McCrea: Let us split the difference between Trevor's 18 and Dominic's 20 and say 19.

Mr Lunn: My figure of 18 was just a suggestion some months ago.

Mr B McCrea: Pick a number.

The Chairperson: Is that a minimum figure?

Mr Lunn: I want to leave the Minister with a lot of flexibility. I am suggesting that, in effect, the current maximum should be the minimum, thus dramatically raising the maximum. That range provides a greater chance than the present one of satisfying the interests of all those involved.

Mr O'Dowd: We will be throwing darts at a dart board in a minute. I thought that the purpose of the letter was to emphasise to the Minister a number of amendments that the Committee may wish to consider and to ask her to consider them. We are now getting into definitive proposals, but I do not think that that will help us to move the matter on.

Mr Lunn: I am taking the letter as an invitation to put a figure on the number of ESA members. The draft letter has crossed out the figures 7 and 11, and I took that as an indication that we might provide a range of numbers. Is that not what it was meant to do?

The Chairperson: Yes, but we are not reaching agreement about what the range should be, which is probably why it was left that way.

Mr Lunn: We are not disagreeing.

The Chairperson: I think that there is consensus that the figures should be greater than those that are currently being proposed.

Mr O'Dowd: No; my exact words were that I was "open to persuasion." I believe that we could all sign up to the letter as it is currently worded. It asks the Minister to consider the number of members and emphasises that the Committee requires an answer and an end to her deliberations on it.

Mr Lunn: OK. I will go with that.

The Chairperson: Can we leave it at that?

Mr O'Dowd: There is just one small point; the Minister's name is spelt incorrectly.

The Chairperson: I certainly did not type it or there would be lots more spelling mistakes; it would not just be the Minister's name.

The Committee Clerk: So are members proposing that we insert the words "a greater number of" as opposed to providing any new range?

The Chairperson: We have not included the words "a greater number" in the letter.

Mrs M Bradley: No, that has not been included in the draft letter.

The Chairperson: The inference is that it should be a greater number than the seven or 11.

Mr Lunn: Could we say something along the lines of:

"a greater number commensurate with the need to satisfy the various interest groups and sectors"?

Mr O'Dowd: It is not a representative body.

The Chairperson: Not yet.

I do not wish to begin to consider a whole raft of changes to the letter, because it could take a long time — although that is the reason why we are here. I ask members to look at page 2 of the letter. We could change the wording to read:

"On the latter, the Committee could suggest Schedule 1, paragraph 2(1)(b) should be amended to increase the number of members."

That would leave it open-ended. Chris is here, and he is aware of all the discussions that have taken place this morning. The sentiments expressed here can be reported back in conjunction with the letter that will go to the Minister. Are Members agreed?

Mr D Bradley: Agreed.

Mr Lunn: Should we not change it to read:

"increase the number of members to satisfy the requirements of the suggested amendment"?

The Chairperson: I do not think that that would be needed. All that needs to be inserted is the phrase "increase the number of members". Are Members agreed?

Members indicated assent.

The Chairperson: The Committee is still examining the issues that it feels should be revisited. We now come to the issue of regulations for the ESA's local committees, which is dealt with in paragraphs 60 and 65 of the Committee's draft report on the Education Bill. This has been a significant issue for some stakeholders and

members. Members may wish to scan those paragraphs to remind themselves of developments to date.

The Committee wrote to the Minister on 29 June 2009 and informed her of the Committee's wish for regulations to bring "clarity, certainty and confidence" to the arrangements for the ESA committees, as currently set out at paragraphs 7 and 8 of schedule 1 to the Bill and expanded on in the Minister's letter of 17 June 2009. In that letter, the Minister indicated that she was not proposing to specify local committee arrangements in the Bill. In the Minister's letter of 5 August 2009, she again rejected the idea of regulations to set out local committee arrangements. The Minister's rationale in both cases is the same, and I quote from her letter of 5 August 2009:

"The ESA's local structures will develop and evolve over time, and in response to need, and it would be difficult to accommodate this if the detailed structures were specified in legislation."

Members will recall that at our meeting of 1 July 2009 the Committee Clerk was asked to prepare a draft enabling provision for regulations on ESA local committees. We are in the process of distributing the draft wording of an amendment to paragraph 8 of schedule 1 for members' consideration. That draft wording would read:

"The Department may by regulations—

(a) require prescribed functions of ESA to be exercised on its behalf by a prescribed committee or employee of ESA; and

(b) regulate the appointment by ESA of an employee for the purposes of exercising such functions."

Members should note that, implicit in a Department making regulations is a provision that enables the Department and the Minister to vary or revoke the arrangements for local committees by way of another regulation under the same enabling provision. Thus there is a facility to review the ESA committee structure and change it in response to need as it evolves over time. That facility addresses the Minister's concerns. Members may wish to consider factors such as how urgently a change to the ESA committee structure may need to be made; whether laying further regulations would be an obstacle to the development and evolution of the ESA committee structure; or, given the importance of an effective system of local committees, whether changes should be subject to Assembly control.

On that basis, members were minded in principle to see the ESA committee structure, particularly the structure of local committees, set out in regulations. During the recess, I asked the Committee Clerk to draft a section on that issue that could be inserted into the letter that the Committee will send to the Minister following today's meeting. I apologise for the amount of paper that is being given to you and, indeed, that it is only being given to you now. I would have preferred to have had this earlier, but that was not possible. The section would be additional to the letter that has

been approved and will be sent to the Minister. The additional section attempts to formalise what I have said to members about local committees and asks the Minister to look at the issue and come back to us with a definitive view.

Mr O'Dowd: How will it work in practice? Do we envisage that, under this amendment, Assembly regulation or legislation will be required for a change to be made to the structure or shape of the local committee that covers Fermanagh, for example, or a large rural community?

The Chairperson: No; I do not think that that would be required.

The Committee Clerk: As set out in the Minister's letter of 17 June, the vision is for 11 local committees as well as the subcommittees that would be part of the main ESA board. That is the broad form; indeed, the make-up and appointment process to such local committees could have a community or political aspect.

Mr O'Dowd: I am aware of the structures. However, why is an amendment to regulate the structure of ESA committees necessary? Based on evidence, my understanding is that committee structures will become rigid if we include them in legislation. For example, if the subcommittee that will cover Fermanagh identifies issues that are particular to that area, and it wants to respond by making structural changes, does the amendment mean that that will have to go through the Assembly? If so, why do we need the amendment?

Mr C Stewart: In her reply the Minister indicated her concern by stating that she did not want to specify the structure in the Bill, based largely on the point that John made about rigidity. There is no doubt that an approach based on subordinate rather than on primary legislation is less rigid and easier to change. Nevertheless, each time a change is proposed to a committee or to other structures, additional legislation will be required. However, that is, perhaps, putting a technical cart before a policy horse. The issue is whether the Committee feels that it is necessary to regulate such decisions at all. If so, subordinate legislation is certainly the preferable route. At this time, however, the Minister's view is that it is not necessary to regulate that matter.

Mr O'Dowd: My understanding of the concerns that CCMS, ELB and NICIE raised is that the Bill says "may establish committees". Consequently, those bodies wish it to stipulate: "shall establish committees."

The Committee Clerk: On a point of clarification, those bodies wanted clarity and information on who would be on, the role of, and the nature of the appointment process to the ESA's regional subcommittees, which will replace the existing five boards. That is the point that stakeholders were making: what representation will the ESA have at sub-regional level? We are told by the Minister that, in all, there will be 11 such

subcommittees. However, in the Bill, there is no information about the form, purpose or process for arriving at the establishment of those subcommittees. That, in my recollection, is the point that the stakeholders raised.

Mr O'Dowd: I am concerned that by attempting to resolve those matters we will put in place a structure that will not allow the local responses that will be required, whether in Fermanagh or in west or east Belfast. We are in danger of making things so rigid that that the ESA will have to come to the Assembly every time a structural change is required, and that would not assist anybody.

Mr B McCrea: It is the absence of any proposals that causes me difficulty. All that I have picked up on is that, at some stage, the Minister will let us know what she has in mind. There are difficulties with oversight arrangements and agreement on A Shared Future. Therefore, I, for one, would support a call for somebody to bring forward proposals about how it will operate. If those suggestions are broadly in line with what people want to see, agreement, with provision for amendments, can be reached.

Given that a huge amount of work is involved and that, legislatively, the Assembly is relatively immature and Members must learn a bit more about the way forward, I would prefer the legislation to include more scrutiny and oversight. At some stage, such arrangements may not be necessary. However, for now, can we please have definitive arrangements for the structures, including their powers; who will make appointments to them; their relationship with other bodies; the oversight arrangements that will be in place to supervise their activities; how we will ensure local inclusivity; and how equality legislation will be implemented? Let us have all those things laid out, and then we will be able to see whether we need to amend them. We have none of that detail, and that is why I am not prepared to give the Minister *carte blanche* and trust her to come up with a solution that will work, saying that if we do not like it she will change it. I am sorry, but that will not work for me.

The Chairperson: That is what I tried to address in the letter, which stated that implicit in such a provision for the Department to make regulations is the power to vary or revoke arrangements. The situation to which John has referred would not happen. There would be no need for micro-management; if a change were required it would not have to go through all the processes. I take the point that Basil made: we still need to see exactly what is being proposed. It is not enough to say that there may be committees; we need to see what those committees will be, and that should be reflected in the Bill. The day-to-day running of it would not be included in the Bill, but at least we would

know exactly what we were getting. At the moment, we do not know.

Mr C Stewart: It may help if I summarise by saying that if there is ever to be a significant change to the committee structure of the ESA, the Minister of the day would of course want to approve or reject such a proposal by the ESA. The policy question that members have raised is whether that should be subject to a formal process of regulations or whether it should be an administrative ministerial matter to be decided in the normal course of events. Either option is technically possible; whether members prefer one option or the other is a political policy matter.

Mr B McCrea: That was nicely summarised.

Mr O'Dowd: I am still not convinced that the proposed amendment allays either Basil's concerns or the Chairperson's. I still reflect on the deliberations of the Committee, and our concern was that as the word "may" was used instead of "shall", there might be no committees established. I do not think that this amendment will ensure that committees are established, and I certainly do not think that it will help local delivery. I cannot endorse the proposed amendment today. I am sceptical about it, but I would like some time to ponder it.

Mr B McCrea: How and when will we learn what the committee structures will be, whether in legislation or not?

Mr C Stewart: I cannot give a straight answer to that today. I will have to speak to colleagues and come back to you.

Mr B McCrea: We are going around in circles here. You are right to highlight whether those structures will be under ministerial responsibility or established through regulation. You know my position on regulation, for the reasons that I have outlined, but, given that people have made a plea to come up with something, it would help us to deliberate if we had at least a template as a good "starter for 10", and we could work from that. However, the position of the UUP remains that we prefer regulation.

The Chairperson: In fairness, that does not tie John down to anything either. All that we are saying in both those elements of the draft letter to the Minister is that the issue should be reconsidered. We have been waiting. The point is made time and time again that the issue is urgent. I do not know how long we have to reflect before a decision has to be made, but it is not the place of the Committee to make that decision. It is for the Department and the Minister to decide what should be done, and then we will decide whether we agree or not.

We have tried to establish some context, and we are also trying to reflect the issues raised by stakeholders such as CCMS, the education and library boards and the

Northern Ireland Commission for Catholic Education (NICCE), who have raised the issue as a particular concern. That is the reason for the letter. It is not being prescriptive; it uses the phrase “to reconsider”. Rather than further delay, as John suggested — although I appreciate that he saw the letter only this morning — the letter is an attempt to bring all the issues together and put them to the Minister, and we could then have a definitive response by next week.

Mr C Stewart: I appreciate that, Chairperson, and I understand the point. I will relay to colleagues and to the Minister that members want to see more detail of what the Department has in mind for ESA committee structures and functions, and that those details will allow members to come to a view on what the levels of control and regulation of those matters ought to be. I cannot comment on the matter today, because at present it is outside the orbit of the legislation on which we are working. We will ask for more information and bring it back to the Committee.

Mr Lunn: It seems like a lot of discussion over a two-word amendment. If the Department decided that it needed to regulate a function of the ESA — the Bill gives them the authority to do that — and to delegate it to a prescribed employee of the ESA who may have had a big hand in making appointments, is there anything to stop the ESA then allowing that prescribed employee to form a committee, which is a natural thing to do?

Mr C Stewart: I am sorry; could you take me through that again? I am not sure that I followed all of it.

Mr Lunn: I hope that I can. Paragraph 8(4) of schedule 1 says that:

“The Department may by regulations —

(a) require prescribed functions of ESA to be exercised on its behalf by a prescribed employee of ESA;”

The proposed amendment changes that to “an employee or a committee”. I am not sure why it is there at all, but if the Department enforced that regulation and gave authority to a prescribed employee of the ESA to have a particular function, is there anything to stop the ESA providing that employee with a committee to do the work?

Mr C Stewart: No. It might be helpful to remind members that there is a boundary between employees of the ESA and members of the ESA — one cannot be both at the same time. If a decision is made to delegate a particular function to an employee, the ESA could set up a subcommittee to scrutinise the delivery of that function or the performance of a particular duty. The Bill allows committees to be established and functions to be formally delegated to committees or to employees. The issue that the Committee is deliberating on is whether it wishes to go one stage beyond that and ask the

Department to take a power to regulate that delegation when establishing committees.

The Chairperson: The important word is functions, not structures; there is a vast difference. We have almost created confusion between structures and functions. The structure is of little importance sometimes; it is the function that that structure is engaged in that is crucial. That is why the proposed amendment refers to required prescribed functions, not to prescribed structures.

Can we reach agreement? I take the point that Basil made and the concerns that John raised, but we will not tie parties or individuals in to a definitive position. It is another attempt to say that the Bill has raised issues, and that following the letter of 5 August that we received from the Minister, we want those issues to be “reconsidered”, which was the word that was used in the letter. Can we agree that that letter, with the amendment that was added to it earlier, be sent to the Minister?

Members indicated assent.

The Chairperson: I will raise the next matter before we lose quorum. I do not want to disappoint members, but I have only a couple of pages to revisit, after which we will get to clause 24. However, when we get to clause 24, we still have to get to clause 55. I suggest that we finish the issues that we were to revisit and that we meet again tomorrow at 10.00 am to start at clause 24 and finish our consideration of the Bill. Many of the issues from clause 24 onwards are procedural, so we should not have to go into as much detail. However, we still have a duty to ensure that we have considered them.

The Committee Clerk: On Friday, members received 34 departmental amendments. That adds to the burden of the Committee as we try to complete deliberations for a report at the end of September. It is becoming more urgent to address those 34 amendments and, if applicable, to get any issues back to the Department and the Minister.

The Chairperson: We will include those tomorrow. We have to start from clause 1 again. I suggest that we commence at 24 and take the proposed amendments as we come to the relevant clauses.

The Committee Clerk: We will go through the clauses until 55 and then return to the start and go through the clauses to which there are departmental amendments.

The Chairperson: Tomorrow’s meeting will be to first consider the amendments from clauses 1 to 24 —

The Committee Clerk: The vision was that we go from clause 24 onwards and then return to the amendments.

The Chairperson: Yes.

The Committee Clerk: Some clauses have departmental amendments and some, fortunately, do not. We have to revisit some of the earlier clauses for which the departmental amendments have just arrived.

The Chairperson: Do members agree that we will meet tomorrow morning?

Mrs M Bradley: I have a Social Development Committee meeting in the morning.

The Chairperson: Who will be available in the morning?

Mr McCallister: I will be available for a short time.

Mrs O'Neill: I will be available from 10.00 am to 11.00 am.

The Chairperson: My suggestion is that we should meet —

The Committee Clerk: For an hour at least.

The Chairperson: For as long as we have a quorum.

Mrs M Bradley: I will try to make myself available between the two Committees.

The Chairperson: I apologise that, procedurally — I am talking about my own party — we will not be able to reach full complement until after Monday. We got caught in House procedure on that one.

The Committee Clerk: The important thing is that any issues go back to the Department tomorrow afternoon. If we leave it until next week, time will run out.

Mr Lunn: Will we have a quorum tomorrow?

The Chairperson: At the minute, we have John, Michelle, and you. Dominic, will you be available in the morning?

Mr D Bradley: I will.

The Chairperson: We have a quorum.

Mr B McCrea: I cannot attend. Perhaps we can meet earlier at, say, 9.00 am.

The Chairperson: Do members agree to meet at 9.00 am?

Members indicated assent.

The Chairperson: OK, the Committee will meet tomorrow at 9.00 am in room 21.

Mr B McCrea: I have to leave at 10.30 am.

The Chairperson: If we start at 9.00 am we should get a couple of hours. We will now revisit the issue of employment regulations. I remember that stakeholders and the Committee raised the point about bringing clarity, certainty and confidence to the employment relationships that are envisaged in the Bill. In her letter of 5 August 2009, the Minister confirmed her agreement to the insertion in the Bill of:

“an enabling power (not a duty) for regulations to be made on model schemes of employment and guidance on employment schemes. As requested at the Committee’s meeting on 1 July 2009, a paper on these employment scheme regulations will be prepared for the Committee.”

To date, that paper and the draft regulations have not been provided to the Committee. Chris, is there any indication as to when we will be provided with those?

Mr C Stewart: They are in my briefcase, Chairperson, but unfortunately I cannot hand them over to you until the Minister formally signs off on them. We hope to have those papers with the Committee very soon.

The Chairperson: Would it be possible to have them tomorrow?

Mr C Stewart: Yes, and I will aim to do that; they are drafted.

Members who wish to have an early insight into the possible scope and content of the regulations should look at schedule 2 to the Education (Northern Ireland) Order 1998, because they are very similar to it. Schedule 2 sets out in some detail the respective roles and responsibilities of the education and library boards and CCMS on the one hand and the boards of governors on the other. We want the regulations to make it clear that the key functions of boards of governors are for boards of governors only; they cannot be infringed on by the ESA in any way, shape or form, and we will govern the content of schemes of employment to ensure that that is the case.

I apologise that the paper that we owe you on employment matters is not with you; however, I can provide members with early notice of other significant matters that will be addressed in that paper. I will cover three matters. As you said, stakeholders and members wanted clarity and certainty around respective roles. We hope that the regulations will provide that.

Another issue that you asked us to look at was the availability of an effective challenge mechanism that a board of governors could avail itself of if it felt that the ESA was acting or purporting to act unreasonably either in the approval or operation of a scheme. We previously told the Committee that we would take advantage of an existing mechanism, the infamous article 101 of the Education and Libraries (Northern Ireland) Order 1986, and that we would try to provide a link or cross-reference in the legislation to that mechanism.

When members get a chance to study the regulations, they will notice that that is not included in the list of amendments that we have provided. The reason for that is technical and reflects the advice of the Office of the Legislative Counsel. It advised that it is not appropriate to make that sort of cross- or linking reference in legislation because it would merely restate existing law. In effect, the counsel said that we already

have such a mechanism — article 101. It applies to all functions of the ESA, so a further reference to it in legislation would be inappropriate because it would not change the law. Therefore, our response to the Committee is that we accept entirely the need for such a mechanism and that it already exists.

The Chairperson: Who has the power to instigate article 101? Is it the Department? Is that power available to boards of governors?

Mr C Stewart: Yes. A board of governors could make a complaint under article 101 and the Department would be obliged to investigate it.

The Chairperson: OK.

Mr C Stewart: The third point is a fairly significant one. Some stakeholders raised concerns about staff dismissals and in particular about whether a decision of a board of governors to dismiss a member of staff could be made binding on the ESA. The advice that we have consistently given over the past few years to the Committee was that that was not possible. That reflected the legal advice that we had at the time. In essence, the legal advice was that employment law should always take precedence over education law. Employment law places certain responsibilities on the ESA as an employer and, because of that, the decision of a board of governors to dismiss a member of staff could not be automatically binding on the ESA. The ESA would have to have its own consideration of that decision.

Quite a number of stakeholders were significantly concerned by that, and they raised the matter with the Committee on many occasions. On foot of that, we were asked to reconsider the matter, which we have now done, with the benefit of legal advice. Having looked at it again very carefully, the lawyers have come to a different conclusion, which I hope stakeholders and members will find helpful. The conclusion is this: education law in these matters would take precedence over employment law. Therefore, the Bill, as currently drafted, makes a decision of a board of governors to dismiss a member of staff automatically binding on the ESA, which would be under a legal duty to put such a decision into effect, whether it agreed with it or not.

That means that there is a disparity between education law and employment law. That disparity would not affect the power of a board of governors to make such a decision, but if not addressed, could give rise to difficulty with the ESA in any subsequent legal proceedings. What it would, in effect, mean is that a board of governors would take a lawful decision, a member of staff would be dismissed, but the ESA would be found to be at fault under employment law because it had not gone through the necessary processes. We can remedy that disparity with an Order that would modify employment law to ensure that

there is no disparity with education law. Indeed, the power to make such an Order is already proposed in clause 12 of the Bill.

That is a quick trot over a very technical issue, and the paper will set it out in a little more detail. However, the core issue is that we can, without further change to the Bill, address the key concern that a number of stakeholders raised with us, which was that a decision of a board of governors to dismiss a member of staff ought to be binding on the ESA. The effect of the Bill is that it will be binding.

The Chairperson: Chris, that is very helpful. That was a major issue that people from across the sectors had raised, and we will obviously consider it.

Mr C Stewart: The policy intention was always that boards of governors would have that level of autonomy. We wrongly perceived that there was a barrier to that in employment law. We have found a way around that barrier.

The Chairperson: I asked the Clerk to draft additional paragraphs for inclusion in the Committee's response to the Minister's letter of 5 August. Members will now be given a copy of those additional paragraphs. They deal with schemes of employment, and our purpose in drafting them is simply to find out the timescale for the formal regulations to be brought before the Assembly.

Mr C Stewart: We certainly want the Committee to see the detailed text of the proposed regulations within a matter of days. We want those regulations to come into force on 1 January. In order for that to happen, we need to have Royal Assent at the right time and the early commencement of the power to make the regulations. We then need to make the regulations and bring them forward for formal Committee scrutiny in order to have them operational in time for 1 January. That is tight but doable.

The Chairperson: In the Minister's letter to the Committee of 5 August, she objected to the suggestion that the enabling provision would state that the Department shall have a duty to make regulations. In her letter, the Minister states that:

"To provide a duty to make regulations would be a most unusual approach as, normally, regulations are made under enabling powers. Your letter does not make clear why the Committee is seeking such a prescriptive approach or is this a unanimous view of the Committee. The Committee will be aware that the RPA related legislation tabled before the Assembly by Executive colleagues has not been subject to such restrictions."

The draft paragraphs welcome the Minister's decision to have regulations and states that the Committee does not wish to be prescriptive. It also emphasises the Committee's wish to be informed of the timescale for bringing the regulations formally before the Committee and of the planned date to lay the regulations before the Assembly. Committee members may wish to consider

whether such information will be adequate to give the Committee sufficient clarity, certainty and confidence with regard to the Minister's proposals.

The Department's paper of 4 September 2009 on the full set of departmental amendments to the Bill includes an amendment to clause 4, which inserts an enabling provision to allow the Department to make regulations on employment schemes. That amendment reads:

"The Department may by regulations make provision as to the form and content of employment schemes."

Do Committee members have any comments on that? I am trying to crystallise our position.

Mr B McCrea: To clarify, you are saying that if the Minister is able to bring forward her regulations, we will be able to have a look at them and move the process forward a bit more speedily.

The Chairperson: That is a good summary of what we are trying to do.

Mr C Stewart: We hope that the Committee will have the text of the regulations as early as tomorrow.

The Chairperson: Is that agreed?

Members indicated assent.

The Chairperson: There was an issue with clause 12(1). Earlier today, the Committee discussed whether the power to make Orders should be subject to an affirmative procedure since it will amend primary legislation. Chris, will you comment on the rationale for clause 12(1) being subject to negative rather than affirmative resolution procedure? We have had difficulty in getting our heads around that.

Mr C Stewart: There is no particular policy intention behind that. I was as surprised as some members when I checked and found that the clause was subject to the negative rather than affirmative resolution procedure. As you rightly suggest, where there is a power to modify primary legislation, it is usually subject to the strong Assembly means of control through the affirmative resolution procedure. In the case of clause 12(1), I cannot explain why the Bill was drafted in the way it was; I can only assume that the legislative draftsman followed his normal practice for a clause that has the power to modify employment law. That is not new; there is such a power in the Education (Northern Ireland) Order 1998.

There is no particular policy intention behind the drafting of clause 12(1) in that way. The Minister has not adopted a formal position on the issue, so if the Committee wants her to consider subjecting the power in the clause to the stronger Assembly method of control, without pre-empting her decision, I am sure that she will do so.

The Chairperson: The Committee discussed earlier whether the consultation requirements in clause 12(2) should be replicated in clause 50. Chris, will you comment on the absence of consultation requirements in clause 50 and say whether the Department would consider inserting some form of consultation requirement?

Mr C Stewart: Again, that is a matter for the Minister to consider. I have no reason to assume that she would resist the notion of consultation. The power to modify primary legislation through an administrative Act is serious and is not something that one should undertake lightly. It should never be done under the cover of darkness — there should be full consultation. Whether or not that should be on the face of the Bill is something on which the Minister may want to reflect.

The Chairperson: The Committee should perhaps consider whether that makes the process more cumbersome or achieves more clarity. The reason that we raised some of those issues was to achieve clarity.

Mr C Stewart: It could do —

The Chairperson: Consultation is good, but it is sometimes considered to be another delay in bringing something into the public domain.

Mr C Stewart: There is a trade-off. I should be candid and point out that the purpose of the provision, which is fairly standard, is not to give the Department the power to sneak around and make changes to primary legislation; rather it gives us belt and braces if something goes wrong. When the legislation is passed, if we discover that we got something wrong, left something out or included something incorrect, that clause gives us a means to — and the speed is important — rectify the problem quickly. We need to think carefully about the potential effect of consultation on the timescale for remedying mistakes quickly.

The Chairperson: If such a situation arose now, without the provisions contained in the Bill, how would the Department react?

Mr C Stewart: If something was discovered now, I think that the Minister would want to move an amendment at Consideration Stage. The provision takes account of something that might occur later.

The Chairperson: I mean that if the Education Bill did not exist, how would the current legislation that governs the Department deal with the situation?

Mr C Stewart: It depends; I cannot say off the top of my head where similar powers exist in current legislation. I imagine that they must exist —

The Chairperson: I mean in the Department of Education.

Mr C Stewart: Sorry; I do not quite follow the question.

The Chairperson: You said that the provision provides belt and braces if something does not function properly. How do you address that situation now? How would you amend it?

Mr C Stewart: We would bring forward an Order to amend the legislation.

The Chairperson: Would you not have a consultation process?

Mr C Stewart: It depends on the nature of the issue. I cannot provide a specific example; however, if an aspect of the education service could not function or would be unlawful unless we moved quickly, consultation might be impractical. On the other hand, if we had made a mistake and the legislation did not give proper effect to a policy intention, the case for consultation would be much stronger.

The Committee Clerk: I want to clarify a technical or detailed point for the Committee. The Committee may not be suggesting that you replicate the consultation requirements of clause 12(1) in clause 50(1). We could be talking about a similar type of requirement, bearing in mind what you said about the need to rectify a mistake urgently. That issue was raised in a stakeholder's response, which said that there should be some kind of consultation requirement.

Mr C Stewart: I understand that. With no disrespect to any stakeholders, they sometimes read legislation and interpret its intentions in the most draconian way possible. A colleague has advised me of an example where such a power was used to correct a simple spelling mistake in the Special Educational Needs and Disability (Northern Ireland) Order 2005. Such a matter is, perhaps, not particularly urgent nor does it require much consultation, but if such an error comes to light, it should be modified.

The Chairperson: Does such an error fall under the definition of "reasonably practicable" that we discussed earlier?

Mr C Stewart: Yes; an Order made under such a provision is no substitute for the normal legislative process that gives effect to a new policy.

The Chairperson: Thank you, Chris and Eve. You had an easy task again today, Eve. Endurance is all that is required. Today's session was important because it provides a starting point. Thank you for your time and attention; we will continue tomorrow morning.

NORTHERN IRELAND ASSEMBLY

COMMITTEE FOR EDUCATION

10 September 2009

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 John McCallister

Mr Basil McCrea

Miss Michelle McIlveen

Mr John O'Dowd

Mrs Michelle O'Neill

Witnesses:

Mr Chris Stewart

Ms Eve Stewart

} Department of Education

The Chairperson (Mr Storey): We now move to the clause-by-clause scrutiny of the Bill. If we work hard, we can get this concluded by 11.00 am. That is the challenge, and the clock starts now. I thank Chris Stewart and Eve Stewart for making the effort to be here this morning.

In scrutinising clause 24, which deals with the duty of the education and skills authority (ESA) to conduct examinations and assessments, it will be helpful for members to refer to their folders, which include the Committee's draft report on the Education Bill. We are at paragraph 156 of the report. Members may also wish to take a moment to consider the stakeholders' comments on clause 24 and the Minister's letter dated 17 June.

In respect of clause 24, the Department for Employment and Learning (DEL) has requested that the Department of Education (DE) amend the provisions to extend the ESA's role to cover a range of non-regulatory functions that relate to vocational qualifications, including advising DEL and supporting organisations that are involved in developing vocational qualifications. Has the specific wording for that amendment been agreed yet?

Mr Chris Stewart (Department of Education):

Yes; I was under the impression that we had provided the Committee with the text of the DEL amendments.

The Chairperson: Are they included in the folder? I did not see clause 24 mentioned in the amendments that were given to the Committee.

Mr C Stewart: A colleague has just confirmed that we have provided the Committee with the text of the proposed DEL amendments.

The Chairperson: Will members check if they have that?

The Committee Clerk: I wish to clarify that on 4 September we received proposed amendments from the Department for clause 26 but not for clause 24.

Mr C Stewart: There is a separate list of amendments.

The Chairperson: The other list that we have goes from clauses 1 to 23 only.

The Committee Clerk: The other list has some proposed amendments to clauses 1 to 23; however, the DEL amendments do not come to mind.

The Chairperson: Can we get that clarified immediately? There were also comments on clause 24 from the Association of Northern Ireland Education and Library Boards (ANIELB) and the South Eastern Education and Library Board (SEELB).

Mr C Stewart: I apologise for any confusion; we might have made an error. We thought that we had sent the text of the DEL amendments to the Committee. If we have not, we will certainly forward that to the Committee today, because the detailed wording is available.

The Chairperson: The Association of Northern Ireland Education and Library Boards raised the issue of a perceived risk or potential conflict of interest that would damage public confidence in qualifications. Has that concern been addressed?

Mr C Stewart: We understand the point that the association has made, but it remains the view of the Department and the Minister that there is no conflict of interest for the association to fear. The issue of the standards of examinations or qualifications for which the ESA will be responsible and for which the Council for the Curriculum, Examinations and Assessment (CCEA) is currently responsible is an important one. Close working relationships exist among the accreditation and regulation bodies throughout all the jurisdictions in the British Isles, and that will continue. Indeed, in the list of proposed departmental amendments, members will see that we propose to take a specific joint working power to further enhance that.

The underlying point is that all regulatory authorities recognise the importance of the portability of examinations. The standards of examinations and

qualifications have to be internationally recognised, otherwise they would be devalued. That will be the main driving force behind the ESA's approach to that function. I think that the association has grossly overstated the issue of a potential conflict of interest.

Mr O'Dowd: Did the association have any evidence of that actually happening?

The Chairperson: In paragraph 158 on page 53 of the draft Committee report, the Association of Northern Ireland Education and Library Boards states:

"The inclusion of CCEA and its role within ESA gives rise to possible concern around the integrity of statistics and standards. The Bill needs to clarify and separate these functions to give the public confidence".

The association is saying, therefore, that public confidence will be eroded. It does not cite any empirical evidence for that. However, did the association make a reference at some stage to an organisation in England and Wales that it used as a comparison? Do members have any further comments on that?

Mr Lunn: What way does that change the existing situation?

Mr C Stewart: It does not change it particularly. That block of clauses effectively transfers the current functions of CCEA to the ESA. If there is any area in which there is a potential conflict of interest — and I see little such potential — it is the fact that the ESA will also be responsible for providing curriculum support and giving professional advice and training to schools. The Department does not regard that as involving any degree of conflict of interest. If the issue is, as the Chairperson said, one of statistics, I find the association's comments even more bewildering. Official statistics published by the Department are audited and must comply with standards set by the Office for National Statistics.

Mr Lunn: It looks like a non-event to me; there is no basis for the association's concerns.

Mr C Stewart: I entirely agree with the member's comments.

The Chairperson: Having considered that clause, are members content with it as drafted at this point?

Members indicated assent.

The Chairperson: Clause 25 allows the ESA to carry out other functions in relation to the curriculum, examinations and assessments: for example, the production of teaching materials and the publication of guidance regarding the curriculum. The ESA also may charge other examining bodies or authorities for carrying out functions on its behalf. I refer members to a concern raised by the SEELB in paragraph 163 of the draft report. It states:

"by requiring ESA to produce materials for use in connection with the Curriculum for 2 year olds, there is a danger that this might

formalize their learning experiences. The benefits of formalizing the curriculum for children of such a young age are questionable and come at a time when many other countries are introducing children to formal education at a much later age."

Others will have a different view on that. However, I thought that the SEELB was expressing a different point of view. Do members have any comments? Chris?

Mr C Stewart: It is an interesting comment by the SEELB on the Minister's policy. Perhaps it is an opportune time to remind the SEELB that Ministers make the policy and that it is the job of the education and library boards to carry it out.

The Chairperson: OK. That is what will appear in Hansard. I am glad that you said that and not me.

Having considered the clause, are members content with it as drafted?

Members indicated assent.

The Chairperson: Clause 26 concerns the discharge by ESA of its functions under clauses 24 and 25. In carrying out its function in relation to the curriculum, examination and assessment, the ESA is placed under a duty to have regard to: "the requirements of industry, commerce and the professions regarding education."

It is also placed under a duty to have regard to the requirement of people with special educational needs and learning difficulties. I refer members to paragraph 166 of the draft Committee report and to the stakeholders' comments on the clause. In response to concerns raised by CnaG in paragraph 167 of the draft report, the Minister's letter of 17 June indicated that the Department was considering making an amendment to clause 26 to ensure that the curriculum support and similar services will be sensitive to the needs of Irish-medium education. The letter also states that the Minister is considering an amendment to clause 2 of the Bill, which concerns the functions and general duties of the ESA, to include a duty on the ESA to encourage, facilitate and develop Irish-medium education.

We have supplied members with copies of the proposed amendments this morning. However, as we said yesterday, we will come back to those amendments. The Department has also proposed to delete clause 26(2)(b), indicating that the DEL amendment is no longer required. Can you clarify why that is necessary?

Mr C Stewart: Our DEL colleagues have simply advised that that provision is no longer required.

The Chairperson: The Department's proposed amendment to clause 26(1) would mean that a new third sub-paragraph would be included at the end:

"(iii) the requirements of those attending Irish speaking schools (within the meaning of Article 3(2) of the Education (Northern Ireland) Order 2006) who are taught in Irish".

Are there any comments from Members?

Mr Lunn: Where is that amendment going to be inserted?

The Chairperson: Clause 26(2)(b) will be removed, and at the end of clause 26(1) a third subparagraph will be added, which will simply read:

“(iii) the requirements of those attending Irish speaking schools (within the meaning of Article 3(2) of the Education (Northern Ireland) Order 2006) who are taught in Irish”.

Do members have any other comments?

Mr O'Dowd: Will we be returning to that issue?

Mrs M Bradley: I am sure that Dominic Bradley will want to comment on it as well.

The Chairperson: Yes; I am sure that he probably will. Indeed, I also express a difficulty as a member rather than as the Chairperson. I would not approve the amendment at this stage.

Mr B McCrea: Can you clarify the process that we are going through? We are having a run-through to ascertain whether members have any general comments that the Department can consider. Are we then going to come back and look at things in more detail?

The Chairperson: Yes; we will have to consider each individual amendment.

The Committee Clerk: At the end of the day, the Committee has to decide whether the clause should stand as read in the Bill or whether the clause should be amended. That consideration includes looking at the Bill plus the now 34 departmental amendments and, indeed, maybe a few more that are still to be proposed. The Committee will have to decide whether it is content with the Bill plus the departmental amendments or whether it wants to amend any of the clauses. We will look at the schedules in the same way. Today's process is one of consideration so that we can tease out any final questions that can be put to the Department today or put formally to the Department later, as was done yesterday. In the next week, and certainly in the following week, the Committee will have to make a final decision on each clause.

The Chairperson: Are members content with the clause as it stands, or do they support the proposed amendment? I am certainly not content with the amendment.

Mr O'Dowd: Having listened to the Committee Clerk's advice, we must take a view on the amendment today. We support amending the clause as proposed by the Department.

Mr B McCrea: Having just received the proposed amendment, we will need to consider our position, but our overriding concern is that a particular sector must not be treated differently to any other sector. We will have to look at it and see what we come up with.

Mr O'Dowd: If members need more time to consider the amendment, I am happy to withdraw my proposal until they have had a chance to look at it. We can revisit it.

Mrs M Bradley: That allows Dominic to make his comments.

The Chairperson: I am happy to accept that.

We move to clause 27. Some members have perhaps not brought their black folders, which include a copy of all the amendments that were sent to us by the Department.

The Committee Clerk: The Department provided us with a useful table last Friday. It shows the rationale for the amendments and the terms of the amendments.

Mr B McCrea: Which black folder?

The Chairperson: It is in yesterday's folder, and it is included under the heading 'Matters arising'. Members, it gets difficult with all these pieces of paper; we will try to keep it as simple as possible.

Clause 27 is entitled 'Functions of the Department in relation to accreditation of certain external qualifications'. It requires the Department to develop and publish accreditation criteria for external qualifications and accredit those qualifications where they meet those criteria. The Department may obtain advice from the ESA or any UK body exercising accreditation functions and shall seek to ensure that standards of qualifications accredited by it are recognised as equivalent to standards of qualifications accredited by other UK bodies.

We have no stakeholder comments on clause 27. Paragraph 172 of the draft report relates to clause 27, and it contains the rationale for the Department's amendment to the clause to provide for a joint working power. At present, CCEA works jointly with regulators in England and Wales on a number of regulatory issues. However, when CCEA is abolished and the Department assumes its responsibilities, the Department's legal advice indicates that a specific joint working power for the Department will be necessary.

The wording of the Department's proposed amendment was received by the Committee on 4 September 2009. It would insert new subsections (5)(a) and (5)(b) at clause 27. It is proposed that clause 27(5)(a) and 27(5)(b) will read:

“(5A) The Department may —

(a) co-operate or work jointly with another body exercising functions in relation to the accreditation of qualifications (whether in the United Kingdom or elsewhere);

(b) provide information relating to the accreditation of qualifications to such a body.

(5B) Nothing in subsection (5A) —

(a) affects any power that exists apart from that subsection; or

(b) authorises the disclosure of information in contravention of any provision made by or under any statutory provision which prevents disclosure of the information.”

That is ensuring that the ESA has the power that currently exists within CCEA.

Mr C Stewart: That is correct. It underlines the point that was made earlier about a potential conflict of interest. It is worth drawing members’ attention to the fact that it is the Department that accredits the qualifications. CCEA does the heavy lifting and provides us with the advice, but the formal function is with the Department.

Mr B McCrea: Clause 27(5) as it stands in the Bill contains the wording:

“exercising similar functions elsewhere in the United Kingdom”.

The amendment proposes that that be changed to “the United Kingdom or elsewhere”. That is the substance of the change that has been brought in.

Mr C Stewart: You are correct in that the addition of the new subsection will not change what happens on the ground; it is merely to put absolutely beyond doubt its legality. You are right; the clause has been drafted in a way to ensure that that joint working is possible with the corresponding authorities across all the jurisdictions in the United Kingdom and outside it.

Mr B McCrea: Does clause 28 deal with equivalent qualifications or has that more to do with DEL’s role?

Mr C Stewart: Both Departments will have similar functions, and in exercising their functions, they rely on the advice that they receive from CCEA at present and that they will receive from the ESA in due course — or, in DEL’s case, from the Office of the Qualifications and Examinations Regulator, which is known as Ofqual.

Mr B McCrea: There is an issue over equivalent qualifications from the South and from other European countries. Does the Department of Education intend to take the lead in introducing equivalent qualifications throughout the island of Ireland? That is certainly a cause of concern for us, and I am not sure whether I am for or against that.

Mr C Stewart: I cannot answer that in detail, Basil. I shall have to consult colleagues on the curriculum side. If I were to answer that, I would be getting into areas of policy with which I am not familiar. The intention of the clause is to put beyond doubt the power of the ESA to work jointly with the equivalent bodies in the jurisdiction of the United Kingdom, the Republic of Ireland, and, indeed, beyond if necessary.

Mr B McCrea: I note that that is what the clause is for, and we must reflect on how it is properly constructed.

Mr Lunn: Chris has just answered the point that the clause is intended purely to allow the Department to work jointly with other authorities. If the intention is to standardise the quality — if that is the right word — of

our qualifications with those from other parts of the world, whether that is the Republic or anywhere else, surely that is a good thing. That would be a move from consulting to working jointly in that area.

Mr C Stewart: I may not have understood Basil’s question correctly, but I think that he was drawing a distinction between ensuring comparability of standards between qualifications and moving to joint qualifications. I am not qualified to comment on joint qualifications.

Mr Lunn: I do not see anything to indicate that joint qualifications will be introduced. It refers only to our qualifications and, as far as possible, standardising them so that those qualifications mean as much in the outside world as those in the Republic, the UK or Finland.

Mr C Stewart: Neither the clause nor the amendment contains anything specific on joint qualifications. I think that Basil was asking whether the purpose of the clause was to facilitate such a policy change. I cannot comment on such a potential policy change; I simply do not work in that area.

Mr Lunn: Are you being unduly suspicious, Basil?

Mr B McCrea: I only asked the question.

The Chairperson: Can we get clarification from the Department on that point?

Mr C Stewart: Yes, certainly.

Mr O’Dowd: It will be up to the relevant Government or Department to decide whether to accredit qualifications. We could not say to the Dublin Government, the Scottish Government, the Welsh Government or the French Government that they have to accept our qualifications; only they have the power to accept them. In case there are suspicious minds that see a conspiracy theory, the North/South Ministerial Council (NSMC) can also deal with joint qualifications. The clause is concerned with ensuring that the structures under which the Department of Education works are capable of being scrutinised by the Committee for Education and the Assembly.

The Chairperson: In fairness, the concern is that the new organisation will meet Monday to Friday from 9.00 am to 5.00 pm all year, as opposed to the NSMC, which meets only once a quarter. The issue is over what may or may not go on, and I question why the new subsection is necessary. Clause 27(4) currently states:

“The Department may obtain advice on the exercise of its powers under this section from ESA or any body exercising functions in the United Kingdom in relation to the accreditation of qualifications.”

Therefore, not much is being changed.

Mr C Stewart: We do not propose a huge change to clause 27. The fact that I was cautious in my answer may have resulted in unnecessarily giving rise to concern on the part of some members. I can confirm that there is nothing in the review of public administration (RPA)

policy that is intended to lead to any change in the qualifications that are awarded. The purpose of the clause is merely to put beyond doubt the legality of current practice, which is that the various bodies that are responsible for those functions in the various jurisdictions already work closely together, and that will continue.

The measure was not something that we thought was necessary, but our lawyers advised us to include it for belt and braces to put the matter entirely beyond doubt. I am not aware of any intended policy change behind the measure, but as the curriculum and examinations are not matters on which I work, I will double-check with my colleagues and get back to the Committee to confirm that.

Mr Lunn: Although everything that Chris said was relevant, his most relevant comment concerned the solicitor's advice. We are not looking at an issue about which the Minister has a bee in her bonnet; we are looking at the solicitor's advice.

Mr C Stewart: On this occasion, the bee was in the lawyer's bonnet.

Mr B McCrea: All I did was ask a question.

Mr Lunn: You see what happens.

Mr B McCrea: I will not make that mistake again.

There is no reason why the Department should not look at positive engagement. As I said, I was not sure whether I was for or against the matter.

Mr Lunn: Now you are convinced that you are in favour of it.

Mr B McCrea: Like you, I am in a benign mood today, so all sorts of things could happen. The Committee will receive a response and discuss it, and I am happy with that.

Mr Lunn: Although we are on only our third clause, we have already had two minor divisions along the lines of two political views that are represented in the Assembly. Sooner or later, we will have to come to a decision and exhibit a wee bit more trust and a little less suspicion. I wish that that would happen now, because the few arguments so far seem to me, who is sitting in the middle without a particular axe to grind, to have been superfluous.

The Chairperson: I appreciate your comments, Trevor. However, we must ensure that all genuine concerns about the Bill are raised. If and when the Bill is passed, it will be too late to raise any concerns as it will be law. We are not dealing with a school report; we are dealing with something that will become law and which will have wide-ranging implications for the future governance of education in Northern Ireland for many years to come. I accept your point, but genuine concerns and issues must be allowed to be raised. Yes,

we will have to make decisions on the Bill, and we have a few weeks in which to do that.

Mr Lunn: I fully understand the differences of opinion on the bigger issues, but some of the disagreements have been mighty trivial. I long for the time when the Committee agrees on aspects of the Bill. I am still waiting.

The Chairperson: Concerns have been raised and, having considered the clause and the proposed amendments to it, are members content? Can we ask the Department to show us the legal advice that it received?

Mr C Stewart: The Department's lawyers would be reluctant to provide that information. We can give the Committee the thrust of the legal advice and the thinking behind it, but members will find that there is very little to it.

The Committee Clerk: We received a very useful table last Friday, which details the terms of the departmental amendments. A copy of that document was sent to each Committee member, but I can get a copy for those members who do not have theirs with them.

Mr Lunn: What colour of folder was it in?

Mr B McCrea: The Committee staff will have to do a little bit to help the Chairperson and members with the paperwork, because no matter what folders I bring with me, they are always the wrong ones. Fortunately, John McCallister brings another set of folders, so between us we nearly have all of the papers.

The Chairperson: It is very difficult to manage all the papers; we have to find a logical way to work through them. It would be very useful for members to have the spreadsheet in front of them.

The Committee Clerk: If members have the spreadsheet in front of them, the Chairperson will not have to spell out the terms of each amendment, which are quite detailed. I will make six copies of the spreadsheet. As soon as we received the spreadsheet on Friday, we sent copies of it to all members.

Mrs M Bradley: Was it sent as a separate sheet?

The Chairperson: No, it was not.

Mr B McCrea: May I make a suggestion? Is there any chance that we could have it on a computer screen so that we could see the clause rather than the Chairperson having to read through everything? Is that too far advanced?

The Committee Clerk: The Assembly is moving in that direction for the presentation of paperwork.

The Chairperson: The other reason that it has to be read out is that it must be read into the record of Committee proceeding.

Mr B McCrea: I have no problem with the Chairperson reading it; I know that it must be done. Nevertheless, when it is read I just say, “OK” because I have not found the relevant piece of paper. Either someone must put the piece of paper in front of me and say that that is what we are discussing so that we can move fast, or it should be on a screen. It is only for reassurance so that members can get the point. People keep telling me that there is a really useful spreadsheet here, a really useful table there, and that in the black folder that I received yesterday there are other papers. It is difficult to keep up to speed.

Mr O’Dowd: I wonder how they do it elsewhere.

Mr B McCrea: They use computer screens to show information. Anyway, I will soldier on because I do not want to fall down.

The Chairperson: The draft report gives a clause-by-clause explanation that can be used in conjunction with the Bill.

Mr B McCrea: I have worked that one out.

Mr C Stewart: Notwithstanding the logistical difficulties, Mr O’Dowd’s drawing attention to the table is timely in relation to that point. Members will find that the wording in the table is very close to the wording of the legal advice that we received. It gives the gist of the legal advice.

Mr B McCrea: Where is that table?

The Committee Clerk: It is being photocopied. The table arrived at 5.00 pm on Friday after the folder had gone to members. It was e-mailed and put in members’ pigeonholes on Friday. However, members will receive a copy now.

The Chairperson: A technician has to look at one of the microphones so we may have to suspend.

Mr B McCrea: Are you saying that my words of wisdom are not being recorded? What a complete waste of a morning.

The Chairperson: It simply means that we will have to go back to the start again.

Mrs M Bradley: Everything that Basil said has gone down the tube.

Mr B McCrea: Absolutely, Mary. What a waste.

The Chairperson: We can continue.

We move on to clause 28, “Approval of courses leading to external qualification”, which ensures that grant-aided schools will only provide courses of study that result in a qualification that is approved by the Department. Likewise, the clause also ensures that institutions of further education will only provide courses of study that are approved by the Department for Employment and Learning. SEELB is concerned with clause 28 and stated that it appears to open up the

possibility of post-primary schools offering approved post-16 courses without specific teaching approval in response to development proposals, as have been required since 2003.

Mr C Stewart: No, that is not the case.

The Chairperson: The answer to that is that it does not.

Mr B McCrea: Is there nothing in the white folder about clause 28?

The Committee Clerk: Not as yet. There were no comments, with the exception of SEELB. We will be dealing with that in due course in our draft report.

The Chairperson: Do members have any comments?

Having considered clause 28, to which no amendments have been proposed, are members content with the clause as drafted?

Members indicated assent.

The Chairperson: Clause 29, “Disciplinary powers of General Teaching Council”, amends existing provision for disciplinary procedures in respect of teachers by the General Teaching Council in cases of unacceptable professional conduct or the conviction of registered teachers. There are comments about this in the draft report at paragraphs 175 to 181.

The General Teaching Council for Northern Ireland said in its submission that it was content with the new provisions and that they are sufficiently robust to allow the council to fulfil its regulatory function.

Are there any comments?

Mr Lunn: If I remember correctly, the General Teaching Council started off with major concerns about this, but it now seems to be satisfied; let us hope that everybody else will be as well.

The Chairperson: Having considered this clause and any proposed amendments at today’s meeting, are members content with clause 29 as drafted?

Members indicated assent.

The Chairperson: We will consider clauses 30 to 33, which deal with schemes of management, their content and arrangements for their preparation, submission, approval and revision, as well as the reserve power of the ESA to make such schemes. There are similarities with the schemes of employment, which you may wish to highlight in light of the differences that we discussed yesterday in regard to the schemes of employment.

Clause 30 requires every grant-aided school to have in place a scheme of management that provides for the membership and procedures of the board of governors and for the management of that school. It is the duty of the board of governors to give effect to the scheme of management. The arrangements in clause 31 mirror

those for the preparation and approval of employment schemes, with the submitting authority preparing a draft scheme for submission to the ESA for approval, taking into account the ESA's guidance, including model schemes.

Clause 32 reserves to the ESA a power to make a scheme of management for a school in the absence of agreement with the submitting authority. Clause 33 permits the submitting authority to prepare a revised scheme and gives the ESA a power to direct the submitting authority to revise its scheme. These clauses are referred to in paragraphs 182 to 190 of the draft report.

Wording for a departmental amendment to clause 31(7) was received by the Committee on 4 September 2009. It changes the meaning of "submitting authority" and replaces the present 31(7)(a) and 31(7)(b) with new wording so that, as with employment schemes, the submitting authority in relation to schemes of management is the trustees of a school, where a school has trustees. In the case of a controlled school, the submitting authority is the board of governors of the school; in a voluntary or grant-maintained integrated school, it is the trustees of the school or, if the trustees so determine, the board of governors of the school.

The Association of Northern Ireland Education and Library Boards comments that the existing schemes are no longer fit for purpose but that boards of governors are being encouraged to run with them. Chris, can you clarify that point? What is the situation regarding that?

Mr C Stewart: With one or two exceptions where schools have declined to comply with the legislation, all schools have schemes of management. It is, perhaps, a sweeping statement to say that they are all no longer fit for purpose, although I am sure that that is the case for some schools. Most schools have schemes of management in place at present.

The requirement on the ESA will be to produce guidance and model schemes. It will, in due course, want to review the existing schemes of management for all schools to ensure that they are fit for purpose or that they are modernised and brought up to good practice if necessary. Unlike schemes of employment, schemes of management are, by and large, in place, and therefore it is possible to have a degree of continuity on 1 January 2010. It is not quite the same with schemes of employment.

The Chairperson: One of the issues raised by the Western Education and Library Board was that the preparation of schemes of management would place a considerable burden on boards of governors. At one stage, it was said that model schemes were being worked up by the Department. Has any of that work been done?

Mr C Stewart: That was in relation to schemes of employment. As yet, there is no development of model schemes of management, but that will need to be taken forward. I understand the concern articulated by the Western Board on behalf of boards of governors, and I will respond to it in two ways. First, when model schemes are available — of course we would involve all the interests across the sphere of education in the development of those schemes — it is perfectly possible for a school to adopt a model scheme without amendment. That would place no particular burden on any board of governors.

Stepping back from the issue, it is important to remind ourselves of the importance of schemes of management. There are 1,253 grant-aided schools, which spend £1.8 billion of public money, and educate 400,000 children. The provisions state that, in discharging those functions, there must be rules that must be adhered to. The Department believes that that is important. It will impose some workload on boards of governors, but the view of the Department is that it is inescapable.

The Chairperson: Can you recall a case where a school included an element of a scheme of management that was not approved by the Department?

Mr C Stewart: Not to my knowledge, but I would have to double-check with colleagues to give you an absolute assurance. By and large, the existing provisions have not called for much intervention on the part of the Department.

Mr B McCrea: It will be perceived as an attempt to control more independently minded boards of governors.

Mr C Stewart: It is difficult to counter that perception if there are those who are determined to adopt it. However, the crux of the provisions is to place an obligation on a public institution to have rules and to stick to them.

Mr B McCrea: Yes, but in certain areas — the voluntary grammar schools, for example, feel that they are doing a good job — there is an issue. It would be helpful to see what the model rules will look like. We could then provide much more reassurance to people that they are in fact common-sense proposals.

Mr C Stewart: That is a fair point. If there are those in schools who feel — justifiably — that they have been doing a very good job for a long time and that their governance arrangements constitute best practice, we would encourage them to assist the Department in the development of the model schemes.

Mr B McCrea: That is a useful way of moving forward. It would be useful if people felt that, rather than arrangements being imposed upon them, — albeit benignly — they were involved in the development of the arrangements and could establish what room for manoeuvre there was. Although I agree that there is a

need for codified standards, it would be useful for us in deliberating the Bill if we knew what those were and what provision there would be for people to amend or become part of the development of those standards.

Mr C Stewart: That is a fair point, and the Department wants to encourage that. The provisions are not an attempt to control or to suggest that one size fits all; there is considerable room for manoeuvre. The Department accepts that boards of governors and trustees of schools are best placed to know what governance arrangements work best for them. If they have a model that works well for them and which meets the Department's requirements for sound governance arrangements, there is no reason why those arrangements cannot be rapidly approved, or, indeed, become a model scheme for adaption by other schools.

Mrs M Bradley: Boards of governors seem to be scrupulous in doing their job. They are volunteers, and we must be careful not to cause any problem for them, because many teachers and principals greatly depend on their boards of governors. The board of governors is the heart of a school, and we must be careful with that.

Mr O'Dowd: I agree that boards of governors must be involved in the development of management schemes. The question seems to be whether there is a need, in principle, for such schemes. No argument that holds water can be made against the need for having schemes of management.

This morning, we saw the PAC report, and in my time on the PAC we produced a governance report. There is an onus on all Departments to ensure that arm's-length bodies — in this case one could consider boards of governors as arm's-length bodies — that spend public funds must have written contracts, in this case management schemes, so that there is proper governance between those bodies and the relevant Department. Things must be properly managed, and, no doubt, in 99.9% of cases they are. However, if something goes wrong, one must be able to go back to the agreement to determine whether procedures were followed or whether they were robust enough and must be changed or managed in a certain way. Consequently, management schemes are important. Indeed, they must be developed in conjunction with boards of governors, but this amendment is designed to ensure that they are in place.

Mr C Stewart: That is a valid point, and, further to what Mary said, we are cognisant of the fact that boards of governors are taking on significant responsibilities in a voluntary capacity. Governors and potential governors tell us that they want training, support, advice and, above all, clarity with respect to what they are responsible for and how they are expected to carry out their duties. That is what the scheme of management

will provide: a clear framework within which governors will be able to operate.

Mr B McCrea: We all agree with everything you said; however, we are attempting to work out when misperceptions might arise or, in exceptional cases, when we might have to do something. People are concerned that a one-size-fits-all approach, in which a model that is adopted is not theirs, will cause problems. All that we are trying to point out, as John rightly said, is that it is to governors' advantage to have model rules set down and to have our help available. It would be to their disadvantage to implement a draconian system with which they are unhappy. As I said, we are trying to identify problems that are likely to arise in order to find some way to reassure governors.

I outlined my position at the start: given the lack of trust, I want everything to be stipulated in the Bill. Trevor asked why I could not just take things on trust. Can we find a middle way? The governance of governors is a serious matter that is strategic to everything that we are attempting to do, so we must address it. We have raised our concerns, and we would like the Department's assistance to identify some way to deal with them.

Mrs M Bradley: Some boards of governors have said that they want to continue doing the job; however, if concerns or worries arise, they might walk away. I hope that I am not offending anyone, but boards of governors include excellent people who know exactly how the work is done. They want to continue doing the same work, so we must not introduce too many changes that will make them feel that they were not doing the job right in the past. Some of them may walk away, and schools do not need that.

Mr C Stewart: I agree with you entirely, and we wish to reassure governors on that point and on the points that Basil made. Indeed, management schemes are not a new requirement, and it is not implying that boards of governors have been somehow deficient in how they have led schools. Schemes of management have been a requirement in legislation since 1998; we are simply bringing those provisions up to date. We agree entirely with your sentiments about the need to support and not discourage potential governors.

With respect to Basil's point about providing assistance to identify a middle way, I agree entirely, and we will make every effort to do so.

We have framed the legislation in that way because we recognise the differing views from different schools and different boards of governors; some say that their job is difficult enough and that they do not want to write the governance rules; they want a sensible model that they can adopt and put into practice. Equally, other boards of governors do not want to be controlled and

do not support a one-size-fits-all approach. They say that they have operated well for 350 years and that they do not have to prove their competence. They want us to approve their governance arrangements and allow them to get on with the job.

The legislation is flexible enough to cope with both groups and all shades of opinion in between. If a school wants to contribute to the development of a model scheme or merely adopt the model scheme, it can do so. If a school is not interested in the model scheme and feels that it has a perfectly acceptable and proven model of governance, it can submit that view to the ESA, which should approve the scheme rapidly.

Mr Lunn: Schemes of management have been a requirement in legislation since 1989, according to the Department.

Mr C Stewart: I beg your pardon; I stand corrected.

Mr Lunn: That is 20 years instead of 11.

Mr C Stewart: Time flies when reading such information.

Mr Lunn: Again, I wonder what all this is about. The Association for Quality Education's (AQE) objection is probably the most significant, because that body makes the running on many issues at the moment. However, I do not get it. If schools have theoretically had to provide a scheme of management for the past 20 years — whether or not they have — the legislation appears only to formalise the situation and ask schools to submit the information to the ESA rather than to the Department.

Mr C Stewart: Sometimes the AQE will not take yes for an answer. *[Laughter.]*

Mr Lunn: I know; I am not getting at the AQE. I sympathise with Mary's comment about the fragile nature of governors and their commitment to schools. I understand that sentiment, because governors, along with everybody else, must be wondering what is going on. It is an easy job to walk away from unless the individual is highly committed, which most governors are. Therefore, I do not want to impose more work or stress on governors. However, the legislation does not do that.

Mr C Stewart: That is an important point. The thrust —

Mr Lunn: The legislation should formalise the situation for governors and offer ease rather than stress. They will know exactly where they stand, because they will have a formal scheme, which they should have had in the first place.

Mr C Stewart: That is the intention of the legislation. It is not intended as a control mechanism or a mechanism by which the ESA will dictate to boards of governors. It will give boards of governors a

clear framework in which to discharge their responsibility to lead and manage schools. That is an important role. The thrust of many RPA proposals is not, as some people characterise it, command and control. That is why the Department will place duties on the ESA to provide training and support for governors and professional staff in schools, because they will lead and deliver. The ESA's job is to support, not to control or regulate.

Mr B McCrea: People do not understand the benign nature of the Department's interest. A board of governors might have operated successfully for some time and might think that the Department will use the legislation to dictate a model scheme for the future regardless of the scheme that has operated in the past. That is why they are concerned. They need reassurance; that is the AQE's view. We must explain the Department's benign interest in order to make progress.

The Chairperson: There are three elements. If the situation is the same as in the past, why does clause 31(4) state that the:

“submitting authority of a school shall also submit to ESA such information as ESA may require concerning the extent (if any)”.

The second part of that quotation is critical. The ESA will be given the power to require schools to include certain matters in their scheme of management.

The Minister's initial position was that employment schemes should be fit for purpose. However, genuine concerns raised by stakeholders forced the Minister to amend that provision. We now have regulation for employment schemes. Yesterday, the Committee discussed the clarity and certainty of and confidence in employment schemes; we want to instil those three elements in boards of governors. We could, surely, do that through regulation. Moreover, if schemes of management are so important, why in September 2009, three months before the establishment of the ESA, does the Department not have the schemes in place?

If a school wanted to treat the Department or the ESA as a friendly colleague, explained that it did not want to be burdensome and asked for a scheme of management, the ESA would have to reply by saying that it did not have one, even though there is a requirement in legislation for that to be in existence.

Mr C Stewart: I will endeavour to reassure you on all three points. You asked why there are no model schemes when the operative date is so close, but there are model schemes. Schemes are in existence in the vast majority of schools. Standard schemes have been adopted in the Catholic maintained sector for Catholic maintained schools, and in the controlled sector for controlled schools. I have no doubt that those schemes could be improved, and, in due course, the Department expects the ESA to produce new and better models. If a board of governors asks the existing authorities or

the Department for help or a model scheme, we can provide that.

You asked why the Department does not follow the same route used for employment schemes and regulate the content of schemes of management. The driver for that change, and the concern that was expressed by stakeholders, does not arise. The purpose of a scheme of employment is to apportion functions between the ESA and a board of governors to decide who does what in the employment arrangements.

Some stakeholders were concerned that the ESA would not be benign in that matter; that it would have too much power and too many functions and encroach upon the proper role of boards of governors. That was never the Department's intention, and it is not the ESA's intention. However, in recognition of those concerns, the Minister proposes regulations that will govern what can be included in an employment scheme, and will put absolutely beyond doubt the ability of the ESA to gather too much power unto itself, even if it wanted to.

That issue does not arise for schemes of management, because they do not apportion functions between the ESA and boards of governors: all the functions are for boards of governors. A scheme of management is simply a set of rules under which a board of governors will operate. The ESA will have no role in the management of any school, even controlled schools. One key change that will be made in the second review of public administration (RPA) Bill will make boards of governors the managing authorities for those schools, not the ESA. The ESA will have no role in the operation of any scheme of management; therefore the Department does not see the same need to regulate as it does for schemes of employment.

The Committee is concerned about the clause that allows the ESA to ask for information in particular circumstances. The reason that I asked for that particular provision to be included is much simpler than you fear. Stakeholders asked us to minimise the bureaucracy. They told the Department that they did not want to submit a draft scheme to the ESA only to find that it takes the ESA 18 months to approve or suggest further work be done on that scheme. Stakeholders were very concerned that we would introduce a bureaucratic process that could not be operated by the ESA.

The intention behind the clause is to allow a school to propose a scheme of management, which is one of the model schemes that the ESA has produced and which should therefore be approved instantly.

Equally, a school might present a draft scheme of which the first 19 out of 20 paragraphs are the same as those in the model scheme, with the twentieth paragraph slightly tailored because it wants a slightly different approach. That would allow the ESA not to

worry about the first 19 paragraphs because they are standard, and it could look quickly at paragraph 20 and clear the scheme. The purpose behind that is not to impose a draconian information-gathering regime on a board of governors but to provide a quick and easy route for the approval of schemes so that we can cut down on bureaucracy. Mary stressed the importance of that very point.

Mrs M Bradley: Boards of governors are totally confused by the way in which the education system is going. They express that view all the time at governors' meetings. Governors have served schools well for years, and it is very important for them to look after their schools. We must encourage them.

Many governors are tired and are getting on in years, and they say that they could not cope with the new system. That is simply because no one has ever addressed them or told them what will happen. That has happened as a result of neglect by the Department. Volunteers give a hell of a lot of hours, and a hell of a lot of work goes into those hours. Someone must at least recognise the work of governors and talk to them to try to save good people from walking away.

Mr C Stewart: That is a very valid criticism. I shall not attempt to defend the Department if that is the way that governors feel. The message for the Department and the existing organisations that work closely with the governors — the education and library boards and the Council for Catholic Maintained Schools (CCMS) — is that they must recognise their responsibilities to work with the boards of governors to prepare them for the change and to ensure that they are provided with accurate information about the effect of the provisions and are not unnecessarily or unduly concerned by the one or two wilder speculations from some stakeholders.

Mrs M Bradley: Chris, although you are doing a good job trying to convince the Committee about that —

Mr C Stewart: Is that recorded in Hansard, Chairman?

Mrs M Bradley: Someone from the boards must go out and convince the governors to stay where they are.

Mr C Stewart: That is very important.

The Chairperson: Is it appropriate for the ESA to become the employer of all grant-aided schools before schemes of management are in place?

Mr C Stewart: Schemes of management will be in place. If we do nothing at all, there will be schemes of management in the vast majority of schools on 1 January 2010.

The Chairperson: The existing ones?

Mr C Stewart: Yes. It is important that new schemes of employment are in place by that date, because those do not currently exist.

Mr B McCrea: Some people looked at the clauses negatively, but you said that there is plenty of flexibility and that if a scheme is pretty close, that is OK. Is there a set of guiding principles on which the ESA will base its judgement? As John mentioned some time ago, certain guiding principles are needed for corporate governance. Provided that those are met, it should be OK. People are worried that the ESA may, for other reasons, use those powers to take control. There could be a set of parameters within which the ESA must work. The ESA might say that annual accounts must be produced. Would it also say what those accounts must look like? How far could it specify? What are the terms of reference that the ESA will use in coming to its determinations?

The Chairperson: Your question is: what are the guidelines? We have not seen them. We are taking it on trust, and that is the problem. On the issue of employment, we heard stakeholders tell the Committee that they did not trust what the Department was doing. Steps were taken, and we await the response from those stakeholders. I assume that they will be reasonably content with the proposed amendments.

However, schools and stakeholders have raised the concern that they do not know what the guidance on the schemes of management or the model scheme will be. Perhaps that is something that the Assembly and the Committee need to see.

Mr C Stewart: I understand that point, and I understand the perceptions that some stakeholders have. That is why we said to stakeholders that they should not wait for us to impose our wisdom, or lack of it, on them from on high. They are the people who run schools on a day-to-day basis, and they know what works best, so we asked them to work with us to develop the models.

Basil asked who guards the guards, or who sets the rules. A hierarchy of rules comes from the Department of Finance and Personnel (DFP) and the Audit Office through the guidance that they produce on how public authorities are to be run and governed and how accountability is to be operated for public finance. We are all obliged to stick to those rules.

When it comes to our stewardship of the ESA, we will be looking to ensure that it does not impose unnecessary bureaucracy on schools. Therefore, if schools have a form of annual report or a set of accounts that conform to a standard model, we would not expect the ESA to make those schools jump through hoops simply because the ESA would prefer a different form of table or a slightly different approach to an annual report. That is not in anybody's interests. It would take up scarce resources and scarce time and take people away from the important job of leading their schools. That is certainly not something that we would tolerate.

Mr B McCrea: The big problem is what happens if you get promoted?

Mr C Stewart: There is little danger of that.
[Laughter.]

Mr B McCrea: Judging by the way that things are going today, you are doing really well. You sit here, with your silken Civil Service skills, and say that everything is rosy and that everything will be fine.

Mr C Stewart: I am just checking that Hansard got all that. [Laughter.]

Mr B McCrea: For the benefit of Hansard, you are very good at your job. However, I am trying to make a point. I am not doing so to be difficult; it is a new term and a new start and we are trying to engage. When we look at legislation, we have to point out our issues and suggest ways in which we think that those issues could be fixed. You are saying that you are not legislative counsel and that you do not understand the way that things are going down. However, I wonder whether there is not a middle way that provides basic guidelines — guidelines to which we would be adhering anyway. That way, people can agree that what we are doing is reasonable. If we include certain accountability measures, people can check those and see that what is happening is correct. It would create a locus for what the ESA will be looking for.

Everything that you said was absolutely right. If someone comes along with a better idea, we can have a discussion on that and move forward. However, looking at the Bill, it is the same as any contract that I have ever seen. Many people would think: "I'm not signing that." For example, clause 33(1) states that:

"The submitting authority of a grant-aided school—

(a) shall if ESA so directs or revised guidance issued under section 31(3) so requires".

The language, which I understand to be legislative counsel's type of language, is not particularly encouraging to people who think that they are running their schools.

Mr C Stewart: That is a fair point, and I thank you for your earlier kind words. I have to confess to the Committee that they contrast with the description of me that I heard at the Presbyterian General Assembly. There, I was described as a Marxist brute. [Laughter.]

Mr B McCrea: They may have access to a higher truth than I do.

Mr C Stewart: I will leave members to decide which description is the more apt.

I understand the point that you are making. Anyone who is looking for a minimalist degree of control, or as hands-off a relationship as possible with the ESA, is not likely to find encouragement in the standard forms of words that are used in legislation. We will have to

work hard to get the trust that, as you quite rightly said, needs to characterise the relationship. One of the things that I would do is tell schools — particularly the voluntary grammar schools, which have very significant concerns about this and which would rather not be part of the arrangements if it were at all possible — that this is the policy of the Minister and the Government of the day, but that we want to make the arrangements work as best we can for them.

I would invite them to tell us what their minimalist model for a scheme of management would be — the simplest, most straightforward set of governance rules that, left to their own devices, they would adopt for themselves and that they would see as being necessary for the smooth running of their schools. That seems to me to be a good starting point for a model scheme for schools that want the maximum independence from the ESA. The Department would then tell the ESA that if it wants anything more than that in a scheme of management it would have to produce a pretty convincing argument, because those who run schools tell us that that is enough.

The Chairperson: In fairness, Chris, it was not just the voluntary grammar schools that raised that concern. The North Eastern Education and Library Board (NEELB) said:

“These schemes take on added significance when it is widely acknowledged that the responsibilities of Boards of Governors from 1st January 2010 will change fundamentally, yet it is the understanding of the NEELB that Boards of Governors will be encouraged to operate under existing schemes of management which in the view of this Board are ‘no longer fit for purpose’. In the view of the NEELB it is essential that model schemes are available to all schools with effect from the introduction of ESA.”

However, we do not have them.

Mr C Stewart: If the representatives of the NEELB were here I would ask them why the managing authority for controlled schools is operating schemes of management that, by the board’s own judgement, are no longer fit for purpose. That is a question that only the NEELB can answer. I recognise their concerns, and they are entitled to express their views, but it must also be recognised that the education and library boards have opposed this part of the Minister’s policy. They do not agree with the policy of giving schools autonomy to run their day-to-day affairs. They would prefer that, within the RPA, we had adopted a model of controlled schools administration, and they have put forward their arguments for that. However, that is not the Minister’s policy. The Minister’s policy, recognising the views that have been put by other stakeholders, is that schools are most successful when they have the opportunity to run their own affairs on a day-to-day basis without undue interference from education authorities. That is the thrust behind those proposals and right through the RPA.

The Chairperson: Trevor, do you have any comments?

Mr Lunn: I am OK, Chairperson. Let us just say that earlier comments might apply again, but I will not delay proceedings.

Mr O’Dowd: I concur with what Chris said about the NEELB’s comments about schemes of management. If that board is admitting that its schemes of management are not fit for purpose, the Education Committee should write to it asking what it has done to ensure that those schemes of management are brought up to standard. In that instance, its governance arrangements are obviously inadequate. Some of the comments by the education and library boards about the Education Bill have been designed to be unhelpful; I am being as moderate as I can be about some of those comments. The education and library boards have been charged with the governance of the education system for a long time. Instead of reflecting their experience to us, they have, until redundancies come into effect at least, adopted an oppositional stance.

I say “fair play” to anyone who steps forward to take a place on a board of governors. I served on a board of governors for some time, and I was shocked by the amount of work involved and the commitment it took to run the school. However, people do step forward and volunteer to do the job. People who serve on those boards are there not only to look after the pupils’ education, but to look after a vast amount of public funds. I think Chris mentioned a figure of £1·8 billion — £1·8 billion of public funds that boards of governors are tasked with spending. As a scrutiny Committee of the Assembly, we must put in place the most rigid of governance schemes to ensure that that money is used properly and that the boards of governors look after pupils’ education. That is our task; we must ensure that that happens.

Should we introduce legislation that makes it impossible for boards of governors to operate? Of course not. Should we encourage and help boards of governors? Yes, we should. The development of those schemes of management must be achieved in conjunction with the boards of governors. If the model schemes suit some boards of governors, so be it. If other boards of governors believe that they can tweak those model schemes, that should be encouraged. The bottom line is that if a board of governors steps forward and refuses to implement a scheme, or if the scheme is inadequate, then that board of governors must be challenged. They are there to educate children and they are tasked with using £1·8 billion of public funds effectively. The Education Committee needs to scrutinise that.

The Chairperson: We could get into that debate, but it is not the time or the place. Various stakeholders

have commented on the legislation. Various elements of the education world, not just voluntary grammar schools or the Governing Bodies Association (GBA), have made very critical comments. The Minister has commented on certain education sectors, describing them as an unhelpful minority. If we get into that, we will be here all day.

Mr O'Dowd: The GBA and other bodies are perfectly entitled to criticise and comment, but a governance body that says that its schemes of management are not up to scratch needs to be challenged. An education board is telling us that its schemes of management are not up to scratch. What has that board done about it? If the board has not done anything, there is a serious question mark hanging over it.

The Chairperson: Chris, do you have any other comments?

Mr C Stewart: We have gone over the ground fairly extensively.

The Chairperson: Having considered clauses 30 to 33 and the proposed amendments, are members content with them as drafted? I register the fact that I still have concerns.

Mr O'Dowd: We agree with the amendments, but if people want to return to them, so be it.

Mr Lunn: I take it that this is not a majority decision and that if any member has a concern, they can register it.

The Chairperson: Yes.

Clause 34 places a duty on the board of governors of a grant-aided school to promote high standards of educational attainment by pupils of the school, and places a duty on the board of governors to co-operate with the ESA regarding actions that the ESA has undertaken to promote the achievement of high standards of educational attainment.

Clause 35 states that the board of governors shall include community governors, and defines them as:

“persons living or working in the local community”.

Clause 36 allows part-time assistant teachers to be eligible for election to a board of governors.

Paragraphs 191 to 210 of the draft Committee report outline the issues that were raised in relation to those clauses. In its submission, C na G sought a legal requirement that governors of Irish-medium schools should be committed to the continuing viability of the school as an Irish-medium school, mirroring the legislative requirement for integrated schools. The Minister seemed to agree with C na G in correspondence that the Committee has seen.

Chris, do you have any other information on that?

Mr C Stewart: The Minister is still considering the need for the amendment suggested by C na G, along with two others, which are not related to these clauses: one from Sir Reg Empey, and one from the National Society for the Prevention of Cruelty to Children (NSPCC), which we will come to in due course. The Minister has not yet come to a decision on those three amendments.

The Chairperson: Time is of the essence.

Mr C Stewart: We appreciate that.

The Chairperson: The Bill will allow for part-time teachers to become governors. How will that work in practice? That has not been the case to date.

Mr C Stewart: It has not been the case to date, and we think that that is a weakness and inequality in the current legislation, which is the reason for the proposal. It would operate in exactly the same way as it would for other members of staff. Part-time teachers will be eligible for nomination and election to staff governor.

The Chairperson: Could a situation arise whereby a part-time teacher becomes a member of one school's board of governors while also teaching at another school? Is there an issue of conflict of interest around intake and enrolment of pupils?

Mr C Stewart: I recognise the point that you are making, but we do not see schools operating in that way. Increasingly, it needs to be the case that schools that serve a particular community must recognise that they are part of a system and that they should work in co-operation and not in competition. That is particularly true for post-primary schools, which clearly need to co-operate in order to deliver the curriculum entitlement to the communities that they serve. That would lessen the scope, if any, for conflict of interest in that type of situation.

Miss McIlveen: Why were they excluded in the first instance? Was there a rationale for it?

Mr C Stewart: I do not know; I could speculate, which may be unhelpful. Perhaps it was thought at the time — and we are going back quite some time as regards the legislation — that only those working in a full-time capacity would be able to represent the views of the body of staff in the school. The thinking has moved on quite considerably from those days.

Miss McIlveen: I suppose that there are now full-time teachers who may be working reduced hours or who may have moved to part-time teaching.

Mr C Stewart: I think that that is right, and the incidence of part-time working is probably much higher than it would have been when the legislation was drafted originally.

Mr Lunn: I would like clarification around an amendment to the previous Orders. Does that mean that assistant teachers always could be members of the board of governors?

Mr C Stewart: Yes. If I recall the definition correctly, an assistant teacher means anybody other than the principal and vice-principal.

Mr Lunn: So the provision is just being extended to include part-time teachers.

The Chairperson: An issue has been raised around clause 35, which mentions community governors. Some people have argued that it is very prescriptive to define a community governor as someone who lives and works in the local community. There is no definition of what the local community is, because the local community for one school will be completely different to the local community for another school. Is the local community defined by geography, by religion or by social and economic boundaries? We run the risk of running into another legal minefield as regards how we define a person who lives and works in the local community.

Mr C Stewart: We will do our best to keep the lawyers out of it. We recognise the concerns of stakeholders, but trying to adopt a tighter definition than the one we have might be unhelpful. It would run the risk of imposing a one-size solution that would certainly not fit all. We would interpret that definition as flexibly as necessary, with the determining factor being that we want to get the best people possible to serve on the boards of governors and to lead the schools. A working interpretation would be that the local community is the community served by the school. That, of course, will vary from school to school and from sector to sector.

Some of the larger post-primary schools pointed out that they have very large catchment areas; in some cases, pupils travel over half the country to attend the school. Therefore, the communities served by those schools cover large geographical areas. I do not think that we would use that definition, or permit the ESA to use that definition, to stand in the way of any perfectly reasonable appointment of a community governor to a school — someone with the skills and competencies, the dedication and commitment to give up their time to play a leading role in a school. If there are people who are prepared to do that, we would welcome them with open arms. We would not want to use any obstructive definition to try to keep them out of a school.

The Chairperson: Members have considered the clauses and any proposed amendments. Are members content with how they stand in the Bill?

Members indicated assent.

The Chairperson: I still have a concern around the issue of community governors.

Clauses 37 to 42 deal with inspections on behalf of the Department; powers of inspectors; reports and action plans; inspections of library premises; inspections on behalf of DEL; and assessors and lay persons. I will not read aloud all the issues around clause 37, but the stakeholders' comments give an overview. Members should refer to paragraphs 212 and 213 of the draft Committee report.

I note the Department's response to the Belfast Education and Library Board's comment on the requirement in clause 37(1) that schools be open at all reasonable times to inspection. The Department has clarified that the concept is well established in law and has explained that the Department would inspect schools when teaching, learning and ancillary activities are going on.

The Department proposed an amendment to clause 37 as set out in the Minister's letter of 17 June. It read:

"Clause 37(5) places a duty on inspectors to monitor, inspect and report on the nature, scope and effect of advisory and support services provided or secured by ESA under Clause 13 of the Bill. An amendment is proposed to include references to Clauses 24 (examinations and assessments), 25 (other functions of ESA in relation to the curriculum, examinations and assessments), and Clause 13 (advisory and support services) in order to bring these functions within the inspection regime."

On 4 September, the Committee received the specific wording for the departmental amendment. It added at the end of clause 37(5) the additional words:

"and on the discharge by ESA of its functions under sections 24 and 25 (except section 25(1)(b))."

The Department states that that amendment extends the remit of the Education and Training Inspectorate to allow the inspection of curriculum and qualifications.

Mr C Stewart: On that first point, I reiterate the reassurance that we offered to the Committee in response to the Belfast Education and Library Board's point. I am not an education inspector, but I was an inspector in a previous career, and I can assure you that in almost every instance where there is legislation that involves inspectorate functions engaging with a business or an authority, the standard formulation is that a business should be open at all reasonable times; in other words, when business is being carried out. However, it certainly does not allow the Education and Training Inspectorate to knock the door of a school at midnight and require admittance.

I now turn to the scope of the clause and the amendment. In the clause as originally drafted, we proposed powers for the inspectorate to inspect, on behalf of the Department, some of the ESA's functions. The Minister accepted the chief inspector's advice that in order to produce a more rounded picture

of what the ESA does and of its effectiveness, the inspectorate ought to have the right to use its formal powers to inspect a broader range of the ESA's functions, particularly around the issues of curriculum, curriculum support and examinations. Those are the front-line support functions that the ESA needs to provide for boards of governors and staff so that they can do their jobs. Therefore, it is important that the Department ensures that the ESA is doing its job effectively in providing those functions; hence, the proposed amendment to broaden the scope of the inspection powers.

The little exception to the amendment is the function of the ESA in providing advice to the Department. That simply reflects the reality that the provision of advice is not something that one can really inspect. The ESA will provide advice, and we will either accept it or not accept it. If we think that the ESA's advice is not very good, we will soon say so. However, advice is not really something that is amenable to inspection.

The Chairperson: In response to the concern of the Association of Northern Ireland Education and Library Boards about the right of inspectors to access information held by a school under clause 38, the Department has confirmed that the powers are similar to those in other jurisdictions and do not give the right to access data that would be prohibited under statute, such as the Data Protection Act 1998.

Mr C Stewart: That is correct. We have confirmed that point. My colleagues in the inspectorate sought clarification about access to information. On receipt of further legal advice, we clarified that the legislation does not give anybody the power to contravene the Data Protection Act 1998.

The Chairperson: The Ulster Teachers' Union is concerned about who else could access reports.

Mr C Stewart: The legislation governs that matter and sets out the rules on how the inspectorate must deal with the reports. The Data Protection Act 1998 comes into play again. People who have access to information have that access for a particular purpose. Using the information for a different purpose contravenes the Act.

The Chairperson: Clause 39(3) imposes an obligation on boards of governors, as the responsible authority, to prepare an action plan in response to an inspection report. One of the education and library boards commented that the Bill places greater responsibility for educational standards on boards of governors. Furthermore, it mentioned the need for greater rigour in the inspection process and for a follow-up report with clear outcomes that will allow those charged with management responsibility at local level to discharge their duties. The Department said that it would consider the North

Eastern Education and Library Board's comments. Has the inspectorate considered that matter?

Mr C Stewart: The inspectorate has taken that comment on board, and inspectorate colleagues contend that they regularly seek feedback from the Department, schools and stakeholders on the effectiveness of their inspection activities, particularly inspection reports. I know that the chief inspector recognises — as did his predecessor — the need to strive constantly to improve and sharpen the focus of their reports so that they meet their objective, which is to provide boards of governors and leaders of schools with the guidance that they need to improve operations in schools. That is the thrust of the inspection regime. It is not intended to be punitive; it is intended to be supportive and to help schools to discharge their responsibilities. The quality of inspection reports is vital. The inspectorate always welcomes feedback on its reports and will continue to do so.

The Chairperson: In its response, the Department said that the legislation will merely bring powers into line with best practice in other jurisdictions. What new powers, if any, will the legislation give the inspectorate?

Mr C Stewart: The new powers, such as requiring persons present to assist with access to documents, are outlined mainly in clause 38. Those are fairly standard powers of inspectorate provisions in a variety of public services. The legislation is imported almost directly from the equivalent English legislation, the School Standards and Framework Act 1998.

The Chairperson: The Department proposes an amendment to clause 42, which relates to the appointment of assessors and lay persons for the purposes of inspection. The Department for Employment and Learning has requested an amendment that requires the Department of Education to consult it before appointing assessors and lay persons.

Mr C Stewart: That is correct, and we have proposed a similar amendment for inspections that are carried out on behalf of the Department of Culture, Arts and Leisure (DCAL). If those functions are discharged on behalf of the Department for Employment and Learning or DCAL, it is not unreasonable for those Departments to have a say in who is appointed to carry out the inspections.

The Chairperson: Are we still awaiting that amendment or is it incorporated in —

Mr C Stewart: It should be on the list.

The Chairperson: On the subject of lay persons, officials noted the error in the section of the explanatory and financial memorandum that relates to clause 42.

Mr C Stewart: That is correct. A very important "not" was left out or mistakenly included in the sentence. There is a disparity between the Bill and the explanatory

and financial memorandum. The Bill is correct; the memorandum is wrong.

The Chairperson: That will, I take it, be changed.

Mr C Stewart: The memorandum will be reprinted in due course, whereupon we will correct the error.

The Chairperson: Are members content to group clauses 37 to 42?

Members indicated assent.

The Chairperson: Clause 43 is “Grants for educational and youth services etc.” Members will sit up at the mention of “grants”. Perhaps we should take a moment to remind ourselves of the clause’s provisions. It allows the Department for Employment and Learning and DCAL, in accordance with the regulations, to pay grants to persons who offer a service or carry out research that is connected to education. Those grants will not be paid to the ESA, trustees or managers of a voluntary or grant-maintained integrated school or the governing body of an institution of further education. Paragraphs 215 and 216 of the draft report and the spreadsheet contain relevant information.

YouthNet sought an amendment to clause 43, which deals with the purposes for which grants may be paid, the effect of which would be to refer to educational services and youth services in the same clause. Clause 43 (1)(a) would then read that: “the Department may pay grants, etc.” Have members any comments? Chris, can you clarify that no amendment was made and that the Department did not consider one necessary?

Mr C Stewart: We understand YouthNet’s position. It has an understandable wish to ensure that youth services, early-years services and schooling are treated on the same basis and are given parity of esteem, if I may use that phrase, wherever possible in the legislation. That is entirely laudable, and we support it.

However, every so often, that runs up against technical problems. Members may recall discussion on clauses 2(2)(a) and 2(2)(b), which we will deal with again in more detail. Sometimes, for technical reasons, it is simply not possible to include all the services in one provision, mainly because of the differing age ranges of those in receipt of them. In that case, the construction of the clause was determined by the Office of the Legislative Counsel. Its view is that, for technical reasons, that is the best way to draft the clause.

There is no difference in effect between what the clause, as drafted, allows to be done and what YouthNet wants to be done. It is a standard grant-making provision. In fact, it is not new: it is a direct lift and re-enactment of article 115 of the Education and Libraries (Northern Ireland) Order 1986. It does not introduce any new policy or grant-making regime. It simply tidies up legislation in the way that legislative counsel believes is technically sound.

The Chairperson: Are members content?

Members indicated assent.

The Chairperson: Clauses 44 to 48 deal with the protection of children and young persons. I refer members to paragraphs 220 and 222 of the draft report. At the informal reception, the Committee received a suggested amendment to clause 47 from the National Society for the Prevention of Cruelty to Children (NSPCC). The suggested amendment would enable the ESA not simply to issue directions to boards of governors but also to school principals when appropriate. The NSPCC memo and accompanying papers was forwarded to the Department on 15 July 2009.

Mr C Stewart: The Minister is considering that suggestion, Chairman. I will not pre-empt her decision. One of the factors that she will want to consider is whether such an amendment would be appropriate because it may risk usurping the proper role of boards of governors. It is for boards of governors to lead and manage schools; it is for them to lead and manage principals and their staff. If we break the link, as it were, and allow the ESA to come between boards of governors and principals, that may not be appropriate. That is one matter about which other stakeholders might have significant concerns.

Mr O’Dowd: The NSPCC is a respected body, whose views should be heard. However, how its views are listened to is important.

Am I right in thinking that the amendment was proposed during the informal gatherings?

The Chairperson: It was subsequently approved.

The Committee Clerk: It was received late and, subsequently, the Chairperson gave his approval for it to be forwarded to the Department as a late submission. We have had several late submissions.

Mr O’Dowd: The Committee agreed which bodies would attend evidence sessions, and we received submissions from those bodies. However, a body — albeit a respectable body — came in late and submitted an amendment that was forwarded to the Department on behalf of the Committee. That seems to be an improper process.

The Chairperson: I disagree. We can receive submissions during the Bill’s scrutiny. I think that we have a duty to allow organisations with bona fide concerns to raise those with the Department.

The Committee Clerk: Several sectoral bodies have followed up their correspondence in the initial evidence. The Northern Ireland Commission for Catholic Education (NICCE) and Comhairle na Gaelscolaíochta (CnaG) are two examples. We have had a great deal of correspondence.

Mr O'Dowd: Those bodies gave evidence to the Committee. Did the NSPCC give evidence to the Committee?

The Chairperson: The informal receptions were part of the Committee's work, so it is not outside the remit of the Committee.

Mr O'Dowd: I have no difficulty with the NSPCC — it is, as I say, a respectable body — however, there is a process. Nonetheless, what is done is done.

The Chairperson: Are we awaiting something from the Minister?

The Committee Clerk: Yes. The Minister will respond to that.

The Chairperson: Some members said that they have to leave at 11.00 am. If they do, the Committee will become inquorate. We have reached clause 49.

Mr C Stewart: Will we take the rest of the clauses on the nod, Chairman? *[Laughter.]*

The Chairperson: No. We will resume on Wednesday morning at 10.00 am in room 144.

Mr O'Dowd: Will we meet all day on Wednesday? What are the arrangements?

The Chairperson: I thought that it would be helpful to start the meeting on Wednesday morning, because it would give us more time to get more work done.

The Committee Clerk: Chairperson, perhaps you should let members know that there is a possibility of another meeting next Thursday.

The Chairperson: Would you prefer to have an all-day meeting on Wednesday, or would you prefer to do as we have done this week and meet on Wednesday and Thursday?

Mr Lunn: We will have the same problem on the Thursday; there will be a maximum of only two hours.

The Chairperson: That is correct. Do you want to have those two hours on Wednesday? We could start at 9.00 am, have lunch at the Committee and finish at 2.00 pm or 3.00 pm.

Mr O'Dowd: I am flexible on both days.

The Chairperson: Members, come prepared to have a longer session on Wednesday.

The Committee Clerk: We will have to switch Committee rooms at lunchtime. We failed to incorporate the September monitoring presentation from the Department into yesterday's or today's meetings. We have yet to get papers on that.

The Chairperson: We would do better to leave that until we get papers, and we will do it the following week.

The Committee Clerk: We will do it on Wednesday if we can get the papers.

NORTHERN IRELAND ASSEMBLY

COMMITTEE FOR THE ENVIRONMENT

10 September 2009

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) BILL (NIA 10/08)

Members present for all or part of the proceedings:

Mrs Dolores Kelly (Chairperson)
Mr Cathal Boylan (Deputy Chairperson)
Mr Roy Beggs
Mr John Dallat
Mr Danny Kinahan
Mr Ian McCrea
Mr Alastair Ross
Mr Peter Weir

Witnesses:

Ms Olga Murtagh }
Mr Lewis Porter } Craigavon Borough Council

The Chairperson (Mrs D Kelly): I invite Ms Olga Murtagh, the director of development for Craigavon Borough Council, and Mr Lewis Porter, the principal administrative officer on land and property for Craigavon Borough Council, to make their presentation. You are very welcome.

Mr Dallat: Madam Chairperson, I know that you are a member of that august body. Why are there no elected representatives in the delegation?

The Chairperson: I will put that question to the witnesses. I remind them that they have 10 to 15 minutes to make their presentation. Ms Murtagh, will you explain at the outset whether members of the council were available to attend?

Ms Olga Murtagh (Craigavon Borough Council): Thank you, Chairperson and Committee members. We welcome the opportunity to give oral evidence today. Due to operational issues, it was deemed appropriate for officers to attend to give evidence on the issue because we had already produced a written submission on behalf of the council.

Mr Lewis Porter (Craigavon Borough Council): I, too, thank the Committee for the invitation to give evidence following our submission of written comments on the Bill. Members will have noticed from the aforementioned response that Craigavon Borough Council was satisfied with the content of the Bill in all areas except clause 18, which pertains to the acquisition of land otherwise than by agreement. It is considered that that clause could be amended and extended to cover more than Part II of the Waste and Contaminated Land (Northern Ireland) Order 1997. Members will note that Craigavon Borough Council has suggested an amendment that reads: "A district council may acquire land otherwise than by agreement for the purposes of any of their Statutory Functions (i.e. existing, transferring and/or new)."

At the March 2009 meeting of the regional finance and estates working group, on which I serve, it was reported that for new councils the powers pertaining to land and property would be as they currently exist, together with those powers that are associated with the transferring functions. I drew the working group's attention to the fact that no cognisance appeared to have been taken of the functions of community planning and well-being, which are new functions and, as such, are not transferring with the existing associated powers.

As a result of that comment, it was subsequently reported that the then Minister of the Environment, Mr Sammy Wilson, had considered the proposed amendment to cater for the new functions of community planning and well-being in relation to land acquisition but that it was his view that this was not fundamental to enable local government in 2011 and could be addressed at a later date.

No doubt members will be aware that when councils obtained powers to promote economic development under the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992, it was not until the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 2002 came into force that councils acquired powers to acquire land for economic development. In other words, a period of 10 years had elapsed.

According to the commentary on the clauses of the Bill that are under discussion today, clause 18 gives provision to rectify the position left as a result of the provisions for councils to:

"vest land for any of their purposes in Part 2 of the Waste and Contaminated Land (Northern Ireland) Order 1997 — a provision that had been inadvertently omitted from that Order."

A period of 12 years has now elapsed since that original Order. Given the long period taken to amend Orders and/or grant councils the power to acquire land for those functions, councils are understandably concerned at the omission of such powers in respect of the new functions of community planning and well-being.

The power to acquire land otherwise than by agreement does not simply refer to lands acquired from the private sector. No doubt members will also be aware that, from time to time, Government Departments declare land surplus to their requirements. Details are then circulated to other Departments and councils by the central advisory unit of Land and Property Services in order to ascertain whether there is any interest in having the lands transferred to their ownership prior to the properties and lands being placed on the open market.

Should a council express an interest in acquiring the subject land, a case has then to be put to the Department including details as to the legislation under which compulsory purchase powers are available for the purpose for which the land is required. Without inclusion of enabling legislation in respect of community planning and well-being, councils will not be in a position to avail themselves of such a transfer opportunity. If, as was suggested by the then Minister, there is such a backlog in the legislative timetable, it is considered that it would be in the best interests of all concerned to make a relatively minor amendment at this stage, to the effect that a district council:

“may acquire land otherwise than by agreement for the purposes of any of their Statutory Functions (i.e. existing, transferring and/or new).”

That would cover any new function which might arise in the future.

Such an amendment would avoid any confusion as to what functions councils could acquire lands in respect of. It would also avoid any frustration, on the part of councils and third parties, at potential delays in delivering projects falling under community planning and well-being. Councils are being granted those functions without one of the essential tools with which to deliver. It would also assist the new Minister and the Assembly in avoiding any difficulties in that, having had the matter highlighted in advance of the enactment of any legislation, the proposed amendment was not made.

The Chairperson: Thank you for your thorough explanation of the need for the amendment. I would be grateful if you submitted your oral note to ensure accuracy in the Hansard report.

Mr Beggs: In the current wording of the Bill, one can see the clear community benefit in the acquisition of land. For instance, it might be required to meet European directives on waste facilities, and, without it, there could be problems in meeting those directives. Therefore, there is a clear community benefit. If the power were granted to councils, what requirement would there be on them to demonstrate clearly the community need and the community benefit? Does it need to be tied to community well-being in some way? What balance would be put on the power so that councils

were not able to grab any land that they think that they need?

Mr Porter: That is a good point. The power of well-being is vague, as members will appreciate. We in Craigavon can provide a few firm examples of the need for community planning. Craigavon Borough Council had an opportunity to build a community development hub in Brownlow, which is quite a deprived area — as, I am sure, the Chairperson will agree. We had an opportunity to bring together a new health centre and a new community centre together with provision on a library, etc. That meant bodies other than the council acting together. If the council had not owned the land, we would not have been able to bring those disparate bodies together.

Councils need the power to respond quickly and vest land if an opportunity exists. As I said, the legislation is not to allow councils to go land-grabbing from the private sector; it relates also to other lands that are being made available from other Departments and on which councils need to respond quickly.

Mr Beggs: I specifically asked what gave balance to the power. I can see clear community benefit in the instance that you are talking about. It is a good way for planning and looking at the needs of the wider community and at how things could be done better. However, that is because you are applying that process. What is to stop an unreasonable council from using the power to grab land where it would not be able to demonstrate clear community benefit?

Mr Porter: As members will be aware, and as been referred to, planning is being reformed and local councils are being given powers in relation to the local development plans in the not-too-distant future — 2011. Those plans will set the framework and the pattern. In fact, they will stop unscrupulous councils from grabbing land. That will be part of the local development plan, into which the community plan will be feeding.

Mr Beggs: Would it not be better if enabling powers were put into this legislation? Subsequently, when those powers are transferred to local government, therefore, they could be implemented. You are saying that if the power were given today, there would be no balancing power.

Mr Porter: I am not saying that there would not be a balancing power; I am just saying that past experience tells us that it has taken 10 years for the economic development powers to get the power to acquire land, and the waste management powers have taken 12 years to date. The previous Minister said that he wanted to wait until 2011 for the legislation to be put in place. We need to be prepared for the transfer of the functions. You are all public representatives and you know what it is like. There will be media coverage of community planning and other functions being given to councils,

and local communities will immediately expect their district councils to deliver. If we have to wait years for the enabling legislation to be passed to allow the development of much-needed functions, we will have egg on our faces.

Mr Weir: You have made a persuasive case, but I want to keep an open mind. Some concerns immediately occur to me. To pick up on Mr Beggs' salient point, depending on the precise way that local area planning works, if there is a general power to acquire land, I am not sure that the existence of a local development plan is a complete restriction. Presumably, a council may say that the local development plan was agreed but has been overtaken by an event which means that it wants to do x, y and z — things that fall outside the plan. The council may have a very good reason for saying that, because circumstances may have changed. In planning and development issues, we have all seen how the recession has massively changed the landscape for housing and a range of other capital projects. Therefore, I am not sure that the restriction is that tight.

You mentioned your desire to tie in with community planning. However, community planning is really about the council being the leader in the community — getting bodies around the table may not hinge on the council being the enabler, which means that it may not be the body that needs to acquire the land. Presumably, being ready is also an issue; you said that you could have egg on your face if councils are given the function of community planning but do not have the power immediately. However, if the amendment were accepted in the way that you suggest, would that not mean that councils have the power ahead of community planning? Therefore, there would not be a community planning framework or anything of that nature, and councils could just jump in. If the Bill is passed by the end of the year, councils will have the power 18 months ahead of community planning and will be able to pre-empt community planning. How do you answer that?

Mr Porter: In the interim, every other function that councils have — and hopefully we will have a waste function if the Bill is passed — includes powers to acquire land other than by agreement. To my knowledge, no council has unscrupulously grabbed land under any of those other functions. All I am saying is that there appears to have been an oversight in relation to community planning and well-being in that those powers are not transferring, so there were no existing powers to acquire, hold or manage land for those purposes. That is why we need to have those powers in place.

One of the good things about the local development plan in the future — I know that we are not talking about that at this point — is that it will be subject to review on a more regular basis, which will enable the type of thing that you are talking about to be handled

more readily. In the meantime, we have Peace III and EU funding, and there is a requirement on councils to deliver those to the best of their abilities. That is why we need to have those powers in place ready for when the funding is received, so that when an opportunity arises it is developed in the best way for the community.

Mr Weir: You are moving from a situation in which the proposed legislation has a specific change for a specific purpose, and I think that everyone will acknowledge that the reason for that specific purpose is to give a green light and move as fast as we can on waste management. From a technical point of view, does moving from a situation of simply repealing one piece of legislation to the inclusion of a general provision that covers everything potentially alter many pieces of legislation?

Secondly, the legislation has been put out to consultation on the basis of a specific power to deal with waste management. If the move from a specific to a general power were to enact something on which no real discussion had taken place, is there an argument that the consultation might be rendered null and void? Is there a danger that the amendment is too wide-ranging?

Mr Porter: I am not sure that it is. It is good practice to encapsulate as much as possible in one piece of legislation, rather than having to re-enact it every time there is a new function. If we can receive an assurance that the legislation will be moved up the pecking order and consulted on quickly in time for 2011, there is no difficulty. That is in the hands of the Assembly and the Minister. We regard the Bill as an opportunity to highlight the need for that type of legislation. If it can be amended now, so much the better.

Mr Kinahan: Yours is an extremely good idea, but we must consider how to balance that at the other side. My feeling is that it should not be included in this Bill. We should find out how to get things done quickly and perhaps add on that provision when we come to the consideration of local planning and development. I worry that, if the amendment were to be introduced now, a mass of people, including landowners, would get together to stop this Bill from going ahead. I know that it is in the Assembly's hands to push it through, but we would find ourselves facing a huge battle.

Mr Porter: Unless I picked it up wrongly in discussions that took place before we were due to give evidence, I understand that there may even be a delay to the Bill as it stands, to allow for provisions relating to swine flu.

The Chairperson: It is only a two-week delay.

Mr Porter: It is not to include that in the legislation?

Mr Beggs: No.

The Chairperson: The delay relates to Committee business.

Mr Porter: My apologies, then. Mr Kinahan, will you rephrase your point?

Mr Kinahan: To rephrase, it is the wrong time to include that enabling power in this Bill. It should be introduced during another phase when we are working out how to address the community development side. That would give us time to think it through and put in place the correct checks and balances to ensure that councils do not have too much power. At the same time, the whole process will be speeded up so that it works.

Mr Porter: I made it clear that we were not talking only about private land. We are, in fact, more concerned about the potential declaration of surplus land from within the Departments. Community planning and well-being has no sponsoring Department to act on councils' behalf in that regard. Even Departments' hands are tied at the moment. If a Department wanted a particular piece of surplus land to be developed for community planning, it could not, under current legislation, do so. That is our worry for the interim.

An assurance that the enabling powers would come into being in 2011 with the rest of the legislation would be most welcome. However, the information that has been fed back from the Minister, through the finance and estates working group, is that that may not happen. Instead, the legislative procedure will have to take the normal course and begin after 2011, and that is our concern.

Mr Kinahan: Shall we find out what the Department has to say?

The Chairperson: Yes. I was going to suggest that we write to the Department to ask why it turned that down the first time. We could also seek advice from the Bill Office.

Mr Beggs: If I picked up what you said correctly, Mr Porter, councils cannot bid for some of the surplus public land.

Mr Porter: At this stage, we cannot bid, because, in order to present a paper, an urgent need must be demonstrated and appropriate legislation must exist under which we could vest. The idea behind the central clearing house is that it circulates to Departments and councils, because they have vesting powers. There would be no point putting something on the open market if we, in turn, vested it.

Mr Beggs: We should pursue the Department with respect to that specific issue, because some well-located land may end up going outside the public sector when, in the long term, it might be put to some worthwhile use.

The Chairperson: The officials from Craigavon Borough Council also made the point that there is a

limited window of opportunity for funding under Peace III, and some good projects could come to fruition if those powers were to be exercised.

If members agree with that approach and there are no further questions, I thank Ms Murtagh and Mr Porter for their presentation. If you have additional information, the Committee will be happy to receive it as soon as possible. Thank you both; you are welcome to stay or to return to Craigavon.

NORTHERN IRELAND ASSEMBLY

COMMITTEE FOR EDUCATION

16 September 2009

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 Jonathan Craig
Mr Trevor Lunn
Mr John McCallister
Mr Basil McCrea
Miss Michelle McIlveen
Mr John O'Dowd
Mrs Michelle O'Neill
Mr Alastair Ross

Witnesses:

Mr Chris Stewart }
Ms Eve Stewart } Department of Education

The Chairperson (Mr Storey): I welcome Chris Stewart and the departmental officials to this morning's Committee meeting on the Education Bill. I remind you that the meeting is being reported by Hansard. I want to ensure that we work through the Bill as simply as possible this week, because members raised concerns last week about having to use a couple of folders. We will stay with the white folder, as best we can. We are awaiting more copies of the second version of the draft report, but there is one copy to share among members. You can set the black folders to the side.

Mr B McCrea: Before we proceed, I would like to deal with a couple of matters arising. The amended clause 3(2)(a) will deal with employment schemes, and clause 31 with schemes of management. They relate to school governance and trustees, but they contradict the Minister's letter of 17 June, in which she said:

"I have also made it clear that ownership will not convey any advantage or disadvantage to any school or sector in terms of the planning, governance, or funding of education."

The amendments confirm the link between the ownership of schools and their governance, and it leads to a

questioning of the Minister's statement. We would like a response to that.

There is also an issue with the nascent controlled sector body. We understand that it has been meeting, but we have no indication of who is on it, how they were appointed and whether the sector is satisfactorily served by it.

The Chairperson: There is a report from Eve Stewart at B3 in the yellow folder. It provides a list of the people who attended the meetings of the controlled sector and the number of meetings that there has been. A controlled sector support meeting was held on 30 June in the Island Civic Centre, and an additional meeting was held in the same venue on 18 August. Some detail has also been provided in the letter to John Simmons.

Mr B McCrea: I am happy to deal with that when it arises.

The Chairperson: Would it not be preferable to deal with those points when we look at the amendments?

Mr B McCrea: I am merely highlighting a concern and giving the Department a chance to respond. We will, of course, deal with them when we reach that stage. To make it easier, I will drop you a note on the issues with which we have concerns.

The Chairperson: We will come to those items anyway, but you are at liberty to drop me a note.

Mr B McCrea: It is a matter of getting through the papers. I wanted to highlight an issue; I do not want to detain people.

The Chairperson: I become concerned when we have too many pieces of paper in front of us.

I want to explain the items. At tab 4, item 1 of the black folder is the Department's paper of 10 September on the employment schemes with the draft education employment scheme regulations attached. Those are the regulations with regard to the employment schemes. Tab 4, item 2, contains the Department of Education's and the Department for Employment and Learning's amendments, which were received on 10 September, with two new clauses to be inserted after clause 28 and amendments to clause 28 and schedule 7. Tab 4, item 3, contains the proposed amendments that the Committee received from the Department on 4 September. The Department has provided that in two formats: the first is a table format with a brief explanation of the amendment; the second format is the considered amendment format, which provides a full text of the proposed amendments, in particular for schedules 7 and 8. At tab 4, item 4, there is a briefing paper from Assembly research on the comparable issues from the Libraries Bill, the Health and Social Care (Reform) Bill and the Education Bill. Members will remember that they made inquiries on how those issues were dealt with in other Committees when Bills

such as the Libraries Bill were being discussed. The briefing paper will be useful for providing context.

Having identified those papers, I propose that we move to the scrutiny of clause 49. We will continue through to the end of the schedules considering the departmental amendments as we come to them, and then work through the remainder of the departmental amendments on clauses 1 to 23 and clause 28.

I want to clarify that all new members have received the grey lever-arch file from last week's meeting from the Committee Clerk. The appendices will be updated after today's meeting. We need the Committee's approval for those appendices to be brought up to date.

Members indicated assent.

The Chairperson: It just gives members more papers to read.

Clause 49 —

Mr B McCrea: Will you give me a chance to raise item B3 in the yellow folder?

The Chairperson: Yes.

Mr B McCrea: Will that be now, before we move on?

The Chairperson: If you do not mind, we will move on. As a result of that item, certain issues will be raised during the clauses, and you can raise the issue then.

Mr B McCrea: Judging from the list in annex A, I am concerned that there are not enough representatives from the controlled schools on the controlled schools sectoral body.

It is important that we ensure that the controlled sector has effective representation. I am sorry, but the list is not effective representation. How were those people appointed? How should they be appointed? How we can ensure that a controlled-sector body develops? The controlled sector must have equal standing and representation with all the other sectoral bodies; that is fundamental. I am sure that you will agree, Chairman, that there are not many controlled schools on that list and that some names are missing.

The Chairperson: The other concern is that there were five representatives of the South Eastern Education and Library Board (SEELB) at the first meeting but only one at the second meeting. I have grave concerns, and I echo the comments that have been made. We have to ensure that there is equality across all sectors, including the controlled sector. We have not seen any work emerging, and we have not seen any of the papers that have been provided for the working group.

Mr Chris Stewart (Department of Education): I am happy to pass all those points on to the working group, but I draw the Committee's attention to the fact that it is a controlled sector working group over which the Department has no control. We are there to assist

and support the group in its work, but it is not for us to dictate what members the group should have or what papers it should consider.

The Chairperson: You say that the group is representative of the controlled sector, but how does Dr Peter Shirlow from Queen's University have an association with the controlled sector?

Mr C Stewart: Dr Shirlow is a well-known researcher, particularly on the effects of conflict in urban communities. He will have a perspective on the role that education can play in community cohesion.

Mr B McCrea: How would Michael Wardlow of the Northern Ireland Council for Integrated Education (NICIE) have a relevant view?

Mr C Stewart: That is a matter for Mr Wardlow. He decided to go to the meeting, but I was not present. Michael would be best placed to describe the contribution that he will make.

Mr B McCrea: Michael Wardlow is a good man, and I have no problem with his being at the meeting. However, in this case, we are trying to set up a body to look after the controlled sector rather than the integrated sector. We need to address the fact that the Bill disadvantages schools that are not part of a strong sectoral body. I raised that issue with you when we were considering other clauses.

Mr C Stewart: I understand the member's point, but I must clarify that the Department drew up the list of people who were invited to the first meeting having canvassed suggestions from various sources, including members. We made it clear that, thereafter, it is up to the group to decide who from the controlled sector takes part.

The Chairperson: The difficulty is that the Department initiated its first meeting with regards the controlled sector in the first week of July 2009, two years after the review of public administration (RPA). Every other sector has a business case and has been able to get ahead. Indeed, one sector placed a newspaper advertisement seeking the chairperson of the sectoral body that will represent it.

Mr C Stewart: The advertisement was for a chief executive, and that appointment has, indeed, been made.

The Chairperson: The controlled sector body has had only two meetings and is being given little direction or substantial resource. The Committee agreed the principle that the controlled sector needs to ensure that it has all the necessary financial and structural elements to make the right decisions on the best body to serve its needs. That concern will have to be adequately addressed.

Mr C Stewart: I understand that, and I reassure members that the Department will continue to support

the group in its work and will move with the group at the pace at which it is capable of moving. There has been a third meeting. The group has asked us to provide it with assistance in the development of a business case to be submitted to the Department, and we have agreed to do that. We will commission the business case with either external or internal consultancy from DFP colleagues who have expertise in that area. We will underwrite the capacity that we provide, and we will work with the group to assist it in producing a business case for our consideration. The Department will not hold things back, but we must work with the sector at the pace at which the sector is capable of working.

The Chairperson: The other problem is that working at the sector's pace does not mean that that timetable can be reflected in our work on the Bill. The Bill has to be approved by 31 December for the establishment of the ESA on 1 January. If the sector is allowed to work at a snail's pace, the Bill will go nowhere.

Mr C Stewart: I am conscious of that concern. However, those are not matters for the Bill; they are not specific legislative requirements to provide sectoral support beyond the grant powers that already exist in legislation.

Mr B McCrea: Schools that are part of sectoral bodies appear to have a different set of arrangements from schools that are not. We want to sort out the question of equality and fairness; it is not good enough for you to say that the Department is there to help if the sector wants to move forward. For some years, the problem has been that it has not been able to move forward. We must do something to help that body to come up with a representative stance. I want that point recorded in the minutes.

Can we have a list of the attendees at the third meeting? That way we can see if there is continuity. It will be interesting to see if anybody has been to all three meetings.

Mr C Stewart: A small group of perhaps half a dozen people is beginning to take a leadership role in the group. That group is beginning to adopt an informal committee structure to split the work among the larger group. It appears that Hugh McCarthy, the principal of Killicomaine Junior High School, is chairing the meetings at this stage.

The Chairperson: We move to clause 49, "Catholic maintained schools". I refer members to paragraph 251 of the draft report and ask that they take a minute to remind themselves of the provisions of clause 49, which defines a Catholic maintained school.

The Department now wishes to remove that clause from the Bill. Included in the Minister's letter to the Committee of 17 June was the Department's explanation that:

"The main purpose of the definition was the delineation of the group of schools for which the Council for Catholic Maintained Schools (CCMS) was responsible. With the demise of CCMS, the provision will no longer be required for that purpose, and there is no other policy reason for retaining the separation between these schools and other voluntary schools."

On 4 September, the Committee received formal notice from the Department that when the question is put to the Assembly that clause 49 stand part of the Bill, the Minister will oppose it, as a separate approach to Catholic maintained schools is no longer required. Chris, do you have any comment on that?

Mr C Stewart: In the beginning, as you rightly said, the reason for having a definition of Catholic maintained schools was that there were quite separate administrative arrangements for those schools. With the RPA coming on stream that will no longer be the case: a separate definition is not required. Members will see in the paperwork that there will, nevertheless, be a small number of references in legislation to Catholic schools. That is necessary; for example, to point consultation requirements to the right place so that we can identify who needs to be consulted on matters concerning those schools.

In legislation there will be, if you like, a more local definition of Catholic schools. Quite simply, a Catholic school will be a school whose trustees are appointed by or on behalf of the Roman Catholic Church. Members may ask what the difference is, or think that we are simply swapping one definition for another. However, the definition in legislation is associated with quite separate administrative arrangements and a separate education system for Catholic maintained schools. The change is that we are now moving towards a single system that can support a diversity of school types. However, from time to time it will still be necessary to refer to those different school types.

Mr D Bradley: Comhairle na Gaelscolaíochta (C na G) asked for an amendment to define Irish-medium education. Has any progress been made on that?

Mr C Stewart: The Minister is not convinced of the need for a different definition for Irish-medium education. One already exists in legislation in the Education (Northern Ireland) Order 2006, which we think is sufficient for the purposes required.

Mr B McCrea: Other schools are designated as grammar schools, integrated schools, and so on. C na G's argument is that there is no designation for an Irish-medium school.

Mr C Stewart: There is and there is not. It is perfectly possible for there to be an Irish-medium grammar school or an Irish-medium controlled school; in fact, I believe that there is one. The terminology is not mutually exclusive; there is potential overlap. In the early days of the RPA, there was an intention, wherever possible, to reduce the number of separate definitions and references

and try to establish the holy grail of one school type. That has proved to be a much more ambitious task than we thought at the beginning.

Although this Bill and the second Bill will make some progress towards that end, we are a long way from saying that there is one type of school. To reach that point, we would need to make many more changes to the detailed arrangements for governance and finance in the various types of school. Members will be aware that one problem with governance is that, in order to retain the role of the Transferor Representatives' Council (TRC) and appoint governors to controlled schools, we need to leave the current governance provisions as they are. It is not possible to harmonise them at this point.

Mr B McCrea: My understanding is that the issue is not only about governance — although that is important — but about area-based planning. If we accept that one size does not fit all, should we not designate schools in such a way that, when the Department is planning, it can determine whether there is sufficient availability of the various school types that we need? I suspect that that is why C na G is keen on designation. That has fundamental implications for other sectors that I am interested in, such as schools that were formerly voluntary grammars. Designation is critical.

Mr C Stewart: I understand why many stakeholders might share that view, specifically in relation to Irish-medium schools. There is no particular difficulty, irrespective of the definition, in identifying whether a school is Irish-speaking or not. I know that C na G may have some concerns about the difference between an Irish-speaking school and an Irish-speaking unit in a school. Nevertheless, against a background of a sound existing definition and a clear recognition of what an Irish-speaking school is, we do not foresee any great difficulty in ensuring that the needs and preferences of young people and parents for an Irish-medium education are easily identifiable and properly addressed in area-based planning.

Mr B McCrea: I am sure that they have no problem with the issue of units in schools. However, it is important, for equality reasons, that that is available to all other schools, such as schools that wish to designate as grammar schools or integrated schools. The interesting bit — perhaps this is not the appropriate clause to deal with it, but Dominic led on the issue — is that if area-based planning takes that direction, it is appropriate to stipulate the reason for including designations. If I understand correctly, you are saying that, largely, it is no longer necessary to designate maintained schools because all schools are now equal. A trajectory of travel away from the RPA suggests that we need an arrangement from one size fitting all to designated sectoral schools.

Mr C Stewart: I understand your point. You might then say that an unintended benefit of our not removing all the other designations and definitions is that they remain in statute: “grammar school” and “integrated school” will continue to be defined formally. Indeed, all the types and sectors whose needs and views need to be considered, and which need to be able to take part in area planning, will, I think, be able to rely on clear designations and definitions in the legislation.

Mr D Bradley: Comhairle na Gaelscolaíochta told the Committee that it is unhappy with the present definition of Irish-medium education, because it defines it by curriculum only. It sees it as important for the development of Irish-medium education, especially in collaboration with existing English-medium, that it be clearly defined.

Comhairle na Gaelscolaíochta says that the current definition in the Education Reform (Northern Ireland) Order 1989 does not acknowledge that Irish is used as the everyday language of the school, nor does it acknowledge any other aspect of Irish-medium provision. It also says that there is no current definition except as directed by Department of Education policy as to what exactly constitutes an Irish-medium unit for the purpose of education Orders. Nor is there any legislative direction on how a unit should be established. Comhairle na Gaelscolaíochta says that that is in contrast to the 1989 Reform Order for integrated education.

All other types of schools are defined in part 1 of the revised Education and Libraries (Northern Ireland) Order 1986. Therefore although the Department is inclined to dismiss Comhairle na Gaelscolaíochta's request for clear definition, Comhairle has a very strong argument for having a clear definition where co-operation with English-medium schools by way of units and so on is pursued. There is a danger that conflicts can arise between the English-medium section and the Irish-medium section. In such circumstances, for example, it is important to have a clear definition of Irish-medium education, over and above the curriculum element.

Mr C Stewart: First, I assure you that the Department would not dismiss any point put to it by any stakeholder; we may disagree with it, but we certainly would not dismiss it. We have considered C na G's arguments, but I disagree with it that it is a curricular definition; that is slightly misleading. The definition turns on the proportion of the curriculum that is taught in Irish. Therefore it is based on the form of education that is delivered in the school. We think that that is clear, and we would struggle to find an alternative definition that would meet the needs.

Mr B McCrea: Why can you not simply designate people as they wish to be designated? When it comes to an issue about area-based planning, people get

concerned about one sector taking resources away from another sector. If the Department was trying to remove ambiguity, it could simply define schools; other bodies have suggested that schools be designated Irish-medium or grammar, for example. Once a school has been designated, the Department can carry out the appropriate area-based planning.

Mr C Stewart: That is one possible approach. However, it might attract the very danger that concerns C na G: a school might be officially designated as an Irish-medium or an Irish-speaking school without any guarantee that the form of education delivered in it is in the Irish language. That seems to be C na G's main concern. It feels very strongly that the immersion model of Irish-medium education is the correct one. That conclusion was supported by its view of Irish-medium policy, and it would want to ensure that an Irish-medium school is a school in which children and young people are taught in Irish. The mere designation in a scheme would not offer C na G that guarantee or reassurance.

Mr B McCrea: Dominic is better at arguing for C na G than I, but it seems to me that there is a direction of travel here. Where a school is designated as Irish-medium, there would be certain expectations about the type of education that that school offered.

Equally, if a school is designated as an academic school, there would be certain expectations about the way that things were done. When trying to progress issues, what is sauce for the goose is sauce for the gander, and getting it right will reassure people that their views are being respected.

I cannot sign up to the one-size-fits-all approach because I believe in parental choice. It may not be my choice, but parents should have that choice, and we must ensure that there is a certain level of provision across the Province through area-based planning. Perhaps, as you have said, the law of unintended consequences brings a happy happenstance; nevertheless, it may be better to have equivalence across the board to allow for the development of other issues.

Mr C Stewart: I can see where you are coming from on that, but I think that equivalence or a one-size-fits-all approach, albeit flexible, might be difficult to achieve. Definitions arise for a variety of reasons. There is, for example, some commonality between the Irish-medium sector and the grammar sector in that the definitions of both need to turn on the nature of the education that is provided. For the integrated sector the situation is different, because the definition turns on the composition of the school population and is not really linked to the curriculum or the form of education. As has been said, it is possible to have an integrated grammar school or an integrated Irish-medium grammar

school — I do not think that one of those exists yet, but it is certainly permissible under the law.

Mr B McCrea: It is the task of the Department, or whatever designated body, to work that out. It must get a level of provision across the various parts of Northern Ireland that adequately meets the needs of the population. That is at the very core of area-based planning.

It would be impossible to remove some of the variables, because, as you have just amply illustrated, there are so many. Would it not be better for the Department to define the broadly recognised sectoral interests and the type of education that they provide? That would give a tighter list of parameters on which to base area-based planning, and it would go a long way towards reassuring all the disparate sectoral bodies, including C na G.

Mr C Stewart: That is exactly the balance that we are seeking to strike. Left to our own devices, the solution that the bureaucrats might come up with would be much simpler, with one type of school and a very simple set of administrative arrangements.

Mr B McCrea: Just one school, in fact.

Mr C Stewart: Indeed, perhaps just one school, and it would be very easy to work out the administrative arrangements.

Mr B McCrea: Perhaps in Templepatrick, to go along with the one police station that is left.

Mr C Stewart: I will not comment on that matter.

The Department has listened very carefully to what those in education have told us, and their view was that it was neither practical nor desirable to go as far in that direction as we might otherwise have done. A range of issues comes to the fore, not least of which is the need for the Department to recognise the ethos of the various types of schools, how they want and expect to see that reflected in their identity, the way that they deliver education on a daily basis and the way that they are referred to in legislation.

Therefore, we have had to reach a compromise or balanced position. The matter is not as neat, simple or straightforward as we would have liked. We may not always have been able to accommodate all the concerns or desires of stakeholders, but we feel that a balance has been struck that gives us a better and deliverable system.

Mr Lunn: Not for the first time, I am listening to the discussion and not fully understanding it. Could you explain to me in nice, simple terms what the danger is in allowing C na G to have its own designation? What is the problem? It is a bit like the issue of school enrolment that the Committee talked about last week, whereby 198 pupils were satisfied and two were disappointed.

Mr C Stewart: There is no danger from the Department's perspective. The suggestion that Basil made would mean the Department adopting a definition similar to that of Catholic maintained schools, which is quite simply a school that is on the list of Catholic maintained schools. We could also adopt the same approach for Irish-medium schools, and it would be administratively very simple for the Department and the ESA. However, I suspect that C na G would object to that approach, because its fear is that a school could become Irish-medium in name only. It might appear on that list, but it would be open to the board of governors to depart from the purity of the immersion education model while retaining the designation of Irish-medium school.

Mr Lunn: I am really glad that I asked that question. *[Laughter.]*

Mr C Stewart: If my explanation was oversimplified, I would be glad to elaborate.

The Chairperson: As regards the issue that Basil raised, individual Members and their parties will have the opportunity to agree or disagree on whether that particular amendment stands or is removed. That decision will be made no later than next week. If an amendment is required, it can be tabled in the Assembly. However, obviously, there is concern. There is no consensus on the merits of removing clause 49. Correct?

Mr D Bradley: The Chairperson forwarded a letter that he received from Comhairle na Gaelscolaíochta to you in June, which outlined a number of issues that it wants the Department to address. Is that process ongoing?

Mr C Stewart: Yes. It is ongoing on one particular issue. The other issues are reflected in amendments that have been brought forward. The Minister is still considering that issue, which is a request by C na G for a statutory duty on the boards of governors of Irish-medium schools to maintain their Irish-medium status or designation, as it were, which relates to the very point that we have just discussed.

It arises from a concern on C na G's part that some schools in the Irish-medium sector would depart from what is recognised as the effective approach to Irish-medium education. Therefore, it wants a duty that parallels that which is placed on governors of integrated schools, who are required to use their best endeavours to ensure that those schools remain integrated. C na G wants there to be a similar, corresponding requirement on Irish-medium schools. The Minister is considering it.

Mr D Bradley: The other issues have been addressed?

Mr C Stewart: Yes. We have not said yes to them all. The Minister has indicated those with which she agrees, and those with which she does not agree.

Mr B McCrea: The point that has just been raised clarifies the position about which, as you said earlier, C na G might be worried. If the two matters are brought together, and there is a designation and "best endeavours" clause — or you define what it is — I expect that C na G's concerns will be met.

Mr C Stewart: Yes. That is a fair point.

Mr B McCrea: It is possible that such an approach could also be used for other sectors, such as the integrated and voluntary grammar sectors. The point that I am making is that most schools fear the diminution of their ethos. I am simply saying that if there is a way to give reassurance on that, I believe that it would be easier to move forward.

Mr C Stewart: Again, I concur with the point that you make. However, I will tread carefully as I reflect on what its implications might be for other sectors. Such an approach is relatively straightforward for an integrated school where the definition is relatively straightforward. It is certainly feasible for Irish-medium education. Where it becomes slightly more difficult is in the realm of faith-based education, such as Catholic education. Where it becomes difficult and, perhaps, even controversial is when it comes to grammar schools. The duty to ensure that a grammar school maintains its status as such might take us into territory around post-primary transfer that is occasionally controversial, and to which I will hesitate to go today.

Mr B McCrea: I appreciate that, but you understand the argument.

Mr C Stewart: I do.

Mr B McCrea: It is an argument that is as good for Irish-medium schools as it is for those of other sectors. Anyway, the point of the session is to raise such an issue, so that you can consider it. It will certainly have an impact.

The Chairperson: I want to raise an issue that comes up continually. It is now critical. At what stage, Chris, will we get a definitive response from the Minister on some of those matters? In the past, accusations of delay have been made. We have been accused of unduly delaying progress because we asked for an extension of Committee Stage. Had the Committee not been granted that extension of its scrutiny of the Bill, I doubt if some of those issues would be resolved by now anyway, because we are still waiting on responses. You have highlighted one such issue: we are still waiting on the DEL amendments. We are also waiting on the amendments from the National Society for the Prevention of Cruelty to Children (NSPCC). We do not have a lot of time, because the Committee has to report to the House by 30 September. In fact, the report has to be printed by 30 September.

Mr C Stewart: I appreciate that. The DEL and NSPCC suggested amendments arose relatively late in the day and at the tail end of the Committee's considerations of these matters. Issues around definitions of schools and school types have been debated at length in Committee meetings and with stakeholders; they are not particularly new issues. The Minister's position on them is clear. In the papers that she has sent to the Committee, she has indicated what she proposes to do at this stage in relation to the definition of schools.

Mr D Bradley: You may correct me if I am wrong, but only one of the amendments requested by Comhairle na Gaelscolaíochta — the amendment to clause 2(4), placing a duty on the ESA to encourage and facilitate Irish-medium education — has been included in the grid that you gave us.

Mr C Stewart: There is a further amendment to clause 26.

Mr D Bradley: That relates only to the curriculum and examinations.

Mr C Stewart: Yes, but they are the two major issues that C na G asked us to consider.

The Chairperson: We will come back to them later.

Mr D Bradley: I would not consider them to be the two major issues. One of them might be major, but there were a few other requests. Are we to assume that they have been denied?

Mr C Stewart: Yes. I understood that we had copied to the Committee the Minister's reply to C na G. That would have been some months ago.

The Chairperson: Yes, because I think that you made reference to it last week. The Hansard report of last week's meeting mentions the Minister's letter of 17 June.

Mr C Stewart: There was a specific reply on the C na G issue. Dominic had kindly forwarded the letter to us, and I understood that the reply was copied to Committee members at the time.

The Committee Clerk: Is there a date to that?

Mr C Stewart: I will check that, John, and come back to you.

The Committee Clerk: Please provide an extra copy as well.

The Chairperson: Will you clarify the status of the proposed departmental amendments that have been agreed by the Minister with regard to Executive endorsement? Have they been copied to the Executive members by the Minister? They stand as proposed amendments until their fate is decided in the Assembly.

Mr C Stewart: At this time, any amendment stands only as a proposed amendment until the Minister or a Member tables it. The amendments have not yet been

sent to the Executive for consideration. The guidance on legislative procedures suggests that that is done after Committee Stage. That, of course, would raise a difficulty, because there is a comparatively short time between Committee Stage and Consideration Stage. Therefore I believe that it is the Minister's intention to take her proposed amendments to the Executive at the earliest possible date and probably before the end of Committee Stage. However, the Minister would, of course, make the Executive aware of the Committee's views, wherever possible, on the proposed amendments, as the Executive would expect.

We have a delicate path to tread with regard to timing, but it is the Minister's intention to present the amendments for Executive consideration, as set out in the Office of the First Minister and deputy First Minister's guidance.

The Chairperson: It is an Executive Bill, so it would be an issue if one Minister did not feel that it was appropriate to send the amendments to the Executive.

Mr C Stewart: It is the Minister's intention to send the amendments to the Executive. The Executive will want to consider amendments that have been put forward by other Ministers. The Minister for Employment and Learning has requested a series of amendments to the Bill.

The Chairperson: Again, we are tied for time.

Mr C Stewart: It is difficult. If one looks at the orthodoxy of the guidance on legislation, one might argue that it is impossible to seek Executive endorsement between the end of Committee Stage and Consideration Stage. That is why the Minister wants to go early. Our advice from the legislative secretariat is that the Executive are not asked to consider amendments to the majority of Bills until after Committee Stage.

The Chairperson: We move on now to the supplementary clauses, which are clauses 50 to 55. Clause 50 deals with supplementary, incidental, consequential and transitional provisions. Clause 51 deals with regulations and Orders.

Clause 50 allows the Department to make, by Order, such supplementary, incidental, consequential and transitional or saving provisions — that was a mouthful — as it considers appropriate to give full effect to the legislation. On 18 February 2009, officials advised the Committee that that provision is included to enable the Department in case it is discovered that a mistake was made in the drafting of the Bill. The provision allows that mistake to be corrected quickly. In response to clause 50, the South Eastern Education and Library Board (SEELB) commented:

"The board would contend that the point to 'amend, repeal, revoke or otherwise modify any statutory provision (including this order)' should require prior and full consultation with the stakeholders who may be affected by any such change."

I refer members to the Department's response in paragraph 254 of the draft report that:

"The Minister would welcome the views of the Committee on the suggested duty to consult."

At last week's meeting, the Committee noted that clause 12(2) of the Bill specifies certain consultation requirements. It states:

"Before making any order under this section the Department shall consult—

(a) ESA; and

(b) such organisations representing—

(i) the interests of Boards of Governors of grant-aided schools; and

(ii) staff in such schools,

as appear to the Department to be appropriate."

At last week's meeting, members considered whether the same consultation requirement should apply where the Department proposes to exercise the power to make Orders pursuant to clause 50(1), bearing in mind that such an Order would have to be laid before, and positively affirmed by, a resolution of the Assembly. Chris, have you any comments on that?

Mr C Stewart: As we said, the Minister would welcome the Committee's views on that. I do not think that she has a particularly strong or absolutely fixed view on that. However, the Department is not convinced by the arguments put forward for the need for a legislative requirement for consultation. Of course, such consultation will take place when it is practicable and necessary to do so. However, the example that we gave last week of where such powers are used illustrates that consultation may not be as much of an issue as some consider it to be. In the Special Educational Needs and Disability (Northern Ireland) Order 2005, a similar provision was used to correct a spelling mistake. I doubt that the Committee would expect us to consult stakeholders on making such a correction.

The Chairperson: Do members have any comments?

Mr Lunn: The only point that I note is that the South Eastern Education and Library Board is the only body to raise a concern. The Southern Education and Library Board simply noted the fact, and no one else commented. What is the big deal? If it were a serious issue, we would have had a stronger reaction. The explanation given by the Department is that the provision is intended simply to provide grace should we discover that we have made a mistake, which will probably be the case.

Mr C Stewart: I know that it is a terrifying prospect that the Department might get something wrong, but the theoretical possibility exists.

Mr Lunn: Clause 51(3) states that no Order can be made unless it is laid before and approved by a

resolution of the Assembly. I would have thought that that was a fair guarantee, and I see no reason that, should a moderately serious issue arise, the Department would not wish to consult on it.

Mr C Stewart: That is correct, and it is important also to bear in mind that the purpose of the provision, as set out in the clause, is not simply to allow the Department to tinker with the law because it feels like it, rather it is to give effect to the substantive provisions in the Bill. It is, therefore, an Order to correct a mistake where a failure to do so would not be giving effect to the will of the Assembly in passing the legislation. It is not simply because we may come up with nice ideas of how to change the law.

Mr B McCrea: Your example was one of tidying up the legislation by correcting a spelling mistake, and no one would have an issue with that. The grey area is when any change is slightly more serious. The legal profession determines that the law is as it was written. The problem arises when one uses such provisions to do slightly more than fix spelling mistakes.

Mr C Stewart: That is where the Assembly control mechanism comes into play. Although I have stated that the circumstances in which we might use such a power are strictly limited to giving effect to the Bill, it is, nevertheless, a serious matter to change primary legislation, and that should not be done without the consent of the Assembly.

Mr B McCrea: We have talked about clause 51 and about the regulations that it provides for being subject to negative resolution procedure. Although we understand that it is a more efficient way of dealing with matters, negative resolution procedure, if combined with the need for cross-community support, does have an implication as to whether one can or cannot do something. Are we on clause 51? Although not everything has to be subject to affirmative resolution procedure, we will be looking at certain key areas that we feel should be — unless we can be convinced otherwise.

Mr C Stewart: That is a fair point, but it is not one on which it would be appropriate for me to take any stance. The draftsman has drafted the legislation in the normal way. If the Committee or the Assembly feel that a different approach is appropriate for particular provisions, then that is a matter for the Committee and the Assembly to decide on.

Mr B McCrea: In the past, you said that although there are comparisons with the health RPA legislation and so on, education is — if I can use the pun — a law unto itself. However, there are different implications because of the nature of the Education Bill. I know that you can get advice that says that, under normal legislative conditions, negative resolution procedure might be the way to do things. However, I want to put on record my belief that because many of those issues are contentious,

they must be dealt through the affirmative resolution procedure, if we are planning to change.

Mr Lunn: When clauses 50 and 51 are read together, you can almost see a contradiction. Having said that, I did not see a problem with clause 50. However, clause 51(1) states:

“Regulations under this Act shall be subject to negative resolution.”

Clause 51(3) states:

“No order shall be made under section 50(1) unless a draft of the order has been laid before, and approved by resolution of, the Assembly.”

Are regulations and Orders different?

Mr C Stewart: Yes, they are, and they are for different purposes.

Mr Lunn: Can you explain that to me in simple terms?

Mr C Stewart: I could attempt to explain it to you in simple terms, but I would undoubtedly fail. However, I refer the Committee to two papers that were prepared some time ago — one that I produced and one that the Committee Clerk produced — and which explain the different forms of subordinate legislation and the different forms of Assembly control. Rather than weary the Committee with a further explanation of it now, would it be helpful if we were to resurrect those papers?

The Committee Clerk: Those papers were provided on 19 February, when there was a Committee session and discussion on the merits of negative and affirmative resolution.

Mr C Stewart: There is scope for a PhD in explaining the differences between Orders and regulations.

The Chairperson: Another issue is involved, because this is all linked to clause 12. We cannot read clauses 50 and 51 without referring to clause 12. At some stage, members discussed whether the Orders mentioned in clause 12 should be subject to the same control as those mentioned in clause 50. The affirmative resolution procedure will apply to clause 50, whereas the negative resolution procedure will apply to clause 51.

Mr C Stewart: The Minister will welcome the Committee’s view on that matter. At this point, she does not have a fixed or immovable view. As I said last week, I was slightly surprised to find that clause 12 would not be subject to that form of Assembly control. Nevertheless, counsel has drafted it in that way because that is the accepted and normal way to do things. It is not a new type of provision or a new provision in education law. A similar power to modify employment legislation exists in schedule 2 to the Education Reform (Northern Ireland) Order 1989.

The Chairperson: In members’ folders, there is a letter from Eve Stewart about the Minister’s outstanding responses to the Committee. It states:

“The Minister does not believe there is a need to insert a consultation requirement in clause 50. Clause 51(3) requires a draft of the Order under clause 50(1) to be laid and approved by resolution of the Assembly. This is in our opinion a higher standard to meet than a consultation requirement.”

Her response on clause 12(1) states:

“The rationale for the different levels of Assembly control is that clause 50 can be used to amend the Act itself, whereas clause 12 is a power to modify employment law to reflect the provisions of the Act. Therefore the Minister does not intend to move such an amendment.”

The Committee should consider whether there is any merit in amending clause 50(1) by adding a reference to clause 12. For example, it could state that no Order shall be made under clause 12(1) or 50(1) unless a draft of the Order has been laid before and approved by resolution of the Assembly. That would give the Assembly the power and control, and there would be no way that one element of the legislation could be used to do something else that is not clearly defined in one clause of the Bill. What you cannot get in clause 50 or 51, you could get by using clause 12.

Mr C Stewart: Only in relation to employment law.

The Chairperson: Yes, but we need to settle that question in our minds. Does the Committee think that such an amendment would be useful? What would be the implications of such an amendment in light of the Minister’s response?

Mr C Stewart: I am not convinced that the implications would be particularly profound. The letter indicates that the Minister is not convinced, at this point, of the need for such amendments. However, if the Committee has a strong view that those amendments are required, the Minister will, of course, want to consider that.

I do not think that the amendment would make a huge difference. This is not — if members fear that it is — an opportunity for the Department to exercise some sort of untrammelled power over primary legislation. Controls and checks and balances are in place. The point of the provisions is not to thwart or subvert the settled will of the Assembly; rather it is to ensure that we are in a position to give effect to the settled will of the Assembly. It is in case we overlook something, get something wrong or find that we need to do something else to give effect to what has been endorsed by the Assembly. These are standard mechanisms to allow us to do that. However, if members have a particular concern, I am sure that the Minister will want to give careful consideration to that.

The Chairperson: The officials were asked to consider an amendment on this issue after last week’s meeting.

Mr C Stewart: If I may put it bluntly; you have not yet convinced the Minister.

The Chairperson: Her response in the letter indicates that. Bearing in mind the deadline, and given the concerns and last week's discussion, does the Committee think that we should ask the Clerk and his staff to draft an amendment to this clause?

Mr B McCrea: I would be happy to propose that.

Mr O'Dowd: Is it a proposed amendment?

The Chairperson: No. I asked whether the Committee should ask the Clerk to draw up an amendment for us to consider, and then it would be up to the Committee to decide whether to adopt it.

The Committee Clerk: Just to clarify, that is in relation to an affirmative resolution for clause 12(1). Are we also saying that clause 51 should have some consultation requirements? That was the other proposal that the Committee put to officials last week. This response from yesterday evening says no to that.

The Chairperson: In the Committee's opinion, that is a higher standard to meet than a consultation requirement. Therefore, is consultation necessary?

The Committee Clerk: Draft affirmative resolution involves the House; it imposes no obligation to consult stakeholders. The obligation to consult stakeholders in the education field is when the Department speaks to stakeholders. If I am correct, all that the Department would have to do is bring the regulation to the House; it does not need to speak to stakeholders on a draft affirmative resolution.

Mr C Stewart: That is correct; however, we are pointing out the incongruity of having to consult stakeholders about a proposal to give effect to the will of the Assembly. You would be asking stakeholders whether they agree with the Assembly.

Mr B McCrea: I agree. If we opt for a draft affirmative resolution, we do not need to consult. We need to consult only on clause 12.

The Chairperson: Are we clear on that? As clear, I suppose, as we can ever be. Before we move on to clause 52, I would like clarity on what is meant by "stakeholders" when speaking about consultation on employment regulations.

Mr C Stewart: Consultations have taken place with the Catholic trustees specifically on the employment regulations. Consultations have taken place with other stakeholders on a more general level about the approach that the Department might take to regulating schemes of employment.

The Chairperson: What is the difference between a more general level and having consultations with the Catholic trustees? Did you consult with the stakeholders who raised issues about employment regulations?

Mr C Stewart: There has not been a general consultation with all stakeholders on the issue. The

concerns were raised by two sets of stakeholders: the Catholic trustees; and the Governing Bodies Association (GBA). The GBA, as you know, has declined to meet us.

The Chairperson: On that issue?

Mr C Stewart: On any issue.

The Chairperson: Did the Department write to the GBA to ask for its concerns about the employment regulations?

Mr C Stewart: No, we have not specifically done that. The GBA, as you might recall, was asked in the Committee whether it would be prepared to discuss those matters with officials, and it declined to do so. Our door, of course, remains open to it at any stage.

The Chairperson: OK, let us move to clause 52, "Interpretation", which contains definitions of terms that are used in the Bill. I refer members to paragraph 233 of the draft report, which relates to clause 52 and where the comment of the Western Education and Library Board is noted:

"It is very unfortunate that the Department has not taken this opportunity to introduce a new consolidated Education Bill embracing all of the legislation which has been introduced since 1986 in a systematic format."

That, I assume, refers to the 11 pieces of subordinate legislation.

Mr C Stewart: That is a comment that could be made only by someone who has never had any involvement in drafting legislation.

The Chairperson: The Department's written response is sympathetic to the Western Board's concerns:

"consolidation exercises are major undertakings, and are normally carried out after, rather than during, major legislative reform".

Mr C Stewart: Precisely; one does not try to hit a moving target.

The Chairperson: As the draft report notes, that issue was already raised by a member of the Committee on 18 February 2009.

The response from the departmental officials is also set out in the draft report. It describes the task as "mammoth and extremely technical." Members will note a sequence of events that precede consolidation:

"When the two Bills on RPA are finalised — and, perhaps, one Bill to reform the legislation generally — we might be able ask counsel to create one consolidated piece of legislation."

Mr C Stewart: It may be possible at that point, Chairman. I agree with the sentiments that may have prompted the Western Board's comment: there is far too much legislation in education. It is difficult for those involved in education to deal with 11 primary Orders and Acts, and soon, one hopes, 12 or 13. Frankly, it is difficult even for the Department to keep track of it all. We share the desire to have a much smaller body

of legislation. However, we are often asked to do that as if it were a simple and straightforward task; it is not. It would take several years and the work of many staff.

The Chairperson: When we started our scrutiny of the Bill, we saw that there were 11 pieces of legislation. It is sometimes difficult for the Committee to comprehend matters relating to the Bill; a simple example of that this morning was when we keep referring to clauses 50 and 51 and then back to clause 12. That is in one piece of legislation, but there are references to other Orders throughout the Bill. Would it take that length of time to consolidate the legislative framework?

Mr C Stewart: The process leading to consolidation would certainly take that length of time. The financing provisions that we referred to earlier, for example, are Byzantine in their complexity. Everyone would welcome a simplification of those provisions, and a move to a much simpler and more straightforward legislation on schools finance would have to be made first. We would need to adopt a new model of schools financing, repeal all existing provisions and introduce new ones that encapsulate the new model.

Similarly, if circumstances permit, we may want to simplify and clarify the arrangements on school governance; we may also want to deal with other provisions of the legislation. Having completed the remodelling or re-engineering of the legislation, we would undertake the consolidation task. It would be extremely difficult, challenging and resource- and time-intensive.

The Chairperson: Do members have a view on whether the Department should consider consolidation at some stage?

Mr Lunn: In February, I might have mentioned the task of dealing with all the previous Orders. It is not something that the Department can look at now; it is one for the future. The word “Byzantine” hardly begins to cover it; it would be a massive task. However, it might not be such a massive task if it were done gradually. It seems to be suggested here that, at some stage, the Department will be asked to accommodate all the Orders in one exercise. It would be a massive task, but it may be possible to look at it in an orderly way. The Orders could be considered gradually, starting with the oldest and moving on to what we are discussing now.

Mr C Stewart: You are right; we would have to do it in that way. In this legislation, we are taking significant parts out of the oldest piece of legislation, the Education and Libraries (Northern Ireland) Order 1986. The second RPA Bill will continue that process and will also affect the Education Reform (Northern Ireland) Order 1989. Those would be the first targets in attempting a radical overhaul of the legislation.

It is perhaps fair to say that the task is difficult because the Department has allowed it to become difficult. We

put more and more legislation into the cupboard, but we should have cleared out the cupboard much earlier. It is very difficult to bring 11 Orders together now. Nineteen eighty-nine or 1990 might have been the opportune time, although I am sure that there are reasons why the Department did not, or was unable, to consolidate at that point. However, the longer the matter is left, the harder it becomes.

Mr Lunn: We seem to be moving house now rather than just emptying the cupboards.

Mr C Stewart: That is true.

The Chairperson: The problem is that people are always worried that there is another cupboard somewhere that they are not aware of, but which the Department is aware of. *[Laughter.]*

Mr C Stewart: Indeed, that proved to be the case when the Committee secretariat uncovered a small cupboard that had passed beyond our recollection.

The Chairperson: And of course we have article 101, which is always with us and lurking in the background.

Mr C Stewart: The other issue is one of resource. I would not expect the Committee to have too much sympathy with the hard-pressed Civil Service, but most of the legislative resource that the Department has available is before the Committee today.

The Chairperson: With respect to resources, does the Department have a tracked version of the changes to the Education Bill with the amendments annotated on it? That would be useful, as it would provide a tracked change of what has taken place with the Bill, and would mean that the Committee has the Bill as presented to it as well as the list of amendments.

Mr C Stewart: It does not. It could attempt to provide one, but it would be risky. Transposing the changes into the Bill would have to be done very carefully, as errors could easily creep in.

The Chairperson: Would it be impossible to produce it?

Mr C Stewart: It would not be impossible, and if the Committee would find it helpful, the Department would certainly endeavour to compile such a document.

The Chairperson: Would members find that helpful?

Mr O'Dowd: I suppose that it would be helpful. However, the amount of work that such a document would involve might interfere with the Committee's timescales.

Mr C Stewart: I am glad that a member raised that, but that was what I was alluding to.

Mr B McCrea: That suggestion came from the teacher's pet over there.

The Chairperson: Given the fact that the Department is working through a piece of legislation, would it not be procedure to have such a document?

Mr C Stewart: Not that I am aware of, not least because the Committee or individual members may wish to propose their own amendments or amendments to amendments. The Executive consideration could produce further changes, and the Department could end up producing umpteen different versions for the Committee to keep track of.

Mr Lunn: I am sure that Chris must leave here sometimes and go home and kick the cat. *[Laughter.]*

Mr C Stewart: I am not allowed to have a cat for that very reason. *[Laughter.]*

Mr Lunn: The Committee seems to be piling more and more work on him.

What the Chairperson suggests sounds terrific in theory, but in practice I am sure that it is something that Chris could do without.

Mr C Stewart: It is perhaps best if I do not respond to that.

Mr Lunn: I said it for you.

The Chairperson: The Committee has already received documents indicating that changes will take place. However, let us move on.

Clause 53, “Minor and consequential amendments and repeals and revocations” applies to schedules 7 and 8. The Committee has received no stakeholder submissions on clause 53, and those that it has received for schedules 7 and 8 will be covered when we examine those schedules. Are there any comments on clause 53?

Mr Lunn: None. Agreed. Move on.

The Chairperson: At least we have some agreement on minor and consequential amendments. Chris, do you have any comment?

Mr C Stewart: No. It is the most straightforward of straightforward provisions. You will not see a Bill without a similar provision.

The Chairperson: Clause 54 contains provision for the commencement of the Bill. I refer members to paragraph 239 of the draft report, which relates to that clause. I also refer members to the extract from the departmental officials’ briefing to the Committee on 18 February 2009. It sets out the two methods of commencing the provisions of the Bill, either by Royal Assent or by commencement Orders made by the Department under clause 54. The extract goes on to note that the commencement arrangements are unusual in that all the substantive provisions of the Bill will be initiated by means of commencement orders so that the commencement of the first Act can be adjusted if necessary to ensure that

it remains synchronised with the second Act. That will enable the single legislative programme approved by the Minister and the Executive to be reflected.

Do you have any comment to make on that, Chris?

Mr C Stewart: That is a very accurate description of the approach behind the commencement of the Bill.

Mr B McCrea: Clause 54(2) states that “the Department may by order”.

Is that Order subject to affirmative or negative resolution?

Mr C Stewart: Commencement Orders are not normally subject to any form of Assembly control; they are administrative arrangements. When the Assembly passes a piece of legislation, it is not merely giving us permission to implement it; it is telling us to get on with it. When the Assembly makes its decision, it expects the Department to respond with alacrity and get the commencement Orders made.

Mr B McCrea: You said “not normally”, but the Department would get on with it as and when it sees fit.

Mr C Stewart: As and when the Assembly sees fit.

Mr B McCrea: As I understand it, the synchronisation of the second Bill and whatnot is for you, so it will be the Department that sees fit when the commencement Order is ready to go.

Mr C Stewart: It is the Department that makes the decision as to when to make a commencement Order, but that is not a matter in which we have complete discretion. We have to be mindful of the fact that if the Assembly passes a piece of legislation, there is an expectation that we will implement it at the earliest possible date. I cannot remember the exact circumstances of such cases, but there is a body of case law on instances in which, for no good reason, as the courts thought, a Department sought to delay the commencement of a piece of legislation, but such a delay was found to be improper.

Mr B McCrea: I am checking the procedural possibilities. As it stands, it is automatic that the Department decides when to go. If the Assembly wanted to take a view on it, it would have to propose an amendment.

Mr C Stewart: That is correct.

The Chairperson: The Department is proposing an amendment to clause 54, which relates to clause 29 and schedule 6 in relation to the General Teaching Council.

Mr C Stewart: Those are the additional powers for the General Teaching Council. The original proposal was that those would be introduced by commencement Order, but the advice from the General Teaching Council, which the Minister has accepted, is that there is an urgent need to bring those provisions into effect as quickly as

possible — the earliest possible date being the date on which Royal Assent is received.

The Chairperson: That explains why the Department wishes to amend clause 54.

Mr C Stewart: That is correct.

The Chairperson: Are members content with clause 55, “Short title”, or do they want something more complicated?

Mr Lunn: Why does it say that this Act “may” be cited instead of “shall” be? Is there a legal reason?

Mr C Stewart: It is the way he normally does these things. The Interpretation Act (Northern Ireland) 1954 contains an explanation of the different uses of “may” and “shall”.

Mr Lunn: Can we have a 50-page report on that?

Mr C Stewart: If you insist. I would struggle to keep it down to 50 pages, but we will do our best.

Mr B McCrea: When were those uses defined?

Mr C Stewart: It was defined in the Interpretation Act (Northern Ireland) 1954.

The Chairperson: Earlier, you referred to the legislation governing the funding arrangements for schools, which will be revisited when the Department reviews the common funding formula. Surely that would be an element of the legislation that governs how the Department pays education and library boards — as they were then — which, subsequently, pass the money on to schools.

Mr C Stewart: Yes and no is the unhelpful reply. I am over-simplifying, but the common funding formula defines how much money schools get and what they get it for. However, in legislation there are Byzantine arrangements for the mechanisms by which schools receive their money under the common funding formula. At its simplest, controlled maintained schools receive delegated budgets, and others receive maintenance grants. They get comparable amounts of money to do comparable things, but they get them through different legislative routes, to which differing degrees of control and administration are applied.

In pursuit of the policy of maximising the autonomy of schools, the Minister may, at some point, decide to try to move all schools to grants rather than delegated budgets.

The Chairperson: We will move on to the schedules. We plan to conclude our clause-by-clause scrutiny so that we can consider the Department’s amendments. The plan is that we will break for lunch at 12.30 pm, and reconvene at 1.00 pm.

The Committee considered all the provisions of schedule 1, “The education and skills authority”, along with clause 1. The Committee’s consideration to date

is recorded in paragraph 26 onward of the draft report. Schedule 2 is the transfer to the education and skills authority of staff employed by boards of governors. At its meeting on 4 March 2009, the Committee received a written and oral briefing from officials on schedules 1 to 5. If members wish to remind themselves of that briefing, copies are available from the Committee staff. We are at paragraph 273 of the draft report, which notes the comments of the South Eastern Education and Library Board and the Department’s subsequent response. Are there any comments on schedule 1 or schedule 2?

Mr B McCrea: We have already discussed schedule 2.

The Chairperson: The briefing paper is available if members want to remind themselves of what was said.

Schedule 3 is the “Transfer of assets, liability and staff of dissolved bodies”. Remember, the draft report is exactly that: a draft report of what will be approved by the Committee to go to debate in the Assembly. Schedule 3 is covered from paragraph 276 onwards. Members will see that paragraphs 277 and 278 of the draft report set out some of the issues that the Committee raised with officials, particularly the costs involved and the tax positions arising from those transfers.

Chris, is there any update on stamp duty, VAT and land registry fees?

Mr C Stewart: There is, Chairman. I look to my colleague to keep me correct on the detail because she has been pursuing it. In essence, there is not a problem. We explored it with our colleagues in the Department of Finance and Personnel and the Treasury and found that no issue of tax liability arises. I think that one area where we still need absolute confirmation is corporation tax.

Ms Eve Stewart (Department of Education): We have been advised by one area of HM Revenue and Customs that the ESA should not be subject to corporation tax. However, HMRC wants to check that out with its policy and legal people, and we are waiting for them to come back to us on that.

Mr C Stewart: At this stage, we are satisfied that there are no difficulties in the pipeline.

The Chairperson: In February, Chris, I think, assured the Committee that he was talking to colleagues in the Department of Finance and Personnel and the Treasury to minimise the effect that the transfer of assets has on the Department’s budget and on the public purse.

Mr C Stewart: That remains the case.

The Chairperson: Have we any ideas when we will have clarification from HMRC?

Ms E Stewart: We are awaiting a response. Informally, one side of HMRC told us that it does not think that

there is a problem. However, HMRC wants to get confirmation of that from its policy side and its legal people.

Mr B McCrea: Given the expenses scandal, it would be very embarrassing if we got caught in capital gains avoidance.

Mr C Stewart: We will endeavour to avoid that.

Mr B McCrea: I am just trying to look after my colleagues.

Mr C Stewart: Colleagues in Departments and agencies were sympathetic to our desire to ensure that we do not adversely affect the education budget by what would amount to no more than circular transitions of public money between one public authority and another, and they reassured us that that is not the effect of the legislation.

The Chairperson: Could we have something from the Department on that? Given that that was a major concern of the Committee's, we want to be satisfied that if an embarrassment or difficulty arose, it could be included in our report.

Mr C Stewart: We will give you a short note in the next day or two on VAT, stamp duty and stamp duty land tax. As soon as we get the final confirmation on corporation tax we will give that to the Committee as well.

The Chairperson: Paragraph 280 of the draft report deals with the proposed departmental amendments to schedule 3, which the Committee received on 4 September. At paragraph 281 the Department proposes that paragraph 2(3)(b) of schedule 3 be omitted since it is no longer necessary as:

“these assets and/or liabilities have already transferred to the new Libraries Authority”

Mr C Stewart: It is simply a bit of tidying up at the suggestion of the Office of the Legislative Counsel, who advised that the provision is no longer required.

The Chairperson: Paragraph 5 of schedule 3 is to be replaced in order to make an amendment to arrangements for the education and skills authority's procedure with regard to reporting on the first set accounts following advice from DFP.

Mr C Stewart: That is correct, Chairman. It is a very technical part of the Bill. In essence, the provisions that we originally asked to be drafted were more onerous than they needed to be with regard to complying with the normal rules set by DFP for those matters. DFP drew that to our attention and the Office of the Legislative Counsel has drafted an amendment, which will place slightly less onerous requirements on the ESA, but ones that still comply fully with what DFP expects on reporting requirements.

The Chairperson: There is the issue of the Comptroller and Auditor General.

Mr C Stewart: That, if I recall correctly, is the crux of the change. We had asked for the particular involvement of the Comptroller and Auditor General, which is not required under the rules on Government accounting. We had gone too far.

The Chairperson: Members are content with schedule 3, subject to its being amended as the Department proposes. We will go through the amendments later; at this stage, however, we want to go through the schedule.

Schedule 4 is the “Transfer of certain assets and liabilities of CCMS before appointed day”. Paragraph 284 of the draft report relates to the commencement arrangements for the provision and the reasons for them. Paragraph 285 of the draft report notes that on 4 September the Department provided the Committee with a proposed amendment to paragraph 2(3)(b) of schedule 4, which refers to clause 49, in which the relevant Church authorities are listed. However, clause 49 is being removed. Paragraph 2(3)(b) of schedule 4 refers to:

“the relevant church authorities (as defined in section 49(5))”.

Clause 49(5) defines the “relevant church authorities” as the Roman Catholic Archbishop of Armagh, the Roman Catholic Bishop of Clougher, and so on. Is that a legal or technical point that is required?

Mr C Stewart: The definition of relevant Church authorities?

The Chairperson: Yes.

Mr C Stewart: Yes, it is. It is simply to identify the Roman Catholic Church. I will remind members of the rationale for the schedule. Unlike the other dissolved bodies, some of the assets of CCMS were not publicly funded. They were provided by the Church, and, on the dissolution of the body, ought to return to the Church.

The schedule provides a mechanism by which to do so. It has been constructed in such a way that assets that ought to be returned to the Church will be identified and returned before the appointed day. Anything that is not returned to the Church goes automatically to the ESA.

The Chairperson: Has an audit of those assets been carried out?

Mr C Stewart: At present, that work is ongoing.

The Chairperson: I have always made the point — which has also been raised by other members — that every sector receives public money. The bottom line is that regardless of whether schools are maintained, controlled, voluntary grammar, or whatever, they have received a substantial amount of public money. In fact, none of them would exist if public money had not been poured into them.

There is the issue of the capital grants that were awarded. Some time ago, we discussed how, after a

particular point in time — 1972 — that money became, basically, unrecoverable. Therefore, if a school received money, which it paid into a particular asset, that asset, despite its being paid for by public money, is now owned by a private body. In this case, it belongs to the trustees. I have never been satisfied that that was good practice, irrespective of who has been the recipient.

Mr C Stewart: Let me offer some reassurance. The focus of those particular provisions is not schools or capital grants to schools: it is the office accommodation of CCMS. The net effect of all those proposals is as follows: CCMS assets that were publicly funded will transfer to the ESA; CCMS assets that were funded by the Church will return to the Church.

The Chairperson: At some stage, will we see a list of those assets and how that has been broken down?

Mr C Stewart: Yes. I am sure that we could prevail upon colleagues to provide that for the Committee.

The Chairperson: Are there any further comments on schedule 4, members? Are members content with schedule 4, subject to the amendment that is proposed by the Department? As there are no comments, we shall move on.

Schedule 5 deals with the transfer of certain staff of the Department. Paragraph 287 onwards of the draft report deals with that clause, which makes provision for the transfer of staff from the Department to the ESA. Staff will be afforded protection of their terms and conditions of employment under the Transfer of Undertakings (Protection of Employment) Regulations 2006.

In that context, C na G raised a concern about the protection of its staff who will transfer to the ESA. The Department's response is set out at paragraph 288. Of course, that relates to the issue of the hybrid Bill, Chris.

Mr C Stewart: The position remains as advised in that correspondence, Chairman. C na G has a perfectly reasonable expectation that its staff who transfer will receive the same level of protection as staff from other any other organisation. The Minister has given an absolute assurance that that will be the case.

However, for the reasons that have been given to the Committee previously, it is not possible to include provisions to that effect in the Bill. That would have the effect of turning the Bill into a hybrid Bill — a mixture of public and private law. As yet, the Assembly does not have the agreed procedures to take forward a hybrid Bill. Therefore, if we attempted to do what C na G wants, in the way that it has asked, the net result would be a significant delay in the legislation.

However, we can give effect to the request administratively. It is the case that a C na G member of staff who transfers will do so with exactly the same

protection as regards his or her pay and conditions and pension entitlement as any other member of staff.

The Chairperson: Have members any further comments? If not, are they content with schedule 5 as it appears in the Bill? As there are no comments, we shall move on.

Schedule 6 is entitled "Schedule 1A to the Education (Northern Ireland) Order 1998, as inserted". It is dealt with at paragraph 289 of the draft Committee report. Clause 29 and schedule 6 insert a new schedule 1A into the 1998 Order, which makes provision for investigation, hearing and determination of disciplinary cases by the General Teaching Council. The Committee considered clause 29 at its meeting on 10 September. At that stage, it indicated that it is content with the clause. If members have no further comments, we shall move on.

Paragraph 290 of the draft report relates to schedule 7 and is entitled "Minor and consequential amendments". It quotes from a letter from the Minister to the Committee dated 17 June 2009:

"An amendment is proposed to Article 29(6) of the 2006 Education Order. This amendment will enable the Department to put in place the appropriate arrangements to facilitate a new exceptional circumstances procedure in relation to post-primary school admissions."

On 4 September 2009, the Committee received detailed and specific wording of the Department's proposed amendment to schedule 7 in the table of amendments. The accompanying explanation states:

"The most significant amendments relate to an amendment to the Education Order 1997 to place a duty on the ESA to appoint Exceptional Circumstances Tribunals to consider appeals from parents regarding admission to secondary school for their children."

There is a consultation paper in members' information packs entitled 'The School Admissions (Exceptional Circumstances) Regulations (NI) 2010'. Could you take a minute or two, Chris, to expand on that particular amendment? It causes some concern.

Mr C Stewart: I am conscious that it takes us into the area of post-primary transfer, which, from time to time, can be controversial, but there is no change in policy behind this. It is not proposed to change how the procedures that are allowed for in the provisions of the 2006 Order operate. The effect of the amendment proposed here is simply to place the function on the ESA. The 2006 Order set out the functions that were to be carried out, and envisaged that a body, without specifying what that body would be, would be established to take those functions forward. In keeping with the RPA policy, the Minister's view is that the ESA ought to be the body that carries out those functions, and that would be the effect of the amendment. However, the procedures, and the policy behind them, would not change as a result of that.

The Chairperson: Any comments, members? The document, 'The School Admissions (Exceptional Circumstances) Regulations (NI) 2010' is in members' yellow pack. There used to be yellow packs in a particular supermarket, if I remember rightly. Will that document go out for consultation?

Ms E Stewart: Yes, I understand that it is going out for consultation.

The Chairperson: How, therefore, do we end up in a situation whereby we have a Bill going through the House, an amendment is tabled by the Department, and we end up going out to public consultation on an element of that Bill? How can that be? Who is in control of what goes on here?

Mr C Stewart: I can answer that: it is the Minister.

The Chairperson: Well, that is what would cause the concern about the way in which this is being done. I have never seen that done before.

Mr C Stewart: Just to put your mind at rest, the consultation will not be on the Bill but on the regulations that will be made under the new power to be introduced by an amendment to the Bill.

The Chairperson: But if the new power is not brought into place — that is, if the Bill is not endorsed — how can you go out to public consultation on regulations?

Mr C Stewart: If, for whatever reason, the Assembly rejected the amendment, then we would certainly have wasted time and effort in consulting on regulations that we would not be in a position to make. However, in order to get to the point where we have effective arrangements in place at the earliest possible date, we have sought to give the Committee the earliest possible sight of the approach that it is intended to take in the regulations. Yes, it could be argued that we are getting things somewhat out of sequence in showing you the wording of regulations when there is not currently a power to make those regulations, but, of course, that is the very approach that the Committee encouraged us to take in relation to employment matters under the Bill.

The Chairperson: With the greatest respect, it is the earliest possible sight and it is as close as the iceberg was to the Titanic — and we know what happened with that one. Members have just now had sight of the document, and that is the difficulty. The first that I saw of the draft report was when I got the folder this morning. We had no idea about it. Obviously, we are going to have to go through that. Do we know when the regulations will be put out to consultation?

Mr C Stewart: I will have to check on that and come back to you.

The Committee Clerk: The documents say that the consultation ends at the end of October. Earlier, the

Committee agreed that it would analyse the outcome of the consultation vis-à-vis the Minister. At that stage, if it so desires, the Committee can receive a presentation.

The Chairperson: Do members have any comments?

Mr B McCrea: Only to say that I share your discomfort, Chairperson.

Mr C Stewart: If members feel that the Department is somehow trying to run away with the game, let me reassure the Committee that it is being given early sight of the draft regulations and that the regulations will not be made until or unless the Assembly approves the power to make them.

The Chairperson: I accept that.

The Committee Clerk: In the bundle of papers, it says that the regulations will be made the day after the Bill becomes law. That is the vision.

Mr C Stewart: They will certainly not be made the day before.

Mr B McCrea: What is the implication if the regulations are not made at that time?

Mr C Stewart: If the regulations are not made at that time there will be no proper procedures in place to deal with exceptional circumstances and appeals. It could be that young people with exceptional circumstances may suffer as a consequence.

Mr B McCrea: I understand that the Minister lectured what she calls the breakaway grammar schools on their transfer arrangements, stating that it was absolutely imperative that exceptional circumstances provisions were put in place.

Mr C Stewart: Members may have a range of views on what they think constitutes appropriate post-primary transfer arrangements. However, I hope that all members will agree that, whatever those arrangements are, where there are exceptional circumstances and appeals there needs to be a robust and effective mechanism for dealing with them. That is what the regulations propose.

Mr B McCrea: Yes, but my point was that schools seem to be being chastised. Perhaps I have got it wrong, but the timing of the regulations seems rather unusual.

Mr C Stewart: It is difficult for me to comment on that. There is a perceived need to put arrangements in place, and this constitutes the earliest possible opportunity to do that.

Mr B McCrea: I will not labour the point. Chris, you know the point that is being made.

The Chairperson: Chris, can you clarify the current position?

Mr C Stewart: I need to check that and come back to you. It is not an area in which I or my team are deeply involved on a day-to-day basis. However, we can provide the Committee with further information.

The Chairperson: Is it simply a case of the current provisions for education and library boards being transferred to the ESA, or is this something different?

Mr C Stewart: I do not think that the provisions that we are talking about have been commenced yet.

Ms E Stewart: No, they have not been commenced yet. The regulations are to do with exceptional circumstances in which a child has, perhaps, a health problem.

The Chairperson: Currently, how is that dealt with? What is the difference between the current arrangements and those proposed in schedule 7?

Ms E Stewart: We would need to check that and come back to you.

Mr B McCrea: Why would you need to bring the regulations forward if there are existing provisions? There must be existing provisions.

Mr C Stewart: There must be existing provisions. However, at the time of the 2006 Order, a need was clearly identified for a different and, one hopes, better approach. For a variety of reasons those provisions have not yet been introduced. One of the reasons for that was that the RPA came along and there was a need to pause, take stock and see what the role of the ESA might be. The conclusion arrived at was that the ESA was the appropriate body to be given those functions. Now, there is a need to get on with that.

Mr B McCrea: The draft regulations state that cases that involve a child's educational ability shall not be considered exceptional circumstances. Is that the substantial point? Are we redefining what exceptional circumstances are?

Mr C Stewart: It is difficult for me to comment in detail because I do not deal with the policy behind that. However, if it would assist the Committee, I will ask colleagues to provide a fuller briefing paper on it.

Mr B McCrea: I want to understand the need for change. I understand, in the first instance, that the Department will have to nominate a body to deal with the matter; that is fine, it will be the ESA. However, the regulations, which are fairly short and simplistic in their outline, say that three things are OK and three things are not. Anyway, you will come back to us on that matter.

The Chairperson: That is why we agreed earlier to ask for a briefing from the Department.

Mr C Stewart: We will arrange that. It is likely to be Dorothy Angus and Paul Price who will provide the

substantive information on that. They deal with policy in that area.

The Chairperson: Paragraph 293 of the draft report shows that C na G had raised concerns about schedule 7, and, if members want to refresh their memory, the Department's response is included at paragraph 294. Moreover, the concerns of the North Eastern Education and Library Board (NEELB) are outlined in paragraph 295, and the response is included in the following paragraph, in which the Minister indicated that she saw value in adding non-teaching staff and pupils to the list of those persons whom the ESA must consult about a development proposal.

Mr D Bradley: Chris, will you explain how the Department addressed the point made by Comhairle na Gaelscolaíochta in relation to trustees of Irish-medium schools?

Mr C Stewart: Will you remind me what that point was, please?

Mr D Bradley: It suggested the need for a provision that gives the trustees of Irish-medium schools a statutory right to be consulted about development proposals that is similar to the right enjoyed by Catholic trustees.

Mr C Stewart: I believe — and colleagues will correct me if I misquote it — that our advice was that that change was not required because the Minister felt that sufficient consultation requirements were already in place. However, at the risk of giving a misleading answer, I will check that and come back to you.

The Chairperson: The NEELB said:

"In relation to Schedule 7 and proposals relating to controlled primary and secondary education, the Board would wish to reserve its position until the outcome of the consultation on RPA Policy Paper 20 is known. Although the general approach as outlined appears sound there may need to be an accommodation depending on the structures that eventually emerge for the management of the controlled estate and the role of the Transferors. The Board notes that in relation to the future of a school, the legislation does not include consultation with non-teaching staff and pupils. Is this not a serious omission?"

Mr C Stewart: I do not know whether we are convinced that it is a serious omission. Consultation with those two parties could, and should — and I am sure that it does — take place. I am not certain that we will be convinced of the need to go one stage further and create a formal requirement in legislation. Although the Minister may not yet be convinced, if the Committee feels strongly about that matter, she will want to consider it.

The Chairperson: From what we gather, the Minister indicated that she saw value in adding non-teaching staff.

Mr C Stewart: I see the value in consultation. Whether or not we need yet more legislation and more requirements on consultation is, perhaps, another matter.

Mr D Bradley: The notes state:

“Paragraph 9(4) of Schedule 7 to the Bill will insert a new article (14) into the 1986 Order, dealing with development proposals. Under that article, the trustees of any school must be consulted about a development proposal that would affect the school.”

Mr C Stewart: That rings a bell.

Mr D Bradley: Has the Committee seen the wording of that?

Mr C Stewart: It is contained in new article 14, which appears on page 49 of the Bill. The particular wording is at line 4 of page 50.

The Chairperson: The Committee will note the concerns that have been raised about the regulations, and we will move on to consider schedule 8, the final schedule to the Bill, which deals with repeals.

Paragraphs 297 to 301 of the Committee’s draft report deal with schedule 8, and I refer members to paragraph 298, which deals with CCMS’s concerns about the repeal of schedule 2 to the Education (Northern Ireland) Order 1998. The Department’s initial response was that:

“respective roles of boards of governors and the ESA will be set out in schemes of employment.”

However, members will note that the provisions on the role of boards of governors in employment matters are now to be included in the draft regulations being proposed by the Minister. The Department’s paper on employment regulations states that those regulations are based very closely on schedule 2 to the 1998 Order. Chris, that was what you told the Committee last week, and that is now the case in what you have presented to us.

Mr C Stewart: That is exactly the case. Many Committee members were concerned about our original proposal that we would regulate the respective roles of the ESA and boards of governors merely by means of guidance. Many members and stakeholders felt that that was not robust enough, and that it did not provide the clarity and certainty that they were seeking. The Minister has listened to those concerns and agrees that there is a need for subordinate legislation, which has now been proposed.

The Chairperson: The caveat that I would add is around partial consultation with stakeholders. That is a major concern for some Committee members.

Mr C Stewart: I understand that, but I assure the Committee that the Department remains willing to consult any stakeholder who is prepared to engage with it on the matter.

Mr D Bradley: Paragraph 17 of the Department’s submission entitled ‘Review of Public Administration (RPA): Employment Arrangements in the First Education Bill’ states that:

“There may be occasions when the law is unclear, and where it is in the interests of all parties to clarify matters through legal proceedings. Where this is the case, the Department would expect

the ESA to support the actions of a board of governors in seeking to clarify the legal position.”

Is the phrase “would expect the ESA” not a little weak? It does not really oblige it to do anything.

Mr C Stewart: If the ESA does not meet the Department’s expectations, then the Department will oblige it.

The Chairperson: Under article 101.

Mr C Stewart: You said it for me.

Mr D Bradley: Is it not possible to make it clear to the ESA in the Bill, without reverting to room 101, sorry article 101?

Mr C Stewart: We could do, but perhaps the key point is that the decision on what to do about the matter is with the boards of governors and not with the ESA. The Department has made clear that it expects the ESA to play a supporting and advisory role in that. If, for whatever reason, the ESA was less than enthusiastic in its support, the right of a board of governors to make the decision that it thought was correct would not be curtailed in any way.

The Chairperson: That concludes this part of our consideration of the Bill. I thank Chris and Eve, who will rejoin us later this afternoon.

The Chairperson: I want to consider the two letters that we received yesterday evening from the Minister and the Department, which have been tabled at B3 in the yellow folder. The letter from the Department responds to many of the outstanding issues raised by the Committee. The letter from the Minister advises the Committee that she will respond shortly on three amendments suggested by Sir Reg Empey, the National Society for the Prevention of Cruelty to Children and C na G, and responds to the Committee’s letter of 9 September, following on from last week’s meeting regarding the local structures of the ESA and also on schemes of employment.

We will deal with the letter from the Minister first and then with the letter from Eve Stewart. Do members have any comments about the letter from the Minister?

Mr C Stewart: May I offer a point of information that is relevant to one aspect of the Minister’s letter? Unfortunately, just before lunch, I inadvertently misled the Deputy Chairperson in response to one of his questions; I was inaccurate, and I apologise. There were two letters from C na G, and I had forgotten about one of them; their content overlaps to a degree. The Minister replied to one of those letters, but has not yet replied to the other. I apologise for that omission. One issue in that letter remains outstanding, and that is mentioned in the Committee’s paperwork. It is the suggestion about the duty on the boards of governors of Irish-medium schools. I apologise to the Deputy Chairperson for having given him an inaccurate answer.

The Chairperson: Thank you. I appreciate that clarification.

Mr Lunn: Since I have asked for it every week for about 18 months, I should welcome the Minister's increase in the number of members of the ESA board and her commitment to stick to the maximum number, which is 14. That was the limit of my expectations, so I am very pleased about that.

The Chairperson: I am concerned about what the Minister says in today's letter to the Committee; at the end of the paragraph entitled "Membership of the ESA" she says:

"I am not convinced of the need for the possible amendment as discussed by the committee for a further duty, and I am not minded to support it."

I am concerned, because although the membership of the ESA board has been increased to a maximum of 14, education is not the same as education and library boards or health: it is more complex and diverse. If the ESA board is to have the confidence of the education community that it exists to serve, it is essential that it be reflective of that community, whether geographical, sectoral or religious. The worst scenario would be a board that, from day one, is perceived or accused of not being reflective of the community that it exists to serve. I speak as a member of the Committee when I say that the DUP has a severe concern that the Minister is not prepared to view that as a real issue that needs to be addressed if we are to have confidence in the ESA.

I am not convinced either that 14 as a maximum is the best option. Last week, we got into a debate about whether 11 or 14 was the best option. Does anyone have a comment?

Mr B McCrea: The Minister's letter states:

"I remain of the view that the role of the ESA is the management and delivery of services according to the policies of the Minister of the day."

Usually, there is a caveat about the Assembly having some sort of influence on such issues, but that has been dropped. That confirms my view that the ESA is a Trojan horse being used by the Minister to put through policies that are not agreed by significant proportions of the people of Northern Ireland or by education stakeholders. There is a difficulty in that. People should realise that education is an important issue for many people, and a one-size-fits-all approach will not work.

There might have been an opportunity to get broad-based consensus if we had brought more people into the decision-making process, but that is not going to happen. I am concerned about the way in which the Minister intends to appoint people to the ESA board. They will be hand-picked by the Minister of the day and be given terms of reference forbidding independent thought; appointees will be allowed to implement only what the Minister decides. Although

the Ulster Unionist Party has attempted to engage responsibly through the scrutiny of the Bill, the Minister's letter does not in any way allay my fears about where the Bill is heading. I do not think that it will be sustainable. I urge departmental officials and the Minister to understand that if we are to make progress, we need to understand the points of views of others.

Mr O'Dowd: I am disappointed and surprised that Basil has based that latest statement, which he has repeated many times in the Committee, on the fact that a line or a sentence has been deleted from a letter. I would not read any intentions into "policies of the Minister of the day." That wording comes from various factors, including scrutiny by the Committee and implementation by the Assembly. The Minister will appoint people to the board in the same way that the Minister of Health appointed people to the various agencies, trusts and boards for which he has responsibility. Such appointment procedures are open to legal challenge by individuals who do not make it through the appointment process and by anybody else who believes that the appointment process has been unfair and does not reflect all the principles of open and fair employment.

It is the same way in which the Minister of Culture, Arts and Leisure appointed nine councillors to the Library Authority. It is not as though the Minister of Education has pulled an appointment process out of thin air; the appointments process has been approved by the Commissioner for Public Appointments, who will monitor and regulate it. That process is open to judicial review if it does not work. How many safeguards do you require?

You should be open and honest if you are opposing the Bill for political reasons. You say that you are open to persuasion and wish to enter dialogue; however, I am the Sinn Féin spokesperson for education, and you have never once rapped on my door and asked to talk about the Education Bill. You have never approached me to suggest that we sit down and talk about the ESA, party to party.

Mr B McCrea: I have, however, spoken to the Minister of Education and her adviser about several issues. I think that she said that that would not lead anywhere because her mind was made up.

Mr O'Dowd: Is that a direct quotation?

Mr B McCrea: It would not be right to give a direct quotation, but that is the essence of her words. I am open to correction if that is not the case.

It is not sustainable for people to say that there is one view, and only one view, on education. There are fundamental differences of opinion, and I am not saying that one is right and another wrong; I am just saying that the different ways of educating our children should be reflected. My party happens to believe in the primacy of parental choice. I accept that there are

other models that can be taken on board. As you say, I have stated it before, but I do not like procedural methods being used to get around policy differences. The scrutiny of the Committee and the oversight of the Assembly amounts to nothing, because there is no possibility of changing things after the event.

You said that I was making this a political issue as though that makes it a dirty issue, but I am here as a political representative; everything that we do here is about politics and trying to find a way forward. If the Bill is used as a way of getting round all the objections, there will be further objections from the community. Phones work both ways, John. I am not aware of you, as Sinn Féin's spokesperson for education and a representative of the Minister, ever coming to me to talk about the matter and attempt to come up with a solution. I am willing to engage if you want to engage.

Mr O'Dowd: I will take you up on that offer, but I will do so as a representative of the party rather than of the Minister.

The member opposite seems to be confused about the role of the ESA. The ESA will not exist to carry out the role of the Committee or the Assembly; it will exist to implement and manage day-to-day educational practices. The implementation of that and the policies and procedures that flow from the ESA will be directed by the Department or the Minister and by the policies and statements that have to be agreed by the Assembly and the Committee.

Perhaps Mr McCrea wants to live in quangoland for the rest of his life. I want to move away from quangos; that is why the Assembly is in place. People are elected to this place to debate politics and to thrash out solutions, and I have no difficulty with what you said in that regard. When I say that you are approaching the Bill from a political point of view, I do not mean left, right, unionist or republican; rather, I mean a tactical position of stopping the Bill because of the Minister who sponsored it. If that is the case, I think that you are making —

Mr B McCrea: That is not what I said. My party is concerned about the Bill because, if I read the letter correctly, it will be used to implement the policies of the Minister of the day.

The problem is that I have no influence on the policies of the Minister of the day; yet many people who talk to me and other Committee members disagree with the policies of the Minister of the day. We will be creating a large bureaucracy, not dissimilar to the Department of Education, to which people can come with good ideas, yet those ideas will be turned down because of what is stated in the regulations.

The Chairperson: I do not want the Committee to become embroiled in difficulties that have arisen in correspondence between the Ulster Unionist Party and

Sinn Féin; that is an issue for those parties. I have raised a concern from my party's perspective about the Minister's response. It behoves the parties in the Committee to regard that letter as outlining the Minister's definitive position and vote accordingly on the amendments.

If John's analysis is correct, why did the Catholic bishops intervene on employment issues? They raised genuine concerns that will now be reflected in changes to the Bill. Basil and others are raising genuine concerns about how the Minister's intentions will affect a particular sector or sectors. John, you say that there is nothing wrong and that there is no cause for concern. You advocate that we all sign up because the ESA will deal only with how to organise chairs, cut grass, and so forth.

If that were the case, amendments would have not been proposed by the Minister to deal with the genuine concerns of the Catholic bishops. Therefore, we must take seriously the concerns of members and other organisations who feel that some provisions of the Bill do not reflect their needs as education providers.

Mr O'Dowd: Let me clarify. Basil objects to the Minister's letter because several words are missing from it that had been included in a previous letter. I would not read too much into that. The process, although painstaking, repetitive and sometimes monotonous, has been useful. Perhaps we could have done it differently or more efficiently, but it has been useful.

The Catholic bishops or trustees raised concerns before the process even started, and any genuine concerns should be listened to and, if possible, resolved. Many concerns were resolved as the Bill was being drafted. The ESA is an important body and represents a major change to the education system. Some members' concern is that the ESA will carry out the policies of the Minister of the day: they should remember that the education boards, each with 35 or 40 members, were not policy-making forums; their role was to carry out the policies of the Minister of the day.

The Chairperson: Other elements in the letter include the local structures about which the Minister says:

"The regulations, far from providing certainty and clarity, may merely impose a solution with no guarantee that it will be fit for purpose, or that it will meet evolving local need."

The Minister does not, therefore, accept what the Committee said about putting in place regulations to provide clarity. We sought clarity not so much on the form but on the function of local committees; it was the function that we considered important and we made that distinction. The maximum number of the ESA board members has now increased to 14. Remember, the Minister said that if 11 committees are set up, the chairperson will be one of the members of the ESA.

That would mean someone having to be chairperson of two bodies.

Mr Lunn: There will be 15 members.

The Chairperson: That is correct; there will be 15 altogether, including the chairperson.

Mr O'Dowd: It is important that the record reflect accurately what the Committee has done thus far. The Committee did not agree on an amendment; it suggested an amendment to the Minister.

The Chairperson: Yes, and that amendment has been rejected. Therefore, it is up to the Committee to decide whether it should propose its own amendment, and we will come to that.

Mr B McCrea: What is the position on that? Since the Committee is unlikely to get consensus on those issues, can it propose an amendment by majority vote?

The Committee Clerk: Yes; a paper has been circulated to members dealing with that issue. The Committee must examine each of the 55 clauses and 8 schedules and decide on three possible options: first, the Committee must decide whether the clause as drafted stands — in other words with no amendments; secondly, the Committee can decide on the Minister's amendments; thirdly, the Committee can propose its own amendments. Consensus is neither here nor there; any vote will be taken on a majority basis, as Mr McCrea suggested.

Those are the three possible decisions on each clause. The paper that has been circulated spells that process out and it is a process that must be completed by 24 September 2009, or by 25 September 2009 at the latest if the Committee decides to hold another meeting. However, that is for the Chairperson to discuss with members.

Mr B McCrea: Would any vote that we take be recorded?

The Chairperson: Yes.

I want to raise concerns about the employment arrangements in the Bill. In the final paragraph of the Minister's letter of 16 September 2009, she states:

"I welcome the Committee's support for the amended employment arrangements".

That support, I feel, must be with the caveat that concern was expressed at the Committee meeting earlier today. From our discussion with Chris Stewart, the Committee learned that it seems that only one sector engaged in consultation with the Department, and in saying yea or nay to the Minister's proposed amendments. That is gravely concerning, and raises a further concern regarding what the Bill proposes.

I wish to consider members' views on the letter from Eve Stewart, which is a summary of some of the

concerns and issues that were raised on clauses and schedules. One of the core elements of the letter, which provides new information, concerns the controlled schools ownership body that Basil raised earlier. There is concern about the timing of the establishment of that body and how it can be focused, given the very short timescale for establishing the ESA.

If members do not wish to raise issues, given that some of those issues were referred to earlier in the Committee's examination of clause 12 and 50, I suggest that we continue our clause-by-clause scrutiny.

That done, the Committee will next week go through clauses 1 to 55 and schedules 1 to 8, clause by clause, following the procedure that the Committee Clerk outlined earlier. I am aware that the process is laborious and repetitive, but we had to go through the Bill clause by clause. All we have to do now is go through the departmental amendments, and that will conclude the process.

The Committee Clerk: That is correct. Basil McCrea raised the business of the Committee's formal clause-by-clause decision making on the Bill; that process will be recorded in the Committee's report that will go before the Assembly for Consideration Stage.

The secretariat needs direction from the Committee. We are hearing individual members' concerns about what amendments might be drafted. If the Committee is considering an amendment, members need to know all the possible options.

I will put any amendments that have been discussed by the Committee against the relevant clauses. For example, suggestions have been made to the Minister, and the question is whether or not the Committee considers those amendments next week when it deliberates on the clauses. I will put all the options before members, and the Committee can decide which option to go for.

The Chairperson: That is not to say that the Committee agrees to the amendments. It is a scoping exercise in light of the letter from the Minister and the Committee's deliberations to date. Any possible Committee amendments will be in addition to the Department amendments that we will consider.

The Committee Clerk: Yes.

The Chairperson: If members are content with that, they will have the amendments before next Wednesday.

Mr B McCrea: Let me make sure that I have got it right: you are suggesting that we give a scoping exercise amendment to the Clerk before next Wednesday. Do those amendments have to be technically competent?

The Chairperson: No; I do not mean that members should submit amendments. For example, the Minister said that she is not minded to establish committees;

therefore the Committee must decide, having regard to its deliberations on the matter, whether we still want to propose an amendment.

Mr B McCrea: There are some proposed amendments to which we have tentatively agreed.

The Chairperson: In our letter, we set out our concerns about local committees, the schemes of employment and the membership of the ESA, to which the Minister said no. However, the Committee needs to make a decision. Therefore we are asking the Committee staff to draw up amendments that reflect our concerns and on which we can vote. It can be confusing. However, we are trying to simplify the process so that no one can accuse the Committee of not doing what it proposed to do.

We are at the final stage of our consideration of the Bill, and time is not on our side. I suspect that we will have to go through this next Wednesday, and again on Thursday morning. The Committee could meet for two hours on Thursday morning to go through clauses 1 to 55 and schedules 1 to 8. That would allow the Committee to come to a definitive position on the Bill.

Mr B McCrea: I agree with that. However, next Thursday is difficult for me as there is a meeting of the full Policing Board.

The Chairperson: OK. We will have to meet on Wednesday afternoon.

Mr D Bradley: Will the Policing Board meeting last all day?

Mr B McCrea: It will last until 3.30 pm or 4.00 pm.

The Chairperson: What time does it start?

Mr B McCrea: It will start at 9.30 am. I might be able to do an afternoon. I would accommodate people.

The Chairperson: The Committee needs to decide whether it will meet on Wednesday afternoon as well as on Wednesday morning. We could have a break for lunch and meet for two hours after lunch.

Mr B McCrea: I have advance notice, and I am happy.

The Chairperson: I appreciate that. It is an important issue for you.

Mr B McCrea: Yes, it is. The Committee Clerk will do his level best to give us sight of our tentative amendments well before Wednesday.

The Committee Clerk: I shall attempt to put before the Committee all that has been considered during these deliberations, particularly with regard to communications with the Department. For example, there have been various discussions on the number of ESA members, and there may be different views within the Committee on the Minister's proposal to change the range of membership to 11 to 14.

Mr B McCrea: Given that we may have to talk with other colleagues who are not here, it would be better to get that information before 5.00 pm on Tuesday. However, I know that that puts a bit of pressure on you.

The Committee Clerk: The intention is to put the information in the black folders for Wednesday's meeting. Members will get that folder first thing on Monday morning, perhaps. That is an extra task that I am putting on my colleagues.

Mr B McCrea: Alyn, the Assistant Assembly Clerk, looks as though he is up for it. *[Laughter.]*

Mr Lunn: To get some advance notice, are we talking about meeting on Wednesday afternoon or Thursday morning?

The Chairperson: We had better make that decision now. I appreciate the difficulties, and I try to be as helpful as possible. Is it better to say that we will meet on Wednesday morning, break for lunch, and come back at 1.00 pm or 1.30 pm, with the purpose of going through the amendments?

Mr Lunn: It seems to work reasonably well. We are all here except the DUP, so it is working great. *[Laughter.]*

The Chairperson: But I am still here, Trevor, so you will not get past me. I am not as liberal as you think. *[Laughter.]* OK, so we will meet on Wednesday afternoon.

Mr B McCrea: Wednesday afternoon suits me better.

The Chairperson: That is fair. Unless someone says that they have a real problem with that, we will try to work along those lines.

The Committee Clerk: So the Committee will start at 10.00 am on Wednesday and move through into the afternoon, as we did this morning.

Mr B McCrea: I do not mind what time the Committee starts, if that is of any help.

Mrs M Bradley: We can start at 9.00 am, if you like.

Mr Lunn: Do not start that: 10.00 am is fine.

Mr B McCrea: We will leave it that we will start at 10.00 am.

The Chairperson: OK, we will start at 10.00 am.

Let us move swiftly to the departmental amendments to clauses 1 to 23. I refer members to the table of proposed departmental amendments and the Department's spreadsheet.

Mr B McCrea: Are we noting the amendments or considering them?

The Chairperson: We will just consider them briefly.

Mr B McCrea: And next week we will say yea or nay to them?

The Chairperson: Yes. If there are any points that need clarification, Chris will be here. Obviously, Chris will not be involved in the decisions, so, at that stage, there will be no requirement for Chris to be present. We will have a farewell gift for you, Chris, so do not worry.

Mr C Stewart: I do not know what we will do on Wednesdays.

The Chairperson: Members will recall that clause 2 deals with the ESA's functions and general duties. The first amendment is to clause 2(2)(b), which is referred to in paragraph 72 of the draft report. It explains the background to the Department's amendment, which seeks to address a concern raised by a number of stakeholders. Do members have any comments?

Mr B McCrea: I remember when we discussed that matter, but I might have missed the reply to the suggestion that the word "mental" be included in that paragraph. Was there a reply?

The Committee Clerk: That is a separate proposal in another clause later in the Bill.

Mr B McCrea: That is OK. The Bill imposes a duty on the ESA to contribute to children's moral, cultural, social, intellectual and physical development. I suggested — and there was some support for it — that given the impact of mental-health issues, mental development should be included. I remember that issue being raised, and I remember people saying that it was a good idea. I do not recall whether we received a response.

Mr C Stewart: The response is in Eve's letter of 15 September 2009.

Ms E Stewart: The duty for mental health rests with the Department of Health, Social Services and Public Safety (DHSSPS), and it is not appropriate for two Departments' duties to overlap.

Mr D Bradley: The Department of Education provides health education, social and personal development and professional counselling, which is aimed at improving the mental health of children, especially those who are under particular pressures. That defeats your argument that mental health is solely confined to the sphere of the Department of Health, Social Services and Public Safety. It clearly is not. The Department of Education has a responsibility, too; that has been highlighted by the fact that the Department has brought in professional staff to help young people after the terrible spate of suicides in various parts of the North in the past number of years.

Mr C Stewart: We would not for one moment argue that mental health is solely the preserve of our colleagues in health and social services or that education does not have a key role to play. For the reasons that Dominic has given, it clearly does. However, the Minister is concerned that placing two almost identical duties on two separate Departments will be a recipe for a lack of

clarity, and for confusion, overlap and, perhaps, unseemly tussles between the two Departments about which is responsible for what. It corresponds with the view that DHSSPS colleagues have taken on the special education review. For the same reason, they resisted the notion that health and social services bodies should have a statutory duty in relation to special education.

Mr D Bradley: Using that argument, you could say that, because the Department of Culture, Arts and Leisure is responsible for sport, PE should not be taught in schools, or that, because it is responsible for culture, culture should not be included in this clause. You cannot have it both ways.

Mr C Stewart: We do not seek to have it both ways. However, there is a difference between recognising the role of education in the various spheres of development and a statutory duty for mental well-being, which, I think, members had originally proposed.

Mr D Bradley: The fostering and development of good mental well-being is as much a part of education as intellectual development.

Mr C Stewart: It depends whether we are talking about — to use the common shorthand — mental health or mental development. If we are talking about mental development, the Department argues that it is covered by the requirement for intellectual development. If we are talking about mental health, we argue that that represents an overlap with our colleagues in the Department of Health, Social Services and Public Safety.

Mr B McCrea: I fully support Dominic's point. Approximately 20% of young people suffer from some sort of depression or face a mental challenge, and there are unfortunate incidents of suicide, and so on. We have already talked, even earlier in today's meeting, about sexual education and domestic violence, which are the preserve of the Department of Health, Social Services and Public Safety. However, those issues affect education as well.

I truly believe that an emerging theme is the importance of young people's mental well-being. If we ask schools to take a role in that — which we appear to be doing, because they have counsellors — we ought to give them the remit to do so. Otherwise, they, or the ESA, will be carrying out work that we have not asked them to do. The inclusion of that one word may sound insignificant: however, if we want to be progressive, it is an important way forward.

Mr D Bradley: We are splitting hairs as regards the definitions of mental development, intellectual development, and so on. There is a close relationship between mental and intellectual development and mental health. If a child does not have good mental health, that has a detrimental influence on his or her mental and intellectual development. Therefore, if schools can

help to foster — not be solely responsible for — good mental health in their programmes, which they do already in their social and personal development programmes, that enhances schools' ability to nurture children's mental and intellectual development.

Mr C Stewart: You are coming dangerously close to taking my side in the argument. It is important that we do split hairs. If we do not have precision and clarity about the legislative duties that we place on organisations, it is a recipe for extreme difficulty down the line which, ultimately, would only be resolved by the courts.

It is absolutely correct to say that education services have a role to play in fostering mental health. You are absolutely correct to say that in the absence of mental health, intellectual development would certainly be impaired. In the absence of physical health, intellectual development would certainly be impaired. However, there is no proposal to make the education and skills authority responsible for the physical well-being of children and young people. There is a responsibility for it to contribute to children's physical development. The two matters are quite different.

Mr Lunn: I am listening to all that with interest. I am not sure whether we are talking about well-being, health or development. Basil started off talking about mental health, which appears to me to be, primarily, a matter for the Department of Health.

If the ESA manages to make a positive contribution to children's spiritual, moral, cultural, social, intellectual and physical development, surely that should go a long way towards, at least, providing a level of mental well-being. When you move into mental health, that is a different matter. That clause will help to produce happy, well-rounded, holistically perfect children.

The Chairperson: Is there a way out of that by means of delineation between function and duty? At present, we are talking about function under clause 2. However, clause 23 is about general duty. Can something be included there? Would that help? Perhaps, I am answering my own question. Is clause 23 merely a restatement of what appears in clause 2(2)(a)?

I understand what you are saying, Chris, about who would, ultimately, have responsibility. However, even with current legislation, we already have that problem because people try to argue that something is the responsibility of the Health Department, while others argue that it is the responsibility of the Education Department.

Mr C Stewart: I believe that if the focus were to shift to clause 23, it would make matters worse, because it deals with the general duty of the Department, rather than that of the ESA. Certainly, if there are two Departments with overlapping statutory duties, it raises all sorts of issues.

The concern that members have expressed is a real one. No one would disagree with that. It is the need for a range of statutory authorities, which have a contribution to make, to operate in a joined-up way, and not to spend their time arguing with each other about who is responsible for what. I do not believe that there is any disagreement about the problem. However, there might be disagreement on what would be an effective solution.

It is our contention that overlapping statutory duties are not an effective solution. A better solution might lie in seeking some sort of compulsion on the ESA and health authorities to co-operate. That might take us into the realms of community planning, which would bring a third Department, our colleagues in the Department of the Environment (DOE), into the equation.

Mr B McCrea: Perhaps it is late in the day to be going back over the issue, but a tree in Hillsborough was cut down without telling anyone because a second person was found hanged from it. A 14-year-old child hanged herself because she was depressed. I deal with such incidents all the time, and I do not know what to say on those occasions. The same thing happened in Dromore. If we consider the effect on the school, community, and so forth, the loss of a child who has taken his or her life is simply devastating.

That is a genuine concern that educationalists should be picking up on. Child psychologists and others are involved but we should also take some responsibility. To pick up on Dominic's argument, it could be argued that spiritual and moral development are not the business of education and are the responsibility of the Churches. The similar argument that could be made about culture is that it is the responsibility of the Department of Culture, Arts and Leisure and is none of the Department of Education's business. It could be argued that physical development is the responsibility of the Department of Health, Social Services and Public Safety, and not the Department of Education. It is not a matter of semantics, but a change in the way that schools should be seeking to bring up young people.

Dominic is right in saying that if some young people are either physically or mentally unwell, that will have a hugely detrimental impact on their development. That impact could spread to colleagues, friends, and so forth. Whether the issue is included in the Bill or not, the problem will persist and the schools will have to deal with it, but without any support. I am simply saying that, if we are seeking to be progressive by tackling a modern and emerging issue, the Department of Education, through its agent, the ESA, and the schools should address the issue of mental well-being.

The Chairperson: The Committee will give a joint presentation with the Committee for Health, Social Services and Public Safety, probably in October, based

on Professor Ferguson's report that deals with health and education. Work is, therefore, ongoing. Speaking personally, I would not trust the ESA and the Department of Education with the issue of spiritual well-being, which is why my children are being educated in an independent Christian school, but I will not go into that. The fact that it is mentioned in the Bill does not cause me undue concern but the fact that another sector is not mentioned is a huge issue and a matter of concern.

Mr D Bradley: I would be happy to insert the word "mental" between social and intellectual, so that it would read: social, mental, intellectual and physical development. There is a difference between the mind and intellect. Intellect is a function of the mind, but there is more to the mind than purely intellect. Someone may function adequately intellectually but suffer from poor mental health.

Mr C Stewart: I will not second-guess what he will say, but I strongly suspect that legislative counsel would regard that as a tautology.

Mr D Bradley: What the Office of the Legislative Counsel regards as a tautology may differ from what people living in the real world regard as a tautology.

Mr B McCrea: What is the Ulster Scots version of tautology, as a matter of interest?

The Chairperson: It might be codology.

Chris, will you explain how the Office of the Legislative Counsel defines tautology?

Mr C Stewart: It defines it as the unnecessary repetition of two terms that have the same meaning.

The Chairperson: Chris, that is most impressive.

Mr D Bradley: I have just explained that mind and intellect do not have the same meaning. Any of the terms concerned are open to interpretation, particularly moral and spiritual. We have heard from the Chairperson that he would offer an alternative interpretation of spiritual.

Mr C Stewart: The usual approach that legislative counsel and other draftsmen take is that where a term such as that is not sufficiently, clearly and universally understood by the right-thinking man in the street, a specific definition is included. Where, by your argument, two terms are very close, or perhaps two different dimensions of the same thing, and where they are both to be mentioned in the same sentence, then we have to define them both.

Mr Lunn: I think that Dominic has got it in one. We are nearly there. If we put the word "mental" in clause 2(2)(a) rather than the words "mental health", it will mean mental development because the word "development" appears at the end of the list.

Mr C Stewart: Mental development as an alternative to intellectual development would, I am sure, be perfectly

acceptable. However, that does not answer Basil's point; mental development it is not the same as mental health.

Mr Lunn: I am struggling to see the difference between mental and intellectual; I think that they overlap. However, as long as we are not talking about mental health and intruding on the Health Department's patch, I am more than happy. I cannot see any harm in it; we are talking about mental development, spiritual development, moral development and cultural development.

Mrs M Bradley: I think it is important for young people that we find some way of getting that wording in. Any youth groups that I know of are working with young people with mental-health problems to try to give what support they can to those who avail themselves of their facilities. How do we include the matter in the Bill? We could include the phrase "health and well-being"; perhaps that is not strong enough to cover all sorts of health problems.

Mr C Stewart: My concern is that that would be too strong.

Mrs O'Neill: A lot of good work on mental health is being carried out jointly by the Health Department and the Education Department. In particular, there is a focus on some sort of work programme for mental-health issues to be dealt with in schools.

All the aspects of development that are mentioned in clause 2(2)(a) contribute to the overall well-being of a person. The clause takes a whole-person approach, and that is good. However, PlayBoard springs to mind as an example of something that is passed between the Health Department and the Education Department because we are not sure who is responsible for it. Chris, are you saying that we could end up in a similar situation with this provision?

Mr C Stewart: That could happen, but another issue could arise if you give an education body a specific legal duty around mental health. At the moment, there is joint participation and working by the two sectors, but, in the area of mental health, the overall priorities are determined and led by the Health Department, which has the greater professional expertise in that area. If there are two bodies with similar duties, that will create rivalry. The Health Department and the Department of Education would both be bidding for scarce resources in the mental-health field, and arguing about where the priorities ought to be. It strikes me that that is not going to provide an effective solution to the sorts of problems that Basil quite correctly pointed to.

The Chairperson: Surely that is an admission that the two Departments cannot come to an amicable arrangement as to what ought to be done. It is not a definitive interpretation. If you take Dominic's point, the word "mental" would be used in the context of development and not in the context of health. That may not go far enough for Basil, but it would, at least, put

the onus on the ESA to make sure that it pays due regard to mental development — I do not know whether we want to get into that. At least the word “mental” would be included in the clause. If it is not included, it will not even be considered.

Mr C Stewart: I understand that, and I understand that it might provide some reassurance to members and, perhaps, the public at large. Forgive me, however, if I look at the matter through a civil servant’s eyes. Our job, when not dealing with legislation, is to make the best possible case for funding for education, to argue that it is the most important area for the Assembly to consider and to ask the Assembly to give us lots of money. If Eve and I were transferred to the Health Department tomorrow, we would do exactly the same job arguing for its priorities. Government always face the difficulty of allocating scarce resources between competing priorities. If we set up a situation whereby two Departments are making rival bids or arguments for the same thing, that will not solve the problem.

Mr B McCrea: I think that the mental well-being of children in schools should be a fundamental responsibility of the Department of Education. I do not think that the issue can be addressed as well in other areas. I realise that that may involve a change in policy, and one which may have to be debated elsewhere, but I cannot get away from the fact that the mental well-being of children is inextricably linked with their overall well-being and their educational advancement. Indeed, the Committee has received papers on that fundamental issue, and we attended an event in the Long Gallery.

I am telling you now, folks, in the gentlest and nicest way possible, that whether you propose an amendment or not, I will be bringing an amendment to the House on the issue. The schools have been placed in an invidious position, and the Committee ought to give them the support that they require. Schools are best placed to tackle some of those issues, and they should have the support of their colleagues in the Department of Health. I am not suggesting that teachers should go to the hospitals to speak to patients there. My point is that children are in their teachers’ care, and there are serious ramifications if mental-health issues are not picked up on. We, as part of the education system, should be progressing that issue. My feelings on that issue are as strong as Mary’s.

Mr D Bradley: I wish to make a proposal that reflects what Chris said earlier. I would be reasonably happy if the Committee proposed replacing the word “intellectual” with “mental” in clause 2(2)(a). I do not know whether Basil would be happy with that. To my mind, the word “mental” is a much more inclusive word. It includes intellectual development and the development of emotional intelligence, which is key to good mental health.

Mr B McCrea: I would have a difficulty with the word “intellectual” being removed from that clause altogether. The whole idea of a school is that it should enhance people’s intellectual ability. I know that Dominic is seeking a compromise, and I am not averse to that, but I feel that I should raise that point.

The Chairperson: In light of that conversation, and if Dominic is happy with the suggestion, can we ask the Committee Clerk and his staff to formulate an amendment that we could consider as a Committee? I am very conscious of the timing issue with respect to the Bill Office, as we are at a critical stage. However, if that amendment could be produced by next week, the Committee would be able to consider it.

Mr B McCrea: OK. Thank you.

The Chairperson: That discussion was very useful. Let us move on to consider clause 2(2)(b), to which the Department is proposing an amendment. That amendment clarifies that the duty on the ESA in relation to youth services is similar to the duty in relation to schools and educational services. Are members content with the amendment?

Members indicated assent.

The Chairperson: Of course, that is subject to the amendment being brought forward to include the word “mental”, or whatever form of words is agreed.

Mr Lunn: Does what we are talking about apply to clause 2(2)(a) rather than clause 2(2)(b)?

The Chairperson: It would apply to clause 2(2)(a).

Mr Lunn: It follows, then, that if the Committee found a wording that suited it in clause 2(2)(a) —

The Chairperson: The Committee would have to amend clause 2(2)(b).

Mr Lunn: The Department would obviously agree to change it. If that is the case, would the Department then also agree to change clause 23? It uses the same wording as clause 2(2)(a) except that instead of the word “contribute”, clause 23 uses the word “promote”.

Mr C Stewart: I think that it would be essential that the general duty of the Department matches the general duty of the ESA. Therefore, whatever changes the Assembly decides to make will, no doubt, apply to both.

The Chairperson: Are members content with that?

The Department proposes another amendment to clause 2, inserting a new clause 2(4A) to place a duty on the ESA to encourage and facilitate Irish-medium education. I must say that I have an issue with the amendment.

Mr D Bradley: May I ask Chris why the Department uses the terminology “Irish-speaking school” and not “Irish-medium school”?

Mr C Stewart: “Irish-speaking school” is the terminology in the Education (Northern Ireland) 2006 Order.

The Chairperson: Do members have any other comments?

Mr B McCrea: Yes, just the expected one, that an equality issue is involved. One must try to deal with all sectors. The trouble is that it raises difficulties if one sector is included and others are left out.

The Chairperson: I have an issue with the fact that the legislation places a duty on the Department to encourage two particular sectors: the Irish-medium and the integrated sector. There are other sectors, including the maintained and controlled sectors. Since the Minister tells us that she wants equality, we must strive for equality. I do not think that the new clause 2(4A) helps to achieve equality.

Mr D Bradley: I beg to disagree. The reason that Comhairle na Gaelscolaíochta wanted the new clause included is partly historical; it is not an attempt, on behalf the Irish-medium sector, to lord it over any other sector. Because the Irish-medium education is relatively young in comparison to other sectors, with the possible exception of the integrated sector, it was left out — not always deliberately — and provision was not made for Irish-medium education in the various policies of the Department of Education and other educational bodies, such as the CCEA. There was a feeling in the sector, particularly with Comhairle na Gaelscolaíochta, that it wanted to be sure that in future under the new educational body, the ESA, there would be no repeat of such neglect. The sector felt that the best way of assuring itself that it would not be neglected was to ask for new clause 2(4A). .

Mr B McCrea: I have no problem with tackling the issue to find a solution. However, had an amendment come forward that:

“the ESA shall be tasked with encouraging and facilitating the development of education among white, Protestant middle-class schoolchildren who live on the Malone Road”,

there would have been an outcry because that is not fair.

Mr D Bradley: That would be a racist proposal, and it is wrong to compare it with what has been proposed.

Mr B McCrea: It was not a proposal; it was designed to highlight the dangers of singling out individual issues. Although I can be won over by your argument about the historical problems, and I am sympathetic to finding a resolution, if that proposal is included on its own it will be misinterpreted. It is counterproductive. If the Irish-medium sector wants to address certain issues, it should find a way to do that; but this approach will cause problems.

Mr D Bradley: To all intents and purposes, the ESA and the Department have that responsibility already.

The Chairperson: Why, then, is the amendment necessary?

Mr D Bradley: I have already explained why it is necessary: historically, the experience was that the Department did not always discharge its responsibility to the Irish-medium sector; not always through deliberate neglect, but often through lack of forethought.

Miss McIlveen: Is it a matter of perception by the Irish-medium sector that it is not being provided for, and is the amendment necessary?

Mr C Stewart: Those are matters of policy on which it would not be appropriate for me to comment.

Mr D Bradley: I will comment if you want, Michelle: it was not perception; it was experience. The sector thought that the amendment was one way of ensuring that there would not be a repetition of what happened under the Department up until now.

Miss McIlveen: Basil made the point that that sector had a loud enough voice to have the ear of the Minister to have such an amendment included that another sector might not have had.

Mr D Bradley: I think that it was I who promoted that amendment on behalf of Comhairle na Gaelscolaíochta through the Committee or through a letter to the Department.

The Chairperson: When C na G was before the Committee it gave a cautious welcome to a suggestion by one Committee member that a duty should be placed on the ESA to facilitate and develop all sectors. Do you remember?

Mr Lunn: I am glad to see that the suspicion that I sometimes refer to is a two-way street. It seems to me that the first line of —

Mr D Bradley: I am sorry; I did not quite catch what you meant.

Mr Lunn: I have frequently accused the other side of the House, so to speak, of being suspicious of the Minister’s intentions. Now, I find that —

Mr D Bradley: Everybody is. [*Laughter.*]

Mr Lunn: Not precisely; but surely that clause covers all grant-aided schools, including Irish-medium schools. I am not without sympathy for what Dominic is saying, but the clause as it stands does the job that it is meant to do, and it surely —

The Chairperson: And there is no requirement for the amendment.

Mr Lunn: There must be some other way, apart from the amendment. I could argue that another amendment, say 2(4B), should facilitate and encourage integrated

schools, but there is no such need. There must be another way to hold the Department to account if it neglects one sector, whether the Irish-medium sector or any other. I do not see the need for the amendment.

The Chairperson: Do you want to comment, Chris?

Mr C Stewart: I will, with the caveat, of course, that anything that I say is not an attempt to justify or promote a particular policy line but merely to explain what the Minister is attempting to do. Dominic accurately summarised C na G's argument, which the Minister has accepted. The purpose of that clause is not to get the ESA to promote one form of education at the expense of another. It is to recognise that Irish-medium education has particular needs and that in order to meet those needs, the functions that the ESA discharges — and the new clause does not give it any new functions — need to be discharged in a particular way. That is the meaning of the words to which Trevor referred: its functions relating to grant-aided schools. The plain English explanation of clause 2(4A), if I could attempt one, is that in doing what it does for schools, the ESA must recognise that Irish-medium schools have particular needs.

The Chairperson: That could be said of the other sectors. The Department's own report identifies underachievement among working-class Protestant boys. It could be argued that a duty should be placed on the ESA with regard to controlled schools, as its own research shows there to be a huge problem there. Why can we not argue for equality? Why should we argue for one sector over another?

That is the problem that the amendment creates. I take Trevor's point: the clause is sufficient without the amendment.

Mr C Stewart: It is not for me to argue for or against a particular policy line.

The Chairperson: I appreciate that.

Mr C Stewart: The Minister's thinking reflects the fact that the needs of Irish-medium education arise from the fact that teaching and learning are carried out through the Irish language. In areas such as examinations or curriculum support, the one-size-fits-all approach is unsuitable. In order to encourage and facilitate the development of education in those schools, the ESA must adopt an approach that recognises their needs, which, many argue, are unique.

The Chairperson: OK. I take it from the discussion that members are not content, at this stage, with the Department's amendment to insert proposed new clause 2(4A).

Mr D Bradley: Some of them are not.

The Chairperson: Some of them are.

Mr Lunn: Some of them are still reflecting.

The Chairperson: The next proposed amendment is to clause 3. We might get to the end if we concentrate for the next few minutes. Members will recall that clauses 3 to 12 deal with the ESA as a single employer of all staff in grant-aided schools and schemes of employment. Members should refer to paragraphs 87 to 91 of the draft report. We have already had some discussion on this issue. Do members have any comments?

I am gravely concerned that there has been consultation with one sector but not with another. The voluntary grammars, represented by the GBA, have not had any consultation or contact with the Department to ascertain its views. I stand to be corrected, but I assume that this amendment has been approved by the trustees of the maintained sector or it would not have got this far.

Mr C Stewart: Not necessarily, Chairman. The trustees have not yet given a formal response to the Minister, but informal contact with representatives of that sector suggests that they feel that the amendment is on the right lines. I understand that the Minister is due to meet the GBA this week. Unfortunately, that organisation, in giving evidence to the Committee, indicated that it did not wish to have contact with departmental officials.

The Chairperson: Will those discussions take place?

Mr C Stewart: The Minister intends to meet the GBA this week.

The Chairperson: If we engage with stakeholders, we have a duty to engage with them all.

Mr C Stewart: I agree. Our door is open to all stakeholders.

Mr Lunn: Did the GBA give any reason for not conducting talks?

Mr C Stewart: If memory serves, its representatives gave two contrasting reasons. The first was that they were too busy; the second was that they did not feel that they would hear anything new.

Mr Lunn: That is amazing.

The Chairperson: If an organisation takes that view, can you consult one stakeholder but not another?

Mr C Stewart: We welcome consultation with any and all stakeholders; however, I cannot force the GBA to meet me.

Miss McIlveen: I missed that earlier. Has the Department not made any approaches to the GBA since it made its presentation to the Committee?

Mr C Stewart: No.

Miss McIlveen: Because of comments that were made to the Committee?

Mr C Stewart: We have indicated to the GBA that we are prepared to meet it at any time to discuss the issues.

The Chairperson: Was the text of the amendment sent to the GBA?

Mr C Stewart: No.

Miss McIlveen: Therefore there has been no contact whatsoever between —

Mr C Stewart: Not since the GBA ended contact.

The Chairperson: OK. Are members content, at this stage, with the Department's proposed amendment? I am certainly not content.

We move to clause 4, which relates to employment schemes for grant-aided schools. Members will recall stakeholders' concerns on the issue of employment schemes. The Minister now proposes to amend clause 4 by inserting the following at the end:

“(4) The Department may by regulations make provision as to the form and content of employment schemes.”

This matter is covered in paragraphs 93 to 111 of the draft report. The Department's employment paper and draft regulations have been received and are included in members' packs. Do members have any comments? I suppose that this amendment follows on from the amendment to clause 3. If a change is made to clause 3, a change must be made to clause 4.

Mr C Stewart: The two amendments are related, Chairman, but one does not necessarily follow the other. The change to clause 4 reflects the concern of many members and stakeholders that it is not sufficient to regulate employment schemes simply with guidance. Members and stakeholders felt that greater clarity and certainty were required in the form of subordinate legislation, and that is the approach that the Minister has decided to take.

The Chairperson: If members do not have any comments, we will move on. Clause 6 relates to the reserve power of the ESA to make employment schemes. We are at paragraph 114 of the draft report, and the amendment appears to stem from the enabling provision that we have just considered in clause 4.

Mr C Stewart: You are correct, Chairman. This one is consequential to the previous amendment.

The Chairperson: If members do not have any comments, we will move on. The Department's next proposed amendment is to clause 11, “Salaries, etc. of staff: administrative and financial arrangements”. Paragraphs 128 and 129 of the draft report relate to the background to this proposed amendment. Do members have any comments on clause 11, which enables staff salaries to be included in the budget share of all grant-aided schools?

I may sound cynical, but I hope that there is no jiggery-pokery in how schools are funded. Members have stated before that there is a duty of accountability when money is received from the taxpayer. In light of the review of the common funding formula, is there anything here that could be changed? As was mentioned this morning, there are two distinct ways in which schools can receive money. Is the amendment being made in preparation for changes to the common funding formula?

Mr C Stewart: No, Chairman, it is not. I assure you that there is no jiggery-pokery whatsoever.

The Chairperson: That sounds better than the word that you used earlier.

Mr C Stewart: The amendment is to fix a mistake that we made when clause 11 was drafted. It was not the draftsman's mistake; we instructed him incorrectly. As you say, there are two methods of funding schools. However, the idea behind the policy is for schools to get comparable amounts of money to do the same things. Clause 11, as originally drafted, would have run counter to that. Some schools would have had control over their salaries budgets; others would not. That was an error, and it was never the Minister's policy intention to arrive at that position. We propose to fix the error with an amendment that would ensure that all schools have control over their salaries budgets, irrespective of the mechanism by which they are funded.

The Chairperson: Will the amendment affect schools' freedom or autonomy in the use of budgets?

Mr C Stewart: If the mistake had not been fixed, we would have taken a considerable amount of autonomy away from controlled and maintained schools.

The Chairperson: The Department's next proposed amendment relates to clause 16. That clause sets out that the ESA will pay capital grants, which were formerly paid by the Department, to voluntary and grant-maintained integrated schools. Paragraphs 147 and 148 of the draft report set out the relevant detail.

The amendment to clause 16 is reasonably lengthy. Do members have any comments?

Miss McIlveen: Can we have clarification on “certain” capital works in the title of the amendment? Does it relate to something specific?

Mr C Stewart: It relates to major works. Minor works would still be carried out by the schools; major works will be carried out by the ESA.

The Chairperson: Is there a financial memorandum that sets a threshold?

Mr C Stewart: I am sure that there is, although I am not aware of what it is.

The Chairperson: Clause 17 provides that superannuation benefits for teachers, which were

formerly paid by the Department, will be paid by the ESA. The Committee raised no issues in relation to clauses 16 and 17; the Department's amendment to clause 17 is set out in paragraph 149 of the draft report. It is a functional transfer.

Mr C Stewart: This is a purely technical amendment on the advice of the Office of the Legislative Counsel to put the meaning of the clause beyond doubt.

The Chairperson: The amendment to clause 26 calls on the ESA to consider the requirements of those attending Irish-speaking schools in relation to curriculum examination. Some members will probably have the same concerns with this amendment as they had with proposed new clause 2(4A).

Mr B McCrea: Why is it necessary? Has the Department not been doing that already?

Mr C Stewart: The argument made by C na G was that, in exercising curriculum support functions and examination functions, the authorities, the boards and CCEA were not meeting the needs of Irish-medium education sufficiently.

The Chairperson: That does not reflect the intention of trying to establish equality.

Mr D Bradley: I do not want to reiterate everything that I said before, but the same arguments apply from C na G's point of view, and I am sure that other members will agree, although not everyone. Children being taught in a language other than English have specialised requirements. Cognisance must be taken of that fact, and it must be reflected in the operations of the ESA and its examination and curriculum function.

Mrs O'Neill: I agree with Dominic. That is the reason behind the amendment.

Mr B McCrea: I have no argument with Irish-medium schools having an Irish-medium curriculum and Irish-medium exams. However, the amendment brings unnecessary attention to the issue, and that is why I asked whether that had not been done already.

Mr D Bradley: That was one of the reasons that Comhairle na Gaelscolaíochta considered that specific reference and felt that that provision was needed in the Bill. Its experience was that the needs of teachers and pupils were not taken into consideration when guidance materials were produced. That contributed to an experience of neglect. As I said before, it may not always have been deliberate neglect, but that experience has led Comhairle na Gaelscolaíochta to ensure that it will not have to endure such neglect in future.

Mr B McCrea: If academic schools requested help and advice for entrance tests, which set out their conditions, or faith-based schools requested their own conditions, we could end up with a plethora of special-

interest cases. Is it not better to have some form of general requirement?

Earlier, I spoke about designation, an issue that the Gaelschools were examining and which would require schools that are so designated to perform in a certain way. Therefore, there are ways of accommodating legitimate sectoral aims without making special cases. All that I am saying, Dominic, is that it seems that the Bill is specifically for Irish-language schools and not for everybody.

Mr D Bradley: I do not agree with you, Basil. Academic schools or faith-based schools in the system — never those outside it — have not had the experience of being neglected, left out of policy making or not being provided for in service-training programmes. As a result, those schools would not need or want a specific mention in the Bill. The Irish-medium sector has had that experience, and, in some cases, it has had to fight to be included, even though it was entitled to be included from the beginning.

The amendment is an attempt to ensure that the Irish-medium sector does not have to continue to experience what it has experienced in the past. However, there may be other ways of satisfying its desires.

Mr Lunn: There is a difference between the argument that the Committee had earlier on new clause 2(4A) and this amendment. The previous argument related to the ESA's requirement to encourage the development of Irish-speaking schools, whereas this is purely to do with curriculum and examinations. Irish-speaking schools have special requirements with respect to curriculum materials and examinations, because they are conducted in a different language from other schools. I understand the first argument, but I cannot understand this one.

The Chairperson: The argument relates to what is currently being provided, and provision is surely already being made for those who wish to have curriculum materials and examinations in Irish. The argument is about the need for an additional amendment to deal with one sector of education. The Irish-medium sector exists, and there are curriculum materials and examinations in Irish; therefore why must an additional requirement — that I assume would be very costly — be placed on the ESA?

Mr C Stewart: I cannot comment on the size of the cost implication of the provision. However, the Irish-medium sector argues that the present curriculum support does not meet its needs. That is not because that support does not exist, but because it is not sophisticated enough and does not sufficiently recognise the particular needs of the sector. For example, it is not sufficient simply to translate English-language curriculum support materials into Irish; that does not meet all the needs of Irish-medium education.

In making its argument, C na G acknowledges the developments that have taken place in the education organisations and that things are better than they were. However, they argue that things have not developed sufficiently, and that there is a need to give that development greater impetus through the proposed amendment.

Mr D Bradley: It has implications for the staffing of the ESA. In order to fulfil the needs of Irish-medium education, the ESA will have to employ staff who are not only skilled in the language, but in the other aspects of the curriculum, examination, and design.

Mr B McCrea: Other people — and I will not embarrass or bring the Chairperson into the debate — will make an argument that they are distinctly unhappy with the teaching of evolution and might want an amendment to the Bill that says that the Department must take cognisance of their deeply held beliefs. Issues of special cases will begin to emerge. I would rather include a general requirement on the Department or the ESA to look after the needs of all schools and to give them the appropriate level of support and advice. That can be done in other ways, rather than through including specific issues in the Bill. I am open to suggestions about how to do that. I only know that when one sector is accommodated, that raises the issue of including other sectors.

The Chairperson: There is one word for that — equality. As I have said to the Minister and to the Committee numerous times, we will either have equality or we will have none. A party around this table used to say that it was either neutrality or equality. The Bill will either achieve neutrality or equality. I do not say that because — as people might accuse me — it is about the Irish-medium sector. I would make the same argument about the integrated sector. We might establish a new dispensation for education that provides equality of access, but we will never achieve equality of outcome because all our children are different. However, it will provide equality of access in how our schools are governed and in how we decide the future of our estate.

Including other duties has the implication of unravelling the Minister's intention, which is to achieve equality. I take the point that you will make that the sector will argue that the provision is necessary because existing inequality must be addressed. That will be addressed by that sectoral body telling the ESA what it requires. The legislation is sufficient to make the ESA able to respond to the needs of any sectors without giving specific reference to one particular sector over and above another.

Mrs O'Neill: Equality is about addressing imbalance, not about giving an equal amount to everybody.

The Chairperson: There is a huge amount of work to do on that.

Mr B McCrea: It is also about education, equality of opportunity and equality of outcomes. That argument was put forward in Transfer 2010. The issue is about getting a fair and equitable solution for all concerned; that is what we are about.

Mrs O'Neill: That is what I said; it is about addressing imbalance.

Miss McIlveen: Taking that to its conclusion, does that mean that the imbalance that affects the controlled sector will also be addressed?

The Chairperson: That is the point that I made to Chris earlier. A report from the Department clearly identifies a problem with working-class Protestant boys. There should be a requirement in the Bill that specifically places a duty on the ESA to ensure that that is addressed. That would address an imbalance and inequality that has been highlighted by the Department. If we go down that road, the difficulty is that we might begin to set one organisation up against another. Although I do not want to be controversial, I must say that the Minister's attitude has been very dismissive of a sector that educates 42% of post-primary schoolchildren, namely the grammar sector. That sector provides 1.3% of our education but has only a very small percentage of the school estate. There is a huge issue of disparity.

Mr O'Dowd: I take it that the Chairperson still supports parental choice.

The Chairperson: I still support parental choice, but parental choice —

Mr O'Dowd: Then your argument slightly falls apart.

The Chairperson: No, it does not, because parental choice comes at a cost, and, as a parent, I made a parental choice and it cost me. I educated all my children outside the state, and that cost me as a parent.

Mr O'Dowd: I can assure you that there are associated costs for any parent who is putting their children through any level of Irish-medium education.

The Chairperson: I do not doubt that. However, we should not compound the issue by giving preference to one sector over another.

We want to conclude this matter, because we could be here all day. Obviously, there is no agreement on clause 26. I have to apologise to the Committee: I made an error, which is that the Committee already considered the amendment. I had to be reminded by the officials that at last Thursday's meeting the Committee worked from clause 24 onwards.

Mr B McCrea: So we can go now?

The Chairperson: No; there is one more clause. The Committee did not consider clause 28, which is entitled 'Approval of courses leading to external qualifications.' The DEL amendments propose changes

to clause 28 and the insertion of two new clauses. Chris, will you provide an outline of them?

Mr C Stewart: I can give a brief outline, but you will appreciate that it will require DEL colleagues to brief the Committee in detail on the policy intention behind those amendments. Essentially, DEL needs the ESA to carry out certain functions on its behalf aimed at supporting DEL in its functions with regard to qualifications that it would designate. The popular shorthand for that is vocational qualifications. That is what DEL is looking for here. Essentially, the amendments ask the ESA to carry out a range of functions on behalf of DEL, which are very similar to the functions that it would carry out on behalf of the Department of Education.

Mr O'Dowd: I am tempted to ask whether those policies would be driven by the Minister for Employment and Learning.

The Chairperson: That is what might worry me, so the Committee needs to scrutinise that.

Mr B McCrea: I speak in defence of the most excellent Minister for Employment and Learning, but I want to ask about new section 6(a) in one of the DEL amendments. I have lost the will to live, but somewhere along the line we were adding in the equivalent phrase. There was an amendment to add a paragraph (c) in the equivalent section. Is that correct?

Mr C Stewart: You have me at a disadvantage, Basil.

Mr B McCrea: I think there was somewhere where we had to have due regard for the Irish-medium sector. Was there not? The second proposed new clause in the DEL amendments states that the ESA shall have regard to:

“(a) the requirements of industry, commerce and the professions regarding designated qualifications; and

(b) the requirements of people with special learning needs”.

Mr C Stewart: Sorry, yes, I am with you now.

Mr B McCrea: Yes, help me out.

Mr C Stewart: The Minister for Employment and Learning has not asked for a similar provision for Irish-medium education.

Mr B McCrea: Yes, but the provision —

Mr C Stewart: I am not certain that there is Irish-medium education in the further-education sector

Mr B McCrea: Maybe there ought to be. Just help the Chairperson, because he is looking at me as if I have two heads.

The Chairperson: No; carry on.

Mr B McCrea: Will you be introducing one amendment that has a 6(a) and (b)?

Mr C Stewart: Yes.

Mr B McCrea: And somewhere else there will be a 6(a), (b) and (c)?

Mr C Stewart: Yes.

Mr B McCrea: I am just raising that as a quirky issue.

The Chairperson: So do you not agree with the amendment, Basil?

Mr B McCrea: I am just pointing that out. I have not had time to really consider the matter, but as it is my leader that is bringing the amendment forward, I am sure that it is brilliant — for the record, you know. *[Laughter.]*

The Chairperson: Be careful.

Mr B McCrea: I am just pointing out that whatever decisions the Committee makes, it would be appropriate to have compatibility. It would look wrong to have two supposedly identical clauses but one with only two paragraphs and the other with three. Anyway, I have brought the matter to the Committee's attention and the Department can have a think about it.

Mr O'Dowd: After me and you meet, you should go and meet Reg. *[Laughter.]*

The Chairperson: Do members have any further issues about clause 28? The DEL amendments propose the insertion of two new clauses, which relate to the functions of the ESA with regard to qualifications.

The Committee Clerk: What was distributed was the Committee for Employment and Learning's endorsement of the Committee amendments.

The Chairperson: That concludes consideration of the amendments.

NORTHERN IRELAND ASSEMBLY

COMMITTEE FOR EMPLOYMENT AND LEARNING

16 September 2009

EMPLOYMENT BILL (NIA 9/08)

Members present for all or part of the proceedings:

Ms Sue Ramsey (Chairperson)
Mr Thomas Buchanan (Deputy Chairperson)
Mr Paul Butler
Mr Trevor Clarke
Rev Dr Robert Coulter
Mr David Hilditch
Mr William Irwin
Ms Anna Lo
Mr David McClarty
Mr Pat Ramsey

The Chairperson (Ms S Ramsey): We move to the Committee's clause-by-clause consideration of the Employment Bill. I remind members that this part of the meeting is being covered by Hansard, so all mobile phones must be turned off, including any that anyone in the public gallery may have. Members will find an updated timetable for the Committee Stage of the Bill at tab 2 of their packs. Last week, we discussed a motion for a two-week extension of the Committee Stage. Based on advice that we have received, it has been suggested that we ask for a four-week extension. If we do not need that much time, so be it, but it allows for the possibility of a swine flu outbreak, or some other problem. Are members agreed that we request a four-week extension to the Committee Stage, and are they content with the wording of the motion?

Members indicated assent.

The Chairperson: Members will also be aware that the Department has proposed amendments to the Bill. Those have not yet been finalised, but the wording will be ready for next week's meeting.

I am going to ask the Committee Clerk to take us through the clauses of the Bill. People are seated in the public gallery who are ready and willing to answer questions, if required.

The Committee Clerk: Thank you, Chair. The Bill team from the Department is in the public gallery. Our Bill Clerk is also present, who can provide guidance for members if they wish to make any amendments.

I draw members' attention to the table at tab 4 of their packs. That table lays out the wording of the Bill as it stands, the explanation from the explanatory memorandum, and the four options that the Committee will have in respect of each clause. At this stage, we are just running through the Bill to highlight areas where the Bill will amend other pieces of legislation. It will be next week before the Committee decides final agreement, or otherwise, on the clauses.

Members also have a pack that corresponds with other pieces of legislation that the Bill will amend. I will go through the clauses to point out areas where the wording of the Bill will be inserted into those other pieces of legislation. We will be seeking provisional agreement on what has been set out — next week, the Committee will decide on the final, formal agreement.

Clause 1 amends the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 to provide for offences under employment agency legislation to be triable either in a magistrate's court or the Crown Court. At present, the maximum fine that can be awarded by a magistrate's court can be no greater than level 5 on the standard scale — currently £5,000. Agencies that act unlawfully can make much more than that amount. Allowing more serious cases to be tried in the Crown Court will provide for the potential for unlimited fines to be awarded against such agencies.

As members can see from the table, clause 1 of the Bill is entitled "Employment agencies: mode of trial and penalties for certain offences". Clause 1 states:

"(1) In the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 (NI 20), in each of Articles 5B, 6(3) and 7(2), for the words from "on summary conviction" to the end substitute —

(a) on conviction on indictment, to a fine;

(b) on summary conviction, to a fine not exceeding the statutory maximum."

(2) Subsection (1) does not apply in relation to an offence committed before the commencement of that subsection."

Members can see at tab 1 of the separate pack of legislation to be amended where in the 1981 Order the provisions of the Employment Bill will be inserted. Those insertions will be at articles 5B, 6(3) and 7(2) of the 1981 Order. At this point, if members do not see any problem with that, we can move on to clause 2. Next week, we will consider the amendments. Provisionally, are members content with that first clause in respect of those insertions into the 1981 Order?

Members indicated assent.

The Committee Clerk: Clause 2 concerns powers of enforcement. Clause 2 amends the Employment

(Miscellaneous Provisions) (Northern Ireland) Order 1981 to provide the Department for Employment and Learning with powers to compel agencies and third parties, such as banks, to provide the Department with financial information about an agency for investigation purposes. Limits will be placed on the circumstances in which that power can be used, and it will be available only where an agency is suspected of serious offences under employment agency legislation and is asked for, but does not provide, the necessary financial information. That power can be used only following authorisation by a senior officer of the Department — at least director level, which equates to grade 5: the level just below deputy permanent secretary.

Clause 2 refers to the same Order as clause 1. The clause is entitled “Employment agencies: powers of enforcement”, and it states:

“(1) In the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 (NI 20), Article 7B (powers of officers) is amended as follows.

(2) In paragraph (1) for sub-paragraph (b) substitute—

‘(b) inspect—

(i) any records required to be kept under this Part; and

(ii) any financial records not falling within head (i) which he may reasonably require to inspect for the purpose of ascertaining whether the provisions of this Part and of any regulations made under this Part are being complied with or of enabling the Department to exercise its functions under this Part;’.

(3) In paragraph (2) for the words from ‘he may require’ to the end substitute ‘the officer may by notice in writing require the person carrying on the employment agency or employment business to furnish him with the record or information at such time and place as he may specify.’”

The Chairperson: Is it necessary to read out all of the clause?

The Committee Clerk: Perhaps not, if you do not want me to. This is laying out the powers of enforcement of the Department in respect of agencies. Those insertions go into the same piece of legislation that the first clause deals with.

The Chairperson: Some of what is in the table is self-explanatory and some of it is technical. I thank the Committee staff for providing the table, and it will be helpful for members to read. I am not sure that it all needs to be read out. Does it need to be read out for the record?

The Committee Clerk: No. Next week, we will decide on our final and official sign-off of each clause, and we will have the text of the amendments.

Clause 2 makes more insertions into the 1981 Order at various points. It makes much clearer the powers of enforcement that the Department will have, and it regulates the fines. Are members provisionally content with clause 2?

Members indicated assent.

The Committee Clerk: Clause 3 concerns membership of the Industrial Court. It makes amendments to the Industrial Relations (Northern Ireland) Order 1992 to replace current arrangements for Industrial Court appointments with equivalent subordinate legislation provisions, which will provide greater flexibility in making appointments. Clause 3 also makes a minor change to remove the restriction that the court’s secretariat functions may be fulfilled only by staff from the Department.

The wording of clause 3 represents an insertion into the Industrial Relations (Northern Ireland) Order 1992, which is at tab 2 of members’ additional packs. As with the previous clause, there is probably no need for me to read out the full text. Clause 3 essentially sets down specific changes to that Order with respect to membership of the Industrial Court.

The Chairperson: This came about as a result of discussions between the Department and the Labour Relations Agency. Are they content with those provisions?

The Committee Clerk: They are content that the Department has carried out a consultation. Are members provisionally content with clause 3?

Members indicated assent.

The Committee Clerk: Clause 4 concerns legal representation before the Industrial Court. It amends article 92(4) of the Industrial Relations (Northern Ireland) Order 1992 to enable parties before the Industrial Court to engage legal representation, with the exception of one jurisdiction related to the provision of voluntary arbitration in relation to industrial disputes. That reflects the view of the Industrial Court that voluntary arbitration, by its nature, would not benefit from legal representation. Legal advice states that failure to allow legal representation could lead to a challenge under article 6 of the European Convention on Human Rights — the right to a fair trial.

The clause closes the loophole in the remaining jurisdiction that is not already covered. The insertion into the 1992 Order is simply to close that loophole. Members can read in the table the wording of clause 4, and where it is to be inserted.

Mr P Ramsey: There is a spelling mistake in the table: it says “cause 4” rather than “clause 4”.

The Committee Clerk: Yes; that will be amended. Are members provisionally content with clause 4?

Members indicated assent.

The Committee Clerk: Clause 5 concerns information on employment agencies and the national minimum wage. It amends the National Minimum Wage Act 1998 and the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 to clarify the law relating to information-sharing and to allow HM Revenue and

Customs national minimum wage compliance officers and Department for Employment and Learning employment agency inspectors to legally share and exchange information discovered by them in the course of exercising their powers. At present, the exchange of such information is restricted. The removal of that restriction will, for example, enable employment agency inspectors to report breaches of the National Minimum Wage Act 1998 by employment businesses to HM Revenue and Customs.

Clause 5 allows HM Revenue and Customs to communicate with the DEL inspectors to allow an exchange of information, closing any gaps in the knowledge of the inspectors. The insertions are detailed on the table and shown at tab 4 of members' supplementary packs. I will not read out the full text. Are members provisionally content with clause 5?

Members indicated assent.

The Committee Clerk: Clause 6 concerns minor and consequential amendments and repeals. It provides that the minor and consequential amendments and repeals set out in the schedules to the Bill will have effect.

Clause 7 concerns commencement. It gives the Department power to bring the membership of the Industrial Court provisions of the Bill into operation by commencement Order. It also provides that the remaining provisions of the Bill will come into operation on the day after the Bill receives Royal Assent.

Are members provisionally content with those clauses?

Members indicated assent.

The Committee Clerk: Clause 8 cites the short title. When the Bill is enacted, it will be known as the Employment Act (Northern Ireland) 2009. Are members provisionally content with that?

Members indicated assent.

The Committee Clerk: Schedule 1 sets out the changes that are to be made to various other pieces of legislation as a result of the Bill. All of those changes are set out in members' supplementary packs. That simply reflects the effect of the clauses that we have gone through. There is nothing new in schedule 1 — it just outlines what those pieces of legislation are, and which parts will be changed. Are members provisionally content with schedule 1?

Members indicated assent.

The Committee Clerk: Schedule 2 lays out the specific repeals of parts of other legislation that the Bill will bring about. The detail is in members' supplementary packs. Are members provisionally content with schedule 2?

Members indicated assent.

The Committee Clerk: Next week, we will have before us the final wording of the amendments. We will lay that wording over the clauses, and the Committee can give its final approval, or otherwise. If members have other amendments that they wish to draw up, it would be useful if they could flag that up in advance so that we can discuss those with the Bill Clerk and the Bill Office.

Members may also wish to note that the supplementary pack includes a research paper, which is an analysis of the Employment Bill and its provisions. Are members content that we include that paper in the appendices to our report on the Bill?

Members indicated assent.

The Chairperson: To sum up, are members provisionally content to accept the clauses and schedules, prior to our formal examination next week of the Bill, in light of the amendments?

Members indicated assent.

NORTHERN IRELAND ASSEMBLY

COMMITTEE FOR THE ENVIRONMENT

17 September 2009

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) BILL (NIA 10/08)

Members present for all or part of the proceedings:

Mrs Dolores Kelly (Chairperson)
Mr Cathal Boylan (Deputy Chairperson)
Mr Roy Beggs
Mr John Dallat
Mr Danny Kinahan
Mr Ian McCrea
Mr Daithí McKay
Mr Adrian McQuillan
Mr Alastair Ross
Mr Peter Weir

Witnesses:

| | | |
|-------------------------------|---|---|
| Mr Kevin Heaney | } | Belfast City Council |
| Mr Owen Mason | | |
| Mr Ciaran Quigley | | |
| Councillor Joanne Bunting | } | Northern Ireland Local Government Association / Arc21 |
| Councillor Shaun Gallagher | | |
| Mr John Quinn | | |
| Ms Nora Winder | | |

The Chairperson (Mrs D Kelly): I welcome Mr Ciaran Quigley, director of legal services in Belfast City Council, and Kevin Heaney and Owen Mason, who are here as observers. However, if there is a difficult question, I am sure that Mr Quigley will pass the ball on.

Mr Ciaran Quigley (Belfast City Council): It is my job to refer anything difficult. *[Laughter.]*

Mr Beggs: Given that a new set of witnesses has arrived, are members required to declare our interests at this point?

Mr Weir: We made the previous declarations when all witnesses were already in the room.

Mr Beggs: That is fine. I was unaware of that.

The Chairperson: Rather than make members declare their interests during each discussion on the Local Government (Miscellaneous Provisions) Bill, I will note that members have declared their interests.

Mr Quigley: Thank you for the opportunity to brief the Committee on the Local Government (Miscellaneous Provisions) Bill. I am accompanied by Owen Mason, who is a policy officer who works with me, and Kevin Heaney, who is Belfast City Council's change manager. Kevin is dealing with the business of transition, and so on.

The Bill is in three parts, and I will discuss them in order. The three parts are entitled "Contracts of Councils"; "Local Government Reorganisation"; and "Miscellaneous and Supplementary". Part 1 replicates existing legislation in Great Britain and clarifies the powers of district councils to enter into PFI and PPP contracts with the private sector. That is more relevant now as we enter a stage of very large waste disposal contracts. The legislation is coming at a critical time.

I act as corporate counsel for Arc21, and, therefore, I declare an interest. Arc21 will be represented by its chief executive, John Quinn. I have not seen John yet; I presume he is outside. John will comment on the Bill from an Arc21 perspective. Belfast City Council is one of the 11 members of Arc21, and, therefore, John, essentially, will speak for Belfast City Council on Part 1.

I do not need to bore the Committee with replication. However, there are several perceived gaps in Part 1, which deals with PFI. The good news is that those gaps have largely been picked up on by the Department in the proposed waste Bill. However, if the proposed waste Bill is to cover those gaps in Part 1, which deals with vires issues and powers of district councils, it will need to be introduced expeditiously, given the timetables for the letting of large contracts. Otherwise, we might face trouble when dealing with the lawyers who act for the contractors on big waste contracts. I am sure that John Quinn will replicate that view. I am happy to take questions as we go along.

Part 2 of the Bill, in general terms, deals with local government reorganisation. There are four chapters in Part 2. Chapter 2 creates a framework whereby the Department may give directions that prohibit existing councils from disposing of land or entering into capital or non-capital contracts over specified thresholds, which will be specified by regulation. Chapter 3, which provides for the creation of the proposed —

Mr Weir: If I may interrupt, it would be more helpful if members could follow your references. I know that those matters are covered under chapters, but it would be useful if you were to refer to the individual clauses.

The Chairperson: Members could follow the witnesses' written submission, which helpfully sets out the clauses.

Mr Quigley: I am not speaking to the written submission. I have speaking notes, which I will give to the Committee.

The Chairperson: That would be helpful, thank you.

Mr Quigley: I am making more general comments.

The Chairperson: We will hear your general comments, and members will have to do their best.

Mr Quigley: I am happy to be interrogated on the detail.

Part 2 is in four chapters. Chapter 1, clause 9, is simply the introduction on which I have no comment. Chapter 2 contains clauses 10 to 13. That simply creates a framework for the Department to give directions to prohibit the existing councils from entering into contracts. That includes contracts for capital works and non-capital works over thresholds that will be specified by regulation.

Chapter 3 contains clauses 14 to 16. Those provide for the creation of proposed statutory transition committees. Again, they provide the Department with the power to make regulations on how those committees will be set up. I do not intend to get into the detail of those regulations, because they do not yet exist. However, the power in the Bill to give directions and to make regulations seems to be drafted in a general way. Therefore, the Department will have the power to make directions in relation to all the existing councils and to make regulations for all the statutory transition committees. However, it is not entirely clear whether that power would extend to giving directions or making regulations in relation to individual councils or statutory transition committees.

I make that point because Belfast City Council does not claim any special status in the review of public administration (RPA). I emphasise that it is affected by the RPA as much as everyone else. I say that in case anyone thinks that it is claiming privileges, which it is not. However, Belfast City Council is in a slightly different legal position because 25 of the 26 councils are, effectively, merging in clusters. Belfast City Council is not merging with any other council, but it will assimilate territory if the Boundary Commission for Northern Ireland's recommendations go through, and that remains to be confirmed.

If those recommendations go through, Belfast City Council will extend its boundary to take in parts of Castlereagh, Lisburn and a tiny part, I think, of North Down. However, it is not merging with the existing Lisburn or Castlereagh councils, and that legal difference needs to be reflected in the legislation. Otherwise, the Department might not have a clear power to make special provision for circumstances in relation to ongoing, amicable discussions between Belfast City Council and the neighbouring Castlereagh

and Lisburn councils. Therefore, the only substantive point about Part 2 of the Bill is that I would like the legislation to be clarified to ensure that that power exists. There is a simple legal mechanism to do that, which I have set out in my speaking notes, and which I will give to the Committee.

I do not want to pre-empt the Office of the Legislative Counsel, which would, I am sure, get extremely annoyed if I started to draft legislation. However, it would be extremely simple to put a new paragraph in clause 9 to the effect that the power of the Department to give directions in chapter 2 and to make regulations in chapter 3 will include the power to do so in relation to the circumstances of one or more specified councils. That is my main point. A simple legislative amendment could deal with that without upsetting anyone or creating a suggestion that there is an agenda, which there is not.

I hope that that is clear. The only other point that I wish to make concerns the powers in the enabling legislation to give directions to make regulations. We ask that all the councils and the local government sector in general be consulted before any directions or regulations are finally made. There is a concern that there is a set of regulations waiting in the background to be issued as soon as the Bill comes into effect, without any further consultation with the local government sector. In order that we can be comforted that those concerns can be addressed, I ask that the local government sector be consulted. I do not speak for all sections of local government, but I think that local government in general would agree that consultation, as a general principle, is a good thing.

Clause 17, entitled "Severance payments to councillors", is an enabling provision. Kevin Heaney has submitted particular comments about severance. I do not need to go into those, but, in general, we have no problems with that issue. Severance will be dealt with by regulations; this is an enabling Bill. That is why I ask again that when the regulations are made, councils be consulted on the detail of the regulations so that they can make informed comment on the issue rather than simply issuing a high-level note.

I know that the Committee previously commented on the subject of clause 18, entitled "Acquisition of land otherwise than by agreement". The shorthand for that is "vest", which always gets people exercised. When the old Pollution Control and Local Government (Northern Ireland) Order 1978 was revoked by the Waste and Contaminated Land (Northern Ireland) Order 1996, a mistake happened, because the previously existing power to compulsorily acquire or vest land was dropped and was not reinstated. That has now been picked up in the Arc21 submissions, and both Arc21 and Belfast City Council are glad to note that that power has been reinstated. The power now

extends to the regional subcommittees — Arc21 and the Southern Waste Management Partnership (SWaMP) — both of which have legislative status as joint committees. Therefore, Belfast City Council, as a member of Arc 21, would welcome that, as, I think, would SWaMP.

Tomorrow morning, I will attend a meeting of Belfast City Council's policy and resources committee to follow up on a query about clause 18 — whether it will mean that Arc21, for example, could vest land belonging to Belfast City Council. I have noted that that has been an issue in the past. The short answer is no; it could not. Under the terms of reference of the subregional waste groups, one of the principles, which I drafted, is about consensus, and it says that any big decisions have to be approved by all the partner councils. The conspiracy theory that Arc21 is going to vest Belfast City Council land does not stand.

I am sorry for the confusion about the document that we submitted from Kevin Heaney's office. I wanted to take the opportunity today to get the high-level points across rather than bore members with the detail of lawyers' drudgery.

The Chairperson: Thank you very much, Mr Quigley. When should the proposed waste Bill be in place in order to avoid the problems that you mentioned?

Mr Quigley: John Quinn is better placed to answer that. Through Arc21, we are embarking on the third phase of the procurement process. The procurement process is governed by European law, and, because of the amount of money that is involved, it is an extremely complex process.

We are about to kick off with the invitation to submit design solutions. I stand to be corrected by John Quinn, but I understand that Arc21, which is leading the field in all of this, has shortlisted three tenders, so it is getting serious. The three consortia involved in tendering will submit detailed design solutions, which will have to undergo a lengthy consideration process. However, it is now 2009, and my understanding is that, by next summer, we will enter into dialogue with lawyers to set up the contracts. Again, I stand to be corrected by John, but that means that the waste Bill needs to be in place by next summer.

When I talk about gaps in Part 1 of the Bill, although there are a number of supplementary points, I have identified two major issues that must be picked up. First, the joint committee, or groups of councils that are working together — Arc21 has 11 councils — will have to sign up as guarantors to big contracts. They will also have to give guarantees. Where is the legal power for, for example, Ballymena to give a warranty for, or guarantee, the business of Carrickfergus or Belfast? That is a major issue. I am concerned that lawyers on the other, counterpart side might raise that

as a substantive issue, and, because of the current nervousness of the banks about their own situation, that might prejudice in some fashion the deliverability of those contracts. Therefore, I urge members to expedite the waste Bill as much as possible, although I understand that that is an argument for a different day.

Mr Weir: Thank you for your evidence, Ciaran. I shall begin with the acquisition powers. Some of us in the wider area of Arc21 would have been happy had the conspiracy theory been right. I do not know whether Mr Kinahan agrees. Nevertheless, your interpretation of how Arc21 works is quite right, and those who have a conspiracy theory that clause 18 will compel Belfast City Council to do particular things are fairly wide of the mark.

With respect to the widening of acquisition powers — last week, we heard evidence from Craigavon Borough Council, which holds a similar position on the matter — there is a lot of merit in what you suggest. However, to play devil's advocate, if that was felt to be a good idea, first, would there be an opportunity to put that wider power into subsequent legislation? Secondly, my only concern with widening that power is that when the Bill was put out for consultation, the urgent need to get it through became apparent. Therefore, were the Bill to be amended from having one specific power to a general-purpose power, there could be an argument that the whole thing would have to go out to consultation again, because such an amendment would go beyond a legislative-level amendment.

Mr Quigley: In our submission to the Department on the draft Bill, we picked up on that point. We said that, as a matter of principle, we would prefer the power to compulsorily acquire land to extend across a range of statutory functions. The existing legislation means that you have to look at various pieces of enabling legislation in order to discover whether a power to vest land exists. For example, you will find a power to vest in The Recreation and Youth Service (Northern Ireland) Order 1986, but when you look at other pieces of legislation, no such power exists. That touches on the power of general competence in dealing with land.

My view is that the matter should be picked up in the next RPA legislative phase, which is the reorganisation Bill. The reorganisation Bill will deal with the more constitutional issues of local government. It was supposed to have been out by now, but there has obviously been a delay. It would probably not be feasible to deal with that power in this Bill, because that would lead to consultation problems and would perhaps delay the Bill, which no one wants. However, I stress that there are a lot of issues that need to be picked up in the reorganisation Bill.

I have argued previously for powers of general competence on the wide range of work that councils do. Not everyone agrees with that argument, and the riposte now is that a power of well-being will be granted through community-planning provisions. However, I believe that there is a difference between a power of well-being and a power of general competence. I may be ranting at the winds on the matter, but I maintain my position as a lawyer in local government. Power of well-being is fine and dandy as far as it goes, but local government should be given the means to go about its business in a proper, efficient and resourceful way. That means that it should have general powers in relation to its functions. I do not mean that local government should have continental-style powers to do anything that it wants to unless someone refuses. However, there should be a general power to do a range of things regarding its statutory functions; that is a slightly different point.

The Chairperson: Thank you.

Mr Weir: I have other questions.

The Chairperson: Will you make them as quick as possible?

Mr Weir: I thought that we were scrutinising legislation.

The issue of general competence and general well-being is a debate for another day. However, I was a little surprised by your comments about the impact of statutory transition committees on consultation with councils for two reasons. First, a list of questions containing detail on the specifics of governance and the constitution of statutory committees has already been sent to my, and presumably every other, council. Secondly, local government has drafted what will effectively form the basis of the regulations. Policy development panel A, which is composed entirely of local government councillors, drafted that. A member of Belfast City Council has always been one of the 10 people on that panel. The representative soul of the people who advise the panel comprises the chief executives of local government, so local government officers are also involved. The fruits of their labour have been sent to local councils, so I was a bit surprised by what you said about the regulations.

I suppose that Belfast is in a slightly grey area as regards its attitude to some aspects of the RPA. As you have acknowledged, it is not a merger, but a new legal entity will be created. I am not convinced that people in Lisburn or Castlereagh regard it as satisfactory that they will simply be assimilated into the new council. It almost bears the hallmarks of Germany's assimilation of Austria. Rather than simply taking the decisions and then consulting the people of Lisburn and Castlereagh, do you not believe that areas that are due to come into an enlarged Belfast council should be

formally represented on any transition group in Belfast City Council?

Mr Quigley: I attended a couple of policy development panel A meetings, and I understand that it has drafted the principles and so on, and I have no problem with that. My only concern is to make sure, from a lawyer's point of view, that I see the detail of the regulations before they become law. It is my experience that the detail of legislation can sometimes depart from what people thought they were going to get. As a lawyer, therefore, I would like to have that opportunity on behalf of my council, Belfast City Council, to have a look at and to be consulted on that detail. That is the best practice that has been adopted by Departments over the years.

With regard to Lisburn and Castlereagh councils: I thought that "assimilation" was a kind word, because it sounded better and kinder than "incorporation" or "takeover". However, whatever the word, I am sure that it will be a coming together in friendship and harmony. *[Laughter.]*

In the spirit of that friendship and harmony, our chief executive convened an inaugural meeting a few weeks ago between representatives of Belfast, Castlereagh and the Castlereagh/Lisburn transition committee. Another meeting has been arranged for October.

I am glad to report that the discussions were friendly and noted the points that Mr Weir raised. There was consensus that we needed to take on board the issues that were raised. Belfast City Council's policy and resources committee is its transition committee. However, I think that we have tentatively agreed — and Kevin can correct me if I am wrong — that members from the Lisburn/Castlereagh transition committee will be on our transition committee. Have we agreed that?

Mr Kevin Heaney (Belfast City Council): No.

Mr Quigley: We have not agreed that? *[Laughter.]* I thought that I was getting away with that. I should not have brought you.

Mr Weir: You are starting to sound like the Executive.

Mr Quigley: We were going to negotiate with them; is that the case?

Mr Heaney: No —

The Chairperson: We are enjoying the craic, but if we could just keep to the business.

Mr Heaney: The current position is that there has been a joint agreement that there will be a joint committee forum of delegated representatives from the Lisburn/Castlereagh transition committee to the Belfast City Council transition committee. They will meet on a formal basis, initially every two months. They will then devise a joint programme of work, which we will

talk about at our next meeting in October, to examine transition-related matters. Belfast City Council's response to the Local Government (Miscellaneous Provisions) Bill recommended that that type of engagement mechanism should be formalised in the legislation to ensure that —

Mr Weir: Will that body, in effect, become a transition committee for that area?

Mr Heaney: It will be a joint transition committee, representing Belfast council's transitional committee and the Lisburn/Castlereagh transition committee.

Mr Boylan: Thank you for your presentation, and I am glad to see that Belfast is not getting any special treatment. As an Armagh man, I would have taken a wee bit of offence at that. You spoke about consultation. Obviously, NILGA has been playing a major role, and the key is that councils are fully equipped to deliver those functions.

I am getting a sense that things are perhaps not going right. I am off the council now, but my understanding from council officers and panel members is that things are moving forward in consultation and discussion. Obviously, there is a time frame, but it seems to be going OK. Are you saying that there seem to be a few problems that we need to address, because time is of the essence; or do you feel that contributions from councils are not going so well on the ground? Local councils have the responsibility, and they played a major role in this. You spoke about proper consultation. I thought that a pretty good body of work was already ongoing.

Mr Quigley: I am talking about the consultation on the specific directions and regulations that are to be made. This legislation is, in large part, framework or enabling legislation. In other words, regulations and directions will be made or given under this legislation. I am simply saying that councils want to be consulted on the detail of that.

One hears different stories about relationships with NILGA. Belfast City Council works with NILGA, which carries out an important role on behalf of local government. I suppose that there are other sectoral interests, but Belfast City Council has worked closely with NILGA. Nora Winder from NILGA is here today to talk to the Committee. I have spoken to Nora in the past couple of days, and I am happy with what she is saying to the Committee.

Mr Boylan: Thank you; I just wanted clarification.

Mr Kinahan: You mentioned that we should ensure that councils are kept up to date on changes. I wonder whether we should give councils a monthly summary. I am concerned that if we tell councils about certain matters, we will end up re-discussing them a month later. Our council was concerned about being kept up

to pace all the way through the RPA, particularly on waste matters. That area is so big that we were not always in the picture and, therefore, delays were more likely because we did not know what was happening.

The Chairperson: We can put that matter to the Committee when the witnesses leave.

Mr Dallat: My concerns have passed with the passage of time. I was worried that we would create an international incident between Germany and Austria. However, I am now convinced that it is Belfast and Castlereagh. *[Laughter.]*

The Chairperson: I thank the witness for the presentation.

We can deal with Mr Kinahan's comments about whether the Committee has a role to keep councils informed or whether that is a departmental responsibility.

Mr Boylan: That is why I sought clarification; work is ongoing, and NILGA is the body that should keep councils informed. Is Mr Kinahan saying that that is not happening? NILGA plays a major role and, perhaps, there is a gap that we do not know about.

The Chairperson: We can write to the Department to ask about its mechanisms for updating councils, whether through NILGA or by individual council.

Mr Beggs: We could place a large burden on our staff if we ask them to produce an additional set of briefing notes. We should, perhaps, make councils aware of the proceedings and how they can check our minutes and any documents that we have received. Someone who wants to follow matters more closely can do so. Other than that, it would place a big burden on our staff.

The Chairperson: We should, perhaps, write to the Department and ask about the current system. The NILGA representatives will, no doubt, read the transcript of today's meeting, and, if any gaps exist in that communication process, they will let us know. Do members agree with that approach?

Members indicated assent.

The Chairperson: We move to a briefing on the Local Government (Miscellaneous Provisions) Bill from NILGA and Arc21. I ask Committee staff to note members' declarations of interest in relation to their council membership. Members will note that NILGA and Arc21 have similar views on the Bill and have asked that they be allowed to brief the Committee jointly. That may be helpful.

I welcome Councillor Joanne Bunting, chairperson of the RPA policy development panel A. She is a member of Castlereagh Borough Council. I also welcome my party colleague Councillor Shaun Gallagher, who is from Derry City Council and is chairperson of the NILGA waste working group. I

welcome Ms Nora Winder, NILGA's director of policy and strategy, and Mr John Quinn, who is the chief executive of Arc21. You are all very welcome. You have 10 or 15 minutes to brief the Committee, after which we will take questions and comments from members. I invite you to make your presentation.

Councillor Shaun Gallagher (Northern Ireland Local Government Association/Arc21): Thank you and good morning, Chairperson. We are grateful for the opportunity to appear before the Committee and outline the local government position on the Local Government (Miscellaneous Provisions) Bill. The Bill has three parts: today, we will address the first two parts. John Quinn, chief executive of Arc21, and I will talk about council contracts. Councillor Joanne Bunting, chairperson of the RPA policy development panel A, and Ms Nora Winder, NILGA director of policy and strategy, will address local government reorganisation.

First, I will confirm that, on the whole, NILGA broadly supports the provisions of the Bill. We would, however, like to use this time to make a few specific comments. As chairperson of the NILGA waste working group, I want to raise some issues about additional powers that are being contemplated in the waste Bill and the provisions that are designed to remove any concerns that contractors and financiers might have about entering into long-term service contracts.

The Department is aware of our comments, as we had previously submitted them in response to the written consultation on the draft Bill and, more recently, to the consultation on the proposals for a waste Bill. Those comments relate in particular to the granting of warranties, guarantees and indemnities, and the granting of cross-indemnities and acceptance of joint and several liabilities. The preamble in respect of the formal consultation on the draft waste Bill made reference to pre-consultation discussions with local government prior to the earlier consultation on the draft Local Government (Contracts and Compulsory Purchase) Bill, now renamed the Local Government (Miscellaneous Provisions) Bill, in which the Department acknowledged that:

“the draft Bill may not provide sufficient assurances for prospective contractors and financiers.”

In addition, it explains that the Department sought legal opinion which advised that:

“it would be very prudent (even if not essential) to make appropriate legislative provision in relation to these issues.”

Those are the issues of guarantees, warranties, indemnities, and joint and several liability. Given the obvious critical nature of those elements, we are disappointed that those provisions have been omitted from the Local Government (Miscellaneous Provisions) Bill and are now being contemplated in the later draft

waste Bill, despite strong representations by local government during the consultation. Unless there is a strong rationale for not doing so, we would encourage the Committee to consider inclusion in this Local Government Bill, rather than incur the inevitable delay which would result by deferral to the waste Bill.

We understand that Royal Assent for the Local Government (Miscellaneous Provisions) Bill is scheduled for November 2009, with the draft waste Bill following by June 2010. Alongside the issue of local government waste infrastructure procurement, those dates are likely to coincide with the most intense dialogue stage of the tendering process for the waste management groups. From a commercial and competitive perspective, we believe that, although the June date is sufficient to allow financial close and award, the earlier date would potentially enhance the confidence of the bidders and financiers who will be selected to enter the final stage of those competitions and, hopefully therefore, contribute to the most economically advantageous solution. Furthermore, the earlier date would allow final bidders to undertake due diligence in a timely fashion and reduce the risk of timetable delay.

Consequently, unless the legislative process is deemed to be compromised or materially delayed by the inclusion of those elements in this Bill, we consider there to be commercial advantage in “banking” the additional vires more than six months earlier in the procurement process.

Accordingly, we seek the addition of the following elements into the Bill, subject to their inclusion not delaying or comprising the Bill's passage. First, the addition of a paragraph to clarify either that the councils/joint committees have express power to grant warranties, guarantees and indemnities, or that Part 1 of the Bill should be extended to cover stakeholder agreements and collateral guarantees. Secondly, the addition of a paragraph to clarify that the councils/joint committees have express power to grant cross-indemnities and to accept joint and several liability, or that Part 1 of the Bill should be extended to cover stakeholder agreements and collateral guarantees.

I will now hand over to Councillor Joanne Bunting, who will outline further concerns, particularly in relation to work carried out by policy development panel A.

The Chairperson: Thank you, Councillor Gallagher.

Councillor S Gallagher: It was very technical.

The Chairperson: It has to be heard. Thank you.

Councillor Joanne Bunting (Northern Ireland Local Government Association/Arc21): Thank you for this opportunity. NILGA members, through their work on policy development panel A, developed proposals to inform the content of clause 14, entitled

“Statutory transition committees: constitution”. We are pleased that the Minister took the proposals on board and that he has reflected the panel’s views in that clause. We fully support its implementation. That is all I have to say on the matter, so I will pass you to Nora Winder, who is the director of policy and strategy for NILGA.

The Chairperson: Thank you, Councillor Bunting. This is the point at which a number of us have to declare an interest. *[Laughter.]*

Ms Nora Winder (Northern Ireland Local Government Association/Arc21): With respect to clause 17, “Severance payments to councillors”, at this stage, I would like to recognise that the National Association of Councillors (NAC) is taking the lead in lobbying for and agreeing a severance package for councillors. NILGA supports the NAC’s position.

NILGA supports the provision in the Bill, but our members strongly endorse a centrally funded severance scheme, which must be introduced simultaneously with amended co-option legislation to allow councillors to make informed choices on the way forward. NILGA’s members would urge the Department to liaise, as necessary, to ensure that the required legislation is put in place as a matter of urgency, and NILGA supports the view that the scheme should apply during the period from January 2010 until the date of the local government elections in May 2011. I shall pass you to Councillor Gallagher, who will sum up and finish the presentation.

Councillor S Gallagher: Much of the detail of the outworkings of the legislation will be set out in subsequent subordinate legislation. NILGA would strongly urge the Department to ensure that local government bodies are consulted, in accordance with good practice, in the drafting of relevant, detailed regulations.

We hope that our submission is considered favourably by the Committee, and our delegation is happy to answer any questions. If they are difficult ones, we will give them to John Quinn.

On behalf of the local government sector in Northern Ireland, I again wish to record our appreciation for the invitation to submit evidence to the Committee and, obviously, I thank you for the opportunity to address members today.

Mr Boylan: Thank you for your presentation. Nora, you are very welcome. Nora and I worked together on Armagh City Council. As I was co-opted out, I was wondering whether you have looked into that in the severance package. *[Laughter.]* I take that as a flat no, so there is no need to respond.

In light of the presentation concerning NILGA reporting back to councils and councillors properly understanding what is coming down the track, how is

that relationship working and are you delivering on those goals? We need a proper, fit-for-purpose service, and we need people to be properly trained to deliver the new functions. I was wondering, therefore, whether all local councils are tied into the process from NILGA’s point of view and how it is working. You may respond generally.

Councillor S Gallagher: In fairness, most councillors rely on NILGA to keep them informed about goings-on. Presently, there is good communication. Once a month, through NILGA, each elected member gets an update on what is happening in all the Committees and strands of government at Stormont. Since those updates have been introduced, it has been a lot easier to understand exactly what is going on.

Mr Boylan: Is there still a gap in filtering information from central government down, or is the body of work continuous?

Councillor Bunting: The strategic leadership board (SLB), which comprises members from central and local government, has developed a communication strategy. We recognised that there were some weaknesses in that area, so we developed a communication strategy, which should filter down to everybody. Obviously, we have no control on whether people read and pay heed to what they are given, but we have taken steps to ensure that as much information as possible is circulated and that people are afforded the opportunity to feed back. Likewise, we hold events; a capacity-building programme is envisaged. We hope that all those actions will address what has not been great communication to date, but which should now be greatly improved.

Mr Boylan: You have just raised another point. You are right: whether or not people read information, there are group leaders in each council, and they have a responsibility to report back.

Mr Weir: I see a lot of familiar faces here. Shaun, you spoke about additional powers and amendments. Am I right in thinking that your first preference would be for those additional powers to be incorporated into the Bill, and if the Department, for whatever reason, thought that that was not possible, the fallback position would be to put them in the proposed waste Bill? Is that the pecking order?

Councillor S Gallagher: Yes.

Mr Weir: OK. The Committee is dealing with the issue of enabling powers for the statutory transition committees, which do not go into great detail. The more detailed stuff about transition committees will be in the regulations. Could Joanne or Nora comment on what would constitute detailed transition guidance that would form the basis for regulations; what work has been ongoing on with policy development panel A and the SLB on how transition committees would be constituted and operate? What has been the level of

local government involvement? What is the extent of political consensus on those issues?

The Chairperson: Easy questions there.

Councillor Bunting: Just those minor issues? NILGA looked at a number of issues. We considered the level of membership of transition committees and how people should be appointed. At one stage, the Minister asked us to consider whether the membership was producing the appropriate proportionality. He also asked us to look at whether the membership should follow the initial guidance, which was that each constituent council should have equal representation. We produced proposals, which said that our view was that there should be proportionate representation if we are to go forward in partnership and if there was not to be a feeling of one council taking over another.

That was not the position of all parties, but we stipulated in our discussions that, where a party position differed, that was recorded and sent further up the line, because it was important that party positions were recorded. We also looked at inclusivity in representation and ways to address that with regard to membership. We were acutely conscious that a democratic election had taken place, so we were trying to ensure that there was inclusivity and proportionality in accordance with a democratic election, and it was important that that principle was enshrined. To that end, we proposed a menu from which councils could choose: d'Hondt, Sainte-Laguë or single transferable vote (STV). Councils need to agree how they will progress that, and choose an option. If they cannot agree, the default mechanism is d'Hondt.

Another issue that arose during discussions about voluntary transition committees was that councils were using potentially different d'Hondt mechanisms, which caused concern. Therefore, NILGA recommended that whatever divisor method was used, it was applied consistently across each council in Northern Ireland.

The Chairperson: Did you say that one of the options that the Minister initially suggested was that each party be represented at a council level, but that you decided to produce a different menu? Did I pick that up correctly?

Councillor Bunting: It was not necessarily parties, but that there was proportionate representation of the membership of each constituent council.

Mr Weir: At one stage, there was an issue about, for instance, Coleraine being a lot bigger than Moyle, and whether there should, therefore, be five or six members from Coleraine and only two or three from Moyle. However, there is also the view that if councils of different sizes are merging, they are, nevertheless, all separate and different entities, and membership should be level. Was that the issue to which you were referring?

Councillor Bunting: Partly; yes. Part of the issue was that there was a maximum number of members on a transition committee, because, as you can appreciate, the larger the committee, the more difficult it becomes to have efficient and effective decision-making. Therefore, transition committees had a maximum of 16 members. That, for example, allowed Lisburn and Castlereagh to have eight members each. Where three councils were merging, it allowed those councils to have a minimum of five members each. However, four councils were merging in the Causeway Coast group, and they were only afforded perhaps four members each. We moved to a position that allowed the Causeway Coast group to have 20 members, so that each council was afforded the equivalent minimum number of members.

The Chairperson: Gender balance was mentioned at a conference yesterday, but I am very pleased to see you here today.

Councillor S Gallagher: We are very balanced.
[Laughter.]

The Chairperson: We are talking about reflecting the wider population, and 51% of the population is female. I appreciate that it is up to parties to put forward candidates, but what steps will councils be encouraged to take to ensure gender balance?

Councillor Bunting: It is not for us to dictate who parties and councils nominate. We like to think that people consider issues such as gender balance, but that is not in our gift.

Mr Weir: In addition to discussion on composition, there has been discussion on the powers, operation and checks and balances of the transition committees. More broadly, I appreciate that there may occasionally be differences of opinion across the five political parties that are involved. What is the level of overall consensus on the issues?

Councillor Bunting: Are you asking about consensus on the checks and balances?

Mr Weir: I am asking about consensus on the general operation of the transition committees, because, presumably, that will be the basis of the regulations.

Councillor Bunting: There are a number of issues tied in with that, and I will try to make my answer as brief as possible. It is quite detailed, so bear with me.

The Chairperson: If you want, you can supply the Committee with the detailed answer later.

Mr Weir: It would be useful to get that detail in writing. However, has there been broad consensus on the general powers and work streams of the transition committees, or has there been a wide divergence of views?

Councillor Bunting: It has, more or less, been agreed by everyone. There were a couple of very minor exceptions, and those were recorded. Where

there were exceptions and party positions were recorded, it is important to note that any agreement was cross-community. To date, there have never been circumstances in which unionists have taken one view and nationalists have taken another. There were general differences in party views, but those were minimal. By and large, the panel has worked extremely well on governance. We have, generally, found consensus.

The Chairperson: I think that that answers Mr Weir's question. I am happy to accept a more detailed response later.

Mr Kinahan: We raised concerns with the previous witnesses about the gap in the information reaching councils. I congratulate you on your very good circulation of information. However, in Antrim Borough Council, we have quite often found that not every councillor was up to speed when we reached a council meeting. Not every councillor had read everything, and decisions were being overturned or stalled. It meant that a thorough summary was required at every main council meeting, and I assume that that happens elsewhere. You may have sent the information to Antrim Borough Council in every conceivable form, but it had not been read, and the debate often got carried by whoever was in attendance. We need a thorough way of briefing.

My second point concerns the acceptance of joint and several liability, although I am not a fully trained lawyer such as Mr Weir and others. A council may not want to agree to something, but they will all have to act as part of Arc21. Surely that council will have to agree, because all the councils will have signed up to joint and several liability?

Mr John Quinn (Northern Ireland Local Government Association/Arc21): That point is academic as far as the current regime is concerned. It affects joint committee structures, which concerns two of the three groups. The arrangement in both those groups is to have a supplemental agreement to the collaboration agreement, which is the joint committees' constitution. That has already been agreed by the member councils. Those points have already been addressed in the current governance arrangements; it is simply a matter of copper-fastening them in statute.

The Chairperson: Ms Winder, do you want to address the issue of communication? That is what Mr Kinahan was addressing; he was asking for a better summary. Will Councillor Bunting answer that question?

Councillor Bunting: Just so that I am clear, Chairperson: I presume that members are referring to decisions that are made by the voluntary transition committee. The minutes go back to the relevant council, which then decides whether the committee has gone too far.

Mr Kinahan: It takes various forms. It also applies to decisions about waste that are coming through from Arc21 and the transition committees. The danger always seemed to exist that if certain councillors were there and others were not, decisions were being overturned. Therefore, communication is vital; we must find a means by which everyone knows what is happening. It comes down to a briefing at the relevant council meeting.

Councillor S Gallagher: In fairness, Chairperson, waste management can be an emotive issue for councils. In my experience, every sore head has an opinion and expertise on waste management. Unfortunately, if that agenda gets ahead of the real agenda, it can create serious delays. The waste management groups and people like me have to remember that Europe has put down stringent deadlines for recycling and environmental impact measures, and rightly so. We should not get away from that. There will be difficulties and delays, but the bottom line is that there are no landfill sites left. We cannot throw waste on the ground anymore; we have to process it and learn to recycle. Government could do more to get that message out, because there is a gap there.

One example that I gave the Minister is that the Wake up to Waste campaign of a few years ago increased recycling by 7.5%. That is value for money in my opinion. In order for us to reach our targets, central government must come up to the mark. I know that there is a credit crunch, but people must be educated. Following that, councillors will realise what the broader issues are, and will hopefully get the message. I agree what has been said; if the message falls in the wrong place, it can get lost.

Mr Ross: Not being a councillor, I am happy to talk about severance pay.

Mr Weir: You might get lynched outside.

Mr Ross: I might.

You said that you were happy to run from January 2010 until the date of an election. In part, severance is designed to recognise the service of councillors throughout the years, which is the correct thing to do. However, there is also the issue of those who were not going to stand for election to the new councils. Obviously, there must be co-option legislation in place to allow them to stand down, but then we can get new people in and build their capacity and knowledge in readiness for the new councils to go live.

Is there not a danger that, in running severance pay right up to the date of an election, councillors who have no intention of standing for the new councils will not stand down, even if the co-option legislation is in place? Was any thought given to making that window smaller, so that, if the co-option legislation is in place, those who are not going to stand will step away before the election so that new blood can be brought in?

Councillor S Gallagher: Most of the political parties will go through a selection process during that period. For example, SDLP councillors are required to say whether we wish to stay on or take whatever package is available. Most political parties will work in the same way. The argument about the time period also allows political parties to bring in new people and give them an opportunity to see what they are getting into. That is a good idea, because I worry that we could lose all our good people in local government overnight if they all decide to go. A lot of experience could walk out the door. My point of view is biased, but over the past 30 years of the Troubles, local government kept the Province going.

Very few elected councillors have not experienced some impact on their private and home life. Some have experienced threats and so on. The bottom line is that we must recognise that. We all know that it is not a nine-to-five job and that in the past few months some people have adopted a kick-a-politician attitude. The bottom line is that an awful lot of people work very hard in local government; unfortunately, that is overlooked. That message has been lost during the past six months.

My worry is that people who make a positive contribution to local government will have had enough and will walk away from their role. The political parties have a job to do to convince the people whom they want to keep in local government to stay. It is in the interests of the Assembly to have strong local government. Once the situation beds down, the Assembly will benefit from strong local government.

Mr Ross: I am not disputing the fact that we need strong local government, nor am I disputing the severance scheme. I am asking whether it would be beneficial to narrow the window of opportunity. Parties, of course, have responsibilities. However, we must ensure that new members receive training for the new councils, which have a responsibility to be up to speed on matters once the new system goes live. Would narrowing the window not be beneficial?

Ms Winder: There is an issue of capacity. We are embarking on a major reform process in local government. If we lose all our councillors in one swoop, in January 2010, many people will need to get up to speed very quickly. We must not underestimate the size of the reform programme and the short time period. Therefore, by phasing in the severance scheme throughout 2010 and up to May 2011, the sector retains the capacity to oversee the change process for as long as possible.

The Chairperson: A couple of members want to comment on the same point; please keep your comments brief.

Mr Kinahan: I know that we are held back by being councillors. I am a councillor in Antrim Borough

Council. However, I have only been there for four years, so am not included in the severance package. I take on board your comments that people who have been there for years know why councils made decisions and know the route that they have taken. We should, perhaps, consider a way to allow them to remain in a council as, for example, honorary members. That would allow them to remain in the system but not have a vote, allowing the councils to call on their experience, at least. That way, you would not kick them out the door and lose them.

Mr Dallat: My understanding is that the severance arrangement has more to do with creating space for new members who plan to spend a lot of time in new councils, rather than simply to reward those who have been there for a long time. I am somewhat confused about that now. It is best to resolve the severance issue as soon as possible to allow those who want to leave to do so.

Earlier, we mentioned the fact that the proposed Causeway Coast and Glens district council will have four extra representatives. Two of those four councillors are currently nationalist, but will become one big unionist. It is not often you get the opportunity to plan your own funeral; perhaps the extra places were deserved.

Councillor S Gallagher: We must recognise long-term service in local government. The balance must be found to allow new blood to come in and to create new opportunities. Hopefully, politics will be appealing enough to attract the right kind of new blood.

Mr Beggs: I have a question for John Quinn. Aspects of the Bill were designed to give confidence and assurances to the contractors and financiers who will build the new waste-management infrastructure. It has been indicated that it all needs to be finalised by June 2010. Earlier today, Ciaran Quigley from Belfast City Council said that Arc21 could proceed with a site only with the approval of individual councils. That is his interpretation of the guiding rules of Arc21. Does the current arrangement in which you have to operate enable a site to be established?

Will the necessary confidence be available for — *[Inaudible due to mobile phone interference.]* If you do not have a site, you do not have a plan, and nothing can happen.

Mr Quinn: We have a raft of sites at our disposal. The issue about our governance relates to the issue of consensus around any major decision, including that of releasing a site that is in council ownership for waste-management purposes. That is only one of a range of decisions that require consensus. In a democratic process, the converse is that any council has a veto for those major decisions, including contract award.

That, I guess, can militate against an expeditious decision-making process in one organisation in which

there are 11 — [*Inaudible due to mobile phone interference.*] To date, those governance arrangements in all three groups have worked very well. The issues specific to — [*Inaudible due to mobile phone interference.*] The Belfast situation as referred to by Ciaran Quigley relate to the authority of a council to make available a site. In this case, Belfast City Council decided not to make its site available. However, that does not mean that there are not other sites in the public or private domain.

Mr Beggs: Are you confident that you will be able to get approval for sites from owners so that the deadlines can be met at affordable prices?

Mr Quinn: Yes.

Mr Boylan: I have just one issue on which I need clarification, because the Committee will discuss in a moment how the Assembly can help his process.

Mr Kinahan said that reform is a major body of work, and we need to have local government staff fully trained in order to implement it. The Chairperson spoke about the role that local government has played. I am mindful that people out there are very busy, especially during the evenings. However, I am seriously concerned that the message seems not be getting across.

Is the greater part of the message getting across, whether through group leaders or whoever? I know that individual councillors will dispute different issues, but it is important for the Committee to have an understanding, because we will make a decision whether the message is being effectively communicated and how we can help in the communication process.

The Chairperson: With regard to communication and getting messages across, I have been informed that someone has their mobile phone on, and it is continuing to affect the recording system.

Mr Dallat: Chairperson, I can tell you every occasion that a phone rings, because I cannot hear anything. Under Section 75, and the provision of the loop system, I am entitled to know what is going on here, and I cannot hear because there is constant buzzing in my ear. That is unfair.

The Chairperson: I hope that the guilty party will take note, if any, but that message came from Hansard. People must turn off their mobile phones, please — not only for Hansard, but in order to allow Mr Dallat to hear.

Mr Dallat: Well, if it continues, I will have to find out what my rights are in here. This is the only Committee in which I have experienced the problem.

The Chairperson: OK.

Ms Winder: I will give an overview of the way in which NILGA has attempted to include people. From a local government point of view, a lot of member and officer time has been devoted to policy development

when working with the strategic leadership board on the reform process over the past year. We have tried, as far as possible, through the communication strategy, to ensure that the detail of what has been agreed is available for access by everyone involved with the process. There is information on the DOE and NILGA websites.

In addition, a monthly update on the reform programme is sent to all councillors and all councils, as well as a NILGA update, which gives a general overview of what is happening in local government.

A 12-month review was carried out of the strategic leadership board and the policy development panels. Although final agreement has to be reached on that report at the next SLB meeting on 16 October, there is general agreement on the development of a regional transition committee that will come into effect when transition committees become statutory. The regional transition committee would have a representative from each of the new 11 council areas. We hope that that will build the capacity and improve the communications flow so that messages go directly back to the transition committees that will have to make decisions.

Throughout the process, we are continually trying to improve on communications, and we take on board the point that was made earlier, which I will bring back as a summary. Unfortunately, however, some of these matters are very detailed, and some of that detail is lost if it is summarised too much.

Councillor S Gallagher: I find the Assembly's website a bit difficult to use. It could be a lot more user-friendly. I admit that I am not very IT literate, but perhaps that website could be looked at.

The Chairperson: The Committee agreed earlier to write to the Department about communication issues, and we will mention the website.

I thank you all for coming along and for your contributions.

NORTHERN IRELAND ASSEMBLY

COMMITTEE FOR SOCIAL DEVELOPMENT

17 September 2009

HOUSING (AMENDMENT) BILL (NIA 7/08)

Members present for all or part of the proceedings:

Mr Simon Hamilton (Chairperson)
Mr David Hilditch (Deputy Chairperson)
Mr Billy Armstrong
Mrs Mary Bradley
Mr Mickey Brady
Mr Thomas Burns
Mr Jonathan Craig
Mr Alex Easton
Ms Anna Lo
Mr Fra McCann
Ms Carál Ní Chuilín

Witnesses:

| | | |
|----------------------|---|--|
| Ms Janet Hunter | } | Housing Rights Service |
| Ms Nicola McCrudden | | |
| Ms Alyson Kilpatrick | } | Simon Community Northern Ireland |
| Mr Paddy McGettigan | | |
| Ms Ciara O'Hagan | | |
| Mr Tony McQuillan | } | Council for the Homeless Northern Ireland |
| Ms Ricky Rowledge | | |

The Chairperson (Mr Hamilton): I welcome the representatives of the Housing Rights Service to this morning's Committee meeting. Janet Hunter is its director and Nicola McCrudden is the policy and communications manager. The Committee has received a submission from the Housing Rights Service on the Housing (Amendment) Bill, with a supplement to that in the tabled items. Ms Hunter will make some introductory remarks, to be followed by members' questions.

Ms Janet Hunter (Housing Rights Service): Thank you for this opportunity to come back and speak to the Committee, now that we have had an opportunity to review the text of the legislation in detail. As we said previously, the Housing Rights Service does not have any major concerns about the Bill; it is largely uncontroversial.

It contains a number of provisions that we are keen to see reach the statute book. In the interests of brevity, our submission will focus on the provisions contained in the Bill and will highlight one or two areas in which we think that changes in wording would improve the Bill. As well as that, I will highlight two areas of the Bill about which we have more substantial concerns

Clause 1 is about placing a duty on the Housing Executive to formulate a homelessness strategy. The clause states that the Housing Executive:

"may formulate and publish a homelessness strategy".

That is an unusual form of words to use. Locally, in legislation, the use of "may" generally implies a power rather than a duty. Having read the rest of clause 1 and the explanatory and financial memorandum and having been involved in the background to the Bill, we know that that is not the Department's intention. The intention is to introduce a requirement for such a strategy. To avoid possible ambiguity in any future interpretation of clause 1, our recommendation is that "may" be changed to "will".

We have more substantive concerns about clause 4, which are outlined in our supplementary paper. Clause 4 gives the Department the power to prescribe the form of advice and assistance that the Housing Executive offers to people who present to it as homeless and who are undergoing a formal assessment process. The Housing Executive has had that duty for over 20 years. Although we would not claim that there could not be some improvement in how the Housing Executive discharges that duty, that alone does not warrant legislative intervention or the provision of guidance from the Department to the Housing Executive.

The background to all the homelessness provisions in the Bill is supposed to be the work of the promoting social inclusion (PSI) group on homelessness and 'Including the Homeless', a strategy published by the Department for Social Development. As a member of the PSI group and as someone who was involved in those discussions all those years ago, I am clear that, as it stands, clause 4 represents neither the spirit nor the intention of the working group, nor does it reflect the intention of the Department as stated in 'Including the Homeless', in which the recommendation was for:

"DSD Housing Division to amend the law to provide for NIHE to have statutory responsibility for ensuring advice is available and to regulate the form of advice and the means of provision."

That recommendation is about introducing a new and additional duty; it is not about something that has been in existence for 20 years. That distinction is important because a central theme of the strategy is to try to place increasing emphasis on the prevention of homelessness and recognising the key role that good-quality advice can play in preventing homelessness if it is delivered early in the process.

One example that is relevant in the current economic climate is the provision of debt advice to someone who is in mortgage arrears. Good advice given at the right time can prevent someone from losing their home as a consequence of debt. That is different from the type of advice that the Housing Executive will be giving to someone who is already homeless. I hope that that helps the Committee to understand the distinction.

The PSI group felt that that distinction was so important that it recommended that a new, broader duty be imposed on the Housing Executive to ensure that advice and assistance was available to any person, free of charge, when he or she is faced with the threat of homelessness. In that case, people would not have to be at the crisis stage of formally presenting as a homeless person.

Clause 2 introduces a new, broader duty of providing advice, and it is that duty around which the Department needs to be prescriptive and produce guidance. The Department must ensure that that duty is implemented effectively, the advice is comprehensive and covers the full scope of issues and the quality of that advice can be assured. That is a fundamental point, as it would bring us in line with the position in England, Wales and Scotland. When the duty to provide advice was introduced in those places, it was quickly realised that without guidance from the relevant Department to ensure that the advice was comprehensive, that advice was largely ineffective.

I hope that I have conveyed the importance of that point and how we feel that what is represented in the Bill does not reflect in any way the intention of the original working group on homelessness. Later, the Committee will hear from the Council for the Homeless and the Simon Community, organisations that were also involved in that working group, and I hope that they can support us on that point.

I draw members' attention to a technical point around clause 5. We have covered that in our written submission and, I suspect, it is one of those things that is easier to cover in writing than verbally. Clause 5 introduces a statutory right to a review of an adverse homeless decision. The clause includes a recommendation that the Housing Executive should, during any review process, be able to provide the applicant with temporary accommodation. A similar issue concerning the Housing Executive's ability to provide temporary accommodation is covered later in the clause. However, as currently drafted, the wording of the two proposed new articles is different. To ensure consistency, our recommendation is that where the two similar issues are covered in the same clause, the wording should be the same.

Clause 10 relates to antisocial behaviour. The clause suggests that there should be a statutory requirement

on the Housing Executive to publish its policies and procedures in relation to antisocial behaviour. We fully support that proposal, and we absolutely agree with the Department's rationale for introducing it: not only will it allow tenants to see how any complaints that they may have in relation to antisocial behaviour will be progressed, it lets them know the standard of behaviour expected of them as tenants.

Our advisers would very much welcome the publication of policies and procedures. Those are an important tool when it comes to assisting clients who have issues relating to antisocial behaviour. However, our experience shows that it is not only Housing Executive tenants who are involved as the victims, or alleged perpetrators, of antisocial behaviour. For example, we deal with just as many people who live in the housing association sector. Our clear recommendation is that clause 10 be reworded to extend to all social landlords.

I am happy to take questions on those clauses; however, at this stage, I will hand over to Nicola. She will talk about clause 14, which concerns the definition of houses in multiple occupation, which, as I am sure members are aware, we have previously raised concerns about.

Ms Nicola McCrudden (Housing Rights Service):

Members who have been on the Committee for some time will be aware that we first raised this issue a year ago, when the Minister stated her intention to bring forward the Bill and propose an amendment to the definition of a house in multiple occupation (HMO). We have a number of concerns about clause 14.

The rationale for regulating HMOs is to minimise the risk to the health and safety of the occupants living in them. Therefore, in our view, any amendment to that definition should be viewed as substantive, because it could significantly impact on the rights and protection of people living in such high-risk accommodation. As such, we believe that a thorough consultation should be carried out before any change is implemented. Unfortunately, it is being treated as a technical amendment and is being introduced without proper and due consideration.

We also have concerns that the explanatory memorandum to the Bill is, in fact, misleading. The definition being proposed goes further than what is stated in that document. As members are probably aware, the amendment is being introduced as a result of a judgment in 2005, in which a judge criticised the definition of "family member". The view of the Housing Rights Service is that it would require one amendment to address those concerns; that is, a change to the definition of "family member" to ensure that extended family members are not treated as living in HMOs. We agree that that is the only definition that

would need changed, but the amendment goes further than that. We feel that that is unnecessary and that the matter has not been given proper consideration.

The Bill also amends the definition of a HMO, which will have unintended consequences. It will mean that two unrelated families living under the same roof will no longer be treated as living in a HMO, and will no longer be afforded the protection that the regulations provide. That is very worrying. It has not been pointed out in the explanatory memorandum; therefore, there has been no proper consideration of the potential impact of the amended definition.

Thirdly, as I think everyone is aware, there are significant numbers of non-UK nationals, migrant workers and young people living in that form of accommodation. Unfortunately, the equality-impact assessment does not contain any statistics relating to HMOs and their occupancy with regard to migrant workers and young people. That is a concern. There was no consultation on the equality-impact assessment. Had it been put out for consultation, we — along with other stakeholders, including the councils and other colleagues — would have had the opportunity to make some input.

The Housing Rights Service agrees that the definition of HMO needs to be reviewed. We believe that the definition as currently worded should be removed from the Bill, and should be subject to proper consultation with key stakeholders. It should be emphasised that councils must be involved in that process, because they will be taking over the statutory responsibility from the Housing Executive for the registration scheme for HMOs under the review of public administration (RPA) in 2011. That is why we recommend that the amended definition should be removed, because if it is included in the legislation, and that is passed in the Assembly, it will have a detrimental impact on people who were never intended to be included in the definition.

The Chairperson: Thank you for your presentation. To return to the homelessness strategy, do you consider that the list of organisations, agencies and Departments in clause 1 is complete?

Ms Hunter: A lot of the recommendations were made as far back as 2004. Nicola mentioned the forthcoming review of public administration, which is relevant because it will give councils a bigger role, not only in private-rented housing but in the whole community-planning process. It might be good to extend that list to include councils.

Ms McCrudden: We suggested that registered housing associations should be required to be involved in the development of the homelessness strategy. They will be involved in implementing it, but, as housing providers, they should also be involved in its development.

Ms Hunter: That would make sense, as housing associations will have an increased role in housing provision.

The Chairperson: You have touched on a lot of salient points in the Bill, and I know that members will wish to ask some questions.

Mr F McCann: I want to make a couple of points. Along with a number of other groups, the Housing Rights Service took part in drawing up a homelessness strategy in 2004. Having spoken to some of those groups, I understand that there were concerns that by the time that the strategy was implemented, a lot of its content would be out of date and would need to be upgraded. I notice that you said that the Bill is a tidying-up exercise to take account of some issues that were raised. Do you not feel that the Bill presents an opportunity to deal with some other outstanding issues; not only antisocial behaviour, but homelessness and immigrants? If we miss this opportunity, it may be years before we are again in a position to deal with those issues.

Ms Hunter: We agree with that. A lot of the things that were talked about as part of the formulation of the homelessness strategy did not make it into the final document. There are other legislative reforms to deal with homelessness and the broader housing world that we would be keen to see being made. Our understanding was that, at this stage, it was almost too late to bring those things to the table and that the opportunity to debate them would come with plans for any future housing legislation; for example, legislation around the private-rented sector. If we had a carte blanche, we could add a lot more to this.

Mr F McCann: I am concerned that it could be years before a lot of those issues can be picked up on. We have an opportunity now. This Bill goes to the Assembly and it is for political parties to debate it in the House, but it would be a wasted opportunity not to pick up on a number of the outstanding issues. For instance, Nicola spoke about HMOs. The interpretation that we were given is fairly vague, as you said. I would like to see you expand on what that actually means to people in houses of multiple occupation. It would give us a good insight into how that matter is approached. We were also told that, because of the court case that took place, you may have little room for manoeuvre; however, you are saying that that is not exactly the case.

Ms Hunter: Yes, Nicola was quite clear on that point. The issue around the court case was about the definition of “family member”, not the definition of HMOs. It is our view that that legal concern could have been dealt with simply by changing the definition of “family member”. Our view on that is very clear.

Ms McCrudden: The amended definition is the Scottish one. The practice of lifting clauses from other

jurisdictions and introducing them locally is probably a throwback to direct rule. It seems to be felt that, because something has been used in other jurisdictions, it can be brought in here. However, Scotland never had our definition, so we do not see why we need to bring in its definition. It has gone beyond what the judge's concerns were, so we think that that change in definition is unnecessary.

Mr F McCann: The issue of antisocial activity affects not only the elected representatives here, it affects everyone in society; we are all inundated with problems to do with it. We have been told that there is sufficient scope in the Housing Executive's regulations to deal with antisocial behaviour. If that is the case, has the problem not been dealt with by the Housing Executive? There is talk about publishing those regulations; how will that impact on antisocial activity?

Ms McCrudden: Requiring the Housing Executive to publish that information would mean that there is more transparency. Our concern is not to do with the Housing Executive, because we have that information already. Our concern relates more to housing associations because not all of them have policies and procedures and sometimes it can be difficult for our advisers to get their hands on that information. If somebody comes to us with a complaint that another tenant is being antisocial, it takes us a while to get the information on how the association will deal with it and whether it is following its procedures. It is very important that housing associations be required to publish that information so that they are transparent. It would also mean that the Housing Rights Services, and other groups like us, may have an opportunity to input to their procedures and policies. Therefore, it is not only to do with the Housing Executive; it is broader than that.

Mr F McCann: Do you regard the Housing Executive's regulations as being ample to deal with antisocial activity? Are those the sort of regulations that should apply across all social providers, including housing associations and the private-rented sector?

Ms McCrudden: My understanding is that the housing associations have similar powers to those of the Housing Executive in the procedures that they follow and the eviction process for a tenant who is being antisocial. For example, they all have introductory tenancies, which was brought in under the Housing (Northern Ireland) Order 2003 and means that tenancy is probationary for one year and there is a quick process for a landlord to evict a tenant who is being antisocial. That applies to both the Housing Executive and housing associations. We think that there is sufficient legislation and powers, but they have to be enforced and used.

Ms Hunter: Making the process transparent will assist in that.

Mr F McCann: You mentioned the duty on the Housing Executive to formulate a homelessness strategy, and I understand that that strategy is supposed to be reviewed every five years. I am not sure whether it was representatives of the Simon Community who told us that if it has taken four years for the original recommendations to be made into a strategy, to wait another five years will mean that ten years will have passed before the review takes place. In the South, a group looks at all aspects of homelessness and other housing-related issues. Rather than relying solely on the Housing Executive, would you see such a group as well-placed to do that review and pull together the family-housing sector, as was done with the PSI group on homelessness?

Ms Hunter: That would be useful. That sort of model was created with PSI, when it was not only the statutory players who were involved in discussions; the voluntary sector and other key stakeholders were involved. It is important to continue with that model because those groups have a lot to bring to the table in such discussions, and PSI is proof of that.

Mr Hilditch: Is there much of a difference between the Housing Executive policy on antisocial behaviour and that of the registered housing associations? Have you been able to get a hold of any of the housing association policies?

Ms Hunter: That is one of the difficulties. It is hard to say because, as we cannot access the policies, we are not able to draw those comparisons. Our advisers inform us that some of the housing associations have policies that are fairly easy to access and that are similar to the Housing Executive's, but they also say that it is difficult to access the policies of some other housing associations. That does not mean that they do not have a policy in place, but in its absence, it is difficult for us to progress work on behalf of a client.

Mr Brady: Thank you for your presentation. In your comments on clause 4, you emphasised the need for proper and comprehensive advice on homelessness, because the Housing Executive's current advice is minimal.

Ms Hunter: That is correct; it is narrow and, at present, the requirement for it is also narrow. However, there is little point in introducing a new, broader duty unless guidance is offered on how that should be implemented. There is, therefore, a need to redraft clause 4 and relocate it so that it clearly relates to the new duty, which is contained in clause 2, and not to the existing duties. As you rightly say, currently the advice is minimal and I do not believe that it would prevent anyone from becoming homeless, which is what the whole thrust of the strategy is supposed to be.

Mr Brady: The Housing Executive's advice on the wider issue of homelessness is minimal. Do you think that it is incumbent on DSD to widen the scope of that

advice? I think that that is what you are saying. Do you think, as I do, that there is a need for specialist homelessness advisers in the Housing Executive and that providing such advice should not be the responsibility of someone at the front counter who does not know much about it? Anyone who has dealt with such issues over the years or has sought advice will know that such advice is sadly lacking. If you are introducing legislation, it has to be backed up, because prevention is better than cure.

Ms Hunter: That is correct, and that is the point that we are trying to make. The Department has gone part of the way by introducing a new duty, but without introducing the guidance to ensure that that is implemented effectively, there is little point in introducing it, because it could still mean very little to people on the ground. For the new duty to be effective, it needs to be accompanied by prescription or some form of guidance from the Department.

Mr Brady: It is pointless to introduce the legislation unless there is strong backup. It will not solve the problem; it will not go even close to solving it.

Ms Hunter: Without that back up, it is largely tokenism. The experience in England, Wales and Scotland has been just that: a duty was introduced, and several years later it became apparent that it had no teeth unless there was guidance to describe what that advice should look like in order to have an impact on people and prevent them becoming homeless.

The Chairperson: To return to the issue of HMOs; it seems that the explanatory advice gives scant regard to the potential consequences of the change in definition. You have suggested that the amended definition should be removed and that there should be further consultation, but have you any preference for what a better clause should look like?

Ms McCrudden: As I said, one way to address the issue would be to amend the definition of the phrase “family member”. That would address the judge’s concerns and those of the Department and the Minister. I do not think the Housing Rights Service is best placed to come up with a definition and form of words on its own.

The Chairperson: Is it not simple or straightforward?

Ms McCrudden: It is extremely complex. We have appeared before the Committee three times trying to explain it. The wording of the legislation is very complex, and it is very difficult for landlords to know whether their property is classified as a HMO. Any tinkering with the wording could have a significant impact on people. We are not confident in doing it on our own, but we would like to work with others, including the Department, the Housing Executive and councils, to try and come up with a Northern Ireland definition that suits our circumstances in today’s environment.

The Chairperson: It is easy to see who would be negatively impacted by the proposed changes, but who would be impacted positively?

Ms McCrudden: People affected positively would be those with aunts, uncles, nieces and nephews living in their accommodation. Currently, if one is living in a property with those relatives, that property could be classed as a HMO. It was never the policy intention to include such people in the definition, because a lot of people here live with their extended families.

The new definition will remove lodgers from the equation, but there are other ways of doing that. There could be a separate clause excluding lodgers, so that if a husband and wife rent a room to someone else, their property could be classed as a HMO. We have no objections to lodgers being excluded, but the new wording will mean that two families sharing a house will be excluded from the definition of a HMO. Such a situation can often happen with migrant workers. We do not feel that that has been properly thought through.

The Chairperson: It sorts one problem out but gives rise to another. In relation to the publication of policies on antisocial behaviour, you said that references to the Housing Executive in article 27A should be changed to include all social landlords. When you say “social landlords”, you clearly mean registered housing associations. What do you intend the wording to be.

Ms Hunter: That is what we mean. We want it to include registered housing associations.

The Chairperson: You are not straying into the private-rented sector?

Ms Hunter: No, because there have been difficulties with that in the past.

The Chairperson: That was my fear.

Ms Hunter: We are suggesting that registered housing associations be included.

Ms McCrudden: Housing is allocated from a common waiting list; so if a tenant is allocated a Housing Executive or housing association property, those should be treated exactly the same. We cannot see any justification for having differences.

Ms Hunter: People generally do have the same rights and entitlements; there is very little difference. We think that that parity should be maintained as a matter of principle.

The Chairperson: They may pay more rent for the place.

Mr F McCann: On the back of that, there is more reliance on the private-rented sector to provide houses for the social sector. Why should that sector be excluded when the other two social housing providers are being asked to take on those responsibilities? When dealing with the private sector, your organisation deals with a

lot of cases, as other groups bear testimony to. You deal with illegal evictions, overcharging, poor housing, etc. How can those things be dealt with if that sector is excluded from the legislation?

Ms McCrudden: You have raised an interesting issue. The clause is being inserted into the Housing (Northern Ireland) Order 2003 at a point relating to injunctions for antisocial behaviour. All landlords, including private landlords, can apply for injunctions to prevent a tenant from being antisocial. I do not know whether any private landlords have done so.

The Landlords' Association of Northern Ireland (LANI) took a case involving the HMO judgement against the Housing Executive under the HMO registration scheme. LANI argued that it was not a public authority and should not, therefore, have the same obligations imposed on it as other housing providers. LANI won the case.

Ms Hunter: We do not necessarily agree with that, but the case has already been lost.

Mr F McCann: Surely a body that receives nearly £100 million of public money annually to deal with the issue should have to adhere to the same rules and regulations affecting the other two.

Ms Hunter: We agree, but we are aware that the legal debate has been lost.

The Chairperson: It is a minefield.

Ms McCrudden: We are starting to stray into issues of private-rented accommodation. The Committee is aware that we support registration, but that is for another day.

Mr F McCann: That is if it is ever dealt with at all.

The Chairperson: We will come back to that. We have concentrated, naturally, on some of the parts of the Bill about which you are not overly happy. You said that you generally welcome the Bill. Do you want to highlight any positive clauses to the Committee?

Ms Hunter: We are extremely supportive of the duty to form a homelessness strategy, as long as it is exactly that; a duty. We have long been concerned that, in Northern Ireland, no statutory right existed to request a review of an adverse decision, whereby the Housing Executive states that an individual is not homeless. We always considered that to be unfair. We are delighted that that is coming on to the statute books.

We also strongly support clause 2, which broadens the duty to provide advice and changes the emphasis to the prevention of homelessness. However, as I said, our reservations are that clause 4, as drafted, could render that meaningless, and that would mean the loss of a valuable opportunity.

The Chairperson: Before I let you go, I will recap your evidence and go through the reasons why you are

here today, because members may wish to express their views or put further questions to you. I will try to synthesize your evidence as best I can. Feel free to correct me.

The Housing Rights Service has made the following suggestions: the requirement to produce a strategy should be strengthened; the type of advice on homelessness should be specified; temporary accommodation for those awaiting decisions should be provided; housing associations should publish a policy on antisocial behaviour, and the HMO clause, which is clause 14, should be removed. Do members wish to express their views at this stage?

Ms Lo: We had a long, detailed meeting with the Housing Rights Service, and I strongly support what it has said today. The new HMO definition will create ambiguity and cause many problems. Some health and safety issues will arise as an unintended consequence. I strongly support the removal of that clause. A proper public consultation should take place on that subject. Let us get it right, rather than rushing into including that clause.

The Chairperson: If members have no further views, we will come back to that subject during the deliberations on our report. Thank you, Nicola and Janet, for your useful evidence today.

Ms Hunter: Thank you.

The Chairperson: We are now joined by representatives from the Simon Community: Paddy McGettigan, the director of housing and support services; Ciara O'Hagan, director of finance and facilities, and Alyson Kilpatrick. You are welcome, and thank you for coming to the meeting. As with the previous session, perhaps you will provide a few introductory remarks about your submission, after which I will open the session for members' questions.

Mr Paddy McGettigan (Simon Community Northern Ireland): Thank you. I want to clarify that Alyson Kilpatrick is a board member with the Simon Community Northern Ireland. She is also a barrister at law and an expert in housing.

The Chairperson: We met informally, during the summer, at the Housing Commission

Ms Alyson Kilpatrick (Simon Community Northern Ireland): I am not wearing that hat today.

Mr McGettigan: The Simon Community thanks the Chairperson and Committee for the opportunity to comment on the Housing (Amendment) Bill. At the outset, I want to say that we fully endorse and support the comments made by the Housing Rights Service in its submission. You will see a correlation between some of the points in our submission and some of their remarks.

We want to concentrate on issues relating to the development homelessness strategy. Although Simon Community Northern Ireland has seen a decrease in the number of people who referring as homeless, we believe that it is essential that the work carried out following the publication of the 'Including the Homeless' strategy is continued and have concerns that there have been some suggestions that the work of the steering group and subgroups should be reduced. The DSD strategy document also recommends that it be a statutory requirement for the Northern Ireland Housing Executive to publish a homelessness strategy and, therefore, we welcome its inclusion in the Bill.

Now, more than ever, given the current climate, there is a need to concentrate on social-inclusion issues. It must be recognised that the challenges facing the sector, and the Northern Ireland Housing Executive as the statutory authority, are unprecedented. The development of a homelessness strategy must, therefore, become a priority in order to give clear direction to all providers.

The Simon Community Northern Ireland believes that, given the current environment, the suggestion in the Bill that the Housing Executive develop a five-year strategy is unrealistic. We recommend that the strategy should be developed for no more than three years, with an annual review to allow for appropriate action to be taken in a time of change.

The development of a homelessness strategy is essential to the targeting of limited resources in order to ensure the cost-effective use of public funds and to maximise value for money. The supporting people team is already leading the way in trying to encourage joint-working initiatives and co-operation in order to develop more effective ways of working. That work must be supported with the appropriate strategy in order to give a clear way forward for all providers. That would also help to provide some stability to the sector and allow organisations to plan ahead with some degree of confidence.

When it comes to the co-operation of other statutory organisations, it is essential that the organisations listed in the proposed article 6A, paragraph 5, be required to take account of, and give effect to, the strategy. Without that approach, the effect of any strategy will be severely limited. We see the strategy as an opportunity to point in the direction of homelessness prevention, highlighting the need for community education on homelessness. A co-ordinated approach to homelessness prevention involving all Departments in the Executive is essential. In addition, the strategy must point the way forward in securing community ownership of the problem of homelessness.

Ms Ciara O'Hagan (Simon Community Northern Ireland): For future provision and regulation, we suggest

that the development of a homelessness strategy provides an opportunity for the Housing Executive to carry out a critical analysis of the homelessness sector and its own landlord function. In the current climate, the Housing Executive has been under increasing pressure financially; and, as the largest social landlord, it must look at how it is to maintain, sustain and develop its property base in the future.

The Simon Community suggests that the homelessness strategy looks at the development of options, such as community housing companies, as an effective way of providing opportunities for the cost-effective management of social housing without increasing the demands on the public purse. That could offer a way forward for community ownership linked to community regeneration, development, and a shared future in housing. There are also links to community planning, RPA, council reform and the management of community behaviour.

The Simon Community recognises the need for the private rented sector to be seen as one of the solutions to future housing need. However, we suggest that regulation of that sector is necessary, using a balanced approach that will encourage the inclusion of the many excellent landlords already operating within the sector. At the same time, such regulation will act as an effective disincentive to poor practice and have the overall aim of providing an affordable housing option. Regulation of the private-rented sector could provide assurances, with respect to standards, in that type of accommodation and be seen as a reasonable way of providing housing for people on the common selection scheme list.

In summary, the Simon Community sees the requirement to publish a homelessness strategy as essential to mapping the way forward. We believe that it offers the best opportunity to provide innovative solutions, to secure a collective approach to the problem of homelessness and to strengthen our Northern Ireland communities.

The Chairperson: Thank you very much. I will open up the meeting for members' questions.

Mr F McCann: Over the past number of years, the private-rented sector has performed what has been termed as "taking up the slack" with respect to the lack of social housing. If that sector is to be more widely used, how far would you go with legislation? For example, would it be mandatory legislation? Surely, at the minute, quite a number of people are being grossly abused by landlords through poor conditions and by being charged over and above the rate of housing benefit. How would you deal with that?

Ms O'Hagan: That is a big question. There are already good landlords working in the private-rented sector. The Housing Executive relies on that sector and

puts homeless people into private-rented-sector houses. The legislation must be regulatory in allowing people to register and continue as private-rented landlords, but not so onerous that it discourages them from registering and being subjected to standards. If landlords do not register, that will force people towards an almost black-market economy in the private-rented sector. I suppose that the standard needs to be at a level where it is not a barrier for private-rented landlords to sign up to such a register.

Mr F McCann: Surely, strong regulations, which are currently not in place, will start to pull this unregulated sector into line. In England, opinions are starting to change on how the private-rented sector has been treated. Obviously, a large section of private landlords provide an excellent service, but a sizeable rump of them do not, and they grossly abuse their tenants.

The Chairperson: Fra, we are in danger of straying into an entirely different issue.

Mr F McCann: It came up during the debate, but I will move on.

Your documentation refers to how you would deal with 16-year-olds and 17-year-olds. Will you elaborate on that?

Mr McGettigan: We are concerned that the Housing (Amendment) Bill does not include anything about that group being a priority need: we understood that that was going to be part of the Bill. However, we have been advised that a process is ongoing that will bring that part of legislation forward without the need for it to be included in this Bill. Case law on the issue has developed in England. In May 2009, the case of *G versus Southwark* went through the House of Lords, and we believe that that will set a precedent in law. The choice is whether to set legislative requirements or allow case law to develop that will point the way anyway.

Ms Kilpatrick: Sixteen-year-olds and 17-year-olds who leave care here are not automatically considered to be in priority need, whereas they are in Great Britain. They could be accepted as being vulnerable for another reason, but I have only seen that happen in a handful of occasions. As a matter of law, I can see no reason why either primary legislation, which could have been included in the Bill, or secondary legislation could not have stated that 16-year-olds and 17-year-olds leaving care are considered to be in priority need. That would mean that they would be accepted by the Housing Executive as being owed a housing duty.

Mr McGettigan: Even more worrying are the cases of 16-year-olds and 17-year-olds who have no care history. Quite often, they are shifted between the health authorities and the Housing Executive, with no one taking real responsibility for them. The Simon Community feels that those young people are at real risk, because they do not have support. It is also an issue for young

people who leave care, but, generally, they have social work support and a number of agencies working with them. Young people who leave home one night after falling out with their parents and have nowhere to go are at real risk in the current system.

Mr F McCann: Around 20,000 people declare themselves homeless each year, and less than half are accepted as homeless. I am always trying to work out where the rest of them go, but I take it that many 16-year-olds and 17-year-olds are left to their own devices.

Mr McGettigan: We have no definite figures on that. However, the point links back to the duty to give advice and assistance. Under the legislation, no such duty lies with the Housing Executive. We think that a child in such a position should be assessed as a child in need, but the health authorities are reluctant to take young people of that age into care. If a child were to be assessed as a child in need, he or she would automatically enter the care system.

The case that went through the House of Lords in May 2009 clarified that the primary responsibility for a young person of that age presenting as homeless lay with the health authority and that they could not be regarded under homelessness legislation. I think that, eventually, the precedent from that case will apply here. The issue comes up day in and day out, and, from a practical point of view, a young person who presents as homeless at a Housing Executive office is often told to go to a social work office. When they present at a social work office, they are often told to go the other way. That toing and froing is not helpful.

Ms Kilpatrick: For those looking at the legislation, it must be clarified as to who owes the duty. Do the two agencies owe it? Should they liaise with each other? If so, what is the duty? How do you discharge that duty to them? Does it encompass accommodation needs, support needs and social services needs? That is what people need to grasp. Who owes the duty and how is it discharged?

Mr McGettigan: We are going back to the point that we made in our submission about the homelessness strategy. The development of the strategy is a great opportunity, but it will not work unless there is buy-in from all Departments. There are links throughout education, health and employment, which need to be considered in tandem if we are to address the issue of homelessness.

Mr Hilditch: I think that Ms Kilpatrick has already referred to my next point. The proposed statutory rule, the Homeless (Priority Need for Accommodation) (Northern Ireland) Order 2009 will replicate the English and Welsh situation. Will that address the concerns here?

Ms Kilpatrick: I think that it will. There is case law, albeit from the English Court of Appeal; and I think that one of the points was taken in the House of

Lords, which makes it fairly clear. It takes longer to feed through the courts, but I think that the Order will fill the gap.

Ms Lo: I agree with what you say about the 16-year-olds and the 17-year-olds declaring themselves homeless: often, it is a ping-pong situation. From my experience as a family and childcare social worker, I know that social services are reluctant to take on anyone at age 17. With the closing of so many children's homes, they do not have places for them. Often, as you say, they disappear. They could be sleeping on the streets, finding themselves in vulnerable situations and going to live with inappropriate people.

Mr McGettigan: There were approximately 2,800 referrals last year, and 50% of the people who are referred to us are under 25. The majority are around the ages of 16 and 18.

The Chairperson: You spoke about developing community housing companies. Will you elaborate on what the role of such a company would be and how that would differ from that of a registered housing association?

Mr McGettigan: We relate that to the current arrangement in the Housing Executive, which is regulator and landlord. If you are to look at real community involvement in the future, an opportunity to address the issues around antisocial behaviour, community development, community planning and community regeneration could be linked to giving ownership to the community by way of their housing. Therefore, it is an opportunity to create a housing company from existing structures within the Housing Executive. They are structured along district and area lines.

If ownership of accommodation was registered as a housing company, with a board that was made up of local people and local businessmen and linked to the new council structures, it would provide an opportunity to give ownership back to the community and have the people invest in their communities. That has the potential to help to give some of the answers to antisocial behaviour, because people are less likely to destroy or be at odds with something if they feel that they belong to it or have ownership of it. Alyson has some knowledge of the linkages from some of the work that she has done.

Ms Kilpatrick: It is clear from what I have looked at here and in England, Wales and Scotland that the areas in which the community invests in housing and in the area, the children and young people who are responsible for antisocial behaviour — although not only them — tend to be regulated within the community, and I do not mean in a summary justice sort of way.

There have also been positive results in relation to some of the work that has been done with Travellers.

When travellers are residing in sites that they have some permanent connection to, there are fewer complaints from neighbours and the accommodation is well looked after.

The point about antisocial behaviour and the publishing of policies ties in closely with the idea of a community strategy. The policy could take account of the housing companies' views on antisocial behaviour in the locality. Publishing the policy is important not only for reasons of transparency; it can also help to ensure accountability. There is accountability to the person about whom the complaint is being made, because sometimes complaints that are made are unjustified and arise as a result of different cultural beliefs and ways of behaving or as a result of behaviour that is simply bizarre and it is not fair that the person is targeted as being antisocial.

The publication of the policy also means that the Housing Executive can be held to account when it fails to take action on antisocial people living in an area. It can be asked why it has not applied the policy — in relation to a particular family, for example — and can be expected to provide a written reason for that. The people living in the locality can then decide whether to challenge the Housing Executive's failure to take action. The publication of the policy, so that people can understand what is in it and how it is applied, is essential to accountability and transparency. That ties in very closely with bringing the community housing groups much more into the focus of all these policies.

The provision of advice and assistance was raised by the Housing Rights Service and it is possibly one of the most important things that can be achieved through the Bill. All my experience has been in representing local authorities and, mostly, the homeless applicant. If a person has presented as homeless and the decision has been taken that they are not owed a duty, it is too late. The only thing that can be done is to instruct a solicitor or barrister to take the matter to the High Court, which can take 12 months. In the meantime, that person is usually not in temporary accommodation; certainly not in suitable accommodation.

To effectively prevent homelessness, the advice and assistance has to include practical elements, such as taking someone to a letting agency or introducing them to the private sector. The English system, in which there was not prescribed guidance, simply did not work and made no difference whatsoever; people simply fell back to consulting lawyers. I do not think that anyone wants to see lawyers being the only answer.

The Chairperson: Except the lawyers. *[Laughter.]*

Ms Kilpatrick: Even I do not want to see that.

Mr McGettigan: There is also the opportunity for housing companies to have a structure in which it is possible to borrow against assets and to realise funding

through private finance, whereas the Housing Executive does not presently have the finance to do what it needs to. There is an increasing demand on budgets in this Building and there is a projected Budget deficit next year. There is already a deficit of £100 million in the housing budget this year. We must look into finding a range of solutions and having real community ownership for a shared future.

The Chairperson: That is something that the likes of the Commission on the Future for Housing in Northern Ireland is looking at as well.

You said that advice on homelessness should be available to everyone in Northern Ireland regardless of status. With specific reference to migrant workers, immigrant workers and those seeking asylum here, I have a question about how practical that is in respect of two factors: the limited resource available and the potential conflict with existing immigration law. Scotland has pushed the matter a bit, but what are your views on the ability for us in Northern Ireland to step outside immigration law as it stands and the consequential knock-on effect on resources that that would inevitably entail?

Mr McGettigan: We recently saw a situation develop in Belfast in which we had to deal with the problem after it had happened. To return to the issue of prevention, if we can give people appropriate housing advice and assistance, that will, in some cases, reduce the long term problems that exist.

Ms Kilpatrick: If I understand you correctly, Chairperson, you were talking about those people who are ineligible for any housing assistance, including advice. People are frightened even to discuss who should help people who have been declared ineligible for assistance. An opportunity exists to be a little more creative. It is not a question of the Executive having to go out and find the people who need advice and assistance. However, there could be some mechanism whereby if anyone presents as homeless at an early stage or presents as being in mortgage arrears and having had repossession proceedings issued against them, the Housing Executive or a housing association could be notified and could provide that advice and assistance.

Organisations such as the Simon Community will assist those people to whom nothing can, in effect, be offered. Essential advice can be given on health issues and on access to education for children for however long is necessary. It is a contentious and difficult subject, but something must be done to provide for those people who receive no other assistance.

The Chairperson: I raised that because it is a difficult and sensitive issue. Even raising the issue can create a problem as one can be pigeonholed as having a particular view. I am aware of the problem. The

consequence of offering help, even if it is simply advice and assistance, is that it can steamroll into other areas such as education and health, which you mentioned. Some of the individuals concerned have passports that are stamped “no recourse to public funds”, and that can raise tricky legal issues.

Ms Kilpatrick: Thankfully, that is a political rather than a legal question, and I will duck it completely. However, if something is to be done for such people, those loose ends must be tied up, and it must be decided what duty, if any, is owed and who owes it.

Mr McGettigan: The problem exists already. Last year, 84 migrant workers to whom no duty was owed were referred to the Simon Community. We fully support such people through our fundraising initiatives and the money that we raise in the community. However, that is not sustainable. Ultimately, some Department will have to deal with the issue, as was recently the case with the Romany families in Belfast.

Surely we want to prevent a recurrence of that type of situation by providing good housing advice, assistance and support at a stage when it could make a real difference, before Northern Ireland and Belfast, or any other city here, becomes stigmatised? The television reports that we saw recently were not nice to witness. A collective approach is needed and, as Alyson said, a political decision is required to try to find a way forward.

The Chairperson: I understand the problem. It is even more acute when dozens of people are involved, but we should all be concerned if even one person presents with a problem. If no help can be offered, what happens to that person? He or she may disappear and fall into awful circumstances; we do not know. Equally, as sympathetic as we all may be, it is a tricky problem to resolve, as we all recognise.

Mr F McCann: Recently I heard someone from the Simon Community talking about the lack of obligation to help migrant workers to find accommodation, even initially. Should the Bill be used to help people who come here? Where does the responsibility lie? Sometimes that responsibility gets caught between Departments.

Mr McGettigan: I think that there is room to specify that housing advice and assistance can be given to migrant workers or those who may not necessarily fall within the statutory remit. Unless it is specified that such advice and assistance can be given, it will not happen, because the Housing Executive would then be operating ultra vires. Clarity must be given. The current situation is unsustainable because, typically, what happens is that those people do not receive advice and assistance. A number of years ago, a case in Coleraine was highlighted. Thankfully, we have not had anything as bad as that since. However, any night of the week,

we could have a recurrence of that situation. When somebody dies on the street, it is too late.

Mr F McCann: What about including it under the provision of temporary accommodation for people?

Ms Kilpatrick: There are different duties already owed to people who are ineligible. The Bill could be amended to state that people who are otherwise ineligible are entitled to advice and assistance and it could describe what that advice and assistance would be. It would then be a question of whether the Housing Executive has the duty to provide that advice; I can see no other body that would provide it. It would be quite easy to stipulate that in the Bill.

Mr McGettigan: Currently, we accommodate anyone who presents to us as homeless. However, that is at our cost, and it could not happen without the funding that we get from the public in Northern Ireland. That can add up to a substantial amount of money at the end of each year.

Ms Lo: I and a number of other MLAs have people coming to our constituency offices and asking for help. It is then that we realise that those people have no access to public funds. That relates not only to housing issues; other issues are also involved. I am very interested in what you are saying, Alyson; perhaps we can look at that in more detail.

We have all been scratching our heads over how to deal with this. Belfast City Council would find it very difficult if there were a repeat of the situation involving the Romany families. Its hands are tied. Unless there are 100 people in crisis, the council cannot trigger a crisis management scheme, and the same goes for the Housing Executive.

At the moment, children can be offered accommodation if their family becomes homeless. However, that means taking the children into care, and parents do not want to be separated from their children.

Ms Kilpatrick: It can be decided that it is in the best interest of the child to accommodate the family with the children. However, that depends on there being accommodation suitable for a family. You are right; it can end up that only the child is accommodated.

Ms Lo: Families do not want to be stigmatised by having their children taken into care.

You said that we can put in an amendment to say that under difficult circumstances people with no access to funds can go to an organisation, such as the Housing Executive, and it would have a duty to provide advice and information.

Ms Kilpatrick: That would have to be reconciled throughout the Bill. However, the Committee would first have to decide whether it is appropriate that a duty is owed to people who are currently ineligible for

assistance. The Bill could be amended to include that duty, but it comes down to political will. If it were decided to amend the Bill in that way, legally, it would be very easy to do that.

The Chairperson: It is something that cuts across other issues, for example, immigration, which is not within the preserve of any Department, and there is also a cost issue. However, we are still in the early stages of scrutinising the Bill, so perhaps the Committee Clerk can get back to us on that and we can talk to the Department about it.

Mr Brady: At the moment, without the provision of specialist help and advice, the prevailing situation seems to be total confusion. Such knowledge is built up over a period of time. That kind of specialist input and understanding must be given by people who can advise on what exactly is involved for those who do not normally qualify. It goes back to the old adage that prevention is better than cure. If that advice were provided, it would go some way towards sorting out some of the problems that exist, although obviously it would not solve them all.

As someone who has worked in an advice centre for many years, it seems to me that the Housing Executive does not actually have specialist knowledge about this issue. As a public body, it should have that knowledge. At present, there is total confusion, and that will continue until that problem is addressed. Rather than the problem being solved, that lack of knowledge is exacerbating the problem.

Mr McGettigan: Our experience is that there is a range of situations and, depending on the district or area office that someone goes to, they will either get a good response or a poorer response. Therefore, I cannot comment using a broad brushstroke. Having managed temporary accommodation and having worked closely with Housing Executive staff, I know that they have an excellent track record in trying to accommodate and help people. That cannot be taken away from them. However, improvements can always be made.

In times of change, in which the Housing Executive must make adjustments to its organisation, people who previously worked in areas such as housing benefit are now on the front desk giving information and advice to people. Those individuals need to be supported and given the proper tools to do their job. It is essential that when someone walks through the door of a Housing Executive office, the person who gives him or her advice knows, if not how it all works, at least, how to access that information.

Mr Brady: I absolutely agree with your comments. That has been my experience. However, my point is that because it is such an important issue, advice should not be hit and miss. It should not depend on whether

you speak to someone who might know more than someone else. Advice should be equal throughout the sector.

Mrs M Bradley: Paddy is correct: we cannot comment using broad brushstrokes. In certain areas, advice is good; in others, it is weaker. We must ensure that staff are given proper training, so that they can provide good advice in all areas. It is not enough to have good provision in one area and different provision in another. That is not good enough. We must deal with that.

Ms Kilpatrick: There is also a problem with access to independent legal advice. Heroic work is being done by the Housing Rights Service and various advice agencies. However, only the Housing Rights Service gives housing advice. You can have all the laws in the world, but if people do not challenge decisions or are not represented in court, it does not matter what is on the statute book.

That is where the legal profession — I hold my hands up — needs to take responsibility. There are no specialist groups of advisers. There are no pro bono units that deal with housing. In England, the big difference is that many lawyers started to, at first, act for free and then got together in groups to offer representation. Some people say that there are too many of them now, but here there are not really any.

The Chairperson: To sum up your comments: you suggest that there should be a three-year strategy for homelessness, with an annual review; the organisations that are listed should be required to implement that strategy; there should be further analysis of the Housing Executive's role as a landlord in respect of antisocial behaviour; and community housing companies should be developed. Thank you very much for your evidence.

We will move on to the next evidence session on the Housing (Amendment) Bill. With us is Ricky Rowledge, director of the Council for the Homeless NI, and Tony McQuillan, its vice-chairperson. Copies of their submission are included in the Committee papers. You are both very welcome. After you make a brief presentation, I will open up the floor for members' questions.

Ms Ricky Rowledge (Council for the Homeless Northern Ireland): We are coming in at the heels of the hunt. It is left to us to try to reiterate, underpin and echo some of what our colleagues have said about the Bill and, hopefully, add to and provide further clarification on some of the specific comments that were made.

In common with our colleagues, we welcome the Bill, and we thank you for the opportunity to respond to it on behalf of our member organisations. However, we feel that there are some areas that we would like to see strengthened. I will focus on the statutory requirement in clause 1, and Tony will touch on some

of the other clauses regarding advice, information, HMOs and so on.

I want to go back to the establishment of PSI, which was mentioned by the other organisations that made presentations. PSI was supported and championed by Minister Ritchie and the DSD. The foundation of PSI, and some of the recommendations of its report, is what led to the proposed legislative amendments within the Bill. The strength of PSI was that it was cross-departmental and inter-sectoral, and it recognised that homelessness is not just a housing issue.

The Housing (Amendment) Bill is an opportunity to do something new and very special in Northern Ireland, by making it a requirement of, and a duty upon, other Departments to work in partnerships with the DSD and the Housing Executive to roll out a homelessness strategy for Northern Ireland. The ownership of that strategy will lie with the Stormont Executive. The strategy should recognise the complex needs often presented by homeless people and recognise that their housing situation comes at the end of many other processes that have gone on in their lives. Such a strategy will make us a forerunner of best practice in the area of homelessness.

It is great that there will now be a duty on the Executive to have a homelessness strategy, as opposed to that being a voluntary decision. We agree that it should be reviewed every three years and should, perhaps, run in line with the comprehensive spending review, as that will give us a more practical way of monitoring and evaluating the success of the strategy.

However, we do stress very strongly, and we recommend to the Committee, the point that some onus be put on the partner Departments to come up to the mark as regards sharing responsibility for the prevention of homelessness and supporting people who become homeless.

PSI has been a tremendous success. As the Committee knows, the initiative is at the end of a two-year process, and a report will be made to the Minister quite soon. One thing that I found incredibly encouraging and which gives me the confidence to say that we would be pushing at an open door if we were to ask for a requirement of duty from other Departments is that, time and again in the review of the past two years, high-level staff in other Departments have said that this is the way forward and that they do not want this kind of joint working to end. They have said that it must be mandated at departmental level in order to improve engagement but that it is working for them as well as working for us in housing.

Questions were asked about what could be done for 16-year-olds and 17-year-olds. The PSI youth subgroup has been doing a lot of work on that issue. It has been understood that there is no need for the proposed

change in their priority needs to go through in primary legislation or as an amendment to primary legislation. The change will go through the Assembly and the Executive as a Statutory Instrument in parallel to the Bill. That will give priority need to all 16-year-olds and 17-year-olds irrespective of whether they have been in a care background or have been in the position of being exploited. On grounds of age alone, they will have priority need status for advice, assistance and housing.

Through PSI, joint working and the mandate that has been placed on health and social services, the group has been doing work to try to enumerate how many young people may need accommodation. The group has been looking at the development of joint protocols between health and social services, and it has been trying to ensure that young people no longer get ping-ponged between Departments. The Bill provides the opportunity to strengthen that, and there have been tremendous successes.

We have discussed with other agencies the stipulations in the Bill that will possibly focus on all those who are at risk of homelessness or who are assessed as homeless among A8 and A2 nationals. We suggest that clauses in their current form relating to those groups of people be removed from the Bill. Serious consideration will have to be given if we make those groups eligible for particular duties, given that we do not have the ability in law to fund any positive solutions at the other end.

Mr McCann, I am not referring to giving those people advice and assistance; that should be our duty to every citizen who lives within the borders of this country. I am talking about any duties being introduced that may end up making people from those groups eligible for accommodation when, at present, we have no way of paying for that. The Stormont Executive must look very seriously at how they will meet that, and I recommend the Human Rights Commission's paper, 'No Home from Home'. We do not think that it goes far enough, but it contains some suggestions about how the Executive can, within the bounds of law, fund emergency accommodation and support for those client groups.

Mr Tony McQuillan (Council for the Homeless Northern Ireland): I am speaking in my capacity as deputy chairperson of the Council for the Homeless, as opposed to my work in Shelter (Northern Ireland) Ltd.

Chairperson, you asked about the list of names of organisations in clause 1. We feel strongly that district councils should be included in the list. They are part of the housing executive's consultative round, and that is already covered in existing legislation, but their inclusion would go beyond that; it would allow for their involvement in issues concerning HMOs and regeneration. There is also the potential power of well-

being, and so forth, in which they have an important role that should be considered.

Elsewhere in the Bill, there is a proposal, and rightly so, that other organisations should work with the housing executive in delivering services. However, we in the voluntary sector believe strongly that we are not simply a passive provider of services. In fact, as Ricky said, we are heavily involved through our engagement with statutory agencies. We often chaired meetings of subcommittees as part of the PSI process. Therefore, we would like relevant voluntary organisations to be included in the list and not just be passive recipients or providers of services.

In clause 1, the proposed paragraphs 6B(3) and 6B(4) refer to institutions, and they lump together various statutory organisations with voluntary and other organisations. To reinforce the point about the duty of statutory agencies to work with the Housing Executive, the legislative draftsman should separate them, because the same duty cannot be imposed on a voluntary or private organisation. It is simply a drafting error.

My colleague mentioned the Human Rights Commission's report 'No Home from Home', and some of the issues were touched on earlier. Many councils already prepare welcome packs for migrant workers. Just because migrant workers are not eligible for Government support does not mean that they cannot come here. Many people are, rightly, entitled to be here and are, therefore, entitled to receive information. It is a bit of a no-brainer; there is no problem with providing advice and information. I accept that some people may be particular about who pays for that, but the public purse pays for it in some form anyway.

The Human Rights Commission's report makes several recommendations. Some primary legislation from Westminster is required, but the commission makes suggestions as to what the Assembly can do too. I recommend that the Committee read that report. One suggestion is that there should be a pot of money. The proposal is to make that public money available to the Simon Community, the Churches, and all the other agencies, such as the Welcome Centre, who work with people who are not otherwise eligible for support from the public purse. I am not sure how that could be included.

Although there is nothing wrong with clause 3, it does not go far enough in examining the duties regarding people who are ineligible for housing assistance and who may be, for example, destitute. The Human Rights Commission is concerned about that situation. I recommend that the legislative draftsman either removes that clause or amends it. Ms Lo made

that point during the previous presentation to the Committee.

Clause 4 concerns the powers to prescribe advice and assistance. I agree with what our colleagues said in their earlier presentation. We encourage the Department to adopt the model of the Scottish regulations from 2002 as a good-practice model. We would also like a timetable included to ensure delivery. Often, actions that are prescribed disappear into the distance. As for the detail, we want delivery to be uniform, and we want the information to be widely available and provided in appropriate languages and format.

Clause 5(2) proposes the insertion of supplementary provisions. Those refer to people who are trying to appeal against adverse decisions by the Housing Executive on their homelessness status. I understand that the intention is to break the duty on the Housing Executive to continue to provide temporary accommodation for someone it deems is not owed that duty. However, the clause, as drafted, also states that the Housing Executive can continue, at its discretion, to continue to support that temporary accommodation. That opens up the issue of consistency of application regarding information and advice, to which reference was made earlier.

In my experience, it is not good legislation to say, on the one hand, that something is a duty, and on the other hand, that it is a discretionary practice. That is just not sensible. One either drops the amendment or makes it a very clear prescription as to the exact circumstances in which the Housing Executive would be allowed to continue supporting somebody who has already been declined, and whether temporary accommodation should be allowed.

Clause 9, which deals with the abandonment of introductory tenancies, proposes the dropping of the word “secure”: it appears in page 13, line 20 of the Bill. Although I think that that may well relate to introductory tenancies, and I understand perfectly that those are not secure tenancies, the clause relates to a wider group of what are regarded as matters that can define suitable accommodation. Was it the intention of the legislative draftsmen to narrow it down to just introductory tenancies, and that that is why the clause has been drafted in this way, or, does it have a wider impact, which is what I am concerned about? We do not want to lose any rights that people have over security of tenure and so on.

The Chairperson: Thank you very much. In your written submission, you welcome the changes to the definition of HMOs. Today, we heard others, including some members, express concerns about that. Will you elaborate on why you welcome those changes?

Ms Rowledge: It is mainly because we are stupid.

The Chairperson: That is a rare admission in this Building. *[Laughter.]*

Mr T McQuillan: We are from the voluntary sector; we always tell the truth.

Ms Rowledge: This is not an area that we specialise in. We read the definition very much in the broad sense. We did have concerns, particularly about migrants with very large or extended families, and we felt that the new definition would give them more security and be better for them. I think that that may have been a misinterpretation. Normally, we do not tend to share responses within our sector. For example, when organisations are invited to jointly present evidence to Committees, we will share our responses afterwards but not beforehand. It was my fault, and I apologise.

The Chairperson: It was not a criticism; I wanted to see why you welcomed the changes.

Ms Rowledge: That is why.

The Chairperson: Fair enough.

Mr T McQuillan: The Housing Rights Service presentation got it spot on.

Ms Rowledge: We agree with them and trust them to know more about that aspect than we do.

The Chairperson: It was just in case you had a particular view. The Committee is all about recognising that, sometimes, there are different perspectives. Thank you for clarifying that.

Mr F McCann: I have a question about the definition of a HMO. There was some concern with the Private Tenancies (Northern Ireland) Order 2006 that enough time has elapsed to find out whether there were difficulties with that. Groups such as yours were already pointing up that the regulations were not strong enough to allow you to deal with those problems. Do you see this Bill as another option to try to strengthen the regulations?

Mr T McQuillan: It is a matter for the Committee to determine how it deals with the Department’s legislation. However, some issues, such as priority need, would have been very important to debate. In Scotland, the Government have agreed to take priority need out of the assessment by 2012, which will leave the homelessness tests as intentionality and eligibility: that area was worthy of examination and debate in relation to this legislation. At the moment, Scotland has diluted priority need in such a way that it is almost ineffective as a criterion: almost everybody has a priority need. Homelessness should not be about priority need, because that relates to the services that are required to prevent homelessness or help people not to be homeless. Priority need is about assessment for services, as opposed to status.

Therefore, if there were time, I would include those items in the Bill. Obviously, we do not want to hold up the legislative duty that is being placed on the Housing Executive to produce a homelessness strategy in the proper format. If that were to be delayed for 12 months or 24 months, then it would not work out. However, if one could include other provisions in the Bill, then there are certainly some that we would like to discuss.

Ms Rowledge: May I ask a question in order to clear up some confusion in my mind? The voluntary sector, as a whole, has strongly called for the mandatory registration of private landlords? Is Mr McCann saying that that could be added to the Bill? Does he feel that it has gone too far in the Private Tenancies (Northern Ireland) Order 2006 that it can, therefore, no longer be included at this stage? Alternatively, does he want to take a belt-and-braces approach?

Mr F McCann: Consultation has been ongoing and the results have yet to be released. I recall people saying that several pieces of legislation under the Private Tenancies Order 2006 were not strong enough to allow councils and other people to deal with certain difficulties. What I am saying is that that may not be picked up in the consultation on the private-rented sector and I am asking whether there a mechanism that you believe could be inserted in this Bill?

At the outset, most people were led to believe that this was simply a tidying-up exercise that would mop up certain issues. However, it might be years before we get back to this point. Should the Bill be used to deal with some of the problems that exist currently?

Mr T McQuillan: I do not know the mechanism for that. If one introduces something new, does one have to consult on it? Clearly, there are issues with the Private Tenancies (Northern Ireland) Order 2006: it is not strong enough. One has to wait until certain criteria are met before one can act. If there is evidence that earlier action is needed, one should be able to do something instead of having to wait until late in the day.

Therefore, there are issues. However, councils would feel that they have the right to be consulted about these things and make contributions. The issue is what can be delivered within the Committee's timetable. I do not want to take away your role, Mr Chairman, to decide on those matters.

The Chairperson: We expect legislation to be introduced off the back of consultation on the private-rented sector.

Mr T McQuillan: Many people, including our organisation, have sent rather long returns to the Department to try to make some of the points that you have mentioned, Mr McCann. Certainly, there could have been a wider debate on some issues. We were not given the opportunity until now.

The Chairperson: It is in the pipeline.

Mr F McCann: It will be interesting to see what comes out of the other end of the pipeline.

The Chairperson: That is correct. That is where the debate is.

Ms Lo: I have two questions. First, the PSI group has obviously done a tremendous amount of work to bring the situation to its current stage. Is there a mechanism by which the group can be sustained? For instance, could it scrutinise the strategy and hold people accountable?

Secondly, I have seen so many so-called interdepartmental strategies in which one lead Department gets other Departments to buy in and work with it. Obviously, the homelessness strategy will require that sort of joined-up working. How will we ensure that other Departments play ball?

Ms Rowledge: The PSI strategy group is due to report to the Minister. The final meeting of the group in its current incarnation will be on 29 September 2009. We received a letter from Barney McGahan putting forward three proposals for the way forward for PSI. He asked which of those membership options the group would be comfortable with. The voluntary sector has chosen the third option and asked for it to be strengthened slightly. That option is to have an overarching interdepartmental working group. It would not necessarily be called the PSI group any longer, but, ideally, it would comprise the same constituent groups. The group would have some kind of summit meeting biannually. A new action plan would also be developed.

The action plan could be rolled out through subgroups, which is the way that the PSI has worked to date: there is one main group and five subgroups, which have done a tremendous amount of work. That work was not just about policy, but was very practical work, such as coming up with operational ideas and the development of new actions. That group would then report to the two summits.

However, voluntary-sector members would need to see a mandated buy-in and some sort of Government lead, which, to date, has been done successfully by the Department for Social Development. That is why we see an inextricable link between the legislation and the homelessness strategy, the requirements placed on other Departments, and the building of the foundation of PSI. They are linked not just through the homelessness strategy, which is a duty of the Housing Executive at the housing end of things, but through bringing together all other government strategies to get an overview of where Departments' responsibilities lie in regard to people who are, or who are at risk of becoming, homeless.

I cannot overemphasise my astonishment at how successful that has been. There are particular Departments that, for years, the voluntary sector had tried to bring to the table. Now, those Departments have said that they want this to continue. However, the only way that that can happen is if the Stormont Executive say that there has to be engagement. I think that this is the way to do that. We hope that PSI will, in some form, continue, but that it will have some kind of monitoring and evaluation role. That role would not just be in rolling out the homelessness strategy, but on the elements of the strategy that relate to people's needs outside of housing needs.

It is a case of watch this space. I have a colleague in the Public Gallery who is from the Department, and I hope he is listening to this with eager anticipation. Under his auspices, I hope that the Department will seriously consider strengthening the link between the homelessness strategy and promoting social inclusion.

Ms Lo: I strongly support that. You set a precedent with the migrant workers subgroup and the PSI group on ethnic minorities. That group is still meeting, but, as the three years comes to an end, it is going into review.

Ms Rowledge: Yes.

Mr T McQuillan: That is why we support the Housing Rights Service's suggestion to change the word "may" to something like "must" or "shall".

Ms Rowledge: We would like "must". *[Laughter.]*

The Chairperson: "Shall" is the appropriate word.

Mr T McQuillan: "Must" is much better though.

The Chairperson: Thank you very much for your evidence. To recap: you agree to a three-year homelessness strategy basing particular emphasis on the partnered organisations listed in clause 1; relevant organisations being mandated, including the PSI steering group; a requirement for homelessness support for the destitute; a good practice guide for homelessness advice, and the enhancing of consistency of treatment for those appealing decisions.

Mr T McQuillan: We would like the word "secure" in clause 9 to be checked, and whether the draftsman intended that to relate to security of tenure or to have a wider impact.

The Chairperson: We can clarify that. Thank you very much, Ricky and Tony.

NORTHERN IRELAND ASSEMBLY

COMMITTEE FOR AGRICULTURE AND RURAL DEVELOPMENT

22 September 2009

FORESTRY BILL (NIA 11/08)

Members present for all or part of the proceedings:

Mr Ian Paisley Jnr (Chairperson)
Mr Tom Elliott (Deputy Chairperson)
Mr Thomas Burns
Mr Willie Clarke
Mr William Irwin
Dr William McCrea
Mr Patsy McGlone
Mr George Savage
Mr Jim Shannon

Witnesses:

Mr Stuart Morwood } Forest Service
Mr David Small

The Chairperson (Mr Paisley Jnr): The Committee is joined by David Small, chief executive of the Forest Service, and Stuart Morwood, director of woodland development strategies. You are both very welcome, and we appreciate your coming. We look forward to your presentation on the Forestry Bill. The floor is yours.

Mr David Small (Forest Service): Thank you. This is the first opportunity that we have had to address the Committee since the Bill was referred to its Committee Stage. I plan to outline the background to the Bill, its main purposes and the main clauses. I expect that to take around 10 minutes.

Current forestry legislation dates back to 1953 in the form of the Forestry Act (Northern Ireland) 1953 and reflects the priorities of that time, when the main focus was on commercial timber production. That legislation is dated, and it has been evident for some time that new legislation was needed.

The forestry strategy that we published in 2006 highlighted two key policy priorities. The first was the need for sustainable management of existing forests

to deliver the full range of forestry benefits, and the second was a steady expansion of tree cover. The strategy seeks to deliver a more competitive forestry industry through a balanced approach between producing commercial timber, protecting the forest environment and providing increased opportunities for forest-based leisure and recreation.

We need legislation that will provide a statutory framework to deal with those varied issues, and the new Bill will address the Department's contemporary and evolving commercial, environmental and social forestry objectives. It will allow us to obtain better value from the forest estate through new revenue-generating opportunities, and it will enable us to secure better use of recreational facilities and buildings and facilitate wider objectives, such as tourism. It will help protect all forest trees, both private and public, from damage; it will reintroduce a restriction on the felling of trees in private woodland; and it will provide a public right of access to state forests.

The Bill contains 39 clauses and two schedules. It provides a statutory framework within which the Department can deliver its forest expansion and sustainable forestry objectives. Clause 1 creates the foundation of the Bill. It describes the Department's duty to promote forestry. A similar clause set the framework for the 1953 Act, but the wording in the new proposed clause is wider to reflect an expanded duty to promote the wider economic, environmental and social context of modern forestry.

Our aim is to promote and facilitate the full range of benefits that forests can offer. That includes the economic benefits delivered by the timber industry, as well as the renewable energy opportunities that can be delivered. It also includes the wider social benefits. For example, we are currently working with a number of councils to develop recreational tourism products. We recently worked closely with the Northern Ireland Environment Agency to facilitate the relaunch of the Ulster Way. We are currently engaging with the Tourist Board to identify the tourism opportunities in our forests and we are engaging with commercial partners to promote new leisure facilities. The draft Bill will enable us to develop those opportunities.

The Bill will also allow us to protect our existing woodland, both publicly and privately owned, especially where it has high biodiversity value — for example, ancient and long-established woodland. In promoting those wider social and environmental benefits, the Bill supports what is meant by the concept of sustainable forestry. That expanded duty is carried throughout the Bill, for example, in clauses 4 and 7.

Clauses 2 and 3 provide the Department with the main powers to support the afforestation of land and forest activity, including the acquisition and disposal of land,

as well as the ability to provide facilities on forestry land to improve its amenity. That provision will enable the Department to deliver social and recreational forestry, for example, through arrangements with a range of partners. In July, we published a strategy to develop the recreational and social use of our forests. The provisions in the Bill will provide the Department with the powers to support the implementation of that strategy.

Clause 4 includes provisions to allow the Department to use or develop its forestry land for purposes other than forestry. The aim is to allow the Department to develop or facilitate what might be regarded as non-forestry opportunities — for example, tourism opportunities such as the provision of forest chalets or cabins in forests, which currently, under our legislative framework, we probably cannot do. It will also allow us to do things like develop renewable energy possibilities such as wind farms.

The provisions will enable us to better realise the full potential of our forests and, at the same time, obtain better value from the forest estate. However, in exercising those powers, under clause 4, the Department will be required to have due regard to the general duty — outlined in clause 1 — to promote forestry. Therefore, we must ensure that there is an appropriate balance when we use those provisions.

Clause 5 creates a new power to enable the compulsory acquisition of land for any of the functions under the Bill. We seek that power primarily to deal with situations in which forests and the associated timber assets are landlocked, and access, even after reasonable negotiations with landowners, simply cannot be secured. In those situations, the public value of mature timber, which may be the result of many years of public investment, could be lost. Our primary purpose is to try and enable access to landlocked public assets. There may be other circumstances in which land may be required — for example, to facilitate access to a recreational or tourism type of project, or for biodiversity purposes. Therefore, the power is widely drafted. At this stage, we cannot see the full range of contingencies that may require such a power. However, our intention is that the power will be used very sparingly and only with ministerial supervision.

The vesting process is described in schedule 1 to the Bill and is based on the procedures that are used under the Local Government Act (Northern Ireland) 1972, which is considered to be the cornerstone of modern vesting law, with all the established rights, including recourse to an inquiry by the Planning Appeals Commission, compensation, etc.

Clause 6 provides the Department with powers to carry out inquiries and to collect and disseminate the results, including the preparation and publication of

statistics for the purposes of any of the functions under the Act. That is largely a carry-over from the 1953 Act.

Clause 7 is a new power that allows the Department to:

“do anything which appears to it to be conducive or incidental to the discharge of its general duty under section 1(1).”

This clause also allows engagement in partnerships or participation in a body corporate in support of the Department’s general functions, which could, for example, include recreational or renewable-energy initiatives. The power is not intended to be additional to the general duty, but to supplement it.

Clauses 8 and 9 are intended to protect forest trees from damage by wild animals. Clause 8 allows an owner and occupier, in the event of damage by wild animals to trees growing on his land, to cull such animals at any time, either in his woodland or in any adjoining land that he owns. That clause applies to owners of any woodland, private or public.

Clause 9 provides the Department with a power to deal with damage or likely damage to woodland, public or private, by wild animals living in adjacent land in other ownership. The context for that is our long-term aim to double the area of forest cover. The powers are designed to enable the Department to limit possible damage and will only be exercised where landowners are unable or unwilling to address the problem.

Clause 10 is a carry-over from the 1953 Act and is a standard provision in forestry legislation, aimed at protecting woodlands private and public from fire damage. Clause 11 offers protection to woodland owners or the Department’s authorised officials taking action under clauses 8, 9 or 10 of the Bill against prosecution under the Wildlife (Northern Ireland) Order 1985 or the Game Preservation Act (Northern Ireland) 1928.

Clause 12 includes provisions to restrict the burning of vegetation close to forests and, again, is a carry-over from the 1953 Act. Clause 13 amends the Plant Health Act (Northern Ireland) 1967 to provide powers to make subordinate legislation to control the danger of tree disease posed by wood packaging.

Clauses 14 to 29 deal with the felling of trees. The key provision in this section of the Bill is the requirement for a felling licence to fell trees on land of 0·2 hectares or more. That will help to underpin our strategic objective of sustainable forest management. The aim is to ensure that private landowners manage their land with due regard to sustainability, including restocking, where appropriate, of sites that have been felled. We hope to use that mechanism to protect woodland of special biodiversity value — for example, ancient woodland. In order to obtain a felling licence the landowner will have to prepare a felling management plan for consideration by the Department. Our aim

will be to keep that management plan as simple and straightforward as possible.

Felling licences are already a requirement in England, Scotland, Wales and the South of Ireland. Their introduction here is consistent with the principles of good forest management. In order to safeguard the interests of private landowners, there is provision for compensation. In the event that an application for a felling licence is refused, there is also a right of appeal against the decision. A further important provision is the power to require restocking after unauthorised felling. That provision also has an appeal mechanism. Procedures relating to an application for a felling licence and the requirement for a felling management plan will be described in subordinate legislation which will be subject to separate consultation.

Clause 30 of the Bill introduces a statutory right of access for pedestrians to the Department's forests for the purposes of recreation, subject to by-laws. The remaining clauses — 31 to 39 — include powers of entry, regulation-making powers, provisions for amendments and repeals, and provisions relating to commencement of the provisions of the Bill.

That summarises the key provisions of the Bill. I apologise if it took a bit longer to deliver than I had hoped. I wanted, as far as possible, to explain the policy aims behind the legislation.

The Chairperson: Thank you very much. That is a very helpful precis of the Bill. As you know, the Second Stage of the Bill was taken in the House last week, and it did not get universal approval. A number of concerns were expressed by Members of the Assembly and members of this Committee. I am sure you noted them.

You said that you are currently identifying ways to promote forests with the Northern Ireland Tourist Board. Are you not putting the cart before the horse in that regard? Should those ways not have been identified before the legislation was drafted? One criticism that has emerged is that the Bill is not ambitious enough and does not recognise the full potential of our woodlands and forests to make the hit with tourists.

Mr Small: We have had discussions with the Tourist Board about where there may be tourism opportunities in the forests. We accept, and the Minister is clear, that we are not getting as much out of the forests as we should and that there is an awful lot more potential to be realised, in recreational leisure, tourism, health, education and so on.

Our feeling is that forests can and should deliver a wider range of Government objectives. We have been having discussions with the Tourist Board about the opportunities for tourism potential in the forests, and about which key sites can deliver more tourism. The Bill has been drafted to give us broader powers.

We believe that the powers in the Bill, particularly in clause 4 and clause 7, give us sufficient power to enable us to deliver tourism products, either directly, in partnership with other groups such as district councils — we are working with a number of district councils at the moment on tourism products — or perhaps as part of a joint venture. Clause 7 would allow us to enter into a partnership or body corporate to jointly deliver a tourism, or renewable energy, project, where we can secure the public return at the same time as delivering a new product. Our view, and our legal advice, is that the Bill gives us sufficient powers to do all of that.

The Chairperson: Who is leading those discussions with the Tourist Board?

Mr Small: The first discussions were taken forward by me and my deputy, John Joe O'Boyle, along with Alan Clarke, the chief executive of the Tourist Board, and his colleague Laura Harvey. Ms Harvey is developing a paper that will set out where the Tourist Board believes there is scope to do more. That will take us forward in identifying the kind of projects that might be possible at key sites and the kind of partnership arrangements that we might want to see in place to help us take those projects forward.

The Chairperson: Are you convinced that the Tourist Board is enthusiastic about that?

Mr Small: I am; the Tourist Board is very enthusiastic, and we are very keen to work with it.

The Chairperson: Has there been any exchange of paperwork yet between the Forest Service and the Tourist Board?

Mr Small: Not really, other than letters arranging meetings and establishing the desire to work together. The next stage is that Ms Harvey will produce a memorandum of understanding or heads of agreement that will set out how we will work together.

The Chairperson: If it is to meet the potential, my view, and that of other Committee members as expressed in the House, is that that is key to changing gear on our approach to getting the best bang for our buck from forests.

Mr Small: We accept that. Another separate, but related, piece of work that we are taking forward is the development of a stronger commercialisation approach in the Department. We are working jointly with the Strategic Investment Board (SIB) to identify the commercial opportunities to do more with the forests. In that respect we will be looking at the possibility of commercialising our current caravan and camping provision, which is generally very well regarded by all those who use the facilities. However, we feel that we are constantly struggling to maintain that standard of delivery, and the private sector would have an interest in delivering caravanning and camping on a commercial footing. We

are working with the SIB to look at opportunities like that. We have just secured, with SIB assistance, a partnership with a company called Go Ape to deliver high trees adventures in our forests.

The Chairperson: Monkey business.

Mr Small: Yes. That company operates widely in GB. With the SIB, we will hopefully be looking at opportunities for tourism-type accommodation, such as forest chalets and forest cabins. Those are the kind of things that we are trying to take forward on a commercial footing with the assistance of the SIB and with commercial partners. On the other hand, we are also trying to develop relationships with district councils that wish to deliver tourism products and recreational leisure products, socially supported through public subsidy.

The Chairperson: You will have to guard against advancing some private interests. It has to be an open competition.

Mr Small: Absolutely.

The Chairperson: I know that a number of Members have expressed an interest. I would like to come back to some of the issues later, but, to get the discussion started, perhaps Members will identify the clause on which they wish to speak.

Mr Elliott: As you will appreciate, I will not go through the entire Bill today, because there is quite a bit of it. I will leave it until the Committee Stage, but I will mention a few broad issues. First, following the plenary session, have Mr Small and his team identified anything that they can immediately think of that may be acceptable for the Department to bring forward as an amendment before we develop any of the other issues? Is there anything they see immediately that can be changed or amended so that we do not have to concentrate on it so significantly?

Mr Small: At this stage, I do not think that we have, Tom. Following last week's debate, we want to sit down with the Minister and talk about any areas that she feels may be suitable for amendment. We have not done that yet. The Minister said in the Assembly that she wishes to withdraw the Irish hare from the definition of "wild animal", in the context of managing and controlling the damage that can be caused by wild animals. That is something that the Minister will be bringing forward. We have not yet had the opportunity to sit down and discuss with her the other issues that were raised in the debate. However, that is a process that we must take forward.

Mr Elliott: Do you accept that clauses 4, 5 and 7 significantly change major areas of the powers of the Forest Service, giving it an unfair advantage over private commercial forest operators?

Mr Small: I think that you are absolutely right. Those clauses significantly change the level of power that we have. However, the purpose of giving us some of those powers, in particular those provided by clauses 4 and 7, is to enable the Forest Service to take forward the type of projects that we just discussed, such as tourism-related projects.

Mr Elliott: But the powers are not restricted to that, David. If they were, perhaps I could accept it. The difficulty is that they are not. The Bill gives you wide-ranging powers over compulsory acquisition that the private industry does not have. If those powers only provided for access, we could accept that, or, at least, see some way to develop it. However, the wide-ranging powers go far beyond what any private commercial operator can compete with.

Mr Small: I will talk about the commercial forestry element in a moment. However, when it comes to developing tourism projects, we believe that the powers set out in clause 4 and clause 7 give us sufficient scope to do that and do it well. If we are to try to draw back from that level of freedom to negotiate with a private organisation or, indeed, with a council, that will limit the wider benefits that forests can deliver. The compulsory purchase power was debated in the Assembly, and a range of issues were raised about the breadth of that power. The Minister noted the specific interests of the Committee and the other comments made during the debate. We will sit down with the Minister and discuss whether there are ways to amend that particular clause.

The clause was drafted in a broad way on the basis that, while we know that there will be issues around access to landlocked timber that we will want to try to address, we believe that similar circumstances might arise in facilitating a tourism product. Some adjustment might be needed, for example, to our own access roads into a site, such as broadening a corner. That is the type of adjustment that we might make and the type of problem that we might want to resolve. However, we do not know all the contingencies in which we would want to use that sort of power. Essentially, that is why it was drafted in that broad fashion. However, the Minister will have noted the comments of the Committee and the comments made during the debate, and we will discuss those issues with her.

The Chairperson: You have twice said that those powers were drawn up to be used "sparingly". Given that, and your explanation of the understated ways in which the power will be used, is there not an advantage, as has been suggested, to specifying how that power will be used?

Mr Small: That is a suggestion that was made at a previous Committee meeting, and it is something that we will look at. We accept that those powers, as currently drafted, are very broad, and would enable us

to compulsorily acquire land for any purpose. We acknowledge the point that is being made by the Committee, and we will discuss that with the Minister. There may be ways of restricting that. However, our concern is that we restrict it too far and face the situation, again, where those powers do not do what we want them to. However, that is an issue that we will look at.

Mr Stuart Morwood (Forest Service): The Forest Service manages 75,000 hectares of open land and forest, mostly for forestry purposes. However, compared with other land managers — and comparison was made with the private sector — we want to achieve value from the asset. I recently visited a woodland estate which had a significant wind farm attached, enabling the owner to ensure value from his estate. Clauses 4 and 7 allow us to achieve from the forest the value that we would expect any manager of land to achieve. That is important for public value.

Mr Elliott: You miss the point. It gives you an unfair advantage over private industry and private foresters. You expect to increase your forest cover through private developers, because you are not going to do it yourself. You admit that the Forest Service cannot do that on its own, so you will expect the private industry to increase forest cover. However, they will be restricted, and you will have an open-ended approach. For example, if forest timber reached an exceedingly good price and Forest Service had 10,000 acres coming to maturity and needed access to it, you could easily get that through these compulsory powers. However, the private landowner does not have that same power. Forest Service, unlike private operators, does not need a felling licence. Therefore, it has a huge advantage over private industry, and that is not recognised in the Bill.

Mr Small: I note the comments. Similar comments have been made by stakeholders during the consultation and in the run-up to introducing the Bill. Forest Service has noted the issue and will be discussing it further.

The Chairperson: How much will felling licences cost? Is Forest Service proposing to pay compensation for refusing to grant a felling licence?

Mr Small: Forest Service is looking at the issue of an application fee for felling licences. The Bill allows us to prescribe a fee. However, we are aware that no fee is payable for an application in England, Scotland, Wales and the South of Ireland. We are working on a business case to establish the merit or otherwise of having a fee. We recognise that it will be very difficult to apply a fee here when the same process operates elsewhere without a fee. We will take account of the number of applications that we expect to receive, the cost of administering the system, and the wider Department of Finance and Personnel policy on cost recovery.

The Chairperson: And compensation?

Mr Small: There are compensation provisions in the Bill in circumstances where we refuse a felling licence and that results in a loss for the woodland owner in terms of the value of the timber.

Mr Morwood: Effectively, it is compensation for deterioration of timber value.

The Chairperson: Over the period when the application was made and was refused?

Mr Morwood: Over that period.

Dr W McCrea: David and Stuart, you acknowledged several times that you had noted the comments that the Committee previously made. Yet, although you noted those comments, you went on with the Bill without actually addressing them. Once again, you have said to the Deputy Chairperson that you have noted the Committee's comments. However, that does not give us any confidence whatsoever. We are not asking the Department to note our comments. With the greatest of respect, if it was simply a matter of noting comments, we could have written to you, and a meeting would not have been necessary. We want more than the noting of comments.

The Committee's role is to scrutinise the Bill. I will not go into the detail now because we will be going through every section of the Bill clause by clause. We also need to hear the representations that are made by others. At the Committee Stage, we bring people in to make their representations rather than us doing that for them. We have to hear from those who are involved.

There are a number of things that you have set out. There is this bland statement:

"A Strategy for Sustainability and Growth".

Where in any of this is there a strategy for sustainability and growth?

Mr Small: It is not in the Bill, obviously; the Bill is the legislative tool to enable us to deliver the strategy, which is a published —

Dr W McCrea: We need to know exactly where you are taking us. Therefore, we really do need to have a strategy for that sustainability and growth. We need to know what that means in order to know the Bill that is required to accomplish it. If that is the background of the policy objective, it should be set out first. Then, in the light of where you want us to go, you bring in the legislation to support it.

It seems that we have a situation in which we have legislation in the minds of officials without having any clear or definite strategy. We can say that we want to double the area of forest, but you know very well that that has not been achieved. I do not know of anything that will attract farmers to plant trees. There has to be a policy and an incentive that will make them turn away

from using the land for another purpose and plant trees. Quite frankly, that is going to take the offer of money. Have we got that money?

There is genuine concern among Members when we hear about the incidental powers that give Departments general powers to do anything. Elected representatives are suspicious of Departments looking for general powers, because that could mean anything, as we often find that it does. This Bill gives the Department power in such things as the compulsory acquisition of land.

The Deputy Chairperson has also made the point about the inequality of what the Department is demanding of others and what it is going to do itself. An example that has been mentioned is the felling licence that it will be demanded that people have, whereas the Department will simply decide willy-nilly whether that is so. You will also have the power to acquire land for the fulfilment of what you want. There is unfair competition between what the Department is demanding and what it can dodge.

Without going into the nitty-gritty of the Bill, which the Committee will go through line by line and clause by clause, particularly where we have concerns, what about the protection of the ancient woodlands?

Mr Small: I accept absolutely what you are saying about us noting the comments. When I say that I note the comments, I mean that I note them and I give the Committee a commitment that we will take them away, seriously consider them, discuss them with the Minister, and report back to the Committee.

Dr W McCrea: My point is that you have had meetings with us in which you have noted those comments, but they are not seen anywhere in the Bill. Therefore, it seems to be noting with no outcome. We want something productive at the end of the noting.

Mr Small: I appreciate that. In those earlier discussions with the Committee, a number of comments were made, but reference was also made to the importance of the Committee Stage that would follow and the opportunity that it would offer to have a real debate. In fairness, we were expecting that debate to take place at Committee Stage, having set out our proposals.

I accept your point about the need for a strategy. We published the strategy for sustainability and growth in 2006. It sets out our aims for sustainable forest management, how we address issues of forest expansion, and how we put in place measures and the kind of legislation thought necessary to enable us to ensure sustainable management of Northern Ireland's woods and forests.

Dr W McCrea: That strategy was published in 2006, and we are now in 2009. What real changes can we see on the ground three years later? What has

changed to give us confidence that we are not simply looking at words, but at a way forward?

Mr Small: There are a couple of things. The first is the Bill. The strategy committed us to look at areas where we felt that legislative change was needed. We have done that, and we have developed the legislative proposals. The strategy committed us to taking a more serious approach to the social and recreational use of forests, and in July 2009 we developed and published a recreational and social use strategy, which sets out a two-page implementation plan indicating what we will do to try to deliver more from the forests with regard to leisure, recreation, social use, tourism, health and so on.

While we have been developing the Bill, which took a fair bit of work, we have also been developing and publishing our recreation strategy, which was quite a piece of work and involved consultation. We have been working hard to develop new approaches to promoting, marketing and incentivising woodland planting as part of our forest expansion aspirations.

I accept that we have not been making as much progress as we would like. We have been involved in a review of those incentives and how we incentivise woodland creation. That has involved a review of the rates of incentive and grant, and it has involved looking at other, more extensive, means by which we can make woodland creation happen at a faster rate than at present. I accept that it is difficult to persuade some farmers who have been farming their land for years, and in some cases generations, to set aside that agriculture interest in place of forestry. Nevertheless, it is something that we need to try to address.

You raised, as Mr Elliott did, the issue of felling licences applying to private woodland owners but not to us, and the issue of compulsory purchase and the advantage that that might give us. All I can do at this stage is note those comments and give an undertaking that we will take them away and look seriously at what is being proposed and what has been said, and see whether we can make amendments that would try to balance that a bit better.

We believe that there are provisions in the Bill that will enable us to manage and protect ancient woodland in the future. We do not have a provision that clearly indicates that ancient woodland will be protected in all circumstances, but we believe that there are provisions in the Bill that will enable us to protect the higher-biodiversity woodland in Northern Ireland, such as ancient woodland, long-established woodland and native woodland.

Mr Morwood: That provision is made specifically through the felling regulation, which enables us to indicate to owners the timing of their felling, the extent of their felling and how woodland should be regenerated. It is worth bearing in mind that ancient woodland is a

living thing: trees are young, they get older, and they die. Woodland will often be managed, and owners will often want to fell individual trees in their woodland for a particular end use and to derive benefit from it. The felling regulation seeks to ensure that that is done according to good forestry practice, which is identified in the UK forestry standard that is just out for consultation, along with the associated guidelines and booklets available on the subject. Through the felling regulation, we will be able to assess an owner's proposal to manage his ancient woodland, and we expect that to be managed in conjunction with good forest practice. We will apply that to ancient woodland and to other types of woodland.

The Chairperson: Do you feel that there would be more chance of growth, success and development if the scheme was grant-supported?

Mr Small: In terms of creating new woodland?

The Chairperson: Yes.

Mr Small: A grant scheme is available, and broadleaf trees account for 70% of its uptake. We have issued clear guidance on, and definitions of, "native" woodland to ensure that anyone who is contemplating putting woodland in place understands what is needed to make it "native".

Mr Morwood: Incentives for the establishment of woodland are available through the woodland grant scheme. In addition, annual payments are available under a farm woodland premium scheme to compensate for income forgone for a period of up to 15 years. Support is available to landowners through the rural development programme, the woodland grant scheme and the farm woodland premium scheme. As David indicated, we have recently examined those levels of support.

The Chairperson: Do you accept that those support levels are not sufficient to attract a lot of people to forest diversification?

Mr Morwood: I recognise that, in the previous year, we did not achieve the target that we set out to achieve. In the three years previous to that, we did achieve our targets on the annual rate of increase in new woodland. The decline in uptake has made us focus not only on the rates but on how we promote the schemes and engage with farmers and landowners to ensure that they are aware of the schemes and can see the benefits of woodland ownership.

Mr Small: Although we achieved our targets in those years, we recognise that we need to set higher targets if we are to achieve our long-term target of doubling forest cover.

The Chairperson: We will measure your commitment to those stated objectives by the changes that come forward as a result of today's dialogue.

Mr W Clarke: The Bill should make reference to using forestry as a tool for alleviating flooding and combating climate change. It is more than 50 years since the last change was made, and it could be a hell of a long time until the next change is made.

I agree with you about ancient woodland: management is the key. There is no point in having 200-year-old trees and no growth of young trees. You could get a storm and they would all be gone, so management is vital. How does that dovetail with Department of the Environment (DOE) tree preservation orders? How do you work with other Departments in relation to that? Which Department has the greatest powers?

I am glad that there is great emphasis on positive stuff such as recreation, social wellbeing and tourism. However, those things must be delivered, and there is a difficulty in relation to recreation. I do not want to get into that, but at times there seems to be a bit of foot-dragging. It is a case of Forest Service managing change and making it clear that the organisation is no longer into only wood production. It is a new phase, and you must take people with you. How difficult is it for you to manage change?

It is obviously going to take a considerable amount of money to deliver the Bill. Will the generation of new income that is needed to deliver the changes remain ring-fenced within Forest Service?

Will there be a greater opportunity to employ people in forestry? I envisage that we will need many more staff to deliver the programme. Who will administer repairs to roads and restore damage on roads? I am conscious that the Department for Regional Development is responsible for standards on rural roads and stuff like that. Who will administer repairs, and how will that be rolled out?

Mr Small: I appreciate that the wider issues of climate change and flood alleviation are not explicitly mentioned in the Bill. We fully recognise those issues. However, we feel that we have sufficient power to do what is needed — to mitigate and adapt, from a forestry perspective, on climate change and to maximise the Forest Service's role in flood alleviation. I will, perhaps, say more about that issue in a moment.

You talked about the distinction between the felling regulation system that is proposed in the Bill and tree preservation orders. The Bill's aim is to protect areas of woodland and forestry rather than individual trees or small numbers of trees, which will continue to be protected by the tree preservation order system. I know that that system can have weaknesses, but it is the system that is there to deal with that kind of situation. Our focus is very much on areas of woodland and forestry; that is the type of woodland that we want to protect.

Income retention is something that we would like to see happen. In our discussions with the Strategic Investment Board on our joint work trying to identify commercial opportunities, part of that arrangement is an acknowledgement that we should be able to retain some of the income that we secure. I would like to think that that income can be recycled, either by increasing staff numbers or by taking forward further initiatives to get more commercial projects going.

The issue of employing greater numbers in forestry introduces the issue of wider resourcing within government. We have been under quite a bit of pressure in the past couple of years, and it has forced us to become more efficient. That has meant reducing staffing numbers. I expect that pressure to continue. However, it would be good if our work with SIB on the commerciality of our activities could enable us to retain some income. We will certainly continue to negotiate to that effect with SIB and, ultimately, the Department of Finance and Personnel.

We acknowledge the issues of roads. The Minister and I receive correspondence about that. We are engaging with Roads Service to try to find a better way through which either Roads Service or Forest Service can become more clearly responsible for repairing damage that we are satisfied has been caused by forestry operations. There is nothing in the legislation about that. We have had discussions with Roads Service, and we believe that we can put mechanisms in place without legislation. The Roads (Northern Ireland) Order 1993 contains legislative provision that allows Forest Service to go out and do work. However, we need to develop any approach in more detail with Roads Service. We acknowledge that problem and are committed to addressing it.

Mr Irwin: Like other members, I welcome some parts of the Bill and have concerns about others. It is positive that Forest Service is looking at tourism. In my area, Armagh, Clare Glen and Gosford Forest Park have been used in conjunction with the council. That is good. As one member has already said, elected members always fear too much power, because it might be abused. We need clarification on that matter.

Clause 4 outlines the powers that the Forest Service wants to have over its own lands. That is fair enough; Forest Service needs power over its own lands. The compulsory acquisition of land is more difficult. I understand that there may be narrow laneways and other things that could be difficult. However, it needs some tidying up and clarification.

Mr Small: That point has come through strongly. We take note of it and we commit to considering the issue.

Mr Shannon: I apologise for being late this morning. I had a meeting set up in advance of the Committee and it had to go ahead. I am sorry that I was not here to

hear the presentation. I suspect that Tom was the first to speak after the presentation. Is that correct?

The Chairperson: Yes.

Mr Shannon: I caught the gist of what he was saying.

The Chairperson: Go ahead and ask a question.

Mr Shannon: I am concerned about a number of issues. I am not sure that this is the time or place to raise them. However, I want to mark up what other members have said, and in particular what Willy McCrea has said.

If we wanted to have a wee chat, we could e-mail each other using the modern system of technology, but that is not what we are about. The Chairman has reiterated, and I agree with him, that the Forestry Bill should incorporate all the issues that we have. The Department should respond to that. The Minister has said in the Chamber that she will work with the Committee to bring things forward. She wants the Bill just as we do. However, it is not right that we support it uncritically. I want to be sure that all the issues are dealt with.

The Chairperson: I hope that we will help to get it right. That is the intention that I proceed on.

Mr Shannon: I am convinced that we will. That is my intention, too.

Compulsory purchase of land has already been mentioned. I will not go over it again, but I want to make it quite clear that I, too, have those concerns. There are other ways of doing business without resorting to compulsory purchase of land. You could have a compulsory right of access. There are ways of doing things without taking land away. If we are going to have a process of moving forward together, which is what we are here for, let us do it without the compulsory purchase provision.

Mr Morwood mentioned that take-up in relation to new woods and the planting of trees has not been as good over this last period. The Minister has said in the Chamber that she would like tree-planting to increase by 6% to 12%. I am sorry, that is off the top of my head. We need to have incentives in place to ensure that that will happen. It is all very well to say let us do it, but it will only happen if there is something to encourage farmers to do it. It is not just about the reworking of land. When you plant trees, you take that land out of agricultural use for a great many years beyond the time when the trees are removed.

I am very concerned about — I hope I have the right clause here —

The Chairperson: Just call out the clause and ask the question. No need to go through all 30 clauses.

Mr Shannon: I have only half a dozen here. The compulsory purchase of land is in clause 5; clause 1 is

the incentive to plant trees; clauses 8 and 9 are to do with the powers of the rangers. That sounds exciting. Rangers, like in war films, go onto private land adjacent to forests public and private to shoot deer.

The Chairperson: OK, Tonto.

Mr Shannon: I am very concerned about opportunities that the rangers might have. In particular, the DOE has a red grouse project under way. That is a biodiversity project that requires that everyone play ball. I am concerned about that project, which £0.5 million of private finance has been put into. The Department of Agriculture and the forestry rangers might be roaming freely over land, doing away with all the good work that is done.

I am also concerned at clause 11, which enables staff to shoot deer day or night. There has to be some control over departmental officials and staff. We have to think about where we are in relation to deer welfare. It is about managing the animals, deer in this case, in a sustainable way.

Also according to clause 11, your staff are exempt from the provisions of the Wildlife (Northern Ireland) Order 1985 and the Game Preservation Act (Northern Ireland) 1928. Why should that be? Nobody is outside the law. I am putting down a marker. I am concerned that the rangers — not Glasgow Rangers, the other rangers — are exempt from the provisions of the 1985 Order and the 1928 Act. That must never be the case.

You said that the Department may cull deer that might cause damage, for goodness' sake. Every person who drives a car "might" cause an accident; every person who walks across the street "might" get knocked down; every deer that happens to be in a forest "might" cause damage. It is unbelievable. I refer back to clause 9. The Department wants the costs of such deer culling on private land to be recoverable from the owners of adjacent land, and that is supposedly for the benefit of other private woodland owners. They will shoot all the deer, take them back to wherever they go to and then send the bill to the landowner, because it was his or her land on which the animal was shot.

Mr McGlone: And they were wild.

Mr Shannon: And they were wild. It is incredible. The Forest Service accepts no responsibility for road traffic accidents that are caused by wild deer. That is correct. I accept that; that is how it should be. Neither does it accept responsibility for losses incurred by sheep farmers from foxes that inhabit their forests and stray out onto farmland. However, the Department wants to reverse that in its own interests and cull wild animals on private ground. You cannot be poacher and gamekeeper; you are either one or the other. Hopefully, you will not be a poacher. If you are, you will be on a sticky wicket. It is worth noting the inconsistency of this.

Earlier, I mentioned the £500,000 grouse project. There are people putting their hands deep into their pockets to ensure that the grouse are encouraged to multiply, and there will be economic benefit to that.

The compulsory purchase of land has been touched upon. During the Bill's Second Stage, I said that at no stage when talking about clause 4 did the Minister refer to recreational deer stalking or recreational shooting. There is an economic benefit there which the Department has not taken on board and which is being denied. It is not mentioned anywhere here. The Minister said in the Chamber that she was prepared to look at it. I am asking the Department to do that and make sure that they have taken it on board.

My last point, which everyone will be glad to hear, is to do with —

The Chairperson: I am enjoying this, Jim; it is very informative.

Mr Shannon: I suggested that there is a need for a deer forum or a users' forum. The Minister indicated that she would be receptive to that. I introduced my comments by saying that I would be unhappy if we proceeded with a Forestry Bill that does not take those issues on board. However, I think that the Minister and the Committee can work together to deliver that. It takes us to work together, and it takes the Department to be receptive to the viewpoints put forward by members around the table today. I hope that all of the points are taken on board. I am sorry for the lengthiness of my comments, but it is important that I put down the marker at this stage. I will be watching with great interest to see whether the Bill that everyone wants is delivered.

The Chairperson: Mr Small, I think that you get the gist. A balance has to be struck between the extent of the powers that the Department wants and what is in the best interests of the Forest Service. There was a lot of detail in those questions. I want you to give a general answer now, but I would like you to come back on each of those issues, because there is a lot there, and we need to get it right.

Mr Small: You talked about compulsory right of access, as have other members. We will be properly considering all of the issues that have been raised and reporting back to the Committee. You talk about forest expansion and the need for better incentives, and that is something that we are looking at. We recognise that we are not achieving as much woodland creation as we would like or need to support if we are going to achieve our longer-term targets. We are looking at that whole issue. However, I do not think that that is something for the Bill, which, if it is passed, will give us powers to pay grants, incentives and annual premiums. The power to do that will be enshrined in the Bill.

Mr Shannon: It is not that the power is not there, but the incentives must be right to encourage people to take advantage of it. If they are not right, who will do it?

Mr Small: As I said, we already pay incentives, but they are not achieving what we want, so that is something that we are looking at.

You spoke a lot about clauses 8 and 9, which are about controlling the damage to forests by wild animals. For example, you talked about the exemption for authorised officers of the Department who shoot deer and who would otherwise be in contravention of some of the other wildlife legislation.

Mr Shannon: You should be aware that such people might also be in contravention of environmental legislation.

Mr Small: We are aware of that. The protection also applies to other woodland owners who cull wild animals under clause 8, so it is not just something that we are putting in place for our own — *[Interruption.]*

The Chairperson: My Clerk has just culled a wild animal.

Mr Small: Clause 11 specifies that it is any landowner who exercises the powers under clauses 8 or 9. The other thing is that the power in clause 9 to go on to adjacent land to control deer is only exercisable when everything else has failed. We will endeavour to resolve those situations by negotiating with landowners, and it will only be when that fails and it is apparent that an entire area of young woodland will be destroyed that we would want the power to go in and deal with the problem. But I appreciate the sensitivities of what was suggested —

The Chairperson: The legislation could be shaped for specific, rather than general, circumstances. That brings us back to comments that were made earlier.

Mr Small: The only other issue is clause 4, which does not refer specifically to recreational shooting. In fact, it does not mention any particular recreation, whether that is high-trees adventuring or mountain biking. We are not trying to specify in the Bill every form of recreation that we will want to facilitate.

Mr Elliott: Otherwise, you would have to put in wild dove shooting.

Mr Shannon: Before mountain biking became the modern-day craze that it is, hunting deer, whether by bow and arrow, spear or modern firearm, had been going on for centuries, so it seems to be a bit unrealistic to have excluded it. There is potential to be realised.

The Chairperson: The point that the Bill is unambitious has been well made, both in the debate and around the table.

Mr Shannon: I think so. There was one other thing — the forum.

The Chairperson: We really have to move on. Be very quick about the forum, because time is getting on.

Mr Small: The forum issue was mentioned during the debate, and, again, we will discuss it with the Minister.

Mr McGlone: A number of issues have already been touched on in considerable depth. I am anxious to establish the level of collaboration that there will be on the burning of vegetation between the Forest Service and the DOE, particularly the Northern Ireland Environment Agency. Many people from the farming community and rural areas will know about problems with licensing for lighting fires and about officers landing out with them, so I am concerned that they might have to go through another permission-seeking process, which would further add to an unending stream of bureaucracy and red tape. Therefore, in order to ensure that we have not created more hoops for people to jump through just to burn a lock of briars, I am anxious to establish the level of contact with yourselves, and, for want of a better phrase, your harmony of approach on this matter.

When we come to clause 30, I will be interested to get a flavour of the Department's thinking on the by-laws.

Finally, bearing in mind what Mr Shannon referred to earlier, the explanatory and financial memorandum says of clause 31:

“in a case of extensive damage being caused to forest land by wild animals on land adjacent to the forest”.

I would have thought that, in the first instance, it should read:

“from land adjacent to the forest”.

However, does that tie in with making the landowner on whose land those wild animals currently are responsible for any damage that those animals may have caused on forest lands? They may not even be his animals or his stock. If the animals are on land adjacent to the forest, they cannot damage the forest, if you know what I mean. The language is either clumsy or incompatible.

Mr Shannon: You can almost see the stag and the doe on that person's land —

Mr McGlone: You would need to have a pretty long neck.

Mr Shannon: They say, “don't go across that line”. What they do not know is that the ranger is on top of the hill watching them, and he blows the both of them away.

The Chairperson: Is that what you do?

Mr McGlone: Anyway, that is something that we can discuss later. In the light of what Jim said, it is something that we want to watch.

Mr Small: I do not think that there is any intention —

The Chairperson: I do not think that anyone trusts the Department; I just get that impression. *[Laughter.]*

I do not know if you have picked that up or not. Most of my colleagues have been very subtle in their approach.

Mr Small: I have tried to describe the circumstances under which the powers in clause 9 would be used; that is, in circumstances in which we have not been able to reach agreement with the landowner on a resolution to a problem that we know exists, where a significant piece of either private woodland — which has been the subject of private investment — or public woodland is seriously at risk. In a situation in which one stands to lose the entire area of woodland unless the animal, which happens to be a deer, is dealt with, it is only after discussions and negotiations with the landowner that we would go in and use that power to cull the deer. It is not something that we would resort to as a first option.

Mr McGlone: I was questioning the wording of the explanatory and financial memorandum.

Mr Small: I do not have the memorandum to hand; I have a copy of the Bill. However, I will look at how that is worded.

Mr McGlone: Thank you.

The Chairperson: Thank you for that comprehensive explanation of those clauses. Following on from what I have heard, it is my intention to consider inviting the Tourist Board and the SIB to give us their views. I know that you have had discussions with them as well. That would be very helpful to us. There are some substantial matters to consider, and which are of genuine concern to people. I would like you to come back on those issues so that when we go through the Bill we get an agreement. Otherwise, the Bill will end up being opposed in the House. We want an efficient piece of legislation that will be as ambitious as it needs to be.

I ask members to approve the submission of a draft motion to the Business Office for an extension of the Bill's Committee Stage to 2 March 2010.

Members indicated assent.

Mr Small: I assure members that we will consider seriously the points that have been raised and report back to the Committee. It is our desire to reach an agreement on the Bill that we can all be comfortable with.

The Chairperson: That is great. Thank you very much.

NORTHERN IRELAND ASSEMBLY

COMMITTEE FOR EDUCATION

23 September 2009

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 Jonathan Craig
Mr Trevor Lunn
Mr John McCallister
Mr Basil McCrea
Miss Michelle McIlveen
Mr John O'Dowd
Mrs Michelle O'Neill
Mr Alistair Ross

Witness:

Mr Chris Stewart } Department of Education

The Chairperson (Mr Storey): Issues that are set out in the correspondence from the Minister of Education are relevant to the Bill and will be considered at the appropriate stage, unless members have other comments on the correspondence. The Committee had its concerns and was criticised when it asked for an extension to consider the Bill.

One thing that has bedevilled us over the past months is the lack of haste in producing amendments. Even yet, the latest correspondence states that the Minister is still considering the precise wording of an amendment, which will depend on advice from the Office of the Legislative Counsel. The Minister says that she will endeavour to let the Committee have the wording before the end of the Bill's Committee Stage, if possible. That stage ends today, after the Committee considers the Bill clause by clause.

Therefore, any amendment proposed subsequent to today's meeting would not be in the Committee report that is to be signed off next Wednesday. The Committee is time-bound to deliver that report to the Assembly by 30 September.

The Committee Clerk: The Committee must sign off the report, as approved, next Wednesday at the latest. Today's deliberations are the final decisions on the Bill's clauses and schedules so that the report can be produced, including its recommendations to the Assembly.

The Chairperson: What happens if the Minister tables an amendment at Consideration Stage?

The Committee Clerk: The Minister will choose a time in October, or indeed, a date of her choice, to bring the Consideration Stage debate forward. Standing Orders relate to the end of the Committee Stage and the beginning of the Consideration Stage debate. There must be a certain time gap, usually two or three weeks.

The Chairperson: Can that period be longer?

The Committee Clerk: It is the Minister's choice when that is brought forward. The final date for tabling amendments will be established when the date for the Consideration Stage debate is known. That will be the Thursday before the debate, which will be on a Monday or Tuesday. The Minister, Members and the Committee can table amendments to the Bill up until that time.

The Committee's report records exactly what was agreed at Committee Stage until today and until its publication next Wednesday 30 September.

Mr B McCrea: Is there a schedule for those dates? Have we been furnished with that information in written format?

The Committee Clerk: I can bring advice on Standing Orders in relation to the period between the 30 September and the possible dates that the Minister could suggest for Committee Stage.

Mr B McCrea: That would be useful for the critical path analysis. Have we had clarification about what happens if we do not meet the deadline of 1 January 2010? There has been some discussion about the implications for the education and library boards if the Bill has not been passed by that time. If they are abolished, will they still be able to pay staff?

The Chairperson: From my recollection of the correspondence, and Chris Stewart can clarify this, the preferred date was 1 January; however, the date of 1 April was mentioned.

Chris, can you join us? You will have to sit in the public gallery when we move to the clause-by-clause scrutiny, as that is part of the Committee's deliberation. It will be good to get some clarification.

Mr Chris Stewart (Department of Education): It would not be a Wednesday if I did not get to join you at the table.

Mr B McCrea: It is good to get your on your own for once.

Mr Stewart: Support is only a shout away.

As regards Basil's question, if for some reason the Bill did not become law by 1 January, the education and library boards would not be dissolved; they would remain in existence and could continue to pay staff and discharge their functions.

Miss McIlveen: The Chairperson mentioned possible amendments being tabled by the Minister, and the time scales around that. We are nearing the end of our Committee Stage.

Mr Stewart has attended the Committee on numerous occasions when it discussed the second Bill at length; members wanted to see it before concluding their deliberations. The Minister made it clear in her statement to the House that the second Bill was to have been introduced to the Assembly by June 2009. Has there been any sighting of the second Bill?

Mr Stewart: The draft second Bill is with the Minister for her formal sign-off. As soon as she is content with it, the Department will send it to the Committee.

Miss McIlveen: Is the Committee likely to see it by next week?

Mr Stewart: That is the Department's aim. Unfortunately, I cannot send the draft Bill to the Committee until the Minister confirms that she is happy for me to do so.

The Chairperson: The Committee's working assumption was that it would be content to proceed with the first Bill once it had sight of the second Bill; that has not happened. That is a major problem, because the Bills are inextricably linked and there are major problems, particularly for the controlled sector, in the second Bill. Members will correct me if I am misrepresenting the Committee by stating that it believed it would have sight of the second Bill before clause-by-clause scrutiny was reached. Today, the Committee will make decisions on the clauses of the first Bill.

Mr Stewart: The Chairperson is correct. For some time, the Minister has intended that the Committee should see the second Bill before the first was signed off. I recognise that we are well into the eleventh hour in relation to that. It is unfortunate that the Committee has not received the draft second Bill. I will pass those points on to the Minister and I will let the Committee have the second Bill as soon as possible.

I hope that when members see it they will be reassured that the two Bills are complementary. The second Bill gives effect to the Executive's decision that there should be a single legislative programme to take through the entire RPA policy. Members will see that the gaps that they pointed out have been filled in by the second Bill. To use a well-worn phrase, I hope that members will see that there are no Trojan horses in

the Bill; it merely gives effect to the other parts of the policy that must be put in place.

Mr O'Dowd: I want to go through what the Education Bill says about the boards' life span. What would the process be for the boards to remain in existence until 1 April? Would that require legislation by the Assembly?

Mr Stewart: No. It is important to emphasise that the Minister's aim is to have the legislation on the statute book and the ESA established by 1 January. If, for whatever reason, that did not take place, the existing legislation would remain in force, and education and library boards would exist as statutory organisations. The membership of those boards would have to be reconstituted at that point, but that is an administrative step.

Mr O'Dowd: Would the Minister reconstitute the boards?

Mr Stewart: Yes.

Mr O'Dowd: However, in effect, the boards will come to an end on 31 December 2008, and, if the Minister wished to, she would reappoint public representatives to a board or, as has been the misfortune in other cases, establish a commission.

Mr Stewart: That would be possible.

Mr B McCrea: What factors would the Minister have to consider if the education and library boards need to be reappointed for a short period? I am thinking about the decision whether to establish a commission or appoint members to a board.

Mr Stewart: I will answer as fully as I can, with the caveat that we are talking hypothetically about a situation for which we have not planned and that is not on the radar at present. If the period involved were short, as Mr McCrea suggests, what is likely to be uppermost in the Minister's mind is the continuity and smooth operation of the organisations in the interim while awaiting the establishment of the ESA.

Mr B McCrea: It would be useful to minute formally the points that are being made about what will happen, because there was some confusion. John O'Dowd referred to the fact that the Committee was of the opinion that the boards would disappear automatically, leaving a void. If the education and library boards do not disappear automatically but continue in existence, the Minister would have to decide whether to reappoint or establish a commission.

Mr O'Dowd: The discussion has been useful. In that event, the 35-person administration body of the education and library boards would remain in place. However, I put on record my party's concerns that the boards may be reappointed for three to four months.

Mr Lunn: The Bill will abolish the education and library boards when it becomes law. Is that correct?

Mr Stewart: Yes.

Miss McIlveen: I find it amazing that no consideration has been given to an alternative. There is an assumption that the Bill will go through on time.

Mr Stewart: It would be presumptuous of us not to continue to plan according to the decisions that the Executive have already taken. The Executive and the Assembly have indicated that they wish to see the ESA established by 1 January 2010.

Mr B McCrea: Is it fair to say that in other areas of the industrious Civil Service, contingency planning is in place for all eventualities?

Mr Stewart: Plans for a contingency depend on the likelihood of the contingency.

The Chairperson: I cannot remember the exact reference that was used in the correspondence. However, the date of 1 April 2010 was mentioned as an alternative if the establishment of the ESA went beyond 1 January 2010. Therefore, 1 January 2010 was not always set in stone by the Department. I think that the words used were either that it was the “intention” of both the Department and the Executive to have the ESA established by 1 April 2010 or that that was the “intended” date. The other words that the Minister used were “the aim”.

Mr Stewart: That is correct, Chairman. The Minister was properly reflecting — as we hope we do — that one cannot take anything for granted until the Assembly takes a formal decision. Until the Bill becomes law, no one can say with absolute certainty that anything will happen on a particular date. Nevertheless, we must be mindful of the effects on staff working in the education system, because this is the most momentous step change for them in 35 years.

On the one hand, it is important that we do not anticipate the will of the Assembly; on the other, it is important that we do not cause staff unnecessary concern by painting an unnecessarily uncertain picture. It is the aim of the Executive and the Assembly to establish the ESA on 1 January 2010. We are working as hard as we can to establish that.

The Chairperson: We are not anticipating failure; rather, we are making sure that there are no flaws. As has been pointed out, the original Bill had major difficulties, problems and mistakes. The fact that there are some 35 amendments and a raft of other amendments that the Committee may be minded to make proves that this process works, albeit sometimes it has been laborious and repetitive. However, that is the nature of the business.

Mr Stewart: The process has been painstaking and thorough. You are right: that fact shows the strength of the process and the importance of the Department working closely with the Committee to ensure that we get the best possible Bill.

Mr O'Dowd: People need to be careful about temporary measures. Two years ago, six commissioners were put in charge of the Southern Education and Library Board as a temporary measure; they are still in place and administering the work of the education board. They ensure that staff are paid, that education is provided and that school meals are delivered. No one wants to reach that stage across all the boards. People should not be talking about temporary measures, as, once taken, temporary measures could become permanent. The good work that we have put into the Bill and our engagement with the various sectors would be diminished. Although I have had disagreements with the Chairperson on how we should proceed, in general, I believe that the Committee has done good work on the Bill.

We have teased out stakeholders' concerns; however, we cannot allay everybody's concerns. That is the nature of politics. Sometimes, you should not meet everyone's needs. Politicians are elected to make decisions, but they cannot keep everybody happy.

We should continue to work towards establishing the ESA on 1 January 2010; that will be a democratic process in which the Committee and the Assembly will be involved. As I said, my party has serious concerns about the establishment of temporary boards from 1 January 2010 to whenever. We could end up with a long stalemate, which will do no one any favours.

Let us go through the democratic process of engaging and putting the Bill through the Assembly with whatever amendments we have approved.

The Chairperson: The Department's letter of 22 September 2009 comments on tax liability arising from the transfer of property and assets to the ESA. It relates to schedule 3, which deals with tax liability. The letter covers stamp duty, land tax and corporation tax. As regards corporation tax, it states:

“there is a potential for tax liabilities to arise in the other three organisations; CCEA, CCMS and the Youth Council. However, given the nature of the assets held by these organisations, combined with the low valuation of possible relief available, any potential liability appears minimal.”

It does not rule it out.

Mr Stewart: At present, it is not ruled out absolutely, Chairman. We hope that within a matter of days, it will be completely ruled out. Unfortunately, my colleague in Her Majesty's Revenue and Customs (HMRC) who advised me on that has retired. We now liaise with his successor.

As of today, we cannot give the Committee an absolute guarantee that there is no liability; however, we strongly believe that there is not. We hope to confirm that within a matter of days.

The Chairperson: Primarily, the matter was raised with regard to the assets and liabilities of the controlled sector, because of its nature. It retains £2.3 billion worth

of estate. In a sense, the correspondence raises concerns about the assets and liabilities of CCEA, CCMA and the Youth Council. It states that:

“any potential liability appears minimal”.

I am sure that they would be very concerned that there was any potential liability.

Mr Stewart: As would we, Chairman. We are talking about the transfer of public assets from one public authority to another. A general principle of taxation and public financing is that it really ought not to give rise to tax liabilities, and we are working to ensure that that is the case. If any action is necessary to ensure that that is the case, we will certainly take it.

The Chairperson: I am sorry to labour the point, Chris, but I want to be clear: if a situation arose, who would pay the bill? Who would be liable for the ownership of both the liability and the properties: the organisation or the body that would come into existence?

Mr Stewart: If there was a liability, ownership would fall to the ESA. However, I do not want to worry the Committee unnecessarily. We have couched a letter in understated Civil Service language, and we do not think that there is a problem. Although I am 99·5% certain; until I get the other 0·5%, I am not.

The Chairperson: Chris, this is not a criticism of you as an individual, but according to your comments to the Committee on 9 September, we have had a legal opinion on a particular issue for years; we now discover that there is a different opinion, and some of us contend that that opinion is not correct. I do not want to create a minefield for lawyers; unfortunately, however, that is the ground on which we have to tread. That raises a concern, which has been highlighted or compounded by the fact that we are now not only looking at an issue that may be an issue for the controlled sector but for other sectors as well.

The phrase “appears minimal” in relation to potential liability is why I asked who would pay the bill if there were any liability.

Mr Stewart: Potential liability appears minimal, and I hope to reassure the Committee before the end of this Stage that it is zero.

Mr D Bradley: I have looked at the list of attendees of meetings of the controlled schools sectoral support group, and there seems little continuity. A few people appear to have attended some but not all the meetings. What is the work programme that the group is involved in? I take it that it is an ad hoc group.

Mr Stewart: Unfortunately, Dominic, I do not have full details of that. The Department has that information, however, and I would be happy to send it to the Committee.

Mr D Bradley: Could we have a report of its discussions to date?

Mr Stewart: I am sure that that is possible. I would be happy to pass that request to the group.

The Chairperson: The Committee Clerk informs me that we have already asked for that. We should reaffirm whether we are still looking for that information.

This is not a reflection on individuals, but I am concerned about how much knowledge members of that group have about the sector for which they are to take opinions and on whose behalf they formulate policies. That is a major concern. Dominic mentioned consistency, and from examining the attendance list, I see that people have attended one meeting but not the next one. There has not been a consistent attendance. There are rumblings in the undergrowth from some people who have attended, which are beginning to permeate through to us.

Mr D Bradley: How is the membership of the controlled sector group made up? How were its members recruited?

Mr Stewart: At the beginning of the process, the Department attempted to kick-start it by putting together the broadest possible list that we could think of, having taken soundings from sources, including the Committee. Thereafter, it is self-selecting. The group and the sector decide who wishes to take part and who feels that they may have something to contribute.

The challenge, as the Chairperson suggested, is that whoever is involved in the group has to demonstrate to a very large and diverse sector that they are capable of representing its needs and views and of discharging the functions that they have taken on.

Mr O'Dowd: Is there any suggestion that anybody has been turned away from those meetings or made to feel unwelcome or that their presence or opinion was not valued?

I am happy to support the controlled sector in whatever way we can, and the establishment of any new body will always generate rumblings. However, the Committee must know whether people are being turned away or made to feel unwelcome or that their opinions are not wanted. The Committee's concerns must be firmly based. Can the Committee even request the minutes of meetings of the working group?

The Chairperson: The Department established it, so I assume that the Committee can seek the minutes; is that correct?

The Committee Clerk: The Committee can certainly ask.

Mr O'Dowd: Have we any authority? I am just teasing out our options.

The Chairperson: We are not saying that people have been turned away. I may be accused of parochialism, but if a body were established to look at the maintained sector and people from other religious persuasions or other groups had been put on that body — people whose opinions may not be focused on that sector — concerns would be raised by the maintained sector.

The list of attendees — whether attending by invitation or self-appointment — includes people who, without devaluing the contribution that they can make, do not come from a background that suggests passion for that particular sector. There are people on the list who have that passion, and I am glad that they are there because they can make a very good contribution. I see that there are one or two principals who have been in the controlled sector for many years, so they should have a good grasp and understanding of that sector. However, the bigger problem is that the group has been set up two years later than it should have been.

Mr Stewart: I can offer some information on that. Section 44 of the Northern Ireland Act 1998 gives the Committee considerable powers to request whatever information it wishes, but it may not want to use such a sledgehammer in this case.

The Department will endeavour to provide as much information to the Committee as it can about the operation of the working group, but I stress that the group was not established or run by the Department. The Department is there in a consulting and advisory capacity. It recognises the need to take that role, because, unlike the other sectors, the controlled sector is at much earlier stage of evolution in the process and may have a much greater need than other sectors for the Department's help, support and guidance.

To illustrate what happens: on the day that the working group meets, Department officials will be there, but they leave the room for the greater part of the meeting. They are not present while the group conducts its business, unless the group asks them to come forward to assist it, in much the same way as we do with the Committee.

Committee members' concerns might be best addressed by, in due course, inviting members of the working group to deliver a presentation on the work that they are doing and the stage that they have reached. They may be able to answer the Committee's questions more convincingly than I can, simply because they are directly involved in the process and I am not.

Miss McIlveen: Much of what I was going to ask has been answered. However, does the group have terms of reference, a secretariat and a chairperson?

Mr Stewart: The acting chairperson is Hugh McCarthy, the Principal of Killicomaine Junior High School, and the Department has been providing a

secretariat because the group does not have its own and there is no alternative. Aside from someone taking minutes being in the room, the Department does not take part in the meeting.

Miss McIlveen: Were the terms of reference established at the outset?

Mr Stewart: I believe that the group itself drew up its terms of reference in its first or second meeting.

Miss McIlveen: The difficulty shared by members is the fact that it has taken so long to establish the group, which leaves it to catch up on a considerable amount of time. The membership appears random and attendance is very ad hoc. Those are initial observations from the first few meetings, but they raise questions about the dedication of many of those involved.

Mr Stewart: All those points are perfectly fair. I will not try to put words in the mouths or the minds of those who attend, but because it is a new approach and a new initiative, I am sure that many people have come along with great enthusiasm and all have attended with considerable dedication. Others have come with curiosity and wonder whether they feel that it is appropriate and something in which they wish to play a direct role. Perhaps it will take one or two meetings for people to come to their own conclusions.

The Chairperson: Who has their hand on the tiller of this vessel? Perhaps it is a ship that is away out at sea that everybody hopes will find a port or destination at some stage. People can get on if they want, but we are not that worried if they do not want to. That concerns me because we are talking about a sector that educates 98% of the Protestant children in Northern Ireland.

Mr Stewart: I do not think that we could be as neutral on the matter as your question implies because we would be as concerned as you if we thought that the group could fail. It is very important that the controlled sector has an effective representative body. However, I think that the Committee would be equally concerned if it received reports from the sector that stated that the Department's heavy hand was all over the group and that the Department was dictating and demanding that it went in a particular direction or went about its work in a particular way. The Department does not do that with other sectors.

We are there to assist and guide. Certainly, if we think that something is going seriously wrong, we will not be slow to tell the working group of our view. However, that does not mean that it has to slavishly follow every piece of advice that the Department offers or that it will agree with everything that we say; it is quite the reverse. One of the measures of the success of this exercise is that there will be a strong and effective body that feels that it has the capacity to argue with the Department about the future direction of

education. If it were not so, I do not think that the body would be effective.

Miss McIlveen: What bothers me is the fact that there has not been any real progress. The letter from the Minister that was given to the Committee today implies that C na G is so forward-looking that the Minister is contemplating further amendments on behalf of that sector, yet the controlled sector does not even have a body. That is what really bothers me.

Mr B McCrea: The membership list that we received does not appear to include any people from west of the Bann, apart from the Foyle women's group. There appears to be at least one councillor who, to my knowledge, sits only on the boards of Catholic maintained schools. No principals of non-grammar controlled schools are represented on the body. There are also some concerns about the way in which the meetings were called. The first meeting was on the last day of school, so there might have been some difficulty in getting people to attend, and then the next meeting was held on near enough the first day of school. The people who we are trying to attract are busy, so the timing is all wrong.

Chris, although you said that the Department was taking a hands-off approach and that you would tell the Committee if you thought that things were not quite going to plan, I am concerned that we are not really anywhere with that body. The needs of the controlled sector must be addressed if we are to address the needs of all the other sectoral interests. I do not think that it is working.

Mr Stewart: I do not think that the group would share your view, and its view is perhaps more important than mine in that regard. As I have said, we are not in a position to police the membership. We are certainly not in the business of turning away anyone who turns up. If there are gaps, we will certainly pass on those concerns to the group, but the issue is for it to address.

You are absolutely right: the timing of the first meeting was poor. I do not think that we could have picked a worse date for school principals than the last day of term. One or two of them made that point to us quite forcefully. However, the second and subsequent dates were chosen by the group. We asked what it thought would be a suitable date for the second meeting, and that date was identified by the group, including by the school principals.

Mr B McCrea: When you spoke about the controlled sector, my immediate response was to think not of controlled grammar schools but secondary modern schools, or whatever you wish to call them. The fundamental point is that the principals of those types of schools are not represented on the group. I am sorry to say, Chris, but the emperor has no clothes. The people who will be affected most are not in the group.

I suspect that some of the grammar school principals are considering joining the Governing Bodies Association (GBA) or another voluntary organisation. There are not enough people in the group who can represent the sector about which we are concerned. Those on the group will not be able to carry that sector. Although I am grateful to all the people who turned up, it was a case of omission rather than of rejection. We need to get more representatives from the controlled sector. If we do not do that, I am afraid that the needs of the controlled sector will not be addressed.

Mr Stewart: With the greatest respect, it is a bit early to conclude that the membership is not representative. Without asking the individuals concerned, none of us can say why certain people were or were not present at a particular meeting. As you rightly stressed, school principals are busy people, and they cannot, therefore, come along to every meeting.

At the first meeting at which I was present, there were principals from non-grammar schools and secondary schools, and a principal from a controlled school. The latter might not have been present at subsequent meetings for reasons I do not know. Your general point is correct: the group must represent all the various parts of a very diverse sector. That is a challenge for the group and is not something that the Department can dictate.

Mrs M Bradley: I was about to mention the representation west of the Bann, but Basil beat me to it. I am concerned about the lack of representation from the Western Education and Library Board (WELB) area. I recognise only one name on the list, and she is not an educationalist. I am not condemning that woman — in fact, I know her very well, and I would not do that. I think that people who work in controlled schools in Derry would have been keen to be part of the group. However, I do not know whether they applied. I am concerned that the WELB area does not seem to be represented at all.

Mr Stewart: I must stress again that no one was excluded and no one had to apply to attend. People who wish to attend the meetings and get involved are very welcome.

The Chairperson: In fairness, that is not the best way to do it. Surely the onus is on the Department to appoint an interim manager while the new body is being set up. We do not even know who chairs the group. How is that decided? Is it a case of throwing all the names into a hat on the day of the meeting and picking out the name of one person to chair that meeting, and then repeating the process at the next meeting? The approach seems scattergun. It gives the impression that the controlled sector does not matter, even though it owns £2.3 billion of the estate and caters for the greater percentage of Protestant children.

That was not the case when we dealt with the other sectors over the summer. They battered on the door and brought about change, and there are different reasons for that. I concur with Basil's point: it just gives the impression that the sector is not at the game. The controlled sector is at the heart of everything that goes on in the community. I think that the Department has abdicated responsibility, washed its hands clean and thought that if it works, it works and if it does not, it does not. That is the wrong attitude.

Last week, we saw the Department's attitude towards another sector. The Department took the view that if the GBA was not going to talk to it, it was not going to talk to the GBA. Then we received a letter from the Minister stating:

"Members are already aware that I have arranged to meet the GBA this week, and I am pleased to say that, following the Committee meeting, the GBA has also requested a meeting with officials."

I believe that that meeting is taking place today. That shows the Department's attitude, which is

"We will take the ball off the pitch. We will decide what we are doing, and if anyone wants to talk to us, the door is open, come to see us."

Mr Stewart: You made a number of points to which I ought to respond. I understand your points. However, with respect to you and the Committee, I think that you are being a little unfair on the group and, perhaps, on the Department, too. The group is not as ad hoc as your question might imply. It has a chairperson, who is chosen from among its members. It has adopted a committee structure, which it has chosen itself.

The Chairperson: Who is the chairperson of the group?

Mr Stewart: It is Hugh McCarthy.

The group has adopted a working plan and a committee structure, and, given the fact that it has been going for only a short time, it has made encouraging progress, and it continues to do so.

On the point about the GBA, as I said last week, there is no question of the Department taking the ball off the pitch. We have never refused to meet any stakeholder or to accommodate any stakeholder's wish for dialogue. The GBA was asked by the Committee whether it was prepared to meet the Department, and it declined to do so. Subsequent to that meeting, a member of my staff wrote to the GBA and asked again for a meeting, and they received a reply turning it down. That reply expressed the organisation's view that it did not see any value in having dialogue with the Department. There is a limit to the number of times that we can ask the GBA for a meeting, and we certainly cannot force it into meeting us.

When I returned to the office after last week's meeting with the Committee, I was pleased to find a

request from the GBA for a meeting. I do not know what prompted its change of heart; perhaps it had been listening to the Committee's debate. We welcome that request. As I said at last week's meeting, the Minister already had plans to meet the GBA. That meeting is taking place today. We are pleased to see that it is prepared to resume dialogue with officials, and that dialogue is under way. If the ball was ever off the pitch, it was not at the Department's behest. Perhaps more importantly, I assure you that the ball is back on the pitch.

The Chairperson: As a Calvinist, I can say that you got that request because of confidential circumstances.

Mrs M Bradley: Should it have been ensured that all the board areas were well represented on the group?

Mr Stewart: We will certainly welcome any assistance that Committee members will give us on that. When the original list was drawn up, it included all the names that were suggested by Committee members. If you wish to suggest other names, we will be happy to put those forward.

Mr Lunn: How many people were invited to join the body? The average attendance seems to be 15 or 16. How many are entitled to be there?

We have asked for the minutes of the meetings, and I do not know whether we can get them. I know that only three meetings have taken place, but has the body put any identifiable product back to the Department for consideration?

People are concerned about the sector being properly represented, and there are various concerns about geographical considerations. Someone said that at least one person is listed as being an attendee who does not have a direct interest in the controlled sector and who might even have an direct interest in the maintained sector. That would be a good thing, because the body could perhaps learn something from the perceived success of the other sector in some areas. If he or she wishes to contribute to the body, fair play to them.

Mr Stewart: I certainly concur with that point; that would be a great advantage. The people on the group recognise that they can learn from the experience of some of the other sectors. Those from the maintained sector would say that it is perceived to be a successful sector and that the Council for Catholic Maintained Schools (CCMS) is perceived to be an effective organisation, but it was not always that way, even in the maintained sector. CCMS mentioned that when it gave evidence. That organisation would say quite openly that it took it a period of time to build up its capacity in the sector and to build up the trust and confidence of its own sector to do a job.

Bearing in mind the points that members have rightly made about the controlled sector being behind some of the other sectors, we want to accelerate the process as best we can. If, as part of that, the controlled sector could learn lessons and draw on the experience of other sectors that have trodden the path before them, that would be a good thing.

Mr Lunn: What product has come out of the group?

Mr Stewart: There is product in the sense that there are minutes of meetings and that the group has a work plan. I cannot say that they have signed off particular products, such as a constitution or a business case. I do not think that the group is at that stage yet. However, perhaps sensibly, the first thing that the group has done is to scope the task, and it is now engaged in taking that forward.

Mr Lunn: How many people were invited to join the body?

Mr Stewart: I would have to check that information and come back to you. I think that the original list of invitations may have contained around 40 or 50 names, although not that many people turned up on the first day, largely because we picked a daft day for the first meeting. Attendance at the second meeting was better.

The Chairperson: I want to conclude this line of questioning so that we can move on.

Mr O'Dowd: If memory serves me right, on several occasions before summer recess, departmental officials, including Chris, asked Committee members if we had any names that we thought should be included on the invitation list. If any member suggested names and those people were not invited to the group's meeting, that would be a matter of concern. It has been indicated that, so far, no one has been turned away.

Another aspect that I found interesting is that certain parties here have lobbied, quite correctly, for a sectoral support body for the controlled sector, because there was a demand for that in the sector. It appears from the attendance thus far that there has been a muted response from that sector. If the demand was as high as some people in this room tell me it is, I would have expected people to be kicking the door down to get in. That does not seem to be the case.

If the Department has gone about this the wrong way or made errors in the invites that it sent out, that must be corrected. If the Department can support the group, it must do so in a professional manner. However, I get the impression that some members want the controlled sectoral support body to be a subcommittee of this Committee. That is not what any of the sectoral support bodies are about. They need to be free-standing and independent-thinking. They need to lobby for their sector and have an advocacy role. There is no point in having a subcommittee of this Committee.

To return to my original point; if any member put forward names of people who they felt should be invited to the first meeting and those people were not invited, that situation should be rectified. The debate today has opened questions in my mind about how much of a demand there is in the controlled sector for this body.

The Chairperson: I think that that is more of a reflection of the way in which the controlled sector has conducted its business. It is more interested in the job that it is doing, rather than a preservation of a particular structure or ethos. Other sectors can become so embroiled in their ethos or structures that they become more important than the business that they are about. It is like comparing apples with oranges. It is a matter of how particular sectors view themselves. That is why a huge amount of work needs to be done with the controlled sector, because it has had to be inclusive. Controlled schools have not had the luxury of saying that they will accept only certain children. That sector is the real integrated sector of education in Northern Ireland, but it has never been given the opportunity to have that reflected in how it carries out its business.

I ask Mr McCrea to ask his question, and then we must conclude this discussion. If we continue at this rate, members will be here until the same time as they were last night. Members, the choice is yours; the matter is entirely in your hands. I can only guide and direct, but if members want to arrive home late two nights in a row, that is fine. They can text home to say that they will be late again tonight.

Mr B McCrea: I take your point, Chairperson. It may be that we have to put the discussion of the sector on the agenda, because what John has just said shows that there is a profound misunderstanding of why we have to deal with the issue. My response to Trevor's point will be the same as my response to John's. In certain other sectors, there are people who are highly focused and highly organised. They, quite rightly, have their own agenda, and they know where they are going. Notably, the Catholic maintained sector was able to amalgamate and reorganise its schools to get a particular level of pupils. The controlled sector refused, was unable to, or could not come together. As a result, when decisions were eventually being considered under the Bain proposals, there was one large, well-organised Catholic maintained school and two or three small controlled schools. Those schools would, therefore, fall foul of the efficiency issues.

The difficulty that arises when trying to organise the controlled sector is that it is so diverse and operates in such a huge range of areas that it does not have a common position on many matters. The fundamental problem is that the sector will end up being squeezed by other sectoral bodies if it does not organise itself.

I will finish on the issue of whether people from other sectors should be involved in the sectoral group for the controlled sector. One could say that we should accept views from outside and learn lessons from others people's experience, but, as the Chairperson pointed out, it would be strange if the Council for Catholic Maintained Schools was dominated by people from outside the sector. Equally, I note in the letter from the Irish-medium schools to the Minister that they are concerned that school governors maintain the ethos of their schools. That is reasonable. The point that I am making is that the controlled sector is really large and educates a lot of our young people, but, for historic reasons, it is not able to compete with its sectoral counterparts. We are trying to find a solution to that problem.

I suggest that the problems facing the controlled sector be put on the agenda. Chris uses the phrase "with respect", and we are being nice and friendly with each other today, but, in my opinion, this group will not resolve the problems that we have with the controlled sector, no matter how hard the individuals work.

The Chairperson: Chris, could you convey back to the group our suggestion that it would be helpful see either the chairperson of boards of governors or parent governors from the sector among its membership. We know that members of the Transferor Representatives' Council (TRC) are on the group, as are principals from controlled schools. Concerns have been raised, and the Committee will urgently return to the issue.

We now begin our clause-by-clause scrutiny of the Education Bill. Before we proceed, I will try to ensure that Committee members have in front of them the appropriate documents so that we can make this process as seamless as possible. I know that you have struggled with me as the Chairperson, and I apologise for my inadequacies, but I have struggled with the process as much as you have. Let us try to set the scene.

Destination is lunch for 1.00 pm; how we get there is entirely in your hands.

The Department has proposed amendments on its own behalf and at the request of the Department for Employment and Learning. Those are set out in the document in the relevant clauses as proposed departmental amendments. The Education Bill amendments are in the document before us.

At last week's meeting, the Committee agreed and instructed the Clerk to prepare draft Committee amendments, which the Committee may wish to consider, on clauses on which some members canvassed the possibility of amendments during the Committee's scrutiny of the Bill. Those are listed in the document as Committee amendments — if appropriate. If the Committee wants to recommend amendments in those

areas to the Assembly, we will have draft wording before us today and the Committee can take a decision on them.

Additional documents are available. At tab 4, item 1, there is a copy of the Minister's response of 16 September to the Committee's letter of 9 September, which included the issues of ESA membership, representative membership, and local committees. At tab 4, item 2, there is a copy of the Department of Education's amendments. That table is useful because members will recall that the way that it is set out gives us —

Mr B McCrea: Mervyn, you lost me about 30 minutes ago.

The Chairperson: We are looking at tab 4 in the black folder. There is a document entitled 'Education Bill Amendments'. Following that, there is a response from the Minister, which is useful information to have in front of you.

Mr B McCrea: Is that the letter dated 16 September?

The Chairperson: Yes. Then there is the letter that deals with outstanding responses. Then there is tab 2.

The Committee Clerk: Tab 2 is a very useful document because it outlines an explanation of the numerous departmental amendments.

Mr B McCrea: What is in the white folder?

Mr O'Dowd: Just follow my lead, Basil. If I agree with something, you go with it. *[Laughter.]*

The Chairperson: Follow my nod.

Mr B McCrea: Go easy on me, John.

The Chairperson: Tab 2 — that is it. We are getting there.

Mr McCallister: You told us that yesterday, John.

The Chairperson: The two documents that you need to have in front of you are the 'Education Bill Amendments' — exhibit a — and tab 2, or exhibit b, and, of course, the Bill.

OK. I believe that that is all that we need. Chris, I ask you to take a place in the public gallery. Patricia Casey, from the Bill Office, is present to advise us on any technical issues that need to be addressed. You are very welcome, Patricia. I apologise that I did not welcome you earlier.

I refer members to the Education Bill amendment document. I remind you of the procedure in the Committee Clerk's note. It advises that in relation to each clause and schedule where there is no proposal to amend, the Committee will state whether it is content with the clause or schedule as drafted.

Where an amendment is proposed by the Minister of Education, the Committee will decide whether

it is content with the amendment that is proposed. Depending on whether the Committee is content with the amendment, it will indicate either that it recommends to the Assembly that the clause be amended as proposed by the Minister — or, if applicable, as proposed by the Committee — or that it does not recommend an amendment. In that case, the Committee would indicate that it is content with the clause as drafted.

Are members content that we proceed? Are there any questions before we begin our clause-by-clause, schedule-by-schedule scrutiny of the Bill?

Mr B McCrea: I want to make a brief statement for the record. The Ulster Unionist Party will attempt to be as constructive as possible in the clause-by-clause scrutiny. It does not wish to be seen to be trying to block the creation of the ESA as a streamlined oversight body.

We will not, however, agree to the Minister's proposals for a highly centralised, bureaucratic body that undermines the autonomy of boards of governors and sectoral representatives. With that caveat, we will try to perform a constructive role in the clause-by-clause scrutiny of the Bill.

The Chairperson: OK. If there are no further comments, we shall proceed to clause 1.

Clause 1 agreed to.

Schedule 1 (The Education and Skills Authority)

The Chairperson: Members, on this occasion only we will proceed not to the next clause but to schedule 1; we must deal with it before we can proceed to clause 2. The first decision is the number of members of the education and skills authority (ESA). The Minister proposes that schedule 1 be amended as follows: In page 31, line 15 leave out "7 or more than 11" and insert "11 or more than 14".

If any member wants to propose a higher number, a Committee amendment has been drafted to that effect. We would take a decision on that amendment first. If the Committee decides to recommend a higher range than that which the Minister proposes, the Committee will not consider the Minister's amendment or the existing wording of the Bill.

If a member proposes a higher range than 11 to 14 members, the Committee's amendment will be to leave out, "7 or more than 11" and to insert the proposed new number.

Mr D Bradley: Should that read "or no more than"?

The Chairperson: Sorry, it should be "no more". Therefore the question is —

Mr B McCrea: No, you are correct.

The Chairperson: It is not "fewer"; so the question is that the Committee recommends to the Assembly

that paragraph 2(1)(b) of schedule 1 be amended as the Minister proposes. Members must decide whether they accept the Minister's amendment to increase membership to 14 or increase that number again.

Mr Lunn: I am content with the Minister's amendment.

The Chairperson: Are there any other proposals?

Mr D Bradley: I would like a higher number.

The Chairperson: Do you have a number in mind?

Mr D Bradley: I propose:

"no fewer than 15 and no more than 20".

The Chairperson: I have a proposal from Dominic that membership should be 15 to 20. That is seconded by Basil McCrea. I beg to move

Question proposed:

In page 31, line 15, leave out "7 or more than 11" and insert "no fewer than 15 and no more than 20." — [Mr D Bradley]

Question put.

The Committee divided: Ayes 9; Noes 2.

AYES

Mr D Bradley, Mrs M Bradley, Mr Craig, Mr Lunn, Mr McCallister, Mr B McCrea, Miss McIlveen, Mr Ross, Mr Storey.

NOES

Mr O'Dowd, Mrs O'Neill.

Question accordingly agreed to.

Mr Lunn: If the Committee wants to suggest a further amendment to schedule 1, must that be done at a different stage?

The Chairperson: Yes; that would be a party amendment or a Member's amendment at Consideration Stage in the House. Is that correct, Clerk?

The Committee Clerk: It is open to a member to raise an issue now on a further part of that schedule, but the main areas of discussion have been identified in the document being considered by the Committee.

Mr Lunn: The amendment that we have just accepted would mean that there would be 11 councillors on the ESA. Now may not be the time to raise it, but I intend to propose an amendment at Consideration Stage to amend that. Is it appropriate to suggest an amendment now that the Committee might adopt?

The Chairperson: Trevor, you are entitled to propose an amendment; it is up to the Committee to second and approve it. If that attempt is unsuccessful, you can still table it for Consideration Stage in the House.

Question proposed: In page 31, line 19, leave out

“that at any time a majority of members are councillors (within the meaning of the Local Government Act (Northern Ireland) 1972 (c.9)” and insert “at any time one third of members should be councillors (within the meaning of the Local Government Act (Northern Ireland) 1972 (c. 9)”. — [*Mr Lunn.*]

The Chairperson: Members have a proposal from Mr Lunn. Does anybody second it? Nobody seconds the proposal; therefore, it falls. However, it has been recorded.

The Committee Clerk: The proposal must be put to a vote to allow members to indicate that they are against it.

Mr O'Dowd: It was not seconded.

The Chairperson: It was not seconded.

The Committee Clerk: It does not need to be seconded. If a member proposes an amendment, it can be put to a vote.

Mr B McCrea: Before you do that, I am not averse to the amendment, but it has come as a bit of a shock, and I have not had a chance to consider it. I do not want to be recorded as voting against it because there may be some merit in it, but it has only come to me now so I cannot make a judgment.

The Chairperson: John, can you clarify the position?

The Committee Clerk: The Committee could agree that it noted Mr Lunn's amendment, whether or not it wishes to bring forward a Committee amendment to put it into effect today. It depends on whether a majority of members would support Mr Lunn's amendment. If not, that should be recorded now, and Mr Lunn can then raise it, from his party's point of view, as a Committee amendment.

The Chairperson: OK, we are clear on that. It can be noted by the Committee, or members can vote on Trevor's proposal.

The Committee Clerk: The effect would be to remove “majority” and replace it with “one third”. If members wish to consider voting on that now, that is open to the Committee.

The Chairperson: OK, members, those are the only two options: either to note the amendment or to vote on it.

Mr O'Dowd: For the record, Sinn Féin would be opposed to that amendment. How will that be known if we do not vote against it?

The Chairperson: I will put it to the Committee that there is a proposal that “one third” replace “majority” so that it reads:

“at any time one third of members”.

Is that correct?

Mr Lunn: Yes. I would be content for the Committee simply to note the fact that I have proposed the amendment rather than force a vote. Basil is right that I have pulled it out of the blue, although everyone had probably seen it coming in some form or other after the past 18 months. I am content to have it noted.

The Committee Clerk: The question is, as I said earlier, whether the Committee wants to bring forward for consideration in early October an amendment that would go before the Committee when the detailed wording has been worked out, although that amendment would not be in the Committee's report. Members would then have time to reflect before it was brought forward. In that case, members should indicate whether they vote yes or no to that proposal.

The Chairperson: I am not clear what was said there. We have these amendments, as well as a report to produce for the House; therefore we have to make a decision. We have no more time in which to consider any amendments after today.

The Committee Clerk: That is right, but the report can state that the Committee noted a proposal from a member this morning —

The Chairperson: Yes, but that is a different thing.

The Committee Clerk: — and that the Committee agreed, by majority, to draft an amendment that would be considered after the report had been issued. It is possible to do that.

The Chairperson: How can we draft an amendment if we conclude our consideration of amendments now and the report goes before the House? Surely all we can do is note that a concern was raised that “majority” should be replaced with “one third”. From what I see, there will not be support for Trevor's proposal.

The Clerk of Bills: There is another option. As well as recommending the wording of an amendment and agreeing it today, the Committee could recommend to the House that it agreed an amendment to say such and such, but that the wording has not been agreed. I think that that is the point that the Committee Clerk is trying to make. It is not ideal; obviously it would be preferable to agree the wording of the amendments today, but as the proposal was made only today, members may need more time to discuss it. The fall-back option is to agree to bring forward an amendment on that basis, but not to agree the wording of it today, because there is no time. That would be stated in the report, and the Chairperson could address it when briefing the House at Consideration Stage. That is an option.

Mr D Bradley: Can parties table amendments during Consideration Stage?

The Clerk of Bills: Yes. Up to 9.30 am on the Thursday before Consideration Stage, whenever the Minister brings that forward, any Member, Committee

or the Minister can table an amendment. Members may wonder how they would find out about that if the report had already been printed. The Bill Office will issue a notice of amendment for any amendment that is brought forward, and that will appear in Members' pigeon holes. The Marshalled List, which is the final list, is published after 9.30 am on the last Thursday before Consideration Stage. Chairperson, you are correct to want to agree as much as possible today, but if members do not have the wording of an amendment or have not thought it through, they can use that system as a fall-back.

The Chairperson: The proposal is for an amendment to remove "majority" and replace it with "a third". Is the Committee minded to consider such an amendment?

Mr Craig: I would have huge difficulty with such an amendment. I do not like bodies that are not democratically accountable, and I really do not like outside bodies that do not have a majority of elected members. The amendment would create a democratic deficit. For 30 years, Northern Ireland was run with a democratic deficit, and that must change. I do not see the rationale for the amendment. I am totally opposed to it.

The Committee Clerk: If the Committee were to decide by a majority vote that it wished to return to the amendment in early October, the amendment could be put on that day. On that Wednesday in October, the Committee may reject the amendment, and it would be left to Mr Lunn to decide whether he wished to table it on behalf of the Alliance Party. The Committee is to decide now whether it wishes to note the amendment from Mr Lunn and whether to put it down for further consideration after the Committee's report has been issued. The amendment will be decided on that day.

The Chairperson: Do Members wish to note the amendment in the terms that the Committee Clerk outlined?

Question put.

The Committee divided: Ayes 1; Noes 8.

AYES

Mr Lunn.

NOES

Mr D Bradley, Mrs M Bradley, Mr Craig, Miss McIlveen, Mr O'Dowd, Mrs O'Neill, Mr Ross, Mr Storey.

The Chairperson: John McCallister and Basil McCrea have abstained.

Question accordingly negatived.

Mr Lunn: For the record, does that mean that the amendment will not be noted formally but that it will appear in the record of today's meeting?

The Committee Clerk: Yes; the vote on it will be recorded, but the amendment was not agreed.

The Chairperson: Members will recall the Committee's discussions on how the ESA membership could be made representative and the request to the Minister to consider an amendment to paragraph 2(2) of schedule 1. The Minister is not minded to propose an amendment to that part of the Bill, and we have a draft wording if Members wish to consider a Committee amendment.

Mr D Bradley: I would accept the Committee amendment if the word "proportionately" were inserted before "representative". The amendment would then read:

"and: (c) that the members, as a group, are proportionately representative of the community in Northern Ireland".

The Clerk of Bills: That would make it a completely different amendment; that wording is much more precise. The Bill has been drafted in keeping with a provision in the Northern Ireland Act 1998. The Committee has received legal advice on the meaning of the phrase:

"representative of the people of Northern Ireland"

and its various aspects. Adding the word "proportionately" would be a completely different matter.

Members also need to consider the amendment in the context of the wording of the schedule:

"so far as practicable to secure".

Members should take into consideration the difference between "so far as practicable" and "proportionately representative", which suggests a precise number.

The Chairperson: Dominic, why would "proportionately" give the result that you desire? I assume that your desired outcome is that the education and skills authority is democratically or electorally representative of Northern Ireland.

Mr D Bradley: Yes, I would like the ESA's membership to reflect accurately the various political communities in Northern Ireland.

The Committee Clerk: There is an option of considering an amendment to paragraph 2(2) of schedule 1, which the Committee discussed following advice about the definition of the phrase:

"representative of the community of Northern Ireland".

The Chairperson: Would that wording define the phrase?

The Committee Clerk: Yes.

The Chairperson: That would give the same outcome. We are working on the assumption that the Committee would approve that, but we do not know because it has not yet been put to the Committee. Do members have views on that?

Dominic would prefer the word “proportionately” qualifying “representative”. Members have heard the comments from Patricia and John; are there any other views? Defining “proportionately” could create legal difficulties.

The Clerk of Bills: In order to effect that, you may need further amendments to define what is meant by “proportionately”.

Mr Lunn: That is more or less what I was going to say. It could not be left as a one-word amendment; it would have to be developed. If I heard Dominic correctly, he wants political and religious proportionate representation of the membership. The proposed Committee amendment to paragraph 2(2) of schedule 1 does not refer to either of those things; it refers only to skills and geography. The term “a broad geographical range” appears. I do not think that that gets us over the hurdle.

Mr D Bradley: If the majority of members of the board are to be councillors, I would like that body of councillors to be proportionately representative of political opinion in Northern Ireland.

The Chairperson: The Minister’s intention has been that those members would be appointed on merit, not on proportional representation of the community that they serve.

The Committee Clerk: If the majority of the Committee wants that to be considered, we could treat it in the same way as the previous proposal. We could note the proposal and bring it back to Committee after advice about the implications of such words being included. It is a question of whether the Committee is minded, at this point, to accept the current wording. If the majority of the Committee wishes, it could be amended later to include the word “proportionately”. However, we would have to get legal advice, which would be available some time in October, after the Committee’s report has been published. Of course, the point that was raised would be noted in the report.

Mr O’Dowd: Dominic’s proposal should have been made much earlier than now so that there could have been a discussion about it and questions around the legal context and everything else. To throw it in now causes major difficulties in trying to assess it.

I have a question about the Committee’s proposed amendment to paragraph 2(2) of schedule 1, which proposes that members of the ESA, as a group, be representative of the community in Northern Ireland. Does that rule out people from England, Scotland, Wales and the Twenty-six Counties? What about the

European context? It may be off the wall to suggest that people will come over for board meetings for which they will receive £8,000 each year, but is it legally competent to include such an amendment? It could rule out people from other places.

The Clerk of Bills: There would need to be some consideration of the equality implications of including that wording in relation to introducing a political element.

The Chairperson: Of what element? Of the element to which Dominic referred, or to —

The Clerk of Bills: The “proportionately” element.

The Chairperson: What about the other comment that was made about defining the phrase “representative of the community in Northern Ireland”?

The Committee Clerk: The proposed Committee amendment to paragraph 22 of schedule 1 tries to define precisely what is meant by “representative of the community in Northern Ireland”.

Mr O’Dowd: We are talking about a management body. People will be asked to join the board of a management body of a publicly funded organisation. Does that wording rule out people from England, Scotland, Wales and the Twenty-six Counties, and is that legal? If it is legal, I have no argument, but we need to check that out.

The Committee Clerk: It is a legal point. We can check that out if members wish us to do so. Any legal advice would not be available for the Committee’s deliberation before the publication of the report. It would be available post-report, as I have said. It is a matter of whether members are prepared to look at the proposed amendment to paragraph 2(2) of schedule 1, bearing in mind the reservations.

The Chairperson: Did you propose that, Dominic?

Mr D Bradley: Yes.

The Chairperson: Do I have to put that proposal to the Committee?

The Committee Clerk: Yes.

The Chairperson: Is there someone to second it?

The Committee Clerk: It is a matter of whether the Committee wants to take that to a vote.

Mr D Bradley: If there are legal implications to what I proposed, I am happy to wait until October, so that the Committee has had the chance to be briefed and informed about those legal implications.

The Chairperson: If I am right about this, we would then request clarification of the legal competency of an amendment that is worded:

“that the members, as a group, are proportionately representative of the community in Northern Ireland”.

John wants clarification of whether that excludes anybody outside of Northern Ireland. Does that mean that we are not content with paragraph 2(2) of schedule 1 as drafted? That is the decision that we must make, because it was only a Committee amendment.

The Committee Clerk: The Committee can make a decision on the schedule as drafted if it wants to. The further amendments could be considered after we receive legal advice in early October.

The Chairperson: We cannot include that amendment in our report because of the printing deadline, but that does not prevent the Committee from bringing forward such an amendment before the Consideration Stage.

The Committee Clerk: The Committee can, if it wishes, further amend the amendment in early October — providing the amendment is accepted now — to insert the word “proportionately”, or it can change paragraph 22. It would be noted in the report that an issue was raised and that the Committee would be returning to it. Whether that manifests itself in a further amendment is a decision for the Committee in October, in light of advice that it receives.

The Chairperson: In light of that, the Committee is not content with paragraph 2(2) of schedule 1 as drafted, because it is asking for an amendment to be considered. Surely, that is the logical conclusion.

Mr Lunn: We have not accepted or voted on the original amendment in the first place.

The Chairperson: That is what I am saying. However, we have had a discussion and, although it has not been put to a vote, it seems that there is agreement among members that we should receive clarification on the legal competency of a possible amendment, which would read; “the members, as a group, are proportionately representative of the community in Northern Ireland.” That advice will take into account the issue of proportionality and the issues raised by John O’Dowd about whether that excludes anybody from outside Northern Ireland.

Mr Lunn: Surely we are going to have to vote on everything today, so we must vote on the original amendment.

The Chairperson: That is why I am saying; we are either content or we are not. All I am trying to say is that the Committee cannot say that it is content when it is getting clarification on the legal competency of an amendment. Logic follows on some of these things. My advice is that the Committee registers that it is not content but adds a caveat that we are getting clarification on the amendment, as we have discussed.

Mr B McCrea: I would have thought that we are content with the amendment as drafted, subject to —

Mr Ross: We cannot be content with the schedule as drafted in the Bill if we are considering an amendment. We have to decide whether we are content with it as drafted. Well, no, we are not, because we are considering an amendment.

The Chairperson: That is the Question. I put it to the Committee: is the Committee content with paragraph 2(2) of schedule 1 as drafted?

Mr O’Dowd: We will just abstain. It will save a lot of hassle.

The Chairperson: So you register that. It has to go to a vote then. So we are not content?

Question put.

The Committee divided: Ayes 9; Noes 0.

AYES

Mr D Bradley, Mrs M Bradley, Mr Craig, Mr McCallister, Mr B McCrea, Miss McIlveen, Mr Lunn, Mr Ross, Mr Storey.

The Chairperson: I note that John O’Dowd and Michelle O’Neill have abstained. We are still on paragraph 7 of schedule 1.

Mr B McCrea: Are we not voting on that amendment then?

The Chairperson: No; we cannot vote on it until we receive the relevant legal advice.

Mr B McCrea: Although we may want to amend the amendment, would we not be better to say — because we want it on the record — that we at least want a board that is representative of the community. I would like that to be included in the report. I am quite happy to amend it subsequently if we get different advice.

The Chairperson: That means that we make a decision, and the Question is then whether the Committee agrees its intention to bring forward a Committee amendment or amendments to paragraph 2(2). It is only an intention to bring forward an amendment.

Mr B McCrea: As long as it is in the report, I am happy.

Mr O’Dowd: Have we not just voted and made a decision?

Mr B McCrea: I thought that there was a series of decisions. First, you decide if you are happy; then you decide if there is an amendment.

The Chairperson: Basil, it complicates the situation. We have agreed that we are not content.

Mr B McCrea: I will make life easy; if you are happy, I am happy.

The Chairperson: The Committee will receive legal advice on the proposed Committee amendment

that the ESA members, as a group, are proportionally representative of the community in Northern Ireland. Then we can make a decision.

Mr Lunn: Chairman, you made it very clear last week that today was D-Day, and we have to either accept or reject each of the amendments, no matter where they come from. The Committee has to take a view on them. However, that does not appear to rule out that Committee expressing some reservations and coming back to it from a legal standpoint. It does seem a bit odd that we are now turning down our own amendments.

The Chairperson: In fairness, that is only because it was introduced now as opposed to last week or six weeks ago.

Mr Lunn: We are going to come up against this a lot of times.

The Chairperson: Yes; it is going to make it a very long day.

Mr Lunn: You were adamant about your instructions last week. I was not sure at the time whether you were simply laying down ground rules to make us concentrate —

The Chairperson: I think that I was.

Mr Lunn: — or whether it was a legal requirement that we had to take a firm decision.

The Chairperson: What it proves, Trevor, is that it fell on deaf ears. All right; happy enough with that?

Mr Lunn: All right; yes.

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the schedule be amended as follows: in page 33, paragraph 7, line 7, after “may” insert

“to the extent that the Department may by regulations provide.”.

In page 33, paragraph 7, line 8, insert new sub-clause (2) as set out below and re-number existing sub-clauses (2) and (3) accordingly

“(2) Regulations made under sub- paragraph (1) shall include those functions which may be exercised by each committee.”

In page 33, paragraph 8, line 20, after “under” insert: “paragraph 7 and”.

The Committee will recall that it also raised with the Minister the option of an enabling provision for regulations on the ESA committees, in the light of the concerns of some members and key stakeholders about local committees. The Minister’s letter of 22 September 2009 makes it clear that she does “not propose to make regulations”. The Committee agreed in principle that it needs clarity, certainty and confidence — those are the three words that were used repeatedly — on this matter. The Committee

amendment would place a duty on the Department in so far as it proposes to add the words:

“to the extent that the Department may by regulations provide.”.

The issue was that the regulations were required to give that clarity, certainty and confidence.

At schedule 1, page 33, paragraph 7, line 8, we would insert a new sub-clause (2) that would read:

“Regulations made under sub-paragraph (1) shall include those functions which may be exercised by each committee.”

The Question is that the Committee recommends to the Assembly that schedule 1, paragraph 7 be amended as set out in the amendments. Are there any comments? John O’Dowd and Michelle O’Neill have indicated that they will abstain.

The Committee divided: Ayes 9; Noes 0.

AYES

Mr D Bradley, Mrs M Bradley, Mr Craig, Mr McCallister, Mr B McCrea, Miss McIlveen, Mr Ross, Mr Storey

Question accordingly agreed to.

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the clause be amended as follows: In page 36, paragraph 22, at end insert

“ ‘Representative of the community in Northern Ireland’ ”

23.— (1) In this Schedule, and without prejudice to the generality of the words, a membership ‘representative of the community in Northern Ireland’ shall in particular include—

(a) persons with experience of the controlled, maintained, grant-maintained integrated, Irish-medium and voluntary grammar school sectors; and,

(b) persons from [a broad geographic range of] local government districts, where ‘local government district’ has the same meaning as in the Local Government (Boundaries) Act (Northern Ireland) 2008.”

This amendment has an effect on what we have already agreed in respect of paragraph 2 of schedule 1. The legal advice to the Committee highlighted the possibility of inserting a definition at paragraph 22 of schedule 1 to make clear the factors that the Committee considers the Minister should have particularly in mind in relation to appointments to the ESA, so that the ESA members, as a group, are representative of the community in Northern Ireland. Adding a definition to paragraph 22 is an option if members wish to consider it.

The amendment gives rise to the issue of the legal competency of the words “a broad geographic range of”. Just as we did with the proposal earlier to add the word “proportionality”, we have to consider the legal competency of this amendment.

The Clerk of Bills: The amendment is consequent to the one that you have just parked. It cannot be decided on until members decide on the other one.

The Chairperson: The Question is whether we are content with schedule 1, paragraph 22, as drafted.

The Clerk of Bills: You may be, depending on the advice that you receive.

The Chairperson: Yes, but, at this moment in time, we are not content.

Mr D Bradley: It is pending legal advice.

The Chairperson: I will keep it simple; we are not content now because we are considering an amendment the legal competence of which has yet to be verified.

The Committee Clerk: What we are saying is that we will bring the amendment back to members in light of the instruction given on the earlier amendment to paragraph 2 of schedule 1 that we seek legal advice on any changes.

Mr O'Dowd: I assume that that legal advice will also consider the definition of "community" as outlined in the amendment, considering that there are a number of issues around section 75 of the 1998 Act. The amendment states that the membership should be representative of the community, but it goes on to mention only educational communities, backgrounds or sectors. To my mind, the two matters are not comparable.

The Chairperson: I understand what you are saying. On one hand, the amendment states that membership should be representative of the community of Northern Ireland, but then the amendment goes on to specifically define sectors.

Mr O'Dowd: Education sectors are being defined as the community. I do not know if that is competent.

The Committee Clerk: That can be checked and legal advice can be sought, as with the amendment that was parked earlier.

The Chairperson: Let us go back to the Question about paragraph 22, so that we are all clear — although I do not think that we are very clear on any of this. The Question is that members are not content with the Committee amendment to paragraph 22 of schedule 1.

Mr O'Dowd: We are content with it.

The Chairperson: Some members are content, so we will put it to a vote. If members are not content, that will mean that the Committee amendment will be considered for its legal competency and brought back to the Committee.

Question put, That the Committee is content with schedule 1.

The Committee divided: Ayes 2; Noes 9.

AYES

Mr O'Dowd, Mrs O'Neill.

NOES

Mr D Bradley, Mrs M Bradley, Mr Craig, Mr Lunn, Mr McCallister, Mr B McCrea, Miss McIlveen, Mr Ross, Mr Storey.

Mr Lunn: I thought that we had to say that we are not content with paragraph 22 of schedule 1 in the light of the previous decision.

The Chairperson: These things are not always straightforward. I hope that I am not going to throw a spanner in the works, but we have not gone through paragraphs 1, 2 and 3; rather, we have voted only on certain paragraphs of schedule 1.

Mr B McCrea: I agree; I was going to ask you that.

Mr D Bradley: We are dealing only with the paragraphs to which there are proposed amendments. If there were no amendments to the other paragraphs last week, we do not need to deal with those this week.

The Chairperson: Am I not meant to ask the Committee, for the record, whether it is or is not content with all those items?

Mr D Bradley: We did that last week.

The Chairperson: What about the other paragraphs of schedule 1? Does that include the whole schedule?

The Clerk of Bills: Once the Committee has considered all the amendments to the different paragraphs of schedule 1, a Question is asked at the end about the schedule as a whole. If any amendment has been agreed, the Committee would agree the schedule as amended. If no amendments are agreed, the Committee would agree the schedule as drafted, unless the Committee has some alternative.

The Chairperson: The Question is that the Committee recommends to the Assembly that schedule 1 in its entirety be amended as proposed in the Minister's amendments and the Committee's amendments set out as we have already agreed.

The Clerk of Bills: You cannot come to that Question yet because you have parked some matters relating to the schedule.

The Chairperson: So, we cannot take a decision on schedule 1?

The Committee Clerk: It is fair enough if you put a Question to members asking them whether they are content with the other paragraphs of schedule 1. If there is a proposal from members that they want to deal with the other paragraphs of schedule 1 to say that they are content with everything else that has not been

the subject of proposals this morning, that is fair enough to put that to members.

The Chairperson: I am worried that we are getting very confused about this. We have dealt with the amendments to the paragraphs of the schedules; however, we have not said whether we are content with the other paragraphs of the schedules. That worries me.

Mr D Bradley: Surely, Chairman, we did that last week.

The Committee Clerk: We did not take any final decisions last week. Today is when we mop up all final decisions.

The Clerk of Bills: If any member has a difficulty with some part of schedule 1 that is not covered by any one of those amendments, they can either bring forward an amendment or vote against the final Question. Ultimately, members must make a decision on each of the schedules and clauses. If there are parts of the schedule that are not represented on the following few pages, then members must make an individual decision and then take a collective vote.

The Chairperson: Do members have any comments on that?

The Committee Clerk: If members now wish to vote that they are content with the remaining paragraphs of schedule 1, which we dealt with this morning, they may do so.

Mr Lunn: Why would we not?

The Chairperson: That is my opinion. It makes it very simple. Other than the elements of schedule 1 that we have agreed to seek legal clarity on or amendment to, are members content with the other paragraphs of that schedule?

The Committee Clerk: You have proposed that, Chairperson, so members may wish to signal whether they agree.

The Chairperson: I just want to be sure that members know where we are at. Schedule 1 is on pages 31 to 36 of the Bill, and it contains 22 paragraphs. I do not want anyone to think that there was an element of that schedule that they did not agree with. We have gone through the entire Bill, and five lever-arch files prove that.

Mr O'Dowd: We should start again.

The Chairperson: We could start again; that is what worries me.

Are members agreed that they are content with schedule 1, apart from the paragraphs that we agreed actions on? I note that Basil McCrea and John McCallister have abstained.

The Committee divided: Ayes 9, Noes 0

AYES

Mr D Bradley, Mrs M Bradley, Mr Craig, Mr Lunn, Miss McIlveen, Mr O'Dowd, Mrs O'Neill, Mr Ross, Mr Storey.

Clause 2 (Functions and general duty of ESA)

The Chairperson: Members will recall the Committee's consideration of adding the word "mental" to the list of ESA duties in clause 2(2)(a) and clause 2(2)(b). This is our final consideration and decision, starting with paragraph (b). Our amendment, which is an amendment to the amendment that was tabled by the Minister of Education states: "that contribute towards the spiritual, moral, cultural, social, mental, intellectual and physical development of those for whom those services are provided;"

It followed on from a discussion that took place last week. The Question is whether the Committee recommends to the Assembly that the clause be amended as set out above.

Mr O'Dowd: In principle, it is difficult to argue against that amendment, but if something is included in a Bill, it must be ensured that it is competent, and the ripple effects of it must be considered. I note from the Minister's letter that she is writing to the Minister of Health, Social Services and Public Safety, Michael McGimpsey, to seek his views on what effect the Department of Education's inclusion of that amendment would have. The Committee would be wise to wait for that response.

The Committee Clerk: This morning, advice from the Assembly's Legal Services established that the amendment is competent and that it has meaning. Indeed, the word "mental" was included as part of a collection of words in English legislation; the Education Act 2002 and the Education Act 2005. Mental and physical development of children and young people were grouped together.

Mr B McCrea: I would so propose, Chairperson.

The Chairperson: It is proposed that the amendment be put forward by the Committee. Dominic Bradley has seconded it.

Mr Lunn: Do we need to go through this procedure?

The Clerk of Bills: You do not need a proposer when considering amendments to a Bill; the Committee either agrees the amendment by acclamation or pushes the amendment to a Division.

The Committee Clerk: As long as a member is signalling that he or she wants to push it to a vote.

The Chairperson: Are members content with the amendment?

Mr O'Dowd: We will have to abstain if there is a vote. I want to hear what the Health Minister has to say; if he agrees with it, I have no difficulty with it.

Mrs O'Neill: In her letter of 22 September, the Minister says that she wants to accommodate the Committee's wishes on the matter and that she will write to the Health Minister. She says that:

"I consider that the best approach would be to place a statutory duty on the ESA to co-operate with the Regional Health and Social Services Board and Health and Social Services Trust in promoting the mental health of children and young people."

The Chairperson: Michelle is referring to the final paragraphs of the Minister's letter.

The Committee Clerk: The Committee can note that and put it on the record. The Minister may bring forward an amendment in her own right.

Mr O'Dowd: I would be happy enough to go to the vote.

Question proposed, that the Committee recommend that the word "mental" be added at clause 2, page 1, line 15.

Question put.

The Committee divided: Ayes 9; Noes 0.

AYES

Mr D Bradley, Mrs M Bradley, Mr Craig, Mr Lunn, Mr McCallister, Mr B McCrea, Miss McIlveen, Mr Ross, Mr Storey.

The Chairperson: John O'Dowd and Michelle O'Neill have abstained.

Question accordingly agreed to.

The Chairperson: I want to be clear about this: the Department proposed an amendment to clause 2(2)(b), but we have proposed our own amendment that amends the Department's amendment, so we do not have to put the Question on the departmental amendment.

The Committee Clerk: That amendment amended clause 2(2)(b). We have to go over clause 2(2)(a) again if we want to repeat it.

The Chairperson: That is what I am saying — we do not need to.

Mrs O'Neill: What are you saying about the departmental amendment? That amendment clarifies the duty that the ESA will have in relation to youth services, which is similar to the provision on schools, so we have to vote on that as well.

The Chairperson: Our amendment includes all the wording in the Department's amendment and inserts an additional word.

The Committee Clerk: That amendment has just been agreed.

The Chairperson: The Committee has agreed an amendment that adds the word "mental" to the Department's amendment — "that contribute to the spiritual, moral, cultural, social, intellectual and physical development of those for whom those services are provided" — therefore we do not need to vote on the Department's amendment.

The Committee Clerk: The proposal is that clause 2(2)(a) be similarly amended by adding the word "mental" to the list.

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the clause be amended as follows: In page 1, line 10, after "social" insert "mental".

Question put.

The Committee divided: Ayes 9; Noes 0.

AYES

Mr D Bradley, Mrs M Bradley, Mr Craig, Mr Lunn, Mr McCallister, Mr B McCrea, Miss McIlveen, Mr Ross, Mr Storey.

The Chairperson: John O'Dowd and Michelle O'Neill have abstained.

Question accordingly agreed to.

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the clause be amended as follows: In page 2, line 6, at end insert—

"(4A) ESA shall ensure that its functions relating to grant-aided schools are (so far as capable of being so exercised) exercised with a view to encouraging and facilitating the development of education provided in an Irish speaking school (within the meaning of Article 3(2) of the Education (Northern Ireland) Order 2006)."

Members will recall that C na G sought an amendment to clause 2 to place a duty on the ESA to encourage and facilitate the development of Irish-medium education.

Question put.

The Committee divided: Ayes 4; Noes 7.

AYES

Mr D Bradley, Mrs M Bradley, Mr O'Dowd, Mrs O'Neill.

NOES

Mr Craig, Mr Lunn, Mr McCallister, Mr B McCrea, Miss McIlveen, Mr Ross, Mr Storey.

Question accordingly negated.

The Chairperson: The last Question is that the Committee is content with the clause as drafted.

Mr O'Dowd: Agreed. No, we are waiting —

Mr B McCrea: Where are we now?

The Committee Clerk: The Committee has voted to reject the Minister's amendment; it is now being asked whether it is content with the rest of the clause as drafted.

The Chairperson: That is, as the clause was before the insertion. Is the Committee content with the clause as drafted?

Question put, That the Committee is content with the clause, subject to the Committee's proposed amendments.

The Committee divided: Ayes 7; Noes 4.

AYES

Mr Craig, Mr Lunn, Mr McCallister, Mr B McCrea, Miss McIlveen, Mr Ross, Mr Storey.

NOES

Mr D Bradley, Mrs M Bradley, Mr O'Dowd, Mrs O'Neill.

Question accordingly agreed to.

Clause 2, subject to the Committee's proposed amendments, agreed to.

Clause 3 (ESA to employ all staff of grant-aided schools)

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the clause be amended as follows: In clause 3, page 2, paragraph 2(a), line 27, leave out sub-paragraphs (i) and (ii) and insert

"(i) in the case of a controlled school, the Board of Governors of the school;

(ii) in the case of a voluntary or grant-maintained integrated school, the trustees of the school or (if the trustees so determine) the Board of Governors of the school; and".

Members will recall that C na G sought an amendment to the Bill so that the owners and trustees of an Irish-medium school will be its submitting authority rather than the board of governors. Essentially, that is the same arrangement as that which has been proposed for Catholic maintained schools. The Minister proposed that amendment.

Question put.

The Committee divided: Ayes 4; Noes 7.

AYES

Mr D Bradley, Mrs M Bradley, Mr O'Dowd, Mrs O'Neill.

NOES

Mr Craig, Mr Lunn, Mr McCallister, Mr B McCrea, Miss McIlveen, Mr Ross, Mr Storey.

Question accordingly negatived.

The Chairperson: The Question is that the Committee is content with clause 3 as drafted.

Mr B McCrea: We are opposed to it as drafted.

The Committee Clerk: Could we have a show of hands?

The Chairperson: Just to be sure. We have not accepted the amendment from the Department. The Question is whether the Committee is content clause 3 as originally drafted.

Mr Lunn: Having rejected the amendment?

The Committee Clerk: Yes.

Question put, That the Committee is content with the clause.

The Committee divided: Ayes 1; Noes 10.

AYES

Mr Lunn.

NOES

Mr Craig, Mr D Bradley, Mrs M Bradley, Mr McCallister, Mr B McCrea, Miss McIlveen, Mr O'Dowd, Mrs O'Neill, Mr Ross, Mr Storey.

Question accordingly negatived.

Clause 3 disagreed to.

Clause 4 (Employment schemes for grant-aided schools)

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the clause be amended as follows:

In page 3, subsection 3, line 19, at end insert

"(4) The Department may by regulations make provision as to the form and content of employment schemes."

Members will recall the concerns of stakeholders, including NICCE, AQE and GBA, regarding the lack of clarity on the employment relationships that the Bill will create. At the Committee's request, the Minister has agreed to make provisions as to the form of intended employment schemes by way of regulations. The Department's proposed amendment introduces the enabling provision for such regulations.

Question put.

The Committee divided: Ayes 4; Noes 6.

AYES

Mr D Bradley, Mrs M Bradley, Mr O'Dowd, Mrs O'Neill.

NOES

Mr Craig, Mr McCallister, Mr B McCrea, Miss McIlveen, Mr Ross, Mr Storey.

Question accordingly negatived.

The Chairperson: Trevor Lunn has abstained.

Question, That the Committee is content with the clause, put and agreed to.

Clause 4 agreed to.

Clause 5 (Preparation and approval of employment schemes)

The Chairperson: No amendments were proposed by either the Department or the Committee. Is the Committee content with the clause?

Question put, That the Committee is content with the clause.

The Committee divided: Ayes 8; Noes 0.

AYES

Mr D Bradley, Mrs M Bradley, Mr Craig, Mr Lunn, Miss McIlveen, Mr O'Dowd, Mrs O'Neill, Mr Ross.

The Chairperson: John McCallister and Basil McCrea have abstained.

Question accordingly agreed to.

Clause 5 agreed to.

Clause 6 (Reserve power of ESA to make employment scheme)

The Chairperson: This amendment springs from the amendment to clause 4 and gives the ESA a power to make employment schemes when the scheme submitted does not comply with the regulations to be made in relation to the form and content of employment schemes.

I beg to move

That the Committee recommend to the Assembly that the clause be amended as follows:

Page 4, paragraph (1)(c), line 11, leave out
from "subsection" to "cannot"

I also beg to move the following amendment: In line 13, insert

"section 5(1)(b) does not comply with regulations under section 4(4) or does not accord with any guidance issued by ESA under section 5(3) and cannot (in either case)."

The Committee Clerk: A complication exists because the Committee has rejected the amendment to clause 4. There is a proposed departmental amendment.

The Clerk of Bills: On two occasions, the Committee declined to accept either its own or the

Minister's amendment and voted against the clause. What is the Committee proposing?

The Clerk Assistant: I do not wish to complicate this difficult matter further. The Committee is entitled to support neither the amendment nor the clause, and members may have different reasons for doing so, and those will be included in the report.

The Committee will have to return to another issue, and I do not suggest that you should do so now, because you are better going through the process and having a record of your view. If the Committee wants to act, there will have to be clarity on what the action will be. For example, if the Committee were to say that it did not support a clause, it would have the following options. First, it could agree to an amendment that would remove the clause. That would have major implications, because the clauses are significant, and the Committee would have to consider carefully whether it wished to do that. The second option is proposing amendment to a clause. The third option is that the Committee could decide that it had done what it could by forming its view and that it is for others to take action.

When the Committee agrees an amendment, the Chairperson will sign an amendment form on behalf of the Committee, and the amendment will be published on the Marshalled List of Amendments. If the Committee supports neither the amendment nor the clause, an action is to be taken, but we will not know what that action is unless the Committee gives us clarity.

I do not suggest that the Committee do anything about it now; it should come back to it. It is important that the Committee recognise that it has put on record its opposition to both the amendment and the clause; however, no action can be taken on its behalf without clarity on what the Committee wishes to do. The Committee must be clear on whether it wishes to remove the clause or whether it wishes to amend it.

My suggestion is that the Committee continue with the approach of agreeing its position. As has already been discussed, the Committee can come back to it before Consideration Stage and either do something or say that it has done as much as it can and that it is up to others to propose amendments. It is important that members understand the effect those decisions. It is entirely reasonable because people may have different reasons for coming to the same conclusion.

The Committee Clerk: Members were not opposing the clause; they were saying that they were not content with the clause.

The Clerk Assistant: That is my point. There is nothing wrong with what the Committee has decided, but it should be clear on that before any action can be taken on its behalf. The Committee can say that it has a

view and that that is as far as it is going. It can return to the issue another day.

The Chairperson: Members, we should try to keep that in our minds: we are either content or not content. We will vote either to accept or reject the amendments, but the question still has to be put on whether we are content or not content with the clause. If we say that we are not content, do we still need to put in an action?

The Clerk Assistant: You may do. The Committee could say that it has too many differing views on an issue and that, having done its best, it can do no more. Everyone will see the Committee's views in the Hansard report.

The Chairperson: That is a fair position.

The Committee Clerk: The Department has proposed an amendment to clause 6. The question is whether the Committee recommends to the Assembly that the clause be amended as proposed by the Minister.

The Chairperson: The reason that the Department gave for putting forward that amendment was to ensure that the submitting authorities should comply with the regulations on employment schemes.

Question put.

The Committee divided: Ayes 5; Noes 6.

AYES

Mr D Bradley, Mrs M Bradley, Mr Lunn, Mr O'Dowd, Mrs O'Neill.

NOES

Mr Craig, Mr McCallister, Mr B McCrea, Miss McIlveen, Mr Ross, Mr Storey.

Question accordingly negatived.

The Chairperson: The Question is that the Committee is content with clause 6 as drafted.

Question, That the Committee is content with the clause, put and negatived.

Clause 6 disagreed to.

Clause 7 (Revision of employment schemes)

The Chairperson: Is the Committee content with clause 7 as drafted?

Mr Lunn: Does there have to be a vote?

The Chairperson: Unless somebody says that they are not content. Do we need to vote?

The Committee Clerk: If there is a signal that all members are content, that is taken as the majority and a count is not needed; however, if there is a signal that that is not the case, the Committee has to vote.

Mr Lunn: Last week, the Ulster Unionists asked for a recorded vote on every clause.

Mr B McCrea: I think that it is a recorded vote. Is it not?

The Chairperson: It is not recorded if the Committee is content. However, if we are saying that we will vote on all the clauses, then we will vote on all of them.

Mr B McCrea: We want to register our objection.

Question put, That the Committee is content with the clause.

The Committee divided: Ayes 9; Noes 2.

AYES

Mr D Bradley, Mrs M Bradley, Mr Craig, Mr Lunn, Miss McIlveen, Mr O'Dowd, Mrs O'Neill, Mr Ross, Mr Storey.

NOES

Mr McCallister, Mr B McCrea.

Question accordingly agreed to.

Clause 7 agreed to.

Clause 8 (Effect of employment scheme)

The Chairperson: The Question is that the Committee is content with the clause.

Question put, That the Committee is content with the clause.

The Committee divided: Ayes 9; Noes 2.

AYES

Mr D Bradley, Mrs M Bradley, Mr Craig, Mr Lunn, Miss McIlveen, Mr O'Dowd, Mrs O'Neill, Mr Ross, Mr Storey.

NOES

Mr McCallister, Mr B McCrea.

Question accordingly agreed to.

Clause 8 agreed to.

Clause 9 (Transfer to ESA of staff employed by Boards of Governors)

The Chairperson: The Question is that the Committee is content with clause 9.

Question put, That the Committee is content with the clause.

The Committee divided: Ayes 9; Noes 2.

AYES

Mr D Bradley, Mrs M Bradley, Mr Craig, Mr Lunn, Miss McIlveen, Mr O'Dowd, Mrs O'Neill, Mr Ross, Mr Storey.

NOES

Mr McCallister, Mr B McCrea.

Question accordingly agreed to.

Clause 9 agreed to.

Clause 10 (ESA to employ peripatetic teachers)

The Chairperson: The Question is that the Committee is content with clause 10.

Question put, That the Committee is content with the clause.

The Committee divided: Ayes 9; Noes 0.

AYES

Mr D Bradley, Mrs M Bradley, Mr Craig, Mr Lunn, Miss McIlveen, Mr O'Dowd, Mrs O'Neill, Mr Ross, Mr Storey.

The Chairperson: Mr McCallister and Mr McCrea have abstained.

Question accordingly agreed to.

Clause 10 agreed to.

Clause 11 (Salaries, etc. of staff: administrative and financial arrangements)

The Chairperson: Members will recall that the need for an amendment was highlighted by the stakeholders, notably the Western Education and Library Board and the General Teaching Council for Northern Ireland (GTCNI). The General Teaching Council pointed out that salaries would be drawn from the LMS formula funding regime of any school, which was surely not the intention. The Department recognised that and proposed a two-part amendment to clause 11. I will not read it all out, but members are aware of the issue. Perhaps Chris will clarify the matter.

The issue of teachers' salaries being looked at as an average has been raised. Older teachers can cost schools more money because of the different promotion points on their salary scales. Why is there a need for that clause?

Mr Stewart: Chairman, are you asking why there is a need for the clause at all or for the amendment?

The Chairperson: Sorry; I am asking why there is a need for the amendment.

Mr Stewart: Without the amendment, boards of governors would not be able to manage the very difficulty that you pointed out. It is a fact that teachers of different

ages and experience can give rise to wins and losses and to benefits and costs in respect of the management of staffing budgets.

Without the amendment, boards of governors will not be able to address that problem; rather, the education and skills authority will make those decisions for controlled and maintained schools, while other schools will have the flexibility to manage their budgets to address, among other things, the difficulty that you raised. The amendment will level the playing field, provide equality and ensure that all boards of governors can manage their staffing budgets.

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the clause be amended as follows: In page 6, subsections (5) and (6) line 23, leave out subsection (5) and (6) and insert

“(5) Notwithstanding any of the previous provisions of this Act, the budget share of a grant-aided school shall include an amount in respect of —

- (a) the salaries and allowances of the staff of the school; and
- (b) the relevant contributions in respect of such staff.

(6) But —

(a) in the case of a voluntary grammar school, ESA may set-off against the maintenance grant payable under Article 61(2)(a) of the 1998 Order any payments made by ESA itself in respect of the matters mentioned in paragraphs (a) and (b) of subsection (1);

(b) in the case of a grant-maintained integrated school, ESA may set-off against the maintenance grant payable under Article 63(2)(a) of the 1998 Order any payments made by ESA itself in respect of the matters mentioned in paragraphs (a) and (b) of subsection (2).”

Question put.

The Committee divided: Ayes 9; Noes 0.

AYES

Mr D Bradley, Mrs M Bradley, Mr Craig, Mr Lunn, Miss McIlveen, Mr O'Dowd, Mrs O'Neill, Mr Ross, Mr Storey.

The Chairperson: John McCallister and Basil McCrea have abstained.

Question accordingly agreed to.

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the clause be amended as follows: In page 6, line 43, at end insert

“(c) ‘the appointed day’ means the day appointed under section 54 for the coming into operation of section 3.”

Question put.

The Committee divided: Ayes 9; Noes 0.

AYES

Mr D Bradley, Mrs M Bradley, Mr Craig, Mr Lunn, Miss McIlveen, Mr O'Dowd, Mrs O'Neill, Mr Ross, Mr Storey.

The Chairperson: John McCallister and Basil McCrea have abstained.

Question, that the Committee is content with clause 11, subject to the committee's proposed amendments, *put and agreed to.*

Clauses 12 to 16 agreed to.**New Clause**

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the following new clause be inserted: After clause 16, insert

"ESA to contract for certain capital works [j2597]

*.—(1) ESA may enter into contracts for, or in connection with, the provision or alteration of the premises of a grant-aided school.

(2) Those contracts may include contracts with the trustees or Board of Governors of a voluntary or grant-maintained integrated school requiring specified payments to be made to ESA by the trustees or Board of Governors at specified times.

(3) ESA may under the powers conferred by subsection (1) enter into a contract ('an approved contract') with another person ('the contractor') —

- (a) under which the contractor undertakes at his own cost —
- (i) to provide or alter any premises of a grant-aided school; and
- (ii) to maintain, or provide other services in relation to, those premises over the term of the contract,

in consideration for the payment by ESA of sums of money in instalments over the term of the contract; and

- (b) which has been approved by the Department for the purposes of this subsection.

(4) The inclusion in a contract of matters other than those mentioned in paragraph (a) of subsection (3) does not prevent the contract falling within that paragraph.

(5) In Article 2 of the 1986 Order for paragraphs (2G) and (2H) substitute —

'(2D) In the Education Orders references to —

- (a) an approved contract,
 - (b) the contractor, in relation to an approved contract,
- shall be construed in accordance with section {j2597}(3) of the Education Act (Northern Ireland) 2009.

(2E) References in the Education Orders to the staff of or at a school or to persons employed at, in or about a school do not include references to persons employed by the contractor for the purposes of an approved contract.' "

This is a new clause to be inserted after clause 16. It addresses a provision to allow the ESA to be the contracting authority for major capital works in grant-aided schools.

Question put and agreed to.

Clause 17 (ESA to pay superannuation benefits of teachers)

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the clause be amended as follows: In page 9, line 16, after "Department)" insert "for paragraph (1)". That amendment clarifies the reference to the article in the Superannuation (Northern Ireland) Order 1972, which is amended by clause 17 of the Bill.

Question put and agreed to.

Question, That the Committee is content with the clause, subject to the Committee's proposed amendment, *put and agreed to.*

Clause 17, subject to the Committee's proposed amendment, agreed to.

Clauses 18 to 20 agreed to.

Clause 21 (Dissolution of certain statutory bodies)

Question put, That the Committee is content with the clause.

The Committee divided: Ayes 9; Noes 2.

AYES

Mr D Bradley, Mrs M Bradley, Mr Craig, Mr Lunn, Miss McIlveen, Mr O'Dowd, Mrs O'Neill, Mr Ross, Mr Storey.

NOES

Mr McCallister, Mr B McCrea.

Question accordingly agreed to.

Clause 21 agreed to.

Clause 22 (Transfer of assets, liabilities and staff)

Question put, That the Committee is content with the clause.

The Committee divided: Ayes 9; Noes 2.

AYES

Mr D Bradley, Mrs M Bradley, Mr Craig, Mr Lunn, Miss McIlveen, Mr O'Dowd, Mrs O'Neill, Mr Ross, Mr Storey.

NOES

Mr McCallister, Mr B McCrea.

Question accordingly agreed to.

Clause 22 agreed to.

Clause 23 (General duty of the Department and DEL)

The Chairperson: I beg to move: That the Committee recommend to the Assembly that the clause be amended as follows: In page 12, line 8, after “social” insert “mental”.

Clause 23 concerns the general duty of the Department and DEL. As discussed earlier under clause 2, which we have agreed to, we have approved the insertion of the term “mental”.

The Committee Clerk: Those amendments relate to clause 2(2)(a) and clause 2(2)(b)

The Chairperson: That means that we have to amend this clause in the same way in order to be consistent. We would have to agree to that, the same as we did for clause 2.

The Committee Clerk: That is up to members. It could be seen as a consequential amendment.

The Chairperson: I note that Michelle O’Neill and John O’Dowd have indicated that they will abstain.

Question put.

The Committee divided: Ayes 9; Noes 0.

AYES

Mr D Bradley, Mrs M Bradley, Mr Craig, Mr Lunn, Mr McCallister, Mr B McCrea, Miss McIlveen, Mr Ross, Mr Storey.

Question accordingly agreed to.

Mr B McCrea: Is that clause about the Department of Education and the Department for Employment and Learning? Am I on the right clause?

The Chairperson: Yes.

Mr B McCrea: Were the two Ministers meeting to discuss something? Is this the clause that they will discuss?

The Chairperson: There is a reference to that in the Minister’s letter.

Mr D Bradley: The Education Minister is going to contact the Health Minister.

The Chairperson: No, this is to do with DEL.

The Committee Clerk: I do not think that the letter indicated a clause.

The Chairperson: Perhaps I said DEL and I should not have; it is really the Health Department.

The Committee Clerk: The Minister’s letter of 22 September mentions an amendment that relates to the Careers Service.

The Chairperson: That is not to do with clause 23.

Mr B McCrea: I read somewhere that the Minister said she was talking to Reg Empey.

Mr D Bradley: She has accepted the amendment from DEL.

Mr B McCrea: So, is this it?

The Chairperson: No. There is nothing in clause 23 that refers to DEL. Sorry, there is. Clause 23(2) states that:

“It shall be the duty of DEL to promote further and higher education in Northern Ireland.”

That was not any reference to —

Mr B McCrea: I was just checking. Thank you.

The Chairperson: We took a vote on clause 23, did we not?

The Committee Clerk: Yes, we did.

Clauses 24 and 25 agreed to.

Clause 26 (Discharge by ESA of its functions under sections 24 and 25)

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the clause be amended as follows: In page 14, line 12, at end insert

“(iii) the requirements of those attending Irish speaking schools (within the meaning of Article 3(2) of the Education (Northern Ireland) Order 2006) who are taught in Irish; and”

This is a departmental amendment in response to a submission from C na G, which aims to ensure that the ESA, in relation to the curriculum and examinations, considers the requirements of those who attend Irish-speaking schools.

The Question is that the Committee recommends to the Assembly that this clause be amended as proposed by the Minister as set out above.

Mr Ross: How does that extend the current position? Are we saying that due regard is not currently being given to the requirements of those attending Irish-medium schools? I do not see the need for the amendment.

The Chairperson: Will Mr Stewart facilitate the Committee, please?

Mr Stewart: The member has partly answered his own question. The amendment is proposed because the Minister is satisfied that the needs of those being educated through the medium of Irish are not currently being sufficiently met, particularly in relation to curriculum support, and it is felt that placing that duty on the ESA would put it in a position to remedy the current shortcomings.

Mr Ross: What are the current shortcomings that have been identified as needing to be resolved?

Mr Stewart: To put it in crude and, perhaps, over-simplified terms, it was felt that something of a one-size-fits-all approach was being taken, particularly

around curriculum support, and that such an approach does not sufficiently recognise that students are being taught through the medium of Irish rather than English. Therefore, the needs for curriculum-support materials are quite different. It is not enough to translate English-language materials into Irish: a more fundamental examination is needed of what materials are required by teaching staff.

Mr D Bradley: Until now, the education and library boards have said that they are under no legal obligation to provide curriculum support and back-up for Irish-medium schools; consequently, there has not been much of it. Comhairle na Gaelscolaíochta wanted the amendment to ensure that that would not be the case under the ESA and to copper-fasten the provision of those services to the sector.

Mr McCallister: How can curriculum support be defined in any one area? The Committee hears the same claims about the need for support materials from others, particularly special needs groups; they need specific materials for people who are blind or who have hearing difficulties.

Mr Stewart: That is already covered by the clause.

Question put.

The Committee divided: Ayes 5; Noes 6.

AYES

Mr D Bradley, Mrs M Bradley, Mr Lunn, Mr O'Dowd, Mrs O'Neill.

NOES

Mr Craig, Mr McCallister, Mr B McCrea, Miss McIlveen, Mr Ross, Mr Storey.

Question accordingly negatived.

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the clause be amended as follows: in page 14, line 19, leave out from "and" to end of line 21.

The effect of that is to remove clause 26(2)(b):

"persons who have a learning difficulty (as defined in Article 2 of the Further Education (Northern Ireland) Order 1997 (NI 15))."

Mr O'Dowd: Chairperson, may I have a moment to familiarise myself with the proposed amendment.

The Chairperson: Does Mr Stewart want to comment on DEL's recommended amendment? If I remember accurately, the Committee received correspondence from the Committee for Employment and Learning that stated that it was happy with the proposed amendment.

Mr Stewart: I may have taken longer to get to the table than I will spend at it on this occasion. I am not

in a position to comment in detail about why DEL has put forward the amendment, but it is proposed on the advice of that Department. I do not think that the amendment reflects any great policy change; it is based on technical advice that the provision is no longer required.

Mr Lunn: I am curious about why there is no explanation. DEL says that we do not need the Further Education (Northern Ireland) Order 1997, but was it not needed in 1997? What is different now?

Mr Stewart: I cannot shed any light on that today; I will have to check that with DEL colleagues and come back to the Committee with an answer.

The Chairperson: Clarification of that would be useful.

Mr Stewart: I am conscious of pressures on the Committee's time; therefore, if it helps, I will try to get a line on that over lunchtime.

The Chairperson: I will now ask the Committee whether it recommends to the Assembly that the clause be amended as proposed by the Minister as set out above. This Question relates to the DEL amendment.

Mr O'Dowd: Will the Committee postpone a vote until after lunch, by which time it will have received that clarification?

The Chairperson: With members' agreement, the meeting is suspended until 1.30 pm.

Twenty-five minutes of proceedings not reported as Hansard not provided with sound recording.

Clauses 43 to 46 agreed to.

Clause 47 (Directions as to exercise of child protection duties by Boards of Governors)

The Chairperson: Do Committee members have any comments on the clause?

Miss McIlveen: The National Society for the Prevention of Cruelty to Children (NSPCC) raised an issue with the clause.

The Chairperson: The Minister's letter of 22 September 2009 states:

"NSPCC has proposed that Clause 47 be amended".

It also states:

"It is not appropriate for ESA to issue a direction to a Principal and, in effect, 'by-pass' the Board of Governors. Boards of Governors are accountable for the actions of school-based staff, and it is for the Boards to issue instructions to those staff. Issuing directions to the Board of Governors, albeit on foot of a failure by the Principal, will ensure that they are kept informed of the position and have the opportunity to consider the issue and wider safeguarding practice within the school."

Miss McIlveen: I just wanted to put on the record that the NSPCC raised an issue with the clause.

Question, That the Committee is content with the clause, put and agreed to.

Clause 47 agreed to.

Clause 48 agreed to.

Clause 49 (Catholic maintained schools)

The Chairperson: Members will recall that the Department's proposes to remove clause 49 as a separate approach to Catholic maintained schools is no longer required. The Minister will give notice of her intention to oppose the Question that clause 49 stands part of the Bill. Are members content with that proposal?

Mr B McCrea: No, we object.

Mr D Bradley: Chris, will you refresh our memories on the Department's reasons for wanting to remove clause 49?

Mr Stewart: Clause 49 is a carry-over from the existing provisions in the Education Reform (Northern Ireland) Order 1989, which set up a definition for Catholic maintained schools as part of a much broader provision. That set out a separate set of administrative arrangements for Catholic maintained schools with the aim of moving towards a single set of administrative arrangements, albeit one that would support a diversity of schools.

It is no longer necessary or appropriate to take that approach to defining Catholic maintained schools. As we mentioned briefly last week, it is, nevertheless, still necessary in one or two places to refer to Catholic schools in legislation. On foot of that, we have proposed in the amendments a different definition for Catholic schools. Lest it would give rise to any concern on the part of Committee members, that is not a softening of the policy intention to simplify administration; it is simply a pragmatic reflection of reality. From time to time, it is necessary to refer to different types of schools and to have definitions, but the approach that is currently taken in clause 49 is not required, hence the Minister's proposal that it be removed.

Mr D Bradley: Why was that clause included in the Bill in the first place?

Mr Stewart: From the beginning of the RPA, it was always intended to make those changes. The original proposal was to remove the definition of Catholic maintained schools in the second education Bill. That was purely because we thought that it was quite an onerous and difficult task to deal with all the various references in legislation. However, when we looked at it in some detail, we recognised that it was not as difficult as we had first thought and that it was possible to deal with it in the first Bill.

Mr B McCrea: In your explanation, you said that there was some need for different designations of

schools at different stages. Given the way that thinking is emerging about area-based planning, it might be useful to have certain designations. That is why we are opposed to their removal; we believe that a one-size-fits-all policy cannot be used, and that we will end up with designations.

Mr Stewart: That is correct, and the Minister would agree with that. She would point to the fact that the designations and definitions for other types of school are already in legislation and will remain in legislation; we are not taking any away. The Catholic trustees strongly support the removal of the separate definition of Catholic maintained schools. They are very clear that they want to see participation by the representatives of Catholic schools in area-planning arrangements, but they do not favour a separate categorisation of Catholic grammar schools and Catholic maintained schools. The definition of grammar school will remain in legislation.

Mr B McCrea: Perhaps it is too much detail to deal with at this stage, but there was a general agreement that having some form of designation might be helpful in area-based planning. I am reluctant to take away a definition that is already in existence.

Mr Stewart: The Committee must come to a view on that. I reassure you that that would not disadvantage any Catholic schools, maintained or otherwise. The trustees are also of that view.

Chairperson, if you wish to return to clause 26 while I am here, I am happy to do so.

The Chairperson: Thank you, Chris. We will deal with clause 49 and then return to clause 26.

The Question is that the Committee recommends to the Assembly the removal of clause 49 as proposed by the Minister and set out above. I ask members to indicate whether they are in favour of clause 49. I note that Jonathan Craig, Michelle McIlveen and Alastair Ross have indicated that they wish to abstain, and I also shall abstain.

Question put.

The Committee divided: Ayes 5; Noes 2.

AYES

Mr D Bradley, Mrs M Bradley, Mr Lunn, Mr O'Dowd, Mrs O'Neill.

NOES

Mr McCallister, Mr B McCrea.

Clause 49 disagreed to.

Clause 26 (Discharge by ESA of its functions under sections 24 and 25)

The Chairperson: Chris, can we go back to clause 26 now, please?

Mr Stewart: Members have asked for a further explanation as to why DEL proposed an amendment to remove clause 26(2)(b). Having checked the background to it, the amendment was based on the advice of legislative counsel and was agreed by our colleagues in DEL. Legislative counsel pointed out that clause 26 refers back to clauses 24 and 25. The focus of those clauses is entirely on what happens in schools. Therefore, it pointed out that the reference in clause 26(2)(b) to further education was simply not necessary and was superfluous, and it was recommended that it ought to be taken out.

Subsequent to that, as you know, DEL sought an agreement to amendments to introduce a similar range of functions for the ESA to cover further education, similar to those in clauses 24 and 25, which deal with schools. At the end of the new clause that DEL has proposed to be inserted after clause 28, a reference to persons with special learning needs, similar to the one that is proposed to be removed from clause 26(2)(b), is included. In essence, it is proposed that that reference be taken out from a part of the Bill where it is not appropriate and that it be reinserted in a new clause in the Bill where it would be more appropriate.

At the risk of further complicating the matter, we read the clause and the amendments again over lunch, and we are not entirely satisfied that the wording of the proposed DEL amendment is entirely correct.

It appears to include a cross-reference to the clause that we have proposed to remove. We will seek advice from legislative counsel. If there is an error, it will not be difficult to fix. We would revise the wording of the DEL amendment in order to ensure that there is not an erroneous cross-reference.

Mr B McCrea: You will just rewrite it then, Chris. Is that what you are saying?

Mr Stewart: If there is an error, we will fix it. I believe that there is an error.

The Chairperson: We did not agree on the amendment that was tabled by DEL. All we can do is agree on that amendment. An amendment will probably have to be tabled by the Department at Consideration Stage. Alternatively, it could come back to us.

Mr Stewart: It might assist the Committee if we confirm with our colleagues in DEL that their amendment is not quite correct at present. We will secure their agreement to correct that error. We will bring that back to the Committee. When it comes to Consideration Stage, I suspect that the Minister of Education will move the amendment. However, she will move a slightly revised amendment. I assure members that the

effect of the amendment will remain exactly as currently drafted.

The Chairperson: I still think that we need to agree clause 26 as amended. So the Question is that the Committee recommends to the Assembly that the clause be amended as proposed by the Minister for Employment and Learning.

Mr O'Dowd: Can we consciously accept it? Can we note it and return to it later?

The Committee Clerk: On a point of clarification; if I understand Chris correctly, the opposition to and removal of that is correct. Somewhere else in the DEL amendments, there may be an error that the Committee has already approved. Therefore, it is not an issue here. Chris has given us an extra piece of information, which we will learn about in the future. It does not affect this vote, as I understand it.

The Chairperson: Are members content?

Mr B McCrea: I have no idea.

Mr Stewart: You will just have to trust us.

Question, That the Committee is content with the clause, subject to the Committee's proposed amendment, put and agreed to.

Clause 26, subject to the Committee's proposed amendment, agreed to.

Clause 50 agreed to.

Clause 51 (Regulations and orders)

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the clause be amended as follows: In page 29, line 16, paragraph (1), at start insert

"Except as provided by subsection (6),"

In page 29, line 24, paragraph 5, at end insert

"(6) No regulations shall be made under Schedule 1, paragraph 7 unless a draft of those regulations has been laid before, and approved by resolution of, the Assembly."

The Committee has discussed the merits of making important regulations or orders under the Bill subject to draft affirmative resolution by the Assembly as opposed to negative procedure. Please, do not go down that road today. The Committee now has the opportunity to recommend to the Assembly such an amendment to the Bill; however, only if the Committee has recommended the amendment to schedule 1, paragraph 7.

The Committee Clerk: There is one complication, which I will mention in a moment. The Committee may consider three or, perhaps, all four of those sets of amendments. With regard to the third, I will make a slight change to the Chairman's proposal.

Question put.

The Committee divided: Ayes 9; Noes 2.

AYES

Mr D Bradley, Mrs M Bradley, Mr Craig, Mr Lunn, Mr McCallister, Mr B McCrea, Miss McIlveen, Mr Ross, Mr Storey.

NOES

Mr O'Dowd, Mrs O'Neill.

Question accordingly agreed to.

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the clause be amended as follows: In page 29, line 16, paragraph (1), at start insert

“Except as provided by subsection (6),”

In page 29, line 24, paragraph 5, at end insert:

“(6) No regulations shall be made under section 30(6) unless a draft of those regulations has been laid before, and approved by resolution of, the Assembly.”

Question put.

The Committee divided: Ayes 9; Noes 2

AYES

Mr D Bradley, Mrs M Bradley, Mr Craig, Mr Lunn, Mr McCallister, Mr B McCrea, Miss McIlveen, Mr Ross, Mr Storey.

NOES

Mr O'Dowd, Mrs O'Neill.

Question accordingly agreed to.

The Committee Clerk: The next proposal is a draft affirmative resolution for proposed new clause 4(4), which relates to the regulation on employment schemes. As the Committee has opposed the Minister's amendment relating to employment schemes, I will adjust the Question, if I may, so that it would read:

“The Question is that, should the regulation amendment in relation to bringing forward regulation on schemes of employment be tabled, the Committee recommend to the Assembly that clause 51 be amended as set out above”.

The Chairperson: That simply means that if the Minister or someone else proposed the amendment, it would be subject to the draft affirmative resolution procedure.

Question put.

The Committee divided: Ayes 9; Noes 2.

AYES

Mr D Bradley, Mrs M Bradley, Mr Craig, Mr Lunn, Mr McCallister, Mr B McCrea, Miss McIlveen, Mr Ross, Mr Storey.

NOES

Mr O'Dowd, Mrs O'Neill.

Question accordingly agreed to.

The Chairperson: The next proposed amendment is still related to clause 51.

The Committee Clerk: That still applies. If I may clarify, that proposed amendment would have the effect of making clause 12(1), which is the modification of employment law, subject to draft affirmative resolution of the Assembly.

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the clause be amended as follows: In page 29, line 17, leave out

“section 50(1)” and insert “sections 50(1) or 12(1)”.

I note that Mr O'Dowd and Mrs O'Neill wish to abstain from this vote.

Question put.

The Committee divided: Ayes 9; Noes 0.

AYES

Mr D Bradley, Mrs M Bradley, Mr Craig, Mr Lunn, Mr McCallister, Mr B McCrea, Miss McIlveen, Mr Ross, Mr Storey.

Question accordingly agreed to.

Question put, That the Committee is content with the clause, subject to the Committee's proposed amendments.

The Committee divided: Ayes 9; Noes 2.

AYES

Mr D Bradley, Mrs M Bradley, Mr Craig, Mr Lunn, Mr McCallister, Mr B McCrea, Miss McIlveen, Mr Ross, Mr Storey.

NOES

Mr O'Dowd, Mrs O'Neill.

Question accordingly agreed to.

Clause 51, subject to the Committee's proposed amendments, agreed to.

Clauses 52 to 53 agreed to.

Clause 54 (Commencement)

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the clause be amended as follows: In page 30, line 24, at end insert

“(cc) section 29 and Schedule 6;”

This amendment is proposed by the Department. Members will recall that it allows the commencement of the clause on disciplinary powers of the General Teaching Council to be commenced upon Royal Assent, as those clauses are urgently required in order to comply with other jurisdictions. There are six abstentions; Jonathan Craig, John McCallister, Basil McCrea, Michelle McIlveen, Alastair Ross and myself.

Question put.

The Committee divided: Ayes 5; Noes 0.

AYES

Mr D Bradley, Mrs M Bradley, Mr Lunn, Mr O'Dowd, Mrs O'Neill.

Question accordingly agreed to.

Question, That the Committee is content with the clause, subject to the Committee's proposed amendment, put and agreed to.

Clause 54, subject to the Committee's proposed amendment, agreed to.

Clause 55 agreed to.

The Chairperson: We now move to the schedules. We have already dealt with schedule 1.

Mr B McCrea: Do we not have to deal with the schedule in its entirety? We have dealt with individual parts of it.

The Committee Clerk: We have dealt with it in its entirety.

Schedule 2 (Transfer to ESA of staff employed by Boards of Governors)

The Chairperson: I note that Basil McCrea and John McCallister have indicated that they wish to abstain.

Question put, That the Committee is content with the schedule.

The Committee divided: Ayes 9; Noes 0.

AYES

Mr D Bradley, Mrs M Bradley, Mr Craig, Mr Lunn, Miss McIlveen, Mr O'Dowd, Mrs O'Neill, Mr Ross, Mr Storey.

Question accordingly agreed to.

Schedule 2 agreed to.

Schedule 3 (Transfer of assets, liabilities and staff of dissolved bodies)

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the schedule be amended as follows: In page 40, line 8, paragraph 5, leave out paragraph 5 and insert

“5. — (1) ESA shall make arrangements for a statement of accounts to be prepared in relation to each dissolved body for the relevant period.

(2) Each statement of accounts shall —

(a) be in such form, and

(b) contain such information,

as the Department may direct.

(3) ESA shall, within such time after the end of the relevant period as the Department may direct send a copy of each statement of accounts to the Department.

(4) In this paragraph ‘the relevant period’ means the period —

(a) beginning on such day as the Department may direct; and

(b) ending immediately before the appointed day.”

That proposed departmental amendment makes arrangements for the ESA to proceed with regard to reporting on its first set of accounts following advice from the Department of Finance and Personnel.

Members will recall that the amendment from the Department of Culture, Arts and Leisure (DCAL) to line 20 on page 38 is no longer required because those assets or liabilities have already been transferred to the new Library Authority.

Question put and agreed to.

Question, That the Committee is content with the schedule, subject to the Committee's proposed amendment, put and agreed to.

Schedule 3, subject to the Committee's proposed amendment, agreed to.

Schedule 4 (Transfer of certain assets and liabilities of CCMS before appointed day)

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the schedule be amended as follows: In page 41, paragraph (3)(b), line 16, leave out head (b) and insert

“(b) the Roman Catholic Archbishop of Armagh and the Roman Catholic Bishops of Clogher, Derry, Down and Connor, Dromore and Kilmore; and”

This is a departmental amendment. Members will recall that the definition is required because of the proposed removal of clause 49. I note six abstentions: Jonathan Craig, John McCallister, Basil McCrea, Michelle McIlveen, Alastair Ross and myself.

Question put.

The Committee divided: Ayes 5; Noes 0.

AYES

Mr D Bradley, Mrs M Bradley, Mr Lunn, Mr O'Dowd, Mrs O'Neill.

Question, That the Committee is content with the clause, subject to the Committee's proposed amendment, *put and agreed to*.

Schedule 4, subject to the Committee's proposed amendment, agreed to.

Schedules 5 and 6 agreed to.

Schedule 7 (Minor and consequential amendments)

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the schedule be amended as follows: In page 48, line 25, leave out from

'for' to end of line 27 and insert 'for the words from "has the meaning" to the end substitute "means a maintained school whose trustees are appointed by, or on behalf of, the Roman Catholic Church;"'

Schedule 7, page 50, line 5, leave out paragraph (6)

Schedule 7, page 51, line 16, leave out paragraph (15)

Schedule 7, page 55, line 31, leave out from 'and' to end of line 33 and insert —

'(aa) in paragraph 1(2) for sub-paragraphs (a) and (b) substitute "the trustees and Board of Governors of the school;"'

Schedule 7, page 61, line 5, leave out paragraph 18 and insert —

'18. — (1) In Article 10(3)(aa) and (4)(aa) for "the body constituted by" substitute "a tribunal constituted in accordance with".'

(2) In Article 16(2) for sub-paragraphs (a) and (b) substitute "the Board of Governors of a grant-aided school shall consider any representations made to it by ESA".

(3) In Article 16A(1) for the words from the beginning to "direction" substitute "ESA shall make arrangements for enabling the parent of a child of compulsory school age to apply to a tribunal constituted in accordance with regulations under paragraph (6) for a direction".

(4) In Article 16A(2)(a) and (b) for "body" wherever occurring", substitute "tribunal".

(5) In Article 16A(5)(a) for "pupil" substitute "child".

(6) In Article 16A(6) —

(a) for "a body" substitute "tribunals";

(b) in sub-paragraphs (a), (b) and (c) for "the body" substitute "a tribunal";

(c) after sub-paragraph (c) insert —

"(cc) may provide for two or more tribunals to sit at the same time;"

(d) in sub-paragraph (d) for "the Department" substitute "ESA".

(7) In Article 16A after paragraph (6) substitute —

"(6A) A tribunal is not to be regarded as a committee of ESA."

(8) In Article 16A for paragraph (7) insert —

"(7) ESA may make payments to members of a tribunal —

(a) for or in relation to their service as members; and

(b) by way of travelling and subsistence allowance."

(9) In Article 16B(1)(d), for "the body established" substitute "a tribunal constituted".'

Schedule 7, page 62, line 13, leave out sub-paragraph (7) and insert —

'(7) In Article 32(2) for sub-paragraphs (a) and (b) substitute "the Board of Governors of a controlled or maintained school shall consider any representations made to it by ESA."'

Schedule 7, page 62, line 21, leave out sub-paragraphs (13) to (17) and insert —

'(13) In Article 55(3) and (6) for sub-paragraph (c) substitute —

"(c) where the school is a maintained school, the trustees of the school,"'

(14) In Article 56(1) —

(a) for "the board concerned" substitute "ESA";

(b) for sub-paragraph (b)(iii) substitute —

"(iii) where the school is a maintained school, the trustees of the school,"

(c) in sub-paragraph (b) for "that Council" substitute "those trustees".

(15) In Article 56(2) for sub-paragraph (d) substitute —

"(d) where the school is a maintained school, the trustees of the school,".

(16) In Article 60(5) for "all the boards, the Council for Catholic Maintained Schools" substitute "ESA".

(17) In Article 60(8) and (11) for sub-paragraph (c) substitute —

"(c) where the school is a maintained school, the trustees of the school,".

This departmental amendment is neither minor nor consequential because it is as long as the schedule. Members will recall that the Department commented that the most significant amendments in schedule 7 relate to the amendment of the Education (Northern Ireland) Order 1997. It will place a duty on the ESA to appoint exceptional circumstances tribunals to consider appeals from parents regarding admission to secondary schools for their children. We know that the regulations are going out for consultation.

Question put and agreed to.

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the schedule be amended as follows: In page 54, line 28, omit "and"

In page 54, line 29, at end insert

"and (d) the Education (Northern Ireland) Order 2009".

This amendment has been tabled by the Department for Employment and Learning.

Question put and agreed to.

The Committee Clerk: Before we leave schedule 7, I draw members' attention to the Minister's letter of 22 September, in which the Minister highlighted another amendment in relation to DEL and the Careers Service. The four lines at the end are effectively the amendment,

the detail of which is given in the commentary. Does the Committee want a moment to consider deciding on that amendment now? Alternatively, the Committee may wish to defer reaching an opinion as it has only just received the information.

The Chairperson: Do members have any comments?

Mr O'Dowd: Do we know whether the Committee for Employment and Learning has a view?

The Chairperson: That was not included in the correspondence from the Department for Employment and Learning. This amendment has only just been received. Chris, can you elaborate?

Mr Stewart: It may not have been considered by the Committee for Employment and Learning yet, because the need for the possible amendment arose after the main block of amendments was proposed by DEL. The Minister of Education sees no difficulty with it. The rationale for the amendment is clear: it is to put beyond doubt the legality of the ESA and schools providing to the Careers Service information that it needs to assist children and young people, particularly those who are at risk of losing contact with the education system. It is to ensure that the Careers Service is in a position to provide the most effective service that it can, and the Minister supports the amendment for those reasons.

The Chairperson: It is nice to see the independent schools getting a mention at last. It might be only a very small step, but it is in the right direction. I have to say that I declare an interest.

Mr Stewart: Independent schools are mentioned in clause 37 as well. They are within the remit of the inspection regime.

The Chairperson: We know that — passed with flying colours.

Clerk, can you advise us on whether the Committee can accept that amendment?

The Committee Clerk: If it is the Committee's wish to do so, despite the late notice.

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the schedule be amended as follows: In page 64, line 4, at end insert

“(4) In Article 37(8) after sub-paragraph (c) insert—

‘(ca) the Board of Governors of a grant-aided school; and

(cb) the proprietor of an independent school.’.”

I ask members to consider the amendment set out on the last page of the Minister's letter.

Question put and agreed to.

Question, That the Committee is content with the schedule, subject to the Committee's proposed amendments, put and agreed to.

Schedule 7, subject to the Committee's proposed amendments, agreed to.

Schedule 8 (Repeals)

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the clause be amended as follows:

In page 72, leave out lines 13 and 14

In page 72, leave out lines 20 to 24 and insert —

‘Article 25’

In page 73, leave out lines 12 and 13

In page 73, leave out lines 35 and 36 and insert —

‘In Article 61(1) the words “situated in its area”.

Article 61(3).’

In page 73, leave out lines 39 and 40 and insert —

‘In Article 63(1) the words “situated in its area”.

Article 63(3).’

In page 73, line 47, leave out from beginning to end of line 3 on page 74 and insert

‘Article 70(3) to (7), (9) and (10).’

In page 74, line 41, at end insert —

‘Article 28.’

These are proposed departmental amendments to schedule 8. Chris, is this a tidying-up exercise?

Mr Stewart: Yes.

The Committee Clerk: It is a whole collection of amendments.

Mr B McCrea: The amendments are simply tidying-up amendments.

The Chairperson: Yes; that is what I have just asked Chris. Chris, can you clarify further?

Mr Stewart: To be clear: is the focus of your question schedule 8?

The Chairperson: Yes; schedule 8.

Mr Stewart: These are a set of consequential repeals. They do not in themselves make any great policy change, but they give effect to the policy changes elsewhere in the Bill. As you say, they are a tidying-up exercise. They remove pieces of the vast body of education legislation that are no longer required.

The Chairperson: The Question is that the Committee recommends to the Assembly that the schedule be amended as proposed by the Minister?

Members indicated assent.

The Chairperson: That brings us to the end of our clause-by-clause scrutiny of the Bill.

I want to place on record concerns about the way in which the Bill affects the controlled sector, and we had some discussion on that earlier. First, I want to highlight the extremely slow progress that there has been in establishing the controlled sector body. The lack of progress has meant that the controlled sector has not had the same opportunity as other sectors to influence the scrutiny of the Bill. The Minister has been willing to move to address some of the concerns raised by sectoral bodies. That begs the question of what might have been achieved had an effective controlled sector body been up and running six to eight months ago.

I am also concerned that the Department has told the Committee that it has no plans to commence its review of the teacher-employment and fairness/equality issues that arise in that regard through: the fair-employment exemption for teachers; the impact of the requirement to have a certificate in religious education on open access to teaching vacancies in the maintained sector, both now and if the exception is removed; and, in particular, how the latter will affect the respective opportunities of teachers in controlled schools and maintained schools if there is a significant rationalisation and school closures. There is a serious concern about whether staff be treated fairly.

If, as the Bill proposes, all teachers are employed by the ESA, then all ESA vacancies will presumably be open to all teachers who are at risk of redundancy. However, if roughly half of the vacancies are in maintained schools, in the majority of cases, vacancies in maintained schools will not really be open to those teachers who work in controlled schools and who are at risk of redundancy because there may be a requirement for a certificate in religious education. On the other hand, all vacancies across both the controlled and maintained sectors will be open to teachers from the maintained sector who are at risk of redundancy.

Where the teachers in the different sectors were employed by different employers, the employers did not need to look beyond their own employees in trying to find alternative employment for teachers who are at risk of redundancy in their own schools. The ESA's obligations will be different and will encompass all staff at risk of redundancy in all grant-aided schools and all vacancies across all sectors. It appears that that will mean that there will be fewer alternative employment opportunities open to teachers in the controlled sector than in the maintained sector.

I propose that the Committee's report include a very strong recommendation that the Minister take urgent action to address all the issues that I have just summarised and find the resources to make immediate progress. That recommendation can be made in the knowledge that the Minister has already indicated to us in correspondence that there is neither the budget

nor the resources available to carry out the promised review of the exemption in regard to the provision for a certificate for Catholic education. That ties in with the concerns that we have about the controlled sector, and I ask the Committee for its support on the issue so that the report that goes to the Assembly reflects our concerns in the strongest possible terms and asks the Minister to address them.

Mr O'Dowd: There are parts of your comments that I have sympathy with and support, but there are parts with which I completely disagree. I am disappointed that you have raised your concerns at this juncture in the Committee's deliberations. Having heard your comments in the Committee meetings and elsewhere, I know that your concerns are connected to your party. Those matters do not necessarily need to be contained in the Committee's report to the Assembly. The Committee's report to the Assembly is a factual report of the deliberations on evidence given, amendments and the Bill in general. On that basis, I will not support the inclusion of those comments in the report.

On the issue of whether we could have heard more from the controlled sector, all five of the education and library boards have appeared before the Committee, as have the educational boards' representative body, the grammar sector and the GBA. The door was open to anyone who wished to make written or oral presentations to us. Therefore, we have heard from the controlled sector. The thought that was in my head at the start of this morning's meeting is still there now: representatives in this room told us that there was a need and demand for a body for the controlled sector, but the evidence suggests to me that that may be more of a political demand than a demand from the sector itself.

The Chairperson: The education and library boards were not tasked with being the sole advocate for, or defender of, the controlled sector. You must remember that when litigation was taken against some maintained schools, and when costs were incurred as a result of decisions made by, for example, CCMS, to amalgamate some schools, who picked up the tab? It was the education and library boards, not CCMS. I repeat; we are comparing apples with oranges. There is a sector that is clearly disadvantaged. In fact — speaking as a member of the Committee and not as its Chairperson — I would go so far as to say that, in some cases, it could be argued that it was not only disadvantaged but discriminated against because of the structures that were in place.

If we are moving into a new dispensation and if, as the Minister continually tells us, she wants equality and a level playing field for all, consideration must be given to the serious concerns about employment opportunities for staff in the controlled sector. They will be seriously disadvantaged when there is a rationalisation

of the schools estate. We are not scaremongering; that will happen. There are schools in the controlled sector that will not be in existence in 10 or 15 years, as there are in the maintained sector. Who is going to employ those teachers if such a disincentive exists? Those teachers believe that they do not have the same opportunities as their peers or equals. I am quite happy for the Committee to comment further on that issue.

Mr D Bradley: It is unfortunate that you raise those issues five minutes before we are due to finish the scrutiny of the Bill. I am not in a position to give my party's support to your views on that sort of notice. I would prefer to have discussions with my party first before I give you a definitive answer. I echo what John has said; the TRC appeared before the Committee to represent the controlled sector, or at least part of it. The representatives of that body made their case very strongly, and the Committee has acted on the shortcomings that they saw in the Bill and has tried to accommodate their proposals. We had a discussion earlier about the new maintained body.

I also contend that the education and library boards do have a duty to represent the controlled sector's concerns. There are five of those boards, plus their representative body. There was ample opportunity for a number of bodies to represent the controlled sector. The TRC did that very well, and the Committee has acted upon, and tried to accommodate, its concerns. That is probably as much as we can do at this late stage.

The Chairperson: I am quite happy to put the proposal to the Committee. I propose that —

Mr Lunn: I would like to make a comment. Without wishing to repeat a lot of what has been said, on the face of it, I have a lot of sympathy for what the Chairperson has said, but it may be a bit much to expect me to commit to that sort of verbal statement on behalf of my party, especially at this stage.

As I said, that sounds very reasonable; however, I wish to see the proposal in writing so that I can dwell on it for at least a week. I do not understand why it has to be part of the Committee's report on the scrutiny of the Bill.

The Chairperson: It is important that it be included in report in order to give confidence to all the sectors. Some sectors will gain certain things and others will not. In fairness to the Minister, she has refused some of the recommendations that the Irish-medium sector made. She made a decision, so not everyone will get what they are looking for. I think that the controlled sector wants to know what it is getting from the process.

Mr O'Dowd: Where exactly is it saying that? Where is the statement from the controlled sector in which it states that position?

The Chairperson: We are often told by the Minister that we are representing, or are not representing, the sector because of the debate on academic selection. The principals of controlled primary schools, a considerable number of which are in my constituency, have told me that they just get their heads down and get on with their jobs. The issue for them is not so much the protection of the controlled sector but the fact that it has to fit within defined criteria. Other sectors have had safeguards and guarantees that they felt were necessary for the protection of their sector, but there are still serious concerns about the controlled sector.

Many people still have grave concerns about the issue of employment. It is not fair or right that one section of teachers has an advantage over others when applying for a job. We must put down a marker to show our concern, and I think that the right place to do that is in the report. I appreciate that some members feel that this issue has been brought to the table only today. However, it has been rehearsed numerous times in the past, ad infinitum, so I do not want to labour the point. I would be happy if we had the time to consider the proposal and put it to a vote next week. Do we have time?

The Committee Clerk: Time is very tight because the Committee must approve its entire report at next week's meeting. I do not know whether the Committee wants to put it to a vote. A draft could be prepared in advance.

The Chairperson: Yes; that is fair. We will supply members with a draft of my remarks and a specific proposal as soon as possible. We can vote next week on whether that should be included in the report.

Mr O'Dowd: We are at the point of including papers on party positions in the report. That is where we are at. If that is what we need to do, that is what we need to do. There is a possibility that, for the first time, the Education Committee will have an agreed report. We are on the verge of having that. I do not see any need for the proposal. I do not need to read an Education Committee report to know what the DUP's or Ulster Unionist Party's position is. It airs that vocally, both privately and publicly, and is quite entitled to do so. However, do we really need to include that in the Education Committee's report on the Education Bill?

The Chairperson: As has been previously said by members around the table, it would be good to get a consensus that there are serious issues within the controlled sector that need to be addressed.

Mr O'Dowd: There are serious issues across all the sectors. One of the good things —

The Chairperson: Maybe I could get finishing.

Mr O'Dowd: I am sorry for interrupting, Chairperson, but just let me finish this. One of the good things about

working in the Education Committee is that I get to meet people from all sectors. I not only meet and talk to principals from maintained schools but those from the controlled sector, too. I am sure that it is the same for you.

The Chairperson: It is the same for us all. We have already spent this morning looking at the sectoral body for the controlled sector. That sector is at a clear disadvantage. It does not have a coherent structure in place within the timescale that has been allowed, and I am not convinced that the Department is not leading the controlled sector down a particular road.

The Hansard reports and the minutes of previous meetings will show that the Committee accepted that that sector needed additional resources to bring it close to the levels of other sectors — and we have heard from C na G, Northern Ireland Council for Integrated Education (NICIE) and CCMS. Therefore, it would be only right and fair from an educational perspective, not a party political one, to address that. Everybody has agreed that there are concerns; the Committee has highlighted concerns in other sectors, so there is no reason not to do so in this sector. Therefore, we will circulate to members the bones of the proposal that I outlined and the Committee will decide on it next week. Is that OK?

Mr B McCrea: Chairperson, you know that you have my support. The Committee has not conducted many inquiries because it has had so much legislation to deal with. What are the chances of getting an inquiry into the controlled sector?

The Chairperson: Will members consider the issue of inquiries for next week? The other matter that I will put on the table is the report by Deloitte MCS Limited, which clearly indicated that there was underachievement among working-class Protestant boys.

Mr B McCrea: I am wholeheartedly with the Chairperson; the Committee must look at both those issues.

Mr D Bradley: I have already proposed an inquiry into the funding of primary school education. I was told at the time that that would be put on hold until such time as the scrutiny of the Education Bill was finished.

The Chairperson: Will the Committee have the Clerk bring back a report on that in light of comments from Basil, Dominic and myself?

The Committee Clerk: Most importantly, I must mention to the Committee the policy reviews and the likelihood of the second education Bill arriving shortly, as discussed earlier. The important review of special educational needs and inclusion is out for consultation at the moment. The Department has told me that the all-embracing review of early years is about to come

back to the Committee. Bearing in mind the volume of work that emerged from the first Education Bill, members must consider whether one three- to three-and-a-half hour meeting each week will cover the workload if a second education Bill, two other reviews and an inquiry arrive all at once.

However, I can bring all of that to the Committee in a paper that will show members what is timetabled for departmental policy scrutiny, which is part and parcel of the Committee's statutory responsibility.

The Chairperson: Are members happy with that approach?

Members indicated assent.

Mr B McCrea: I understand that that the Committee has a responsibility to consider legislation and areas under statute, but there is no doubt that the way to deal with a truculent Committee is to drown it in paper. This Committee keeps being given loads of things to do, without actually getting to grips with the very real issues that exist. The three issues that have been raised are really important and members must find some way to deal with them. If that does not happen this side of Christmas, then they must definitely be made a priority once the Bill is passed. The Committee will just have to tell the Department that it cannot deal with some business; it must tackle issues that it considers important.

Mrs M Bradley: Sure, we will work over the Christmas recess.

Mr B McCrea: Mary, I wish you well.

Mr O'Dowd: I have no difficulty looking at each inquiry as it is proposed, but an inquiry is held in order to reach a conclusion; one does not have a conclusion then an inquiry. I think it is great that after 30 years of having control of the education boards, members have copped on that there is a problem with the controlled sector.

Mr B McCrea: You do not accept that the controlled sector exists.

Mr O'Dowd: The controlled sector —

Mr B McCrea: You think that there is no problem —

The Chairperson: May I have some control of the meeting, please? The Clerk will bring forward a paper as agreed.

There is another important issue for us to deal with. The Committee has a work programme, and next week we will go through the Committee report. I referred to the issue previously, but now we have to make a decision one way or the other on the time of the Education Committee meeting. I had asked whether it was possible for us to move our meetings from the morning to the afternoon. I appreciate that that is a problem for Alastair, because he is a member of the

Committee on Standards and Privileges, which meets on a Wednesday afternoon.

Mrs M Bradley: I have a problem, but I am working on it.

The Chairperson: Can we have a consensus on this? It is very difficult to facilitate everybody, but the reason for changing the time of our meetings is that one of our members is the Deputy Chairperson of another Committee that meets at the same time. I am not doing it because that member happens to be in my party; if any other member had come to me with the same problem, we would have brought the matter to you. I want to make that clear. Can we leave it that the Committee is happy to move to afternoon meetings as an interim arrangement to see how it works? Then, if we find that the arrangement is problematic, we can revisit it.

Mr O'Dowd: What time are we agreeing to move to?

The Chairperson: 2.00 pm on a Wednesday afternoon.

Mr D Bradley: Anything is better than Friday morning.

The Chairperson: Yes; we do not want to move back to Friday mornings. You know the difficulties that we had with that.

So, the Committee will meet on Wednesday afternoons from 7 October 2009. Clerk, can you explain the reason for that date?

The Committee Clerk: We have a long report to clear next week and the deliberations could take longer than the morning meeting. Therefore, I suggest that we meet at 10.00 am next week as usual in Room 144, with the option of going on into the afternoon should we need to. Thereafter, from 7 October, we will move to 2.00 pm on Wednesday afternoons for an interim period.

The Chairperson: Members must bring all their folders next week. Thank you very much for your indulgence, which is very much appreciated.

NORTHERN IRELAND ASSEMBLY

COMMITTEE FOR EMPLOYMENT AND LEARNING

23 September 2009

EMPLOYMENT BILL (NIA 9/08)

Members present for all or part of the proceedings:

Ms Sue Ramsey (Chairperson)
Mr Thomas Buchanan (Deputy Chairperson)
Mr Paul Butler
Mr Trevor Clarke
Mr David Hilditch
Mr William Irwin
Ms Anna Lo
Mrs Claire McGill

Witnesses:

| | |
|-------------------|---|
| Mr Andrew Dawson | } Department for Employment and Learning |
| Ms Valerie Reilly | |
| Miss Lynne Taylor | |

The Chairperson (Ms S Ramsey): We move on to clause-by-clause analysis of the Employment Bill. Without any preamble, I hand over to the witnesses.

Ms Valerie Reilly (Department for Employment and Learning): Good afternoon, and thank you for inviting us today. What would the Committee like us to do? Shall we go through the provisions of the Bill or concentrate only on the amendments?

The Committee Clerk: Perhaps you would go through the clauses and overlay the amendments, making clear exactly where those are. Members should bear in mind that the Committee is in a position to give its final approval only to the clauses. As the amendments have not yet been laid with the Executive, they may not be in their final form. Today's objective is simply to see where the amendments fit. However, when members are asked to give their final approval using the formal wording, it will be for the clauses. Therefore, please give the Committee the full context of the amendments.

Ms Reilly: You asked us to "overlay" the amendments, but we have not attempted to insert the amendments into the Bill.

The Committee Clerk: That makes it easier.

Ms Reilly: OK; that is fine. Committee members should have received copies of the Bill as introduced in the Assembly. The explanatory memorandum is helpful when considering the clauses.

Clause 1 relates to employment agencies and the mode of trial. It provides for offences by employment agencies to be tried either in a Magistrates' Court, as at present, or in the Crown Court. The latter allows for unlimited fines, whereas, at present, the maximum fine that can be imposed by a Magistrates' Court is £5,000. The Department considers that that represents an insufficient deterrent to agencies that may make a great deal of money by exploiting agency workers. The proposal, therefore, is that offences could also be tried in the Crown Court to facilitate unlimited fines.

Clause 2 gives the Department the powers to compel third parties, namely banks and building societies, to provide it with financial information. That is necessary to enable the Department to carry out meaningful inspections of employment agencies, particularly when financial irregularities are suspected. The power would be used only in exceptional circumstances and would have to be approved at director level, at least, which is grade 5 in the Department.

Clause 3 amends the Industrial Relations (Northern Ireland) Order 1992 to replace the arrangements for appointments to the Industrial Court, which are currently contained in primary legislation, with the equivalent subordinate legislation. The Department considers the current provisions to be too restrictive and that subordinate legislation would facilitate future changes to appointments to the Industrial Court and make the process more efficient and capable of being carried out in a timely manner. The Committee will have an opportunity to see the subordinate legislation before it is passed.

Clause 4 allows for legal representation before the Industrial Court. Legal representation is currently permitted only in relation to the court's main role, which is the statutory recognition of unions in the workplace. However, when new jurisdictions connected to European directives on employee consultation and information rights were added to the court, the Department should have disapplied certain provisions of the Industrial Relations (Northern Ireland) Order 1992 to permit legal representation for those new jurisdictions. However, the Department did not do so and proposes to amend the legislation to allow for legal representation by either party before the Industrial Court, should they so wish.

The Department also took legal advice on that, which showed was that the Department could be challenged under article 6 of the European Convention on Human Rights, which is the right to a fair trial.

Clause 5 amends the National Minimum Wage Act 1998 and the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 to allow for the sharing of information between employment agency inspectors and HM Revenue and Customs (HMRC) inspectors who are responsible for the national minimum wage. Currently, our legislation does not allow for that sharing, and if departmental inspectors find agencies that are not paying the national minimum wage, that information cannot be passed on. Clause 5 will, therefore, amend the current legislation and allow the Department to share information with HMRC.

Clauses 6, 7 and 8 deal with minor and consequential amendments and repeals as a result of the Bill. Clause 7 deals with the commencement of the various provisions, and clause 8 cites the short title of the Bill.

The first part of schedule 1 amends the Industrial Relations (Northern Ireland) Order 1992 to provide for consultation with the Labour Relations Agency (LRA) and appointments to the certification office. The effect is that the Department will consult the LRA on the arrangements for appointments to the certification office, but not on the actual individual who is to be appointed, as that will be the responsibility of the Minister. That was agreed between the LRA and the Department. Schedule 1 also provides for minor and consequential amendments.

Schedule 2 provides for appeals that result from the Bill, and it also repeals provisions contained in the Employment Relations (Northern Ireland) Order 2004 that relate to the right of trade unions to expel members. Those provisions were never commenced, which is why they are being repealed.

Again, the Committee should have received copies of proposed departmental amendments. Amendment No 1 will insert a new clause 6 into the Bill to empower tribunals to order employers to pay compensation, for example, for bank or interest charges, where a tribunal has found that the employee has suffered an unlawful deduction from his or her wages or the non-payment of a statutory redundancy award.

Currently, a tribunal can only order an employer to pay the amount that arises directly from the employer's liability, but the new clause will allow tribunals to compel the employer to pay other costs, such as interest charges, suffered by the employee as a result of unlawful deductions. In the past, the claimant had to bring such actions through the civil courts, which is expensive for both the employer and the employee. The new clause will permit tribunals to make such awards.

Amendment No 2 will amend the Employment and Training (Northern Ireland) Act 1950 and the Employment and Training (Amendment) (Northern Ireland) Order 1988. The Department recently made

The Steps to Work (Miscellaneous Provisions) Order (Northern Ireland) 2009 to ensure that payments made to Steps to Work participants were not treated as income for National Insurance contributions or for benefits purposes. However, the primary legislation, the 1950 Act, and the 1988 Order only cover payments that are made by the Department.

Training providers also make payments to trainees in relation to travel, for instance. At the minute, the risk is that such payments made by training providers could be subject to National Insurance contributions and could affect trainees' benefits. We propose to amend the 1950 Act and the 1988 Order to read "payments by any person" and thereby ensure that such payments are protected.

Miss Lynne Taylor (Department for Employment and Learning): I will speak to two amendments that will create new provisions in schedule 1. If the Committee is content, I will speak to both amendments together because they make similar changes, but to two separate bodies, namely the Labour Relations Agency and the Construction Industry Training Board (CITB).

By way of background, appointments to the boards of the LRA and the CITB are ministerial appointments that are regulated by the Office of the Commissioner for Public Appointments (OCPA). Under the legislation, the Department is required to consult with organisations that are representative of employers and employees when appointing board members. In practice, the Department observes that requirement by writing to such bodies at the outset of a competition to ask them to encourage their members to apply. It is made clear that those individuals who are encouraged to apply will be treated in the same way as other applicants.

However, it has come to our attention that consultation could potentially be interpreted differently. Legal advice suggests that it could be interpreted in a way that involves consultation with specific individuals, which is similar to the provisions that relate to certification officers, which Valerie has already explained. The Department considers that to be inconsistent with the ministerial code and the OCPA code of practice, which require appointments to be made on merit. As a result, we recommend that the legislation be amended. The Department recognises that the LRA and the CITB benefit from employer and employee representation. For that reason, rather than remove the consultation rights, we propose to clarify that those organisations will be consulted on arrangements such as the criteria to appoint board members. As we said, the Employment Bill contains a similar provision.

Ms Reilly: Those are all the amendments.

The Chairperson: That was painless.

Ms Reilly: Who for?

The Chairperson: This question could be way out there, but work with me. Amendment No 1 proposes changes to the process for claiming compensation. Last year, several companies closed and there were issues about redundancy packages. I will not name those companies, but you are aware of who they are. Annex A of the Department's letter explains the compensation for financial losses and says that new provision will be included to allow an employment tribunal to make an additional award. However, above that, it says that a tribunal will order the employee to pay or repay the amount arising from the employer's direct liability for breaches. It also discusses the issue of unlawful deductions of wages and the non-payment of statutory redundancy awards.

How does that fit in cases where auditors have assessed several companies, and staff have been last in the pecking order to receive assets, because bills have been paid first? Given that, will the amendment help staff in any way?

Ms Reilly: No. The Employment Bill is a mixed bag; it is not entirely initiated by employment relations branch. However, it provides an opportunity to rectify some issues. My understanding is that it does not apply to employers who have gone into administration or liquidation, which is the group that you are talking about. It only applies to employers who are making people redundant and are capable of making the redundancy payment but fail to do so. It is not about insolvency.

The Chairperson: That is fair enough. However, you need to consider that as well, because it is an ongoing issue. The other thing is —

Ms Reilly: The Trades Union Congress (TUC) raised that issue recently.

The Chairperson: One of the unions raised that issue with me. I do not want to get into a discussion about that. However, if we are considering loopholes, we need to consider other issues that Members are, rightly, raising in the Assembly. Some employers made staff redundant, tweaked the job description a bit and employed other people. That created allegations in communities that foreign nationals were being employed. Legally, those companies were doing nothing wrong, but their actions were morally questionable and created a lot of issues. Perhaps you will come back to us, having found out whether there is scope to include some of that in the Employment Bill.

Ms Reilly: We will look at the issue that was raised by the TUC and ascertain whether there is a proposal to do anything about it.

Mrs McGill: The CITB is mentioned in annex 2 of the Department's letter. How will your proposals work out in relation to the CITB?

Miss Taylor: Are you referring to consultation rights on CITB appointments?

Mrs McGill: No; perhaps you were not here for the briefing session on the review of the CITB.

The Chairperson: We were given a presentation on the options, but these witnesses were not here for that session.

Mrs McGill: We have a report on the future of the CITB, which deals with new branding and rationalisation. Indeed, Ms Lo asked about a new name and so on. How relevant is all that to the Bill?

Ms Reilly: We are not proposing anything that is relevant to all that. There may be a need for new legislation on the CITB, and we met our CITB colleagues yesterday to discuss that. However, that is not relevant to the Bill. We are concerned with appointments to the CITB and how people should be consulted in relation to those appointments.

Mrs McGill: The CITB will not be there; did you not know that?

Ms Reilly: We are aware of the review, but I thought that there was still to be a board.

Miss Taylor: The amendment is being introduced in consultation with the officials who are responsible for CITB. It is a case of being consistent for the time being. If legislation has to change in due course, new legislation will take account of changes to CITB.

The Chairperson: That is actually an amendment, but you are absolutely right, Claire. Given the presentation that we heard earlier, which lasted more than an hour, the officials may need to go back and check that. Nuala Kerr, director of the skills and industry division in DEL, mentioned the issue of legislation. Given that we heard a presentation that says there is a possibility of moving on CITB, we can put the amendment to one side for today and wait for further information. Are you happy with that arrangement, Claire?

Mrs McGill: Yes; perhaps I have shown ignorance of what is happening.

The Chairperson: No; it is a relevant point. We have been asked to deal with legislation that impacts the CITB and now other legislation has appeared.

The Committee Clerk: If members are content, the Committee will formally approve the clauses today. The issues that have been flagged up relate to the amendments and not to the Bill, and officials will come back to us on those. Am I correct that the amendments have not yet gone to the Executive?

Ms Reilly: The amendments have not yet gone to the Executive. We are waiting the Committee's report on the Bill, and anything that members have to say about the amendments, before we go to the Executive.

The Committee Clerk: That is fair enough, and members have now made those comments. Putting the amendments to one side, members can now flag up any further questions or issues on the clauses as they stand.

Clauses 1 to 8 agreed to.

Schedules 1 and 2 agreed to.

The Chairperson: Today's meeting is being reported by Hansard, and we will return to the amendments at a later date. I am keen for you to return with the information that we have requested, because if there are things that we want to put to the Executive, we want to do that as quickly as possible.

Ms Reilly: I will also check on the matter that was raised about the CITB before returning to the Committee.

The Chairperson: Thank you very much.

NORTHERN IRELAND ASSEMBLY

COMMITTEE FOR EDUCATION

30 September 2009

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 John McCallister
Mr Basil McCrea
Miss Michelle McIlveen
Mr John O'Dowd
Mrs Michelle O'Neill
Mr Alistair Ross

The Chairperson (Mr Storey): I welcome Patricia Casey from the Bill Office and Damien Martin, the Clerk Assistant, who have assisted the Committee with its work on the Bill, as they will do today. I also welcome officials from the Department, who, I am sure, relish coming up the hill on Wednesday mornings.

Version 4 is the updated version of the draft report. I hope that all members have a copy. You may discard version 3 by giving it to staff, who will dispose of it in an environmentally friendly way. Version 4 of the draft report commences with the title page of the Committee report. The yellow flags at the right-hand side indicate the different sections of the report, which was circulated as a separate item in the Committee folder. Decisions taken at last week's clause-by-clause consideration have been fully reflected in version 4. Changes to the previous version have been tracked in blue.

Having agreed the Committee's decision on almost all clauses and schedules at last week's meeting, there are only a few issues from that meeting to revisit before we start the process of formally approving the draft report itself.

Before we start, I ask members to turn to tab 5 of their packs, where they will find the Clerk's note on the final session on the Bill. Immediately behind it at point 1 is the Clerk's note on the indicative timing of the Consideration Stage debate on the Education

Bill. Members should note that the earliest date that the Minister can choose for that debate is the week commencing Monday 12 October 2009. I refer members to the attached guide, particularly to the paragraph on the deadline for tabling amendments, which is 9.30 am on Thursday 8 October. The earliest date that the Minister can come to the Assembly for Consideration Stage is 12 October.

The Committee Clerk: An informal indication has been made that Consideration Stage may be scheduled for Tuesday 13 October 2009.

The Chairperson: Members should note that the Hallowe'en recess will affect the timing of Further Consideration Stage.

The Committee Clerk: I admit to an error in that regard. The date of 26 October did not take into account the Hallowe'en recess. Therefore, some of the dates that are shown for Further Consideration Stage and Final Stage are slightly incorrect. We can amend that (Inaudible due to mobile phone interference).

Mr B McCrea: When is the deadline for tabling amendments?

The Chairperson: Thursday 8 October, which is the Thursday before Consideration Stage — that is, if Consideration Stage is on the Order Paper for 13 October.

Mr B McCrea: Therefore if Consideration Stage is scheduled for 13 October, amendments must be tabled by Thursday 8 October. By what time must they be tabled?

The Committee Clerk: Nine-thirty in the morning.

The Chairperson: We will proceed to outstanding issues. I beg your indulgence for a moment. I refer members to version 4 of the draft report. Paragraphs 46 to 49 on pages 20 to 22 of the draft report summarise last week's deliberations. At the bottom of page 21, members should note that the reference to "paragraph (2)(2)(6)" of schedule 1 will be changed to "paragraph (2)(2)(b)"; that was a typo. Members should also note that the reference to schedule 11 will be corrected to schedule 1.

Someone's mobile phone is on, and it is not mine.

Mr D Bradley: It is mine; sorry.

The Chairperson: I refer members to the draft amendments at the top of page 22. Having had the benefit of advice this morning on the issues that were raised at last week's meeting, does the Deputy Chairperson have any comments that he wishes the Committee to consider in light of that legal opinion?

Mr D Bradley: I listened carefully to the legal adviser, and I accept the points that he made.

The Chairperson: The Question that the Committee recommend to the Assembly that schedule 1 be amended by the insertion of a new head as set out at the top of page 22 of the draft report. The amendment is as follows: In page 31, paragraph 2, line 23, at end insert: “and: (c) that the members, as a group, are representative of the community in Northern Ireland.”

The Committee Clerk: It would be better if you put the question to the Committee so that members can indicate whether they support the amendment.

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the schedule be amended as follows: In page 31, paragraph 2, line 23, at end insert

“and:

(c) that the members, as a group, are representative of the community in Northern Ireland.”

Question put.

The Committee divided: Ayes 6; Noes 2.

AYES

Mr D Bradley, Mr Lunn, Mr B McCrea, Miss McIlveen, Mr Ross, Mr Storey.

NOES

Mr O'Dowd, Mrs O'Neill.

Question accordingly agreed to.

Question, That the Committee is content with the schedule 1, subject to the Committee's proposed amendment, *put and agreed to.*

The Chairperson: We come to the second proposed amendment to schedule 1. The Question is that the Committee recommend to the Assembly that schedule 1 be amended by the insertion of a new paragraph, which is set out at the top of page 22 of the Committee draft report. I beg to move

Mr B McCrea: Where are we?

Mr O'Dowd: We will never get out of here by twelve o'clock.

The Committee Clerk: The Committee is considering the second proposed amendment to insert a new paragraph at the end of paragraph 22 of schedule 1 on page 36 that defines

“representative of the community of Northern Ireland”.

Mr B McCrea: Who proposed that amendment? Did we bring it forward?

The Committee Clerk: The Committee drafted it.

The Chairperson: I beg to move

That the Committee recommend to the Assembly that the schedule be amended as follows: In page 36, paragraph 22, at end insert

“Representative of the community in Northern Ireland”

23.— (1) In this Schedule, and without prejudice to the generality of the words, a membership ‘representative of the community in Northern Ireland’ shall in particular include—

persons with experience of the controlled, maintained, grant-maintained integrated, Irish-medium and voluntary grammar school sectors; and,

persons from the local government districts, where ‘local government district’ has the same meaning as in the Local Government (Boundaries) Act (Northern Ireland) 2008.”

Question put.

The Committee divided: Ayes 2; Noes 2.

AYES

Mr D Bradley, Mr Lunn.

NOES

Mr O'Dowd, Mrs O'Neill.

The Chairperson: Basil McCrea, Michelle McIlveen, Alastair Ross and Mervyn Storey have abstained.

Question accordingly negated.

The Chairperson: The next issue from last week is a proposed amendment to clause 32. Will members turn to paragraph 266 of the draft report, which is on page 104? Members will see at the bottom of the page —

Mr B McCrea: Where are we?

The Chairperson: Clause 32, page 104. You will see at the bottom of that page the proposed amendment to clause 32. At last week's meeting, that amendment was agreed in principle, with the precise wording to be drafted by the Clerk. The amendment would allow the education and skills authority to impose a scheme of management where a submitting authority submits a scheme of management that does not comply with the regulations and schemes of management under clause 30. Members will recall that at last week's meeting the Committee agreed to recommend to the Assembly that clause 30 be amended to include a requirement for regulations to be made as to the form and content of schemes of management. That is contained in paragraph 264 of the draft report.

The proposed amendment to clause 32 flows from the requirement on the Department to make regulations. It is a consequential amendment, and it follows that submitting authorities should submit schemes that comply with regulations that the Assembly has approved. The Question is that the Committee recommend to the Assembly that clause 32 be amended

as set out in paragraph 266 of the draft report. That amendment states:

“leave out from ‘subsection’ to ‘cannot’ in line 2 on page 18 and insert ‘section 31(1)(b) does not comply with regulations under section 30(6) or does not accord with any guidance issued by ESA under section 31(3) and cannot (in either case)’.”

The Committee Clerk: It is a question of whether the Committee is in favour of the amendment. It is a consequential amendment to an amendment that was agreed by the Committee.

Mr D Bradley: Does this amendment come from the Committee?

Mr B McCrea: Is the effect of that amendment that a scheme complies with the regulations, or, is it that the regulations will have to go through the Assembly by affirmative resolution?

The Chairperson: Yes.

I beg to move

That the Committee recommend to the Assembly that the clause be amended as follows: In page 17, line 42, leave out from “subsection” to “cannot” in line 2 on page 18 and insert

“section 31(1)(b) does not comply with regulations under section 30(6) or does not accord with any guidance issued by ESA under section 31(3) and cannot (in either case).”

Question put.

The Committee divided: Ayes 6; Noes 2.

AYES

Mr D Bradley, Mr Lunn, Mr B McCrea, Miss McIlveen, Mr Ross, Mr Storey.

NOES

Mr O’Dowd, Mrs O’Neill.

Question accordingly agreed to.

Question, That the Committee is content with the clause 30, subject to the Committee’s proposed amendment, put and agreed to.

Mr Lunn: Are these votes still recorded?

The Chairperson: Yes.

The Committee Clerk: The decisions made in the last few minutes on Committee amendments will be reflected in the Committee’s report. As the Committee goes through the report to agree it, we will strike that out as appropriate and amend the report for final approval. It is already in the report as either/or.

An item has been tabled for members’ consideration in relation to amendments received this morning from the Department. It is for the Committee to decide whether or not it wishes to consider that.

Mr B McCrea: Where are we now?

The Chairperson: You should have in front of you an e-mail from Eve Stewart. It states:

“We have just finalised 2 additional amendments and I am forwarding them on for the Committee for information. They relate to the increase in ESA numbers and ensuring governors commitment in Irish speaking schools.”

That e-mail includes the wording of the amendments:

“Clause 30, page 17, line 3 at end insert —

‘() The scheme of management for an Irish speaking school shall require the Board of Governors to use its best endeavours to ensure that the management, control and ethos of the school are such as are likely to ensure the continuing viability of the school as an Irish speaking school.

() The scheme of management for a grant-aided school for which a part is Irish speaking shall require the Board of Governors to use its best endeavours to ensure that the management, control and ethos of the schools are such as are likely to ensure the continuing viability of the Irish speaking part of the school.’”

Mr B McCrea: Is it necessary to deal with that today? Given that it has just been tabled, I would prefer to deal with it next week after I have had a chance to look at it.

The Committee Clerk: It will not be reflected in the Committee’s report. If it is the will of the Committee just to note that the amendment was received, I can attach that to the report.

Mr B McCrea: I am happy for it to be noted, but I cannot decide on it without having had time to consider it.

The Chairperson: This highlights the difficulty that the Committee has had repeatedly in not having matters brought to it in a timely way. On the day that we are signing off the report, the Department brings us another amendment. Therefore, it should be just noted.

The Committee Clerk: The amendment to increase the membership of the ESA was dealt with last week. The Minister’s proposal was for an increase from 11 to no more than 14 members. The Committee raised that issue at last week’s meeting. Therefore, it has, in effect, been dealt with and recorded in the report. Therefore it is the second amendment to clause 30 that the Committee is saying that there is no time to consider, so it will not be reflected in the Committee’s report other than it was received this morning and noted.

Mr Lunn: The Committee has always had the problem of matters coming to it very late in the day. I can sort of sympathise with Basil’s saying that he needs a week to consider it. For once, however, the amendment is in plain language, the Queen’s English, and I can understand it.

The Chairperson: It concerns Irish, but it is in the Queen’s English. *[Laughter.]* There is an irony in that, but we will not go there.

Mr Lunn: I used that term deliberately.

The Chairperson: Thanks, Trevor.

Mr Lunn: The point is, however, that the amendment is simple: it just requires a board of governors to use its best endeavours; it is not prescriptive. Sometimes, perhaps, the Committee could just look at something and take a decision on it.

Mr D Bradley: The amendment applies to Irish-medium schools and boards of governors; it does not affect schools in any other sector. It is purely to protect the ethos of Irish-medium schools. There is no threat to any other sector. Therefore, the amendment is not contentious. I would be happy to approve it today.

The Chairperson: One difficulty that arises, particularly from the second paragraph, is the phrase:

“shall require the Board of Governors to use its best endeavours to ensure that the management, control and ethos of the school are such as is likely to ensure the continuing viability of the school as an Irish speaking school”.

That places a pretty strong requirement on a board of governors. It may be the mind of the Committee to seek legal opinion about such a strong requirement being placed on a board of governors with the words “its best endeavours”. We have not seen that in the legislation for other sectors. Therefore, we have a proposal from Basil that the Committee note the amendment.

Mr B McCrea: Yes.

The Chairperson: Is the Committee in favour of noting that the amendment was brought to the Committee at this stage?

Question put.

The Committee divided: Ayes 6; Noes 2.

AYES

Mr B McCrea, Miss McIlveen, Mr O'Dowd, Mrs O'Neill, Mr Ross, Mr Storey.

NOES

Mr D Bradley, Mr Lunn.

Question accordingly agreed to.

Resolved:

That the Committee take note of the proposed departmental amendments to clause 30.

Mr O'Dowd: I want to clarify our position: Sinn Féin supports the amendments; however, it is fair for a party to request another week to judge. We endorse the amendments as proposed.

The Chairperson: I appreciate that.

Are members content to seek legal advice and consider the matter at next week's meeting?

Members indicated assent.

The Chairperson: Do members have any questions?

Mr D Bradley: Given that both amendments have been discussed at today's meeting, will they be included in the report?

The Committee Clerk: Yes; the discussion will be included in the Hansard report, and the draft report will outline that the Committee noted the amendments.

The Chairperson: I want to raise the issue that we mentioned at the conclusion of last week's meeting. I draw members' attention to paragraph 148, on pages 59 and 60 of the report, which arose from a proposal to include a recommendation on the controlled sector. I agreed to circulate a wording to members for consideration at last week's meeting. The comments on the sectoral body for the controlled sector appear in paragraphs 53 to 73. The paragraphs endeavour to reflect some members' concerns about the controlled sector.

Are members content to include a paragraph in the report, as set out in paragraph 148 of the draft report, including a recommendation that the Committee request that the Minister take urgent action to address those issues and find the resources to make immediate progress to resolve them?

Mr O'Dowd: As I said last week, we have concerns about including what is, essentially, a political statement rather than a reflection of the scrutiny of the Bill. Earlier in the report, there are comments from members that reflect those concerns as comments made in the Committee; I have no difficulty with their inclusion in the Bill. However, I have a difficulty with the inclusion of a recommendation on one sector or subject. The issues behind the recommendation can, and will, be debated at length in the Committee; indeed, they should have debated and resolved long before the Assembly was established. Having read the recommendation, I am unsure whether it is an alibi for the controlled sector or an apology to it for having done nothing in the past. I cannot support the inclusion of such a recommendation in the report.

The Chairperson: It is neither an apology nor an alibi. It is a defence of a sector that has played second fiddle to other sectors that have only been interested in their own institutions and that have paid lip-service to equality, inclusion and the recognition of the existence of other sectors.

We have seen enough, over the past months, of sectors that are interested only in self-preservation. The controlled sector, under the umbrella of the education and library boards, played, and does play, its full role in promoting equality; it excludes none and puts no barriers in front of any children coming

through the doors of its schools, unlike other sectors that have prerequisites and pre-requirements whereby people have to sign up to certain ideologies.

Mr O'Dowd: Are you talking about the grammar school sector?

The Chairperson: Sorry?

Mr O'Dowd: Are you talking about the grammar school sector?

The Chairperson: No, not the grammar school sector; the Catholic certificate is a prime example. That is a major concern. I for one will not allow any sector to be left isolated in the way that the controlled sector has been on many issues. The proposal is a way of ensuring that those concerns are addressed.

Are there any other comments?

Mr O'Dowd: One of the purposes of the education and skills authority and of the Bill that we have been scrutinising is to ensure that no sector is left behind. There are sectors that need support; I am not arguing against raising some sectors to the level of others. My concern is that we are including a statement and a recommendation in a Committee report that is mainly a party-political stance. Having listened to your good self, Chairperson, I am now convinced that it is a mixture of an alibi and an apology to the controlled sector rather than a serious attempt to move forward the issues that have to be resolved in relation to that sector.

Mr B McCrea: May I ask the Committee Clerk whether the statement and the recommendation are competent? John asked whether such recommendations should be in a Bill.

The Committee Clerk: One can include recommendations in a Bill report. This statement does not relate to an amendment, which would go before the House. Its competence, in that sense, is not to be tested; however, a Committee can make recommendations in a Bill report if the information has been presented and the Committee has considered it.

Mr B McCrea: Thank you; that is very helpful. I share your concern, Chairperson, that the controlled sector was not able to have an influence on the progress of the Bill. Without making a political point, it is important that we are inclusive on all the issues and that there should be a level playing field for all. For that reason I am happy to support it.

The Chairperson: This highlights the suspicions and concerns that some people have. On the day that we are concluding the report on the first Bill, having been promised that we would have sight of the second Bill, when do we get the second Bill? Today. After being told that it was not prepared and that we were going to see it in tranches or in bits and pieces, all of a sudden the Bill appears.

I have never been known to be a sceptic or to be suspicious, but I do not see too many people coming up to the mark about what was going on in relation to a particular sector. If the maintained sector had been treated in such a way, the people with red hats would have been knocking down the door to talk to the Committee. I am very concerned that we get sight of the second Bill just today. Nobody, in the time available to us, will be able to go through the second Bill, unless we read through it for the next half an hour. That is why, in the report, we will reflect whether the Committee agrees. That is not a party-political point; it is a genuine concern on behalf of a sector that owns £2.3 billion of the education estate and educates 98% of the Protestant children in Northern Ireland.

Mr O'Dowd: My understanding is that the second Bill will come under the scrutiny of the Committee, the Executive and the Assembly. If you were getting excited about being presented with a fait accompli that said how things were going to be, I would be jumping up and down with you. However, the fact of the matter is that, as was the case with the first Bill, there is a lengthy process to go through. If there are genuine concerns about the second Bill, they will have to be dealt with, as was the case with the first Bill, and, we hope, we will reach a conclusion in due course.

The strength behind any sector comes first from the people within that sector, but more importantly, it is given by the political leadership in society. The maintained sector got its act together in the early 1980s. It moved forward and kicked in a few doors to make its voice heard. Even when the Council for Catholic Maintained Schools (CCMS) was formed, it continued to fight the system for several years to make sure that its voice was heard.

Even at this stage of setting up the controlled sector support body, there is a responsibility on all of us and the Department to support it. There will be a fight, and the people best placed to lead that fight will be the new controlled sector support body. That body should be regular visitors to this Committee and to all our offices. Those are the people who will turn the controlled sector around, with our support.

Mr D Bradley: I do not think that this is an accurate reflection of what happened last week. Chairperson, at the end of last week's meeting, you made a statement that I asked you to circulate to Committee members during the week so that we would have a chance to share and discuss it with our parties. That did not happen. The statement that is included in the draft final version of the report appeared without the previous statement being circulated as agreed at the meeting. I do not believe that it is a true reflection of what happened at last week's meeting, and, therefore, it should not be contained in the report.

The Chairperson: Are there any other comments?

Mr B McCrea: I have already made my position clear. There may be differences of interpretation about what went on at last week's meeting — and I take Dominic's point — but it remains a fundamental issue that there is an omission of input from the controlled sector, which does have an influence. I have expressed to officials that there must be some form of representative body so that we can have a level playing field.

As Mr O'Dowd said earlier, other sectors got their act together. He said that they "kicked in a few doors" at a time. It is right and proper that they put their views across. The fact is that other sectors did not do so, and we must find some form of balance.

I know that the Chairperson can defend himself, but I add my support to the fact that, when we started this marathon journey, we were promised that we would be able to look at the two Bills together and that there would be cohesion and an holistic approach. I think that that intention is included in the draft report, and it has not been possible to deliver on it. We have repeatedly said that that is important.

At one stage, we wanted the two Bills to be combined in one single Bill. We were told that that was not possible, for various reasons, but that we should not worry, because there would be an overlap so that we could treat them as one for the purposes of workflow. That has not happened, which rightly raises some concerns, and the Chairperson is right to highlight them.

Mr Lunn: Not in my most generous moment could I think that it is a coincidence that the second Bill is produced on the very day that we are supposed to be signing off on the first Bill. I think that it is a disgrace. We were originally promised that there would be an overlap in the two Bills; it was as simple as that.

If I remember rightly, we were supposed to see the second Bill before recess to give us time to examine the effect of one on the other and to compare them. It is that basic: it was promised. Once again, it is par for the course; we are being shoved into a corner and are having to take action on the first Bill without having had the opportunity to read the second. I do not know what we can do about that, but it keeps happening. Indeed, I put on the record that this is the most serious episode of that nature yet.

Chairperson, we were asked to consider a statement that you read out last week. I indicated that I was not too happy about making a judgment without having seen that statement in writing. Surely, as Dominic said, it would have been fairly simple to circulate it. However, I am reasonably content that the proposal in the draft report accurately reflects the statement that you read out. Therefore, I am not going to make too much of that issue. It would have been helpful to have been given a written copy of your exact words,

but the fact that we were not does not preclude me from making a judgement on what is before us. For the record, I support the proposal.

The Chairperson: I apologise for the fact that the statement was not sent out to members individually. The statement is in the Hansard report, but Dominic is right that we said that each member would receive a copy. It does not change the context, and I appreciate Trevor's comments.

This is not a party political broadcast; it is a serious situation concerning a major education sector in Northern Ireland. That sector is not a minority, as the Minister describes some other sectors. I am deeply disappointed at the shabby way in which the Department has treated the sector, particularly by producing the second Bill today. Our acceptance of the first Bill depends entirely on what is contained in the second Bill. The Minister and the departmental officials, who are here today, need to listen carefully to the message coming from the Committee. If the serious issues are not addressed, there could be the same sort of train wreck that some people mentioned months ago in regard to other issues. The Committee has now made its comments.

Are members content to include paragraph 148, as it appears in the draft report and including the recommendation, in the Committee's report?

Members indicated dissent.

The Chairperson: Basil McCrea, Trevor Lunn, Alastair Ross, Michelle McIlveen and I are in favour. John O'Dowd, Michelle O'Neill and Dominic Bradley are against.

Now that those bits and pieces have been tidied up, I propose that we move to the draft report. We are not doing too badly, and I appreciate your help. I remind members that we have made our decisions on the clauses and schedules. Rather than revisit those decisions, we are here to satisfy ourselves that the draft report reflects the Committee's scrutiny and decisions. I propose that we work our way through the report by grouping its paragraphs in manageable bites and, where possible, by clause or groups of clauses, and give Members an opportunity to comment.

As our first group, I suggest that we take the title page, the page detailing membership and powers and the contents page. Are members content?

Members indicated assent.

The Chairperson: As our second group, I ask Members for comments on the introduction to the report, comprising paragraphs 1 to 25.

Mr O'Dowd: Paragraph 5 states:

"The Chairperson outlined the Committee's key concerns, summarized as follows".

However, the Committee had made no decisions on the Bill at that stage. How, therefore, could the Chairperson have outlined the Committee's concerns? Part of that paragraph should, in my opinion, be rephrased:

The Committee Clerk: Remember that the Committee carried out a substantial pre-introduction scrutiny, and several papers and letters from the Committee to the Department that outlined quite a number of concerns were on record. That sentence reflects those concerns that were still being considered by the Committee and indeed at the debate on Second Stage. The sentence did not reflect the concerns that were in front of the Committee at the point of scrutiny at Committee Stage, because that had not yet commenced.

The Chairperson: Would it be better to rephrase that sentence: "The Chairperson outlined key concerns"? The concerns would not, therefore, be attributed to the Committee.

Mr O'Dowd: I would be happier with that.

The Chairperson: Are all members happy enough with that?

Members indicated assent.

The Chairperson: Do members have any further comments?

Mr O'Dowd: Sorry, Chairperson, but there is a similar instance in paragraph 10 on page 6:

"Members will note that despite these policy changes to the Bill, the Committee continued to have a number of concerns with the Bill, as reflected".

Perhaps that could be changed to "there remained a number of concerns" or perhaps "Committee members continued to have concerns".

The Chairperson: Would you like the word "members" to be inserted?

Mr O'Dowd: Yes, please.

The Chairperson: Are members happy enough? Does everyone know what we have decided? Paragraph 10 on page 6 would read, "Committee members will note".

The Committee Clerk: No; the insertion of the word "members" comes after the second "Committee" in that paragraph.

The Chairperson: OK. John, are you satisfied with that?

Mr O'Dowd: Will you read it, please?

The Committee Clerk: "Members [of the Assembly] will note that despite these policy changes to the Bill, Committee members —

Mr O'Dowd: It should read "some Committee members" or "a number of Committee members".

The Chairperson: "Some" is preferable. Are members happy with that?

Mr O'Dowd: OK.

Mr B McCrea: The "some" is sometimes greater than the whole.

The Chairperson: I am still struggling with the mathematical exposition that we received in the House the other day. Do members have any other comments? We are still considering paragraphs 1 to 25, so perhaps you would have a glance over those. If any members want to dissent, I want to ensure that that is recorded accurately. I do not want any member to feel trapped by the Committee.

Are members content with paragraphs 1 to 25, as amended?

Members indicated assent.

The Chairperson: We move on to paragraphs 26 to 28, which relate to clause 1. We are now on page 12. Are members content? Any member who is not content, please indicate accordingly.

Mr O'Dowd: Give me one second, please, Chairperson. Again, it is a matter of emphasis; paragraph 37 on page 16 —

The Chairperson: We are dealing with paragraphs 26 to 28. We will come to that in a minute or two. I would like to be at paragraph 36, but that is just a wish on my part.

Mr O'Dowd: I am away ahead of myself.

The Chairperson: Are members content with paragraphs 26 to 28?

Members indicated assent.

The Chairperson: We now move to paragraphs 29 to 35, which also relate to schedule 1. These paragraphs deal with the number of ESA members. Members are reminded that the blue text represents what is being inserted as a result of the decisions taken last week.

Are members content with paragraphs 29 to 35?

Members indicated assent.

The Chairperson: OK. We now move to paragraphs 36 to 49, which relate to schedule 1 and the ESA membership being representative of the community in Northern Ireland. John had an issue with paragraph 37.

Mr O'Dowd: Paragraph 37 states:

"The Committee, having had sight of the Office of the Commissioner's of Public Appointment's (OCPA) Code of Practice, remained concerned".

In my opinion, that should read, "Some of the Committee members, having had sight" or "A number of the Committee members, having had sight". The Committee did not take a formal position on that.

The Chairperson: It is accurate to say, as the report does:

“The Committee, having had sight of the Office of the Commissioner’s of Public Appointment’s (OCPA) Code of Practice, remained concerned”.

Do you want to reflect that some members remain concerned?

Mr O’Dowd: Yes.

The Chairperson: Should we include “Some Committee members”?

Mr O’Dowd: Yes, whatever way that fits into that sentence.

The Chairperson: We need to be clear about where we include it.

Mr O’Dowd: Clearly, it is accurate that the Committee had sight of the report.

The Chairperson: After the reference to the code of practice, we could include the phrase, “some Committee members remain concerned”.

Mr O’Dowd: Yes.

The Chairperson: OK. We are still looking at paragraphs 36 to 49.

The Committee Clerk: In paragraph 49, we will strike out the part of the amendment that members did not agree in earlier sessions. However, we will leave in the amendment that states:

“(c) that the members, as a group, are representative of the community in Northern Ireland”]

That was agreed by the majority of the Committee this morning.

The Chairperson: Are members clear about what we will do? We are on page 22. We did not agree the amendment to schedule 1, page 36, so that paragraph will not appear in the report. However, the amendment above that will be included. It states:

“(c) that the members, as a group, are representative of the community in Northern Ireland”]

Are members content?

Mr O’Dowd: I am sorry: what are we signing off on?

The Chairperson: We are on page 22. This morning, we did not agree to include —

Mr O’Dowd: Yes; sorry.

The Chairperson: The only amendment that will appear in the report is the top one, which states:

“(c) that the members, as a group, are representative of the community in Northern Ireland”]

OK?

Mr O’Dowd: Paragraph 41 states:

“The advice to the Committee dealt with a number of issues and concluded.”

There then follows a number of statements. At that stage of our deliberations, did we take positions on any of those matters?

The Chairperson: No, although the paper states “and concluded”.

Mr O’Dowd: Should it state “and observed”?

The Chairperson: We are talking about the advice to the Committee. Are you questioning the use of the word “concluded”?

Mr O’Dowd: Does it give a sense that those five bullet points were a conclusion or an agreement of the Committee?

The Chairperson: Is that advice to the Committee rather than its conclusion?

The Committee Clerk: It is a summary of the advice that the Committee received.

Mr O’Dowd: If that were the case, it should read, “The advice to the Committee was” instead of:

“The advice to the Committee dealt with a number of issues and concluded.”

The latter almost reads as though the Committee had reached the conclusion.

The Chairperson: Might “concluded” be changed to “included”?

Mr O’Dowd: Yes, otherwise the wording is open to interpretation.

Mr Ross: Have the passages printed in black not already been agreed in previous meetings? Are we just going over that again? I have been a member of the Committee for only a couple of weeks, but I remember going through those points.

The Chairperson: The Committee is trying to compile a factual summary of all of its work. We have gone through the clauses, but this document will contain the legal advice that we received and opinions that were expressed by members. Is that correct, Clerk?

Mr Ross: The passages in blue are the changes made since the last time we looked at the matter.

The Committee Clerk: All the rest of the text was in front of the Committee in versions 1, 2 and 3 of the draft report. It was drawn to the Committee’s attention that that would be included in the report, subject to the Committee’s final agreement. The whole sweep through is being done only now, but that text was brought to the Committee a number of weeks ago.

The Chairperson: However, it would not change the emphasis to replace “concluded” with “included”. Thus, the passage would read, “The advice to the

Committee dealt with a number of issues and included”. The document then lists the factual position. Are members content?

Members indicated assent.

The Chairperson: Are members content with paragraphs 36 to 49, as amended?

Members indicated assent.

The Chairperson: Paragraphs 50 to 52 relate to Assembly disqualification. Are members content?

Members indicated assent.

The Chairperson: Paragraphs 53 to 73 —

Mr B McCrea: Before the Committee moves on, and it may not be appropriate to amend it at this stage, but we debated whether MLAs should be involved. I now agree with paragraph 51, which states: “There was general consensus that the demands on MLA’s time would necessarily limit their ability to serve on such bodies”

However, my position was that I was not happy with the oversight that MLAs were able to provide on the workings of the ESA. I was concerned, and it was repeatedly said that the ESA is here only to serve the policies of the Minister of the day.

The Clerk: The member is right; the Committee debated that, but it did not come to any conclusion, so no amendment to the schedule was discussed. The question is one of whether the words reflect any conclusion, but, from memory, there was no conclusion.

Mr B McCrea: There may not have been a conclusion, but, as John O’Dowd has pointed out, we have discussed and noted many things. I do not know whether this is the appropriate place to deal with the matter — I will take advice on that — but I remain extremely concerned about it. Central to all that we have been saying is the fact the MLAs are not in a position to provide the necessary oversight of the ESA.

The Chairperson: In fairness, that concern and your previous concerns are recorded in Hansard reports. Paragraph 51 does not state that the Committee has come to a conclusion on the matter. It simply states:

“There was general consensus that the demands on MLA’s time would necessarily limit their ability to serve on such bodies”

That relates to the issue of disqualification; whether they should be members of the ESA, rather than the power —

Mr B McCrea: I quite accept that, and the issue might be better addressed elsewhere. I am happy enough that the Hansard report records that fact. However, when we get to the end of the report, I would like the Clerk to point out where my concern is recorded in the Committee’s report, because I read out a statement at the start of the meeting that —

The Chairperson: That is recorded in last week’s Hansard report, and it will all be cross-referenced in the report. Correct me if I am wrong, but we are not proposing to give 108 Members all the documentation on what we have done — they would each have six lever-arch folders to take home.

The Committee Clerk: It will be in the form of a CD.

Mr B McCrea: Is there a video of us?

The Chairperson: I would not go that far.

The Committee Clerk: All those words will be available.

Mr B McCrea: I am content. It was only that we were being quite precise about some Committee member’s comments on other issues. Although it may be a minority position, I believe that MLAs ought to have some form of oversight over the ESA process — if it is not done in the ESA committee, because of time constraints or whatever, it must be done somewhere else. I want to record the fact that there is a democratic deficit in the proposal. However, I will not add to the Committee Clerk’s burden.

Mr O’Dowd: We are in danger of opening up a debate. The Education Committee is the oversight body.

Mr B McCrea: I rest my case.

The Chairperson: For John McCallister’s benefit, we are considering page 23 of the draft report.

Mr B McCrea: For the benefit of Alastair Ross, who has been through this process only once, and John McCallister, who came in late, we should go back to the beginning and go through everything again.

The Chairperson: Moving swiftly on —

Mr McCallister: Are you not going to ask for a seconder? *[Laughter.]*

The Chairperson: I will see you all in the cardiac unit. Are members content with paragraphs 50 to 52?

Members indicated assent.

The Chairperson: Are members content with paragraphs 53 to 73? They deal with a considerable amount, particularly with respect to the controlled sector.

Members indicated assent.

The Chairperson: Paragraphs 74 to 83 relate to schedule 1, particularly the number of ESA members. The Committee Clerk has indicated to me that at the end of paragraph 83 the amendment with respect to “representative of the community” has been repeated in error and will be removed. Paragraph 83 will state:

“The Committee agreed to recommend to the Assembly that Schedule be amended as set out above.”

Everything else, including the section that is highlighted in yellow, will be taken out. Are members content?

Members indicated assent.

The Chairperson: Are members content with paragraphs 84 to 90, which relate to youth services?

Members indicated assent.

The Chairperson: Are members content with paragraphs 91 to 99, which relate to the proposed duty to encourage and facilitate development of Irish-medium and integrated education? Once again, this is an accurate reflection of what we discussed last week.

Members indicated assent.

The Chairperson: Are members content with paragraphs 100 to 103, which relate to promoting the achievement of high standards of educational attainment?

Members indicated assent.

The Chairperson: Are members content with paragraphs 104 to 112, which relate to the single employing authority and submitting authority?

Mr O'Dowd: You say "the Committee decided". However, we usually use the phrase "the Committee agreed". That is the phrase we have been using thus far.

The Chairperson: That is fine. We agree to agree on agree.

Members indicated assent.

The Chairperson: Are members content with paragraphs 113 to 37, which relate to the change in employer status and employment regulations? I remind members that this is a reflection of what we agreed.

Mr B McCrea: That is a big leap; you sneaked that one in.

The Chairperson: I did. I am only following what is in front of me.

The Committee Clerk: The grouping is according to subject area, not to the length of the text.

Mr B McCrea: It is all right, John; it was an attempt at a little light relief.

Members indicated assent.

The Chairperson: Are members content with paragraphs 138 to 144, which relate to the development of employment schemes?

Members indicated assent.

The Chairperson: Are members content with paragraphs 145 to 148? I remind members that we decided those paragraphs earlier.

Members indicated assent.

The Chairperson: Are members content with paragraphs 149 to 159, which relate to salaries and modification of employment law?

Members indicated assent.

The Chairperson: Are members content with paragraphs 160 to 167, which relate to other functions of the ESA?

Members indicated assent.

The Chairperson: Are members content with paragraphs 168 to 173, which relate to library and education and youth services?

Members indicated assent.

The Chairperson: Are members content with paragraphs 174 to 181, which relate to the payment of capital grants and teachers' superannuation?

Members indicated assent.

The Chairperson: Are members content with paragraphs 182 to 191, which deal with the ESA's ancillary powers and commercial activities?

Members indicated assent.

The Chairperson: Are members content with paragraphs 192 to 195, which relate to the dissolution of the education and library boards; the Council for Catholic Maintained Schools (CCMS); the Northern Ireland Council for the Curriculum, Examinations and Assessment (CCEA); the Youth Council for Northern Ireland; and the Staff Commission for Education and Library Boards?

Members indicated assent.

The Chairperson: Are members content with paragraphs 196 to 201, which relate to the general duties of the Department and DEL?

Members indicated assent.

The Chairperson: Are members content with paragraphs 202 to 230, which relate to examinations, assessments, qualifications and curriculum?

Mr O'Dowd: Paragraph 205 on page 81 states:

"The Department's written response to SEELB did not appear to recognise that there was any potential conflict of interest".

I think that the Committee had agreed with the Department that there was not a conflict of interest. Perhaps it should read:

"did not appear to recognise that there may be a potential conflict of interest".

The Chairperson: Are Members happy with the wording "may be" rather than "was"?

Members indicated assent.

The Chairperson: Are Members content with paragraphs 202 to 230, as amended?

Members indicated assent.

The Chairperson: Are members content with paragraphs 231 to 237, which relate to amendments requested by DEL?

Members indicated assent.

The Chairperson: Are members content with paragraphs 238 to 244, which relate to the powers of the General Teaching Council?

Members indicated assent.

The Chairperson: There is no dissension, so we will move on. Are members content with paragraphs 245 to 268, which relate to schemes of management?

The Committee Clerk: The Committee agreed an amendment to clause 32 earlier; therefore, the square brackets are removed from paragraphs 266 and 267 to reflect the Committee's decision.

The Chairperson: Are Members content?

Members indicated assent.

The Chairperson: Are members content with paragraphs 269 to 291?

Members indicated assent.

The Chairperson: Are members content with paragraphs 292 to 304, which relate to inspections and grants for educational and youth services?

Members indicated assent.

The Chairperson: Are members content with paragraphs 305 to 308, which relate to the protection of children and young people?

Members indicated assent.

The Chairperson: Are members content with paragraphs 309 to 313, which relate to Catholic maintained schools?

Members indicated assent.

The Chairperson: Members, if I am moving too quickly, please say so. Are members content with paragraph 314?

Members indicated assent.

The Chairperson: Are members content with paragraphs 315 to 323?

Members indicated assent.

The Chairperson: Are members content with paragraphs 324 to 329?

Members indicated assent.

The Chairperson: Are members content with paragraphs 330 to 341?

Members indicated assent.

The Chairperson: Are members content with paragraphs 342 to 346?

Members indicated assent.

The Chairperson: Are members content with paragraphs 347 to 363?

Members indicated assent.

The Chairperson: Are members content with paragraphs 364 to 375?

Members indicated assent.

The Chairperson: Are members content with paragraphs 376 to 380?

Members indicated assent.

The Chairperson: We move now to the document containing final decisions on our clause-by-clause scrutiny. This section of the report sets out, in short form, the Committee's decisions on each of the clauses and schedules, referring, where appropriate, to the preceding consideration section. In members' copies of this section, the numbering begins with number 1, but, in the final printed version, the numbering will continue from the end of the numbering in the consideration section. I remind members that this section contains summaries of the Committee's decisions.

Are members content with the introduction?

Members indicated assent.

The Chairperson: Are members content with paragraphs 1 to 12?

Members indicated assent.

The Chairperson: Are members content with paragraphs 13 to 23?

Members indicated assent.

The Chairperson: Are members content with paragraphs 24 to 29?

Members indicated assent.

The Chairperson: Are members content with paragraphs 30 to 40?

Members indicated assent.

The Chairperson: Are members content with paragraphs 41 to 50?

Members indicated assent.

The Chairperson: Are members content with paragraphs 51 to 54?

Members indicated assent.

The Chairperson: Moving on to paragraphs 55 to 58 —

The Committee Clerk: The Committee must strike out the second amendment in paragraph 56 and insert the first amendment.

The Chairperson: Are members content with those changes and with the remainder of paragraphs 55 to 58?

Members indicated assent.

The Chairperson: Are members content with paragraphs 59 to 63?

Members indicated assent.

The Chairperson: We now move to the executive summary, which we will go through paragraph by paragraph. Are members content with paragraph 1 of the executive summary?

Members indicated assent.

The Chairperson: If I am moving too quickly for members, please let me know. Are members content with paragraph 2?

Mr O'Dowd: Line 5 of paragraph 2 reads:

"The Committee raised various fundamental concerns".

In my opinion that should read:

"Some Committee members raised various fundamental concerns".

Similarly, line 10 reads:

"However, the Committee continue to have a number of serious concerns"—

Mr B McCrea: I was happy earlier not to misrepresent people, but I feel that the insertion of "some members of the Committee" gives the impression that a minority of Committee members had expressed concern. That is despite the fact that a majority of Committee members had raised fundamental concerns.

Mr O'Dowd: I am happy for the term "majority" to be inserted. The Committee had not come to a decision at that stage; therefore the report cannot refer to the Committee as a whole.

Mr B McCrea: OK. I am happy with that.

The Chairperson: Returning to paragraph 2 —

Mr Lunn: Chairman, you said that those lines will read "the majority of Committee members".

However, no vote was taken; members merely expressed their opinions. How do we know that the majority of the Committee feels that way?

The Committee Clerk: It is up to Committee members to decide on the form of words. The Chairperson communicated on behalf of the Committee at that stage, which reflected to the Minister that there were fundamental concerns throughout the whole process. It is open to the Committee to decide.

Mr O'Dowd: What about "many Committee members"?

The Chairperson: Line 5 states:

"The Committee raised various fundamental concerns"

Mr Lunn: Could we just say "members"?

The Chairperson: Rather than "The Committee"?

Mr Lunn: Yes.

Mr O'Dowd: "Members raised" is fair enough; I would agree to that.

The Chairperson: Thank you. Will we do the same when we come to line 10? Will we use "members"? Are members content with paragraph 2, as amended?

Members indicated assent.

The Chairperson: We move to paragraph 3.

Mrs O'Neill: We need to correct the last line, which states:

"The Committee unfortunately did not receive a draft of the Second Education Bill before the end of the Committee Stage of the Bill."

That is factually incorrect.

The Chairperson: We could change it to read:

"The Committee unfortunately did not receive a draft"

and we could insert today's date. That would be factual. Do you want to put in the time?

Mr B McCrea: I would like to add to that:

"making it impossible for the Committee to consider the second Bill in concert with the first Bill".

The Chairperson: Before we find ourselves with a whole raft of difficult phraseology, we will take it piece by piece. Perhaps members could agree to:

"The Committee unfortunately did not receive a draft of the second Bill until 30 September, making it impossible for the Committee to give any consideration in relation to the first Bill".

Mrs O'Neill: Perhaps we could say:

"The Committee did not receive a draft of the second education Bill until 30 September"

and leave it at that.

The Chairperson: No; the agreement was — and we have heard comments from all members — that we would get sight of the second Bill to help us to have an understanding of the context.

Mr O'Dowd: Is that reflected in the Committee report? The summary is a summary of the Committee report. Where in the Committee report do we reflect on the second Bill?

The Chairperson: We reflect on it in the appendices and the documentation that came from the Department, where reference was made to promises that were given that we would get sight of the second Bill.

The Committee Clerk: It is a quotation from the Minister's statement, where she said that we would get sight of the second Bill before the summer recess. I cannot remember the words, but it is in the statement.

The Chairperson: Paragraph 62 states:

"The Committee had not received sight of any provisions of the second Bill at its meeting on [??] September 2009".

We need to insert a date.

Miss McIlveen: We skipped to the end of paragraph 3. If we read paragraph 3 in its entirety, it explains the context in which we are talking about the second education Bill. It states:

“At this time the Committee Chairperson emphasised the need for scrutiny preparatory work on the Second Education Bill and to examine the two Bills coherently and holistically.”

That is clear from reading the whole paragraph in context rather than skipping to the last line, as we have done.

The Chairperson: I will return to paragraph 3, which we want to read:

“The Committee unfortunately did not receive a draft of the second Education Bill until 30 September.”

What do we want to include, if anything, in reference to the second Bill?

Mr B McCrea: You are welcome to negate —

Mr Ross: It should use the words that are used in the lines above it so that it reads:

“making it impossible to examine the two Bills coherently and holistically”.

That is consistent with the language that was used earlier.

The Chairperson: Therefore it will read: “making it impossible —”

Miss McIlveen: “— to examine the two Bills coherently and holistically”. It is a repetition of the previous line.

The Chairperson: Clerk, if you will read it again, I will put it to the Committee.

The Committee Clerk: The last line of paragraph 3 would be amended to read:

“The Committee unfortunately did not receive a draft of the second Education Bill until 30 September 2009, making it impossible for the Committee to examine the two Bills coherently and holistically.”

Mr O'Dowd: That keeps us happy.

The Chairperson: Are members content with paragraph 3, as amended?

Members indicated assent.

The Chairperson: We will return to paragraph 62 of the main report, which should be amended to read:

“The Committee had not received sight of any provisions of the second Bill until its meeting of”,

followed by today's date.

Are members content with that?

Members indicated assent.

The Chairperson: We move to paragraph 4. If there are no comments, we will move on.

Mr Lunn: Paragraph 4 states:

“Unfortunately there was an almost persistent delay”.

I think that we are being kind. It should state that there was a “constant delay”.

The Chairperson: Or,

“Unfortunately there was a persistent delay”.

Mr Lunn: That will do.

Mr O'Dowd: Although there was a delay in papers coming back, it was not persistent. The phrase:

“there was an almost persistent delay”

allows agreement.

The Chairperson: Some would prefer the paragraph to read:

“Unfortunately, there was an almost persistent delay”,

whereas Trevor Lunn thinks that it should read:

“Unfortunately, there was a persistent delay”.

Those in favour of it reading “a persistent” —

Mr Lunn: It could be changed to read “frequent”, which would keep it simple:

“there were frequent delays by the Department”.

The Chairperson: Should the line be amended to:

“Unfortunately, there were frequent delays”?

Mr B McCrea: The delays were many, frequent and often.

The Chairperson: Sorry?

Mr B McCrea: I was speaking in tautology again. I did not want Chris Stewart to come to the table.

The Chairperson: Do not go there; it sounds painful. The line should read:

“Unfortunately, there were frequent delays”.

Are members content with the paragraph, as amended?

Members indicated assent.

The Chairperson: Are members content with paragraph 5?

Members indicated assent.

The Chairperson: Are members content with paragraph 6?

Members indicated assent.

The Chairperson: Are members content with paragraph 7?

Members indicated assent.

The Chairperson: Are members content with paragraph 8?

Members indicated assent.

The Chairperson: Are members content with paragraph 9?

Members indicated assent.

The Chairperson: Are members content with paragraph 10?

Members indicated assent.

The Chairperson: Are members content with paragraph 11?

Members indicated assent.

The Chairperson: Paragraph 11 should read “having received advice”. It is not often that I pick up on spelling mistakes.

Mr B McCrea: It is recorded in Hansard.

The Chairperson: Indeed, it will go down in history. Are members content with paragraph 12?

Members indicated assent.

The Chairperson: Are members content with paragraph 13?

Members indicated assent.

Mr B McCrea: Can that be changed to,

“agreed to recommend to the Assembly some, but not many”?

[Laughter.]

The Chairperson: Agreed. [Laughter.]

Thank you very much, members. We have dealt with the executive summary. We shall now proceed to the appendices. Members will recall that all contents of the appendices, except Hansard reports, were contained in the grey lever-arch files that were distributed earlier. I hope that they found a prominent place in your offices.

At subsequent meetings, updates to the appendices were distributed to members. Today, the Committee will note any further additions. If it is happy, it will agree that the entire contents of the appendices be printed in the report. If you bear with me, I will go through those appendices for the record.

Appendix 1 contains the minutes of proceedings that relate to the report. Members have approved last week’s minutes. The minutes of today’s meeting will be produced as quickly as possible and circulated to members. Are members content for me, as Chairperson, to approve the minutes of today’s meeting in so far as they relate to the Bill for the purposes of their being appended to the Committee’s report for printing?

Members indicated assent.

The Chairperson: Thank you. Are members content with appendix 1?

Members indicated assent.

The Chairperson: Appendix 2 contains the minutes of evidence. The Hansard report of last week’s meeting

was circulated to you yesterday afternoon. Are members content with appendix 2?

Members indicated assent.

The Committee Clerk: Members have been made aware of the deadline for sending the document to print, which is 4.00 pm today. Members should bear in mind that the meeting last week was five hours long. Certainly, the Hansard report of last week’s meeting was contained in the white envelopes that members received yesterday afternoon.

The Chairperson: Are members agreed that it can be added to appendix 2 of the Committee report and that I, as Chairperson, can approve the Hansard report of today’s meeting for inclusion in the report for printing?

Members indicated assent.

The Chairperson: Do not worry, members; you have not given me power that I will abuse.

Appendix 3 contains written submissions. There are no changes to the submissions that were circulated to members in the grey lever-arch folder several weeks ago. Therefore, are members content with appendix 3?

Members indicated assent.

The Chairperson: Appendix 4 deals with other correspondence and written submissions. The following new items are to be added to appendix 4: the Assembly research briefing paper ‘Comparable issues from Library, Health and Education Bills’ that was circulated to members on 16 September; correspondence from the Department of Education in regard to the controlled schools sectoral meeting that was circulated on 23 September; correspondence from the Minister of Education about possible further amendments and suggestions on the Education Bill that was circulated on 23 September; and correspondence from the Department of Education regarding schedules 3, 4 and 7, which was also circulated on 23 September.

The Committee Clerk: Earlier, the Committee received two more documents for inclusion in appendix 4: the second Education Bill and the amendments from the Department.

The Chairperson: Does the Committee agree that those documents should be included in appendix 4?

Mr O’Dowd: Can we publish the second Education Bill before the Executive see it?

The Committee Clerk: It is a draft.

Mr O’Dowd: Sorry, OK.

The Chairperson: It is usual for a Committee report on a Bill to indicate whether the Committee is content with the long title. I, therefore, ask Members to turn to page 1 of the Bill. The long title is:

“A Bill to provide for the establishment and functions of the Education and Skills Authority; to make further provision about

education, educational services and youth services; and for connected purposes.”

Question, That the Committee is content with the long title, *put and agreed to*.

The Chairperson: In conclusion — I sometimes thought that we would never get here — the Question is that the report, as amended, be the first report of the Committee for Education for 2009-2010 to the Assembly and that the Committee orders the report to be printed on 30 September 2009.

Members indicated assent.

The Chairperson: I conclude by expressing my sincere thanks and appreciation to John Simmons, Alyn Hicks and their staff for the huge amount of work that they have done. We sometimes felt as though we were snowed under with paperwork; however, I can assure you that it would have been all the more difficult had I been left to steer the Committee through it. On behalf of the Committee, I express our appreciation and thanks to John, Alyn and their staff for all that they have done.

I thank the departmental officials for their forbearance and assistance, particularly Chris Stewart and his team, who attended meetings on a regular basis.

Mr B McCrea: Are we taking a vote on that?
[Laughter.]

The Chairperson: I also thank the Hansard staff for their accurate reflection of all our deliberations.

NORTHERN IRELAND ASSEMBLY

COMMITTEE FOR THE ENVIRONMENT

1 October 2009

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) BILL (NIA 10/08)

Members present for all or part of the proceedings:

Mrs Dolores Kelly (Chairperson)
Mr Cathal Boylan (Deputy Chairperson)
Mr Roy Beggs
Mr John Dallat
Mr David Ford
Mr Danny Kinahan
Mr Ian McCrea
Mr Adrian McQuillan
Mr Alastair Ross

Witnesses:

| | | |
|-----------------------|---|----------------------------------|
| Mr James Whitten | } | Department of the Environment |
| Ms Julie Broadway | | |
| Ms Angela Fitzpatrick | | |
| Mr Ian Maye | | |
| Mr Jim Stewart | | |

The Chairperson (Mrs D Kelly): In according with the guidance received, I remind members who are councillors to declare an interest. I declare an interest.

Mr Beggs: I declare an interest.

Mr McQuillan: I declare an interest.

Mr Dallat: I declare an interest, and I will not be participating in the questioning.

Mr Kinahan: I declare an interest.

The Chairperson: Mr Whitten, thank you for coming along.

Mr James Whitten: Thank you for rearranging the evidence session; I was not able to make it to the meeting last week.

I am a retired director of finance for Crawley Borough Council in Sussex. I am making my submission solely as an interested resident and taxpayer. I am

not a representative of any political party or other organisation.

I have submitted written evidence to the Committee as part of my response to the public consultation. I want to make a minor change to my submission, where I refer to Dr Hall as the chairman of a working group which reported to the Councillors Commission. Dr Hall was not the chairman of the working group; he was the author of the report.

My submission is in relation only to clause 17 of the Bill, which deals with severance payments to councillors. I do not want to go through all the submission, because the Committee will have already read that. I am looking at the draft Bill, on which the Committee will make comments to the Assembly in due course.

It seems to me that, as it stands, clause 17 confers a power on the Department to make regulations for those payments, but it does not provide discretion to individual councils to determine whether such payments should be made. It appears that the Department has not yet determined what the payments will be or how they will be funded; whether they will come from departmental resources, or from the councils. In either case, it is certain that the taxpayer will pick up the bill through either the local council tax or the charge that is made from the centre.

Therefore, it is important that local councils be given the opportunity to have their own view on this matter, rather than it being prescribed to them. The working group report on councillor remuneration found that when a severance scheme was introduced in Wales in 2003, individual authorities had discretion as to whether they implemented such a scheme, and some did not. In Scotland, however, the centre directed that payments would be made. A choice has to be made, and the legislation ought to provide the opportunity for local influence to be brought to bear. I am not a parliamentary draftsman, but I think that clause 17 should include an element of local discretion.

The public are concerned about the cost of, and the justification for, the severance scheme. The review of public administration (RPA) proposed a substantial reduction in the number of councils. Originally, the number of councils was going to be reduced to seven, with a reduction of around 160 councillors. That was supposed to happen in 2008; however, given the local revisions, we are now looking at 11 councils and a reduction of 120 in council posts.

It is pertinent to reflect on the situation that existed before devolution. The fact that there are now 108 MLAs involved in public administration must also be taken into account. The overarching number of public representatives for which the taxpayer pays is being reduced by only 12. That does not warrant a severance

scheme, and it certainly does not warrant one that has been estimated to cost from £2 million to £5 million, as was considered in the consultation paper.

It is also relevant to compare the situation here with the substantial reorganisation that has taken place in England. In April, seven county areas in England, with a combined population of 3.2 million residents, were reorganised so that the original 44 county and district councils became just nine unitary councils. All of those authorities undertook a broader range of services than most of the 26 district councils in Northern Ireland. It is interesting to note that there were no severance payments for the councillors who stood down. An analogy can be drawn from that.

Perhaps more importantly, given the present state of public finances, it appears to be somewhat of an extravagance to go ahead with a severance scheme which was first proposed in 2005. Public finances were more buoyant then than they are now. As we all know, the world has moved on financially. Front line services are now under greater pressure, and there can be little justification for incurring additional major costs through a severance scheme. I am asking that clause 17 be deleted; however, that is a matter for the Assembly to consider.

I do not want to finish on that note, because councillors provide a valuable service to their communities, and their contribution to public life should be recognised. Local councils have been doing just that for a very long time, and my view is that they should be left to make their own arrangements, as the cost to the public purse would be much more modest.

Mr McQuillan: You say that the local councils should make the arrangements. Will you elaborate on that? In which way do you see that happening?

Mr Whitten: Every council has its own arrangements for celebrating the service of councillors who leave following an election. The ultimate accolade that can be given to someone who has given exceptional service over many years is the freedom of the borough or equivalent for whatever type of council it is. However, there are other ways in which people's contributions can be rewarded. Lots of organisations reward long service with a memento of the person's time working there, such as a bowl engraved with the coat of arms or a silver salver.

Mr McQuillan: Someone who serves on a council for 30 years or more will have given up a lot of their family life. I have served two terms on my local council, and my son has grown from a four-year-old to a 16-year-old in that time. I have not seen him, and I hardly put him to bed at night even once. I do not think that being presented with a glass bowl would be worthwhile after all that.

Mr Dallat: I have no sheep to graze in the town centre. *[Laughter.]*

Mr Ross: Part of the idea behind the severance package is to reward long service. However, another reason is to encourage people who are not going to stay in local government to move on and make way for new blood to build capacity for when the new councils go live. In previous weeks, I have said that the window for the severance package should be shorter, so as to encourage people who have no intention of standing again to leave local government and let new people in. Making sure that the new councils have the adequate capacity when they go live is a big issue. The severance scheme is partly aimed at doing that. How do you see councils being able to build capacity with new members, and getting people who do not want to stand again to move away, without it?

Mr Whitten: That is a relevant point. The first thing is divide responsibilities between the Assembly and local councils. I noted that quite a lot of Members had to declare an interest because they wear two hats. That is the first thing: to free up room for new blood to come in at local council level. In Wales, part of the justification of the scheme was just that. However, anecdotal evidence of the Welsh experience showed that there was not much change in the age profile of members of the authorities after the introduction of the severance scheme. The majority of local councillors, particularly in England and Wales, are older, maybe because they have more free time to contribute.

To some extent, the severance scheme is a disincentive to existing members who may want to serve one of the new authorities. Some of those people may take the money rather than lending their long experience to the new authorities. That may happen if the scheme is too generous, so a balance has to be struck. It is down to individual members to make their own value judgements. I do not have any specific suggestions on how to get younger people and new blood into councillors' roles.

Mr Ross: I do not want to appear ageist. I was not necessarily saying that younger people should be brought in. I was just talking about the people who will be there, because —

The Chairperson: New faces.

Mr Ross: Yes. A certain amount of training is needed because the new councils are going to have new powers. It is not necessarily about younger people.

Mr Whitten: No; it is not. In your earlier discussion, the point was raised about the equality agenda and involving a broader cross-section of people in local councils and other organisations. I refer the Committee to an excellent report that was produced for the Councillors Commission in England. It addresses that very issue, particularly with reference to getting women

into community empowerment and involving minority ethnic groups in what goes on in their communities. There are things in there that could be done. Access to community empowerment is the problem. All councils need to reflect on how they acquire new people to stand for election.

Mr Boylan: Dr Robert Eames received the freedom of Armagh city, and I do not see him chasing sheep round the Mall every Saturday morning, which was the tradition.

You referred to other areas, but I think that the North is unique in what it has gone through. I was a councillor, and I will not be receiving any payment. I am co-opted now. The amount of work must be put in context. I worked nights, which Mr McQuillan referred to. Outside of severance pay, what else can be given to those councillors for all the work that they have done down through the years? I am glad that you did not finish on your proposal to take the severance package out altogether. How can those people — some of whom have given 30 years of their lives — be compensated? You can talk about Wales, Scotland and elsewhere, but the North is unique.

Mr Whitten: That has been addressed through the remuneration package, which reflects the time that people devote to local council duties in the wider sense. The basic allowance system that was introduced in the 1990s was designed to reflect the time commitment involved in undertaking those duties.

The Chairperson: I have to tell you that it is well below the minimum wage.

Mr Boylan: I do not think that the public have the right perception about the amount of hours that councillors put in. A lot of good work has been carried out, despite what has gone on in the media for the past 12 months, and that has to be appreciated.

Mr Whitten: Certainly. I know that, because I have worked in the system.

Mr Kinahan: I take on board the current climate and all that has been said in the media. I did not plan, five or six years ago, to be a politician. I was asked to join a council and thoroughly enjoyed it. However, I cannot believe how much work councillors put in. I was told that it would take up a day a week, and maybe one evening.

The Chairperson: I was told that too.

Mr Kinahan: However, it ended up being two full days and every evening, plus attendance at other events. What staggered me was the fact that there were people there who had done that for 30 years — most of that time without any pay. They now get some pay, although it is a tiny amount for the pressure, the time and the effect on family life. I saw the severance package as working through for councillors with long service.

There is no pension system. A gold watch or an etched bowl is almost the biggest insult possible. I worked at Shorts for three years and saw people being given a gold watch after 40 years' service, and I was appalled. However, they did get a pension. They had had a career and they had had a job all their life, and all that must be borne in mind.

Wales and England have different payment systems. I am nervous about the idea of leaving it to councils because then they end up with pressure from the press, which distorts all that goes on. I take Mr Whitten's point: yes, we must look at the severance package, but I am afraid that we need to praise the old councillors — "old" is the wrong word; I mean those who have given long service and have given lots of time.

Mr Whitten: Of course, that point is relevant. However, as I understand it, the severance scheme is a one-off payment and will not continue, while your point applies in perpetuity.

The Chairperson: Yes, it is. At risk of running afoul of any guidance on the contribution that I am allowed to make, although the severance scheme is a one-off, there will be different payment structures with regard to ongoing financial reward for people who choose to enter public life. Therefore, there is a difference between the situation in the future and that of the past.

Mr Whitten, thank you for your presentation; your points were well made. I hope you feel that you have been heard. We will see how the Bill proceeds in its Committee Stage and in the Assembly.

We have a letter from the Rural Community Network outlining its views on the Bill. We also have the Northern Ireland Council for Voluntary Action's views on the Bill, presented after I spoke at the local government event that it hosted on 16 September. As I reported to the Committee last week, I spoke at the annual general meeting of the National Association of Councillors (NAC) last Friday evening. The major concern there was around finance and whether there is enough money to see through the RPA. As additional powers are moving across to local councils, the NAC is concerned about whether the appropriate budgets will move across. The Committee may want to put that to the Department, either this morning or by writing to the permanent secretary or the Minister.

Mr Boylan: I agree. The issue of the funding package is raising its head, so we must try to get some answers.

The Chairperson: We also have letters from the Women's Ad Hoc Policy Group on the gender breakdown of statutory transition committees. We could incorporate the key issues raised in those letters into the Committee's report on the Bill. We could also forward the letters to the policy groups on the RPA, and to local councils. It will be a matter for political parties as to who they nominate at council level to sit on the committees.

Mr Kinahan: That is the way to deal with the issue — leave it to the councils.

The Chairperson: We have an updated table which outlines each clause of the Bill and explains the issues that have been raised in submissions to the Committee. We have an opportunity to consider each clause and decide whether we are content with them as drafted or need to get further information or seek amendments. Officials are present to provide an overview of clauses 9 to 17 and 20 to 23, which relate to reorganisation, and to answer any queries that Committee members may have on the clauses.

I welcome Ian Maye, the deputy secretary from the Department, who was mentioned earlier; Julie Broadway, a grade 7 officer in the local government policy division; Jim Stewart, a deputy principal in the local government policy division; and Angela Fitzpatrick, a deputy principal in the local government policy division. I invite you to take us through each clause, explaining briefly what they mean in practice, and take any questions that members have on a clause-by-clause basis.

Mr Ian Maye (Department of the Environment): I want to make a couple of opening points before I pass over to my team, who will deal with the detail of the issues. I will be involved throughout the discussion.

Important points were just raised about the funding of the programme, whether it would go ahead on time and whether it was worth taking forward. Those questions are increasingly being asked, and the Minister is aware of them. As members know, the Minister is going round each statutory transition committee, and those issues are being put to him.

On the issue of funding, we have almost completed a full economic appraisal of the programme. That is a major piece of work, on which we have been supported by PricewaterhouseCoopers (PWC). We will bring that to the strategic leadership board on 16 October. It needs some polish applied to it, but it demonstrates that if certain choices are made — made by you, as politicians — the programme will yield significant future cash and non-cash benefits for citizens, ratepayers and taxpayers. Critically, however, those dividends will only be delivered if choices are made over the next few months about how local government will be brought together from May 2011 and beyond, and what it does in that period.

The strategic leadership board will be faced with some important issues. We look forward to having a full discussion with the board. The Minister will want to take those views away and present them to the Executive. The next stage in the process will be to take a proposal to the Executive: first, to get their continued commitment to delivering the programme — my Minister is absolutely committed to that; and

secondly, to tie down how it will be funded. We need precise information on funding mechanisms, and we need clarity on that before the beginning of the next financial year. The statutory transition committees will need that information and will need to know where the money is coming from to get the job done.

Those are the general points that I wanted to make. Things are beginning to come to a head, and we are reaching a point in the process where we will be taking concrete advice to the Executive so that they can agree a funding mechanism and a funding programme to take the work forward. Today, we are talking about the detail of the Local Government (Miscellaneous Provisions) Bill, which will also take that work forward, particularly since it gives us the enabling provisions to put the statutory transition committees in place.

Increasingly, as we move the programme forward, the statutory transition committees will make key decisions and take forward key work at the local level to bring the new councils into being. They will modernise the councils, drive out efficiencies and savings in the long term and drive out improved services for citizens. It is critical that the transition committees be set up at the earliest possible opportunity next year to deliver the programme. My Minister is absolutely committed to that; he will take the package to the Executive and seek their continued support for the programme. I know that he has had discussions with individual Executive colleagues over the past few weeks and that they are committed to taking this forward.

The Chairperson: Thank you for your presentation. Those are important points to make, and it was important for us to hear them. We look forward to seeing the outworkings of the economic appraisal. However, previous Ministers gave commitments to ensure that the representation on the statutory transition committees would be subject to checks and balances. Some parties are not represented on some councils, and I am sure that members of other parties would like to hear how that will be addressed, because it is not addressed in the legislation before us today.

Mr Maye: That is one of the issues that we want to explore in detail with the Committee. The Minister was conscious that the then Minister had asked policy development panel A, which focuses on the governance arrangements for the new councils, to consider how the governance package that the policy panel agreed and brought to the strategic leadership board could apply to the statutory transition committees, and could ensure, as far as possible, that there was proper proportional representation on those committees. The panel recommended that the new model, which was designed for the 11 new councils, should be used to the maximum extent possible in populating the new statutory transition committees. The detail of that model will be in the

local government reorganisation Bill. This Bill gives us the first taste of what that will be.

The policy development panel's core proposals, which have been agreed by the strategic leadership board and which the Minister is taking to the Executive in the local government reorganisation Bill, involve tying down the mechanisms and providing flexibility and options for the new councils to choose from three models in particular: d'Hondt, Sainte-Laguë and single transferable vote (STV). The flexibility to choose the precise method of applying d'Hondt, Sainte-Laguë and STV is reduced, and we do the same as is the case in the Assembly. The subordinate legislation that supports the new governance arrangements will specify in detail how those mechanisms will be applied. It will then be for the new councils to choose which allocator method meets their needs, and that choice will be a matter for political discussion in each council.

That is the broad model, and there is a lot of detail around how it will work. The Department is seeking to bring the elements of that model into the construction and composition of the statutory transition committees, so that they operate in almost a shadow sense, and use to the maximum possible extent the governance arrangements that will apply to the new councils.

The Chairperson: It might be useful for the Committee to receive a briefing paper on that at an early stage.

Mr Maye: We will be very happy to do so.

The Chairperson: Thank you.

Ms Julie Broadway (Department of the Environment): Clause 9 defines certain terms that are used in Part 2 of the Bill in relation to the provisions of local government reorganisation. Clause 10, "Control of disposals and contracts of existing councils", sets out a system of controls on disposals of land and capital and non-capital contracts being entered into by the current 26 district councils in the period leading up to their dissolution and the establishment of the 11 new district councils. The Department will have powers to direct that councils must, from a specified date, obtain consent from their statutory transition committees before engaging in the specified activities, subject to minimum thresholds. Those activities are disposing of land and entering into capital and non-capital contracts.

The Chairperson: A number of councils have raised concern about that. You may have heard the issue of veto raised earlier in the meeting.

Ms Broadway: Yes.

The Chairperson: What cognisance is the Department taking of the presentations and submissions which Belfast City Council and Omagh District Council?

Ms Broadway: It is important in the run-up to reorganisation that statutory transition committees be given a right to have some view on the disposals of land and contracts. After all, contracts that are entered into now could affect all of a new district. That is why the Department thinks it important that the statutory transition committees should have a view.

Mr Maye: That view came directly from one of the policy development panels. The panel was conscious that, because we are not going to have a shadow period, that the statutory transition committees, which will be asked to strike the rate for the new councils for their first year and set their budgets, need to have some control over spending, particularly in the constituent councils' last year. It is, in a sense, protecting the interests of the new councils in that first year, and acting almost as the angel on their shoulder watching over the existing councils, and, to a degree, bringing some control and coherence to the preparations for the new councils.

The Chairperson: Some people are not of the view that there are many angels sitting on shoulders. *[Laughter.]* More like a monkey on your back.

Mr Boylan: Obviously, there are corporate plans and projects ongoing. What are we looking at with regard to time frames and vetoes? Obviously, we are looking at putting the Bill through, but I am sure that there are councils that are trying to get projects up and going. There are obviously concerns. Last week, I mentioned one end of the district compared to the other. But what is the time frame? When can that start, when will it stop, and is it part of the ongoing work?

Mr Maye: It is very much so. Individual councils are bringing their capital programmes and individual projects to transitional committees, not with a view to the transition committee having a veto in its current voluntary phase, but to share information, and to make sure that everybody is comfortable that that project or programme makes sense in the run up to the creation of the 11 new councils in May 2011.

The Minister's intention is to put in place the new statutory transition committees as early as possible in 2010. We have issued guidance to the existing voluntary transition committees and set out a fully detailed implementation timetable, which we will be adding detail to as time goes on. However, some of the key tasks that we have asked those transition committees to deliver can only happen when the statutory transition committees come into being and assume their new powers.

The first critical task for each committee is to appoint a chief executive designate. The view that we are getting from the strategic leadership board, the policy development panels, and across the sector, is that it is important to get that person in post as early as possible

next year. The current intention is that the statutory transition committees will appoint chief executives designate for the new councils by around March next year. Therefore, it is important that those committees are in place before that so that they can take control of the selection process and make the final choice as to who they want to take charge of their new council. That is the starting point, and we want those chief executives designate in place as early as possible.

The last year or 14 months in the run up to May 2011 is absolutely critical in converging the work of the existing councils, for bringing together programmes, and for looking at the systems and human resources issues. The statutory transition committees needs to play a very strong role in driving that process, supported by the chief executives designate and the new senior management teams designate, and working with the existing teams and the existing councils. Increasingly, however, the statutory transition committees will be providing the glue that holds those preparations together.

Mr Beggs: I declare an interest as a local councillor. I can see that the transition committees are a reasonable mechanism to regulate future investment that has implications for future councils and in allowing some projects to go forward. I understand that, at present, the Department has to approve significant investment. Could the Department regulate such significant investment without giving that authority to the transition committees? Does the Department have the power to refuse any major new investment because the councils are going through a period of change? Will the Department continue to have a role, and could it regulate that without the transition committees?

Mr Maye: In theory, it could. However, I think that it would be quite difficult for the Department to take a view, based on what is happening at local level, on whether there was a specific need for a project to be taken forward. Some of the work that is already under way needs to be carried forward and completed.

In a sense, the proposition that the Minister is putting on the table is for the statutory transition committees and the Department to play a role in the process, to provide the necessary checks and balances and ensure that the decisions made are in the interest of the new council and are fully considered, not only by the individual councils within the current 26 councils, but by the transition committee. When those projects come to the Department, they come with the benefit of that consideration. We think that the transition committee considering a proposal makes sense in the context of the new council, and makes it easier for the Department and the Minister to decide whether a loan sanction is provided. Equally, if there is no agreement, that puts the Minister and the Department in a position

to consider whether a loan sanction is not granted for a particular project.

Mr Beggs: Do you need to legislate for that? In the future, could the Minister or the Department decide that if councils wish to have major capital expenditure approved, the Department will have to be satisfied that it is a reasonable investment and that there is support in the transition committees? Could that be regulated without the need for legislation?

Mr Maye: The difficulty with the system that is currently available to the Minister and the Department is that it is difficult to enforce. The ultimate sanction is the withholding of loan sanction, as the project cannot then go ahead. Equally, however, that could give rise to legal issues and the Department could be challenged by an individual council in those circumstances.

The Department feels that the transition committees must be given a statutory role in the process, because of the nature of the work that they are being asked to deliver for, and in advance of, the new council.
[Inaudible due to mobile phone interference.]

Indeed, concerns have already been raised by neighbouring councils within the transition committees that things are happening that really should not be happening, and that liabilities could be incurred that carry forward into the new councils. It was with those issues in mind that the Department suggested both statutory provision and the backstop of strong intervention by the Minister through the loan sanction arrangement.

The Chairperson: Mr Dallat, did you indicate that there was interference in the hearing loop system?

Mr Dallat: I could not hear a word that was being said. Someone's mobile phone was going constantly.

The Chairperson: Can everyone please turn their mobile phones off? They are interfering with the hearing loop system. Phones must be turned off and should not be on silent or on divert.

Mr Ford: First, I must apologise for being out of the room, and for now being in the position of having to redeclare my interest as a member of Antrim Borough Council. Secondly, and in the context of clause 17 I also state that, as an MLA, I do not expect to take advantage of any severance payments.

Mr Maye, you appeared to refer to the benefits of the Department consulting the transition committees, and yet clause 10 of the Bill prescribes that they will be given statutory powers of veto. I cannot disagree with a word that you said about the benefits of the transition committees being consulted, but I can conceive of a situation where the majority of a transition committee might take a short-term view of an investment that was felt to be quite important

by representatives of a minority council within that committee.

You also appeared to downplay the fact that the Department, in exercising its loan sanction decision, actually has the ultimate play, which we have all understood that to be the statutory position for many years. You almost implied that loan sanction did not really count, because it could be legally challenged, but also suggested that the provisions of clause 10 could not be challenged in such a way.

Mr Maye: There is always a risk with the current loan sanction regime. The Department must demonstrate that it has good reason to turn down loan sanction for a project, because a project will only have been forwarded by a council after full consideration of its merits. We feel that we need a bit of both. We need to be able to use the loan sanction arrangement to the maximum degree possible as a control mechanism, but the statutory transition committees must also have a strong role in the process — not just a consultative role but a strong role.

However, I take the Member's point that that could militate against some councils in a particular group, and I am very happy to take away any ideas the Committee has, and discuss those ideas with the Minister and the policy development panel concerned. We believe that we have a reasonably balanced package on the table, but we welcome any proposals that the Committee may have to make that package even better.

The Chairperson: The Committee may come back to you on that.

Clause 1(3) says that clause 1 will apply to contracts entered into after 22 June 2009, and that date has now passed. Does the Department have another date in mind for that?

Mr Jim Stewart (Department of the Environment): As was mentioned last week, the Department is considering omitting that clause from the Bill, subject to ministerial agreement. When the Bill was originally drafted, the Department envisaged that some risk-management contracts could have been let in the intervening period between the Bill's being introduced and its being passed. Those contracts have slipped a little, so that date is not a key date and, with the Minister's approval, we hope to be omitting that particular provision.

Ms Broadway: Clause 11 clarifies the powers of statutory transition committees when giving consent for the purposes of a direction, and makes provision for contracts where the consideration is not wholly in money. Where the value of a consideration is questioned, and the council and the statutory transition committee fail to reach agreement, the Department will have the power to determine the value of the consideration.

Clause 12 provides that a statutory transition committee considering an application from a council for a disposal or contract shall take into consideration any other disposals or contracts undertaken by the council from a date specified in a direction from the Department.

The Chairperson: Has the Department indicated yet when that date might be?

Ms Broadway: No, not yet.

Clause 13 covers the contravention of directions. It provides that, where an existing council makes a disposal or enters into a contract without obtaining the consent required under the terms of a direction made by the Department, the disposal is void and the contract cannot be enforced against the successor council.

The Chairperson: Belfast City Council commented on that. Do you have a note of that?

Ms Broadway: Yes, I have a note of it, and we are seeking legal advice. We will come back to the Committee on the issue of voiding.

The Chairperson: Yes. You can come back to us on that.

Ms Broadway: Clause 14 provides that the Department shall, by regulations, establish a statutory transition committee for each of the new councils and that such a committee will be a body corporate. The regulations will provide that statutory transition committees will consist of members of predecessor councils, and may provide for the appointment of the chairpersons and other members of the committees; their tenure of office; procedures to be followed; the payment of allowances to committee members; and the making available to committees of the facilities, staff and premises of existing councils.

The clause also enables the Department to make payments to committees, and provides that they are local government bodies for the purposes of account and audit. That relates back to one of the points raised earlier. The Department will apply the same provisions on accounts and audit to transition committees that it currently applies to councils.

The Chairperson: There is significant unease about the shotgun weddings that are being proposed. For example, some of the larger councils, such as Derry, and some of the smaller councils, such as Strabane, are concerned about equal representation. Does the Department have a view on that?

Mr Maye: Those views were very carefully considered by policy development panel A, which considered a number of options. The proposal that the panel brought back was to stick with equal representation across the council groups. The panel felt that that was the best

and most defensible option. It felt that none of the alternatives offered a better solution.

That was taken before the strategic leadership board. It was also taken back into Department leadership structures to be validated. That is the view that we have taken forward, and the model that we have applied to the construction of the current voluntary committees, and the one that we propose to apply to the new statutory transition committees.

Mr Ford: I cannot find reference in the Bill to the specific definition of “predecessor council”. What happens to the representation of people from what one might call greater Dunmurry or greater Cregagh in the context of the new Belfast council? It is clear that, for 10 councils, there is no issue as to what the predecessor councils are, but it seems to me that setting up a transition committee for Belfast which ignores the interests of those who currently live outside the city of Belfast is not the way to provide good governance for those suburbs.

Mr Maye: To a degree, the issue is linked to how the new council boundaries will be settled. As you know, the Minister is currently considering the Local Government Boundaries Commissioner’s report. In the not-too-distant future, he will bring forward a paper to the Executive and an Order to the Assembly. That complicates the issue a little. We recognise, however, that the two councils and the two transition committees will need to work together, because there are a number of issues.

First, there is the issue of how the interests of citizens and ratepayers who are due to transfer to the new Belfast council area are represented. Service delivery issues need to be considered, and those people need a mechanism that ensures that their voices heard are through their elected representatives. We are considering that issue.

Secondly, there are significant assets and liabilities in the ownership of Lisburn City Council or Castlereagh Borough Council that are due to transfer to the new Belfast council. Again, there needs to be a mechanism for discussion about what will happen to those assets and liabilities and about the impact that decisions about them will have on service delivery, not only in the area that is being transferred but in the area that is not.

For example, Castlereagh’s major recycling and waste management facilities are located in an area that is due to transfer to the new Belfast council area. How then will the new council for Castlereagh and Lisburn deliver those services to the areas of Castlereagh that are not transferring? The two council groups and the two statutory transition committees must consider, discuss and negotiate those types of critical issues.

On one level, all those issues can be dealt with by negotiation and through detailed discussion between

the two statutory transition committees. This is really the only area where two neighbouring committees will have to work closely together. It is not just an issue for the elected representatives in the areas that are moving; there are broader service delivery and legacy issues to deal with.

Equally, people living in areas that are being transferred to a new council will need to have some sense that their voices are being heard. The Belfast transition committee cannot simply decide how that new population should be served; rather, the existing elected representatives in Lisburn and Castlereagh must be able to express a view on that and the Belfast transition committee must then take that into account when making its decision.

Therefore, we are looking at a number of options, ranging from simply providing detailed guidance — rules of engagement — to manage the discussion between the Belfast transition committee and the Lisburn-Castlereagh transition committee, to putting in place formal arrangements whereby the Lisburn transition committee is represented on the Belfast transition committee. That could involve either people being co-opted to the Belfast transition committee or a subcommittee being formed, drawn from both transition committees and reporting back to both. Something of that nature will be needed in order to allow those discussions to happen — and there is no doubt in anyone’s mind that they should happen.

We are considering those options. We are also considering urgently whether the powers that we are seeking in the Bill are sufficient to provide for that degree of co-operation between the two neighbouring transition committees in order to deal with those issues.

Mr Ford: What you have set out is a perfectly logical way of discussing the issues of service delivery and asset management between the two transition committees for the two future councils. However, my question was more about the representation of citizens from the areas that are being transferred. I do not know who is currently on the Lisburn-Castlereagh transition committee or who will be on the statutory committee. The most logical option would be to have councillors representing the areas that will be transferring to the new Lisburn and Castlereagh council area.

How are people being directly represented on the Belfast transition committee, given the vast powers that are being given to it to set the direction for the new Belfast council? That can be resolved only by having representatives on the Belfast transition committee who are from the areas being transferred.

As far as I can see, this is not a significant issue; the only other boundary area that is really affected is a small corner of Banbridge. I suspect that its population does not warrant inclusion in the Newry and Down

transition committee. However, there is a clear case for Lisburn and Castlereagh representatives to be on the Belfast transition committee if it is to perform the functions that the Bill proposes to give to transition committees — to set the future direction of Belfast for many years. That cannot be done simply by Lisburn and Castlereagh, with their other priorities, having occasional chats with Belfast.

Mr Maye: That is one of the options that we will consider as part of the process. It is one of the issues that we have to weigh up in the balance.

Mr Dallat: I hope to lighten this discussion a wee bit. Local councillors love their titles — Mr Mayor, alderman, and the cloaks and big chains of office. Has any thought been given to borough status? Earlier, we were talking about freedom of boroughs and being able to graze sheep in town centres. During the last reorganisation in Coleraine, which was way back in the 1950s, the chains of office just disappeared — not that I particularly want one. Is there any thought about that?

Mr Maye: We have been thinking about those issues in relation to the status of the districts themselves — city status and borough status, because there are issues to address — and also whether we carry forward the alderman structure. If a council area is a borough, we have to think about what to do about the chains of office and all of those issues.

Mr Stewart: Where a council that currently has borough status is coming together with other councils, it is likely that we will include provisions in the statutory transition committee (STC) regulations to enable the STC to decide whether it wants to retain the borough status for the new council district. We are continuing to take legal advice on that matter, but that is the instance. There is one council — I think that it is Omagh and Fermanagh — that will be a district council because neither of those councils have borough status currently. All of the others will have the option of retaining borough status.

Our difficulty is in relation to the cities. Some of the city statuses that have been awarded in the past refer to the borough, and some refer to the previous town. We are having a little difficulty in sorting out the legal implications of that. However, generally it will be a matter for STCs to decide whether they wish to retain borough status for the new local government district, so they will be able to keep their chains of offices, and so on.

Mr Dallat: So there will not be a surplus of mayors or mayoral cars? *[Laughter.]*

Mr Stewart: There may well be.

Mr Boylan: I was going to make a remark about the sheep again, but that is OK.

The Chairperson: Well, enough about that. We have too much work to do. Clause 15?

Ms Broadway: Clause 15 provides that the functions of statutory transition committees are essentially — *[Inaudible due to mobile phone interference.]*

It also enables the Department, by regulations, to confer powers and impose duties on committees, in particular concerning the making of district rates and the appointment of staff.

The Chairperson: Or, indeed, redundancies. There will be redundancies in the new councils. They will not need all these directors.

Mr Maye: *[Inaudible due to mobile phone interference.]*

It will then be for the existing council and the statutory transition committee to determine who is accepted for severance. The severance payment would be paid on the first day of the new council. That is still being discussed. *[Inaudible due to mobile phone interference.]*

Whether it is in the interests of the existing councils or the statutory transition committees to allow individuals to leave early is a different matter. *[Inaudible due to mobile phone interference.]*

The Chairperson: Are people looking to hedge their bets? Surely, the appointments to the new positions will be made in advance of the first day of the new councils. In effect, there will be too many cooks in the one kitchen.

Mr Maye: *[Inaudible due to mobile phone interference.]*

It is not every member of staff; it is a very small proportion. However, it is still a significant number of people, and choices will have to be made about where they fit in the organisation. *[Inaudible due to mobile phone interference.]*

There will be some jobs that will need to be done in the new councils. *[Inaudible due to mobile phone interference.]*

There will be jobs for a small number of people to wind down the old organisation. *[Inaudible due to mobile phone interference.]*

It is quite a complicated mix, and it will come down to detailed negotiation with individuals within the context of the new structure being settled by the statutory transition committee.

The Chairperson: I will wish to return to that issue, because it must be done in the best interests of the ratepayer, as opposed to those of the public servant.

Another phone is switched on, and it is seriously interfering with the Hansard recording. Members, please turn your phones off.

Mr Beggs: Are there any estimates on the cost of the redundancy scheme? Can you provide any guidance on whether the transition committees will have the power to veto new appointments? There is little point in appointing a new chief executive to be in place for 18 months and then be given a redundancy package.

Mr Maye: The working assumption is that the people who are newly appointed by the statutory transition committees will TUPE across into the new organisation to do the job that they have been appointed to do. It is assumed that they will not necessarily be able to avail themselves of packages. The people who are at risk in the current organisations will be eligible to be considered for the severance package. We do not regard the statutory transition committees' appointments of chief executives designate, directors of human resources, directors of finance, or any other such positions that they feel are needed, to be in the at-risk group. Therefore, they will not be eligible for severance packages.

Mr Beggs: What role, if any, will the transition committees have in filling existing vacancies in councils as the RPA date approaches?

Mr Maye: The Local Government Staff Commission has issued a document that puts in place a new vacancy control system, with effect from today. That control system will be exercised and operated by the existing councils.

As time moves on, and as the new statutory transition committees are appointed and take up their roles, there will increasingly be discussions on the filling of vacancies. That will have budgetary implications, and it may mean that a post is filled by an individual who might have to draw down the severance package and leave the organisation in May 2011 or shortly after, so it is legitimate for a statutory transition committee to have a role in determining whether the post should be filled and, if so, how it should be filled. The local government reform joint forum will be considering how, when we reach that point, the statutory transition committees exercise a role in vacancy control in the existing 26 councils, and how those negotiations and discussions happen in reality.

Mr Beggs: You seem to be saying that you see that evolving role being governed by Local Government Staff Commission guidance. Is that correct?

Mr Maye: The current arrangements have been agreed collectively by the local government employers, the Civil Service members who are on that negotiating forum, and the trade union side. The staff commission provides an independent and joint secretariat to that body. In a sense, we are using the staff commission as the vehicle to issue the vacancy control document, because it then attracts the potential use of the Minister's power of direction if a council wilfully ignores the guidance that has been issued. It does not mean that

the staff commission has drawn that together: it did some of the legwork at an earlier stage, but the decisions on the final shape of that document were a matter for the local government employers who sit on the local government reform joint forum, and for trade union side. That is where that negotiation and agreement occurred.

Mr Beggs: You seem to be saying that it is the trade unions and senior council officials in the local government employers who are —

Mr Maye: No. The local government employers are represented by elected members and officers from the National Joint Council for Local Government Services and the Northern Ireland Joint Council for Local Government Services, so it has political representation and officer representation.

Mr Beggs: So long as there is no conflict of interest at that level in determining procedures.

Mr Maye: We are very conscious of the potential.

Mr Dallat: I do not want to wander away from the Bill again, but when all of these early retirements, severances, redundancies, enhancements and all are taken into account, is it not the case that no savings will be made?

Mr Maye: We do not think so — not based on the work that has been done so far on the economic appraisal, which, as I said, will be taken to the strategic leadership board. In the economic appraisal, we have identified as precisely as possible the upfront implementation costs, including severance for members, severance for officers, systems costs for designing new systems and putting them in place, and a whole range of other costs that will need to be met in creating the new 11 councils, and balanced them against the areas where savings will be driven out and the potential for savings to be driven out. All of that is set out in great detail in the economic appraisal, which will be brought to the strategic leadership board on 16 October.

The Minister has already said in response to an Assembly question that he intends to publish that economic appraisal. Once there is agreement on the shape of that economic appraisal, I suspect that the Minister will want to make a statement to the Assembly to set out what it means and seek to demonstrate that the programme makes sense for citizens, ratepayers and taxpayers.

Mr Dallat: So we can dispel the rumour that, because of financial restraints, there will be elections next year for another four-year term to the existing 26 councils?

Mr Maye: My Minister's firm intention is to deliver the programme, and that means that there will be elections in May 2011.

The Chairperson: Move on to clause 16.

Ms Broadway: Clause 16 will enable the Department, through regulations, to provide that any local government legislation or rating legislation that applies to an existing council will apply to statutory transition committees, with or without modifications, or that it will not apply in relation to that council or apply with modifications. The clause also defines “local government legislation” and “rating legislation”.

The last time we were before the Committee, some concerns were raised that this seemed to be a very wide power for the Department. However, I will explain the Department’s intention. We want, as far as possible, to apply the provisions of the current local government and rating legislation to statutory transition committees, with the necessary modifications to set the context. We will modify “council” to “statutory transition committee” and “councillor” to “member”.

In relation to disapplying certain bits of the legislation to the current councils, perhaps I can give an example that will demonstrate the Department’s intention. Statutory transition committees will be given a specific function to strike the rate for the first year of the new councils. However, the current local government legislation places that duty on councils. Therefore, we need to disapply that provision for the first year of the new councils.

The Chairperson: OK. We will move on.

Ms Broadway: Clause 17 provides that the Department may make regulations for a severance scheme for councillors that would set out when the scheme would be held; the eligibility criteria, such as length of service; the amount of the severance payments; and the method of calculating those payments. The clause also amends section 4(1) of the Local Government Act (Northern Ireland) 1972 to disqualify anyone who receives a severance payment from being a councillor in the future.

Mr Ford: Sorry Chairperson, I am a bit slow. Can I go back to clause 16 for a moment? Based on what you have just said, what functions will remain with the existing councils after the statutory transition committees are established? It seems to me that that regulation, even in the way in which you outlined it, will mean that, potentially, the councils could have no remaining functions other than to continue to manage existing services, with any significant change being implemented by the transition committees. Therefore, councillors who are not on that committee will have nothing to do.

Mr Maye: The critical issue, and the only area in which we seek to disapply the existing rating legislation, is in relation to the striking of the rate for the coming year, because the responsibility for striking the rate and setting the budget for the new councils when they take up their mantle in May 2011, and for that short period from the beginning of April to the election date, will

fall to the transition committees rather than the individual councils. Therefore, for that year alone, the 26 councils will not strike the rate for the year ahead —

Mr Ford: You say that that is the only area, but you have already outlined the issues of approval for capital projects and the appointment of senior staff. Therefore, it is not just about the rate for one year; it is about anything that has significant, long-term implications for the council. When you consider the relatively low level of activity that may require a loan sanction, if that all goes to the transition committee, there is very little left for the existing councils to do.

Mr Maye: That is a consequence of the decision that was taken about a year ago not to have a shadow period but a sharp transition from the old councils to the new ones in May 2011. That, in a sense, transferred the onus for key decisions and actions in that final year, in preparation for the creation of the new councils, to the statutory transition committees. I think that you are right —

Mr Ford: There will actually be a sharp transition from 26 councils to 11 transition committees at some date in the next few months. Some councils will then remain with no significant functions until May 2011.

Mr Maye: That is a fair and valid point. You are absolutely right. The existing councils will continue to deliver and develop services and programmes, but they will do so in the context of the transition committee’s work. It is a direct consequence of the decision not to have a shadow period after the election of the new councils. The view that was put to us by the policy development panels and the strategic leadership board, and which the Minister accepted, was that that was a necessary evil in the circumstances of not having a shadow period after the election.

The Chairperson: I have another meeting to attend briefly. I am indebted to the Deputy Chairperson, who will continue the meeting and oversee the formal clause-by-clause procedure. Thank you.

(The Deputy Chairperson [Mr Boylan] in the Chair)

The Deputy Chairperson: Do members have any other questions?

Mr Beggs: Mr Maye pointed out that the transitional committees will be given significant powers. Some of us were aware of, and concerned about, the lack of democratic accountability in this new structure as described, and therefore opposed it. Did the Department make everyone else aware of the changes that will result when the transitional committees are established?

Mr Maye: We presented some detailed proposals in the course of the public consultation, which was completed in May. We exposed the views and proposals that came from the policy development panels through the strategic leadership board, and put them out for

public consultation. A number of councils and others responded to that consultation.

The Deputy Chairperson: Are we on clause 17, Julie?

Ms Broadway: I have read the responses to clause 17.

The Deputy Chairperson: Do members have any questions about clause 17?

Does the Department have any comments to make about the views expressed by Omagh District Council and the Northern Ireland Local Government Association (NILGA)?

Ms Broadway: The final decisions on severance payments to councillors have yet to be taken. We will feed the comments that have been received to the Minister when making the decisions on the format of the severance scheme and the eligibility criteria.

Mr Maye: The critical issue that the Minister is not yet in a position to determine is the timing of delivery of severance. That depends on continuing discussions that he is having with Paul Goggins about co-option, and the willingness of the Northern Ireland Office to change the law on co-option. Most of the parties would agree that they wish to avoid having a few hundred by-elections in the run-up to May 2011, not just because of cost, but because it would unsettle the political process.

Mr Goggins has yet to tell us what he is prepared to do. Our Minister met him a few weeks ago and pressed the case for a change in the law on co-option — not only for the short term, in order to deal with the transition issue, but as a long-term proposition for local government, given the arrangements that have been agreed for the Assembly. Mr Goggins agreed to consider those issues and bring back some proposals. We got a clear impression that he was not persuaded, at this point, that an early change in the law on co-option would be the way forward. We are still waiting for him to bring proposals to the table.

On the question of timing, therefore, it is not possible to predict whether it will be possible to provide for severance in advance of May 2011, but that is what the Minister would like to achieve, so that new people can be brought in as early as possible. He is not in a position to make that decision yet because of Mr Goggins's involvement and the decisions that he, as an NIO Minister, has to make.

Mr Dallat: I am a bit confused as to why Mr Goggins remains to be convinced. He must be aware that there has been considerable discussion about double-jobbing. Many of us who find ourselves on councils in which we are minorities desperately want to fulfil the principle of one man, one job, but we cannot do it. What is his reasoning for not doing that?

Mr Maye: He is not persuaded that he can deliver, in the time available, something that represents a fundamental shift in electoral law. He is responsible for electoral matters. That is the way he views the situation at the moment. As a longer-term proposition, his view is that it is potentially deliverable, but only after full public consultation. The short-term nature of what we need to do between now and May 2011 means that he has doubts as to whether significant change to the law on co-option could be delivered in the time available, with full public consultation, and in a way that ensures that the other parties at Westminster sign up to and row behind what is being proposed.

That is the view that he has expressed. I assure you that our Minister has made the strongest possible arguments for an early change in the law on co-option and a longer-term change, as did his predecessor. The arguments have been put. We have shared with the NIO and Mr Goggins the outcome of the consultation that we did in the spring, because it showed very strong support for early severance and for a change in the law on co-option to enable early severance. He has not ruled it out, but he is not persuaded — he has gone off to think about his options and whether there are other ways to allow severance to be delivered before May 2011.

Mr Dallat: I was not talking about severance in particular, because we have to be extremely careful about our comments on that. I was talking about co-option; you are saying that it is not going to happen.

Mr Maye: We do not yet know. However, we understand that Mr Goggins will come back fairly quickly to put proposals on the table for our Minister to consider, and we look forward to seeing those proposals.

Mr Ford: I know that it is unfair to ask a civil servant to interpret the mind of someone else's Minister, but you are doing so well that I will give it a try. Are we to take it that Mr Goggins does not regard your consultation as being adequate for him to move legislatively?

Mr Maye: That would be a fair inference.

Mr Ford: You also mentioned changing the law on co-option in the longer term, as opposed to merely dealing with the current issues of severance and reducing the number of councillors. I cannot see how your consultation did not cover the short-term issue adequately; whether or not I like the results, I accept that you did the job. Is it because you have also raised the issue of changing the law permanently on co-option?

Mr Maye: No; Mr Goggins and his officials in the NIO feel that such a fundamental change to electoral law for local authorities would require full and explicit consultation. Our consultation did not put forward concrete proposals for changing the law on co-option

— it could not, because it would not be within the gift of the Assembly or the Department to do so.

Mr Ford: The responses to the consultation covered that.

Mr Maye: What proposals are put forward and what happens will be the call of Mr Goggins. That means that we have to wait until he puts forward his proposals to the Minister. My Minister has asked him to do that as soon as possible, because he does not want the issue to drift. He knows that parties, individuals, the NAC, NILGA and others want an early resolution so that we know what will happen on severance and co-option as quickly as possible.

Mr Ford: Given that co-option is possible with unanimous agreement from remaining councillors, could the severance package that you are working on be implemented unchanged under the current law if co-option was agreed?

Mr Maye: Yes, it could.

Mr Ford: Therefore, if there was good will from all councillors, we would not need a decision from Mr Goggins. That is a challenge to the 562 councillors in Northern Ireland.

Mr Dallat: It is also an act of faith.

Ms Broadway: We covered clauses 18 and 19 last week.

Clause 20 provides that regulations under clause 3(7), which deals with certification requirements for contracts and the statutory transition committees, are to be made by affirmative resolution. All other regulations are to be made by negative resolution.

Clause 21 defines certain words and terms that are used in the Bill.

Clause 22 provides that clause 3 of the Bill, which provides the power to make regulations concerning certification requirements, and the remainder of the Bill will come into operation the day after Royal Assent. The other provisions in Part 1 will come into operation by means of a commencement Order.

Clause 23 is the short title.

The Deputy Chairperson: Are members happy with those clauses? Do they require any further information or wish to suggest any amendments?

Given that no one has responded, I thank the departmental officials, Ian Maye, Julie Broadway, Jim Stewart and Angela Fitzpatrick. We will now commence the clause-by-clause scrutiny of the Bill, and I want members to pay attention, because this stage is very important.

The Committee Clerk: I remind members that *[Inaudible.]*. If members do not have enough time to discuss certain clauses, they can be parked and come

back to at a later date. In the meantime, members can go through the more straightforward ones to see whether some form of acceptable agreement can be reached.

The Deputy Chairperson: If we require further information about any clauses, we can put them on hold.

Clause 1 (Functions to include power to enter contracts)

The Deputy Chairperson: There is an issue with clause 1, so are members agreed that we park it until we receive further information?

Mr Ford: Could we agree that we accept clause 1 if the Department were to suggest deleting subsection 3?

The Committee Clerk: Yes, you certainly can do that.

Mr Ford: Then I am quite happy to accept what the Department is saying.

Question, That the Committee is content with the clause, subject to the Committee's proposed amendment, *put and clause 1 agreed to.*

Clause 1 agreed to.

Clause 2 (Certified contracts to be intra vires)

The Committee Clerk: The Department referred to a possible amendment to delete subsection 5(a). I do not know whether members have an opinion on that.

Mr Ford: I think that we should park clause 2, because it is a bit more complicated.

The Committee Clerk: In addition, Belfast City Council mentioned clause 2 with respect to *[Inaudible.]*.

The Deputy Chairperson: Do members agree that we park clause 2?

Clause 2 referred for further consideration.

Clauses 3 to 8 agreed to.

Clause 9 (Introductory)

Mr Ford: I had an exchange with Ian Maye about the expansion of Belfast City Council, which is not covered by this clause. I would not be happy to approve this clause today, given that there was talk about the Department looking at its implications. The Committee needs to hear further from the Department.

Clause 9 referred for further consideration.

Clause 10 (Control of disposals and contracts of existing councils)

Mr Ford: Again, this was a clause about which the Department said that it would welcome the Committee's further thoughts. We should park this clause, too.

Clause 10 referred for further consideration.

Clauses 11 and 12 agreed to.

Clause 13 (Contravention of direction)

The Committee Clerk: The Department's advice is that it is seeking more information.

Clause 13 referred for further consideration.

Clause 14 (Statutory transition committees: constitution)

Mr Ford: I am not sure about clause 14. To some extent, this hangs on my concerns about clause 9. The Committee needs to park clause 14 until it hears more about clause 9.

Clause 14 referred for further consideration.

Clause 15 (Statutory transition committees: functions)

The Committee Clerk: There were a range of concerns about this clause, too

Clause 15 referred for further consideration.

Clause 16 (Power to modify existing legislation)

Mr Ford: Again, this hangs on the same point.

Clause 16 referred for further consideration.

Clause 17 (Severance payments to councillors)

Mr Ford: Do we have a quorum capable of taking that decision, if members are ruling themselves out on that point?

Mr Beggs: I think that we need guidance on that.

The Deputy Chairperson: OK. Is the Committee agreed to get more information and guidance on that matter?

Clause 17 referred for further consideration.

Clause 18 (Acquisition of land otherwise than by agreement)

The Committee Clerk: Several organisations had concerns about the width and power of the clause.

Mr Beggs: Someone wanted it widened; was that not it?

Mr Ford: Someone wanted to widen it for other purposes, but the question was whether there had been adequate consultation to cover anything other than waste management issues.

The Committee Clerk: There was an issue with community planning.

Mr Beggs: Yes, it struck me that there was no balance, or anything to demonstrate an overall community benefit, because community planning is not there. Waste is a clear issue where there will be — personally, I am satisfied.

The Deputy Chairperson: OK. Would the Committee like to park clause 18?

Mr Ford: I think that we could agree this clause. The evidence on the lack of consultation showed that we could not widen it at this stage.

Question, That the Committee is content with the clause, put and agreed to.

Clause 18 agreed to.

Clauses 19 to 23 agreed to.

Long title agreed to.

Written Answers

This section contains the written answers to questions tabled by Members. The content of the responses is as received at the time from the relevant Minister or representative of the Assembly Commission, and it has not been subject to the official reporting (Hansard) process or changed.

NORTHERN IRELAND ASSEMBLY

Friday 11 September 2009

Written Answers to Questions

DEPARTMENT OF THE ENVIRONMENT

e-Pic Project

Mr J Shannon asked the Minister of the Environment (i) if any staff within the Planning Service have been held responsible for the significant delays and cost overruns in the management of the e-PIC project; and (ii) have any staff involved with the project been disciplined, demoted, transferred, or dismissed, in connection with the failure to meet targets for the implementation of the project. (AQW 8102/09)

Minister of the Environment (Mr S Wilson): There have been many factors which caused delay and cost overruns on the ePIC project, in particular the complexity of the solution required to support planning in Northern Ireland. A high level of unavoidable personnel turnover within the Planning Service and within the consortium of contractors, at earlier stages of the project, was also a factor. None of the difficulties which caused delays and cost overruns is directly attributable to staff involved in the project and no staff have been disciplined, demoted, transferred or dismissed.

PPS21

Mr D O'Loan asked the Minister of the Environment if a dwelling approved on a farm under draft PPS21 must be of a certain size, design or type; and to detail the criteria used for these factors. (AQW 36/10)

Minister of the Environment: Draft PPS 21 does not specify the size, design or type of dwelling which will be acceptable on a farm. However, Policy CTY 13, which deals with the integration and design of buildings, states that a new building will be unacceptable where (among other things), the design is inappropriate for the site and its locality.

PPS21

Mr D O'Loan asked the Minister of the Environment when a complete, detailed PPS21 will be in place. (AQW 37/10)

Minister of the Environment: I will discuss the finalisation of PPS21 with the Executive Subcommittee on the Review of Rural Planning Policy. The final version will be put in place after it has been agreed by the Executive.

NORTHERN IRELAND ASSEMBLY

Friday 18 September 2009

Written Answers to Questions

OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

Freedom of Information Act: Section 10

Mr Kennedy asked the First Minister and deputy First Minister what action is being taken to improve the Department's compliance with Section 10 of the Freedom of Information Act. (AQW 17/10)

The First Minister and deputy First Minister (Mr P Robinson and Mr McGuinness): The Office of the First Minister and deputy First Minister is committed to fulfilling its obligations under Section 10 of the Freedom of Information (FOI) Act in providing responses to FOI requests within the statutory time frame. The Department has an excellent track record in dealing with information requests since the introduction of FOI legislation in January 2005. Although OFMDFM has experienced significant year-on-year increases in the number of requests received, we have nevertheless responded to 94% of the 566 requests received to date within the statutory time frame (including extensions permitted under section 10(3) of the FOI Act).

The Department has a number of arrangements in place to ensure continuous improvement in its FOI performance. This includes allocating a senior official as the Senior Responsible Owner for each FOI request, weekly reports to us on all departmental FOI cases, oversight scrutiny of performance by the Departmental Board and the provision of guidance and support on the proper application of exemptions by the departmental Information Management Unit. In addition, all requests are monitored on an ongoing basis to ensure compliance with FOI legislation, including section 10 compliance.

To date, the Department has achieved an impressive performance in providing responses to FOI requests within the statutory time frame and expects to maintain and indeed improve its levels of performance in the future.

Freedom of Information: Central Team

Mr Kennedy asked the First Minister and deputy First Minister for an outline of the recent reports issued by the Central Freedom of Information Team on trends and significant developments in FOI. (AQW 19/10)

The First Minister and deputy First Minister: The Central Freedom of Information Team produces a number of reports on behalf of all Departments. This includes an Annual Report and quarterly reports which focus on the performance of the Departments in complying with the Freedom of Information Act 2000, and which are published on the OFMDFM website. The Annual Report for 2008 and the report for quarter one of 2009 are the latest available.

Monthly reports are also produced for our information and copied to Executive colleagues. They incorporate an executive summary which notes any significant trends and also policy or casework developments, a list of significant requests, and a statistical summary. The report for July 2009 is the most recent we have seen.

Ministerial Code

Mr Savage asked the First Minister and deputy First Minister to clarify who has statutory authority to deal with alleged breaches of the Ministerial Code. (AQW 27/10)

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 therefore be decided as a matter of law.

Under various provisions of the Northern Ireland Act 1998, failure by a Minister to observe any of the terms of the Pledge of Office, as set out in paragraph 1.4 of the Ministerial Code, may be the subject of a motion for a resolution of the Assembly for the purposes of:

- the exclusion of a Minister from office (Section 30)
- the reduction of a Minister's salary (Section 47A)
- the censure of a Minister (Section 51D)

Any such motion cannot be moved unless:

- (a) it is supported by at least 30 members of the Assembly; or
- (b) it is moved by the First Minister and deputy First Minister acting jointly; or
- (c) it is moved by the Presiding Officer in pursuance of a notice from the Secretary of State.

In addition, such resolutions cannot be passed by the Assembly without cross-community support.

Internal Consultancy

Mr McGlone asked the First Minister and deputy First Minister to define 'internal consultancy' and what guidelines are in place for its use by Departments. (AQW 44/10)

The First Minister and deputy First Minister: Internal consultancy describes advice, expertise and services provided to the Department by another department or agency within the Northern Ireland Civil Service. Examples of internal consultancy services used by OFMDFM include business consultancy services provided by the Department of Finance and Personnel's (DFP) Delivery and Innovation Division (DID), research and analysis undertaken by the Northern Ireland Statistics and Research Agency (NISRA), and professional procurement services and support provided by DFP's Central Procurement Directorate (CPD).

DFP guidance on the Use of Consultants, which has been revised to incorporate recommendations made by the Assembly's Public Accounts Committee in November 2007, is applied by OFMDFM in all proposals to engage internal or external consultants. In the first instance, Departmental or NICS skills and resources are utilised by OFMDFM, where available, to undertake new areas of work or to provide expert advice and services.

Strict controls are operated over the management of all consultancy assignments, including the appointment of an individual or team to manage each assignment, careful monitoring of agreed interim milestones and targets, and the completion of Post-Project Evaluations (PPEs) to ensure that the objectives of the assignment have been met and lessons learned. All consultancy assignments are rigorously managed to ensure costs are controlled, objectives are met in full, and that an effective skills transfer takes place.

The use of internal consultants delivers value for money, and ensures that Departmental and NICS skills and resources are fully utilised and exploited. All consultancy spend is directly related to the delivery of OFMDFM's obligations and commitments in the Programme for Government 2008-11.

Belfast Metropolitan Area Plan

Mr Shannon asked the First Minister and deputy First Minister what percentage of the site-specific objections to the draft Belfast Metropolitan Area Plan could, or should, have been addressed through written representation procedures rather than by any form of hearing. (AQW 116/10)

The First Minister and deputy First Minister: The Planning Appeals Commission is an independent tribunal Non-Departmental Public Body. Given its independent tribunal status, its Chief Commissioner has been asked 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 Questions.

The Planning Appeals Commission received 4,257 objections to the draft Belfast Metropolitan Area Plan, 5,017 objections to the draft Magherafelt Area Plan and 1,590 objections to the draft Bandridge, Newry & Mourne Area Plan.

The Commission does not have the resources to examine all the above individual objections to establish what percentage of the thousands of site-specific objections could, or should, have been addressed through the Written Representation procedure.

I would be happy to meet with you to discuss the matter if that would be more suitable.”

Magherafelt Area Plan

Mr Shannon asked the First Minister and deputy First Minister what percentage of the site-specific objections to the draft Magherafelt Area Plan could, or should, have been addressed through written representation procedures rather than by any form of hearing. (AQW 117/10)

The First Minister and deputy First Minister: The Planning Appeals Commission is an independent tribunal Non-Departmental Public Body. Given its independent tribunal status, its Chief Commissioner has been asked 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 Questions.

The Planning Appeals Commission received 4,257 objections to the draft Belfast Metropolitan Area Plan, 5,017 objections to the draft Magherafelt Area Plan and 1,590 objections to the draft Banbridge, Newry & Mourne Area Plan.

The Commission does not have the resources to examine all the above individual objections to establish what percentage of the thousands of site-specific objections could, or should, have been addressed through the Written Representation procedure.

I would be happy to meet with you to discuss the matter if that would be more suitable.”

Banbridge, Newry & Mourne Area Plan

Mr Shannon asked the First Minister and deputy First Minister what percentage of the site-specific objections to the draft Banbridge, Newry & Mourne Area Plan could, or should, be addressed through written representation procedures rather than by any form of hearing. (AQW 118/10)

The First Minister and deputy First Minister: The Planning Appeals Commission is an independent tribunal Non-Departmental Public Body. Given its independent tribunal status, its Chief Commissioner has been asked 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 Questions.

The Planning Appeals Commission received 4,257 objections to the draft Belfast Metropolitan Area Plan, 5,017 objections to the draft Magherafelt Area Plan and 1,590 objections to the draft Banbridge, Newry & Mourne Area Plan.

The Commission does not have the resources to examine all the above individual objections to establish what percentage of the thousands of site-specific objections could, or should, have been addressed through the Written Representation procedure.

I would be happy to meet with you to discuss the matter if that would be more suitable.”

Planning Appeals Commission

Mr Shannon asked the First Minister and deputy First Minister, given that the Planning Appeals Commission committed itself to capturing the relevant data commencing from 1st April 2009, what percentage of appeals received from that date are being addressed by informal hearing and does the Commission believe these could, or should be, addressed through written representation procedures rather than by any form of hearing. (AQW 119/10)

The First Minister and deputy First Minister: The Planning Appeals Commission is an independent tribunal Non-Departmental Public Body. Given its independent tribunal status, its Chief Commissioner has been asked 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.

The Planning Appeals Commission received 187 appeals during the period 01 April 2009 to 31 August 2009. In response, the Commission wrote to 79 (42%) of these appellants suggesting that their appeal could be best determined by the exchange of Written Submissions, without either an Informal Hearing or an Accompanied Site Visit which had been requested.

Of the 187 appellants, 64 had requested Informal Hearings. The Commission wrote to 36 of these suggesting that oral proceedings were unnecessary.

Of the 187 appeals received from 01 April 2009, 38 (20%) are now following the Informal Hearing procedure.

I would be happy to provide any further information you require arising out of this response or to meet with you to discuss the matter if that would be more suitable ”

IT systems: OFMDFM

Mr Hamilton asked the First Minister and deputy First Minister to detail (i) all new IT systems installed within their Department in the last 5 years; (ii) the initial budget; (iii) the actual cost; (iv) the estimated start date; and (v) the actual start date. (AQW 127/10)

The First Minister and deputy First Minister: All new IT systems installed within the Office of the First Minister and deputy First Minister in the last five years are shown in the table below.

| Year | System Name | Initial Budget | Actual Cost | Estimated Start Date | Actual Start Date |
|---------|---|----------------|-------------|----------------------|-------------------|
| 2005/06 | None | | | | |
| 2006/07 | None | | | | |
| 2007/08 | None | | | | |
| 2008/09 | ChARM – business planning system | £4900 | £4900 | Aug 08 | Aug 08 |
| 2009/10 | Departmental and Business Area Business Planning Systems – developed from ChARM | £4800 | £4800 | Jul 09/ Sep 09 | Jul 09/ Sep 09 |

The list excludes NICS-wide systems (the reform programme and IT Assist-led infrastructural systems) installed in the Department of Finance and Personnel or in IT service provider premises during the period.

DEPARTMENT OF CULTURE, ARTS AND LEISURE

NI Library Authority: Board

Mr O'Dowd asked the Minister of Culture, Arts and Leisure for the names and political party affiliation of Councillors appointed by him or his predecessors to the Board of Library's NI. (AQW 130/10)

The Minister of Culture, Arts and Leisure (Mr N McCausland): Eleven Councillors, details as listed in the attached annex, were appointed to the Board of the Northern Ireland Library Authority (Libraries NI) on 1 August 2009.

Nelson McCausland MLA

Annex

| Name | Engaged in Political Activity in the Last Five Years for; |
|-------------------|---|
| Mrs. Anne Brolly | Sinn Fein |
| Mr. Charlie Casey | Sinn Fein |
| Mr. Samuel Cole | DUP |

| Name | Engaged in Political Activity in the Last Five Years for; |
|-------------------------------------|---|
| Mrs. Roberta Dunlop | UUP |
| Mr. Allan Ewart | DUP |
| Ms. Carla Lockhart | DUP |
| Mr. Patrick Cathal Mullaghan | SDLP |
| Mr. Hubert Nicholl | DUP |
| Ms. Evelynne Robinson | DUP |
| Mr. Jim Rodgers | UUP |
| Mr. James Ignatius (Seamus) Shields | SDLP |

DEPARTMENT OF EDUCATION

School Milk

Mr Savage asked the Minister of Education to detail how many children in (i) nursery schools; (ii) primary schools; (iii) secondary and grammar schools; and (iv) special needs were in receipt of (a) free school milk; and (b) school milk at a cost as they did not qualify for free school milk, at the start of the academic year 2009/10. (AQW 24/10)

The Minister of Education (Ms Ruane): The figures requested showing the number of pupils taking milk in the 2009/10 academic year are not yet available.

However, under my Department's Milk and Meals Arrangements free school milk is provided to;

- all pupils at special schools,
- pupils in nursery and primary schools who do not have access to school meals, and
- individual nursery and primary school pupils where it is deemed necessary in the interests of their health.

All pre-school children are eligible for free milk under the DHSSPS's Day Care Food Scheme. In addition, drinking milk must be available every day as an option with school meals. There is no accurate way of measuring how many choose to buy milk with their school meal.

Tá liostaithe thíos na figiúirí is deireanaí atá ar fáil ó na Boird Oideachais agus Leabharlainne, a thaispeánann líon na ndaltaí a bhí ag fáil bainne i mí Meithimh 2009.

I have listed below the latest available figures, supplied by the Education and Library Boards, which show the number of pupils taking milk as at June 2009.

| | Free | Paid |
|-----------------------|-------|--------|
| Nursery | 8,979 | 0 |
| Primary | 192 | 37,357 |
| Secondary And Grammar | 0 | 0 |
| Special | 3,491 | 0 |

Psychology Students

Lord Browne asked the Minister of Education if all psychology students who obtained their doctorates in the academic year 2008/09 have now taken up posts with the various Education and Library Boards. (AQW 26/10)

The Minister of Education: Tá curtha in iúl ag Príomhfheidhmeannaigh na mBord Oideachais agus Leabharlainne (ELBanna) gur ceapadh gach duine den dáréag a chuir Dochtúireacht i Síceolaíocht an

Oideachais, an Pháiste agus an Ógánaigh (DECAP) i gcrích sa bhliain acadúil 2008/09, gur ceapadh chuig poist lánaimseartha leis na ELBanna iad mar seo a leanas:

The Chief Executives of the Education and Library Boards (ELBs) have advised that all twelve trainees who completed a Doctorate in Educational, Child and Adolescent Psychology (DECAP) in the academic year 2008/09 have been appointed to full-time posts with ELBs as follows:

| | Permanent | Temporary |
|-------|-----------|-----------|
| BELB | 1 | 2 |
| SEELB | 0 | 3 |
| WELB | 5 | 1 |

Of the above seven have already taken up their new posts, two are hoping to do so shortly and three are finalising their doctorates in the near future.

All entrants to the DECAP course are required to sign an undertaking agreeing to apply for posts in the ELBs for a period of two years following completion of their qualification and, if successful in their application, to work for a Board for a period of two years. If they fail to do so without reasonable excuse, the ELBs will take steps to recover all or part (depending on the circumstances of the case) of the course fees and bursaries paid to the trainee.

Irish-Medium Post-Primary Schools

Mr Storey asked the Minister of Education how many pupils enrolled in Irish-medium post-primary schools in each of the last three years including 2009/10. (AQW 28/10)

The Minister of Education: Tá an t-eolas a iarradh leagtha amach sna táblaí thíos. Ní bheidh fáil ar shonraí rollaithe don scoilbhliain 2009/10 go dtí go gcríochnófar an daonáireamh scoile níos moille i mbliana.

The information requested is set out in the tables below. Enrolment data for 2009/10 will not be available until completion of the school census later in the year.

(AQW 28/10) PUPILS ENROLLED AT GRANT-AIDED IRISH-MEDIUM POST-PRIMARY SCHOOLS 2006/07 – 2008/09

| School name | 2006/07 | 2007/08 | 2008/09 |
|------------------|---------|---------|---------|
| Coláiste Feirste | 489 | 506 | 513 |

(AQW 33/10) PUPILS ENROLLED AT GRANT-AIDED IRISH-MEDIUM PRIMARY SCHOOLS 2006/07 – 2008/09

| School name | 2006/07 | 2007/08 | 2008/09 |
|-----------------------------|---------|---------|---------|
| Bunscoil Mhic Reachtain | 65 | 71 | 69 |
| Bunscoil Phobal Feirste | 303 | 294 | 297 |
| Gaelscoil Na Bhfál | 213 | 211 | 211 |
| Bunscoil An Tsléibhe Dhuibh | 176 | 168 | 180 |
| Bunscoil Bheann Mhadagáin | 134 | 119 | 99 |
| Scoil An Droichid | 89 | 103 | 125 |
| Gaelscoil An Damba | 27 | 29 | 0 |
| Gaelscoil Na Móna | 66 | 72 | 86 |
| Gaelscoil An Lonnáin | 44 | 44 | 51 |
| Bunscoil Cholmcille | 163 | 159 | 161 |
| Gaelscoil Uí Dhocartaigh | 117 | 130 | 131 |
| Gaelscoil Éadain Mhóir | 116 | 135 | 128 |

| School name | 2006/07 | 2007/08 | 2008/09 |
|--------------------------|--------------|--------------|--------------|
| Bunscoil An Traonaigh | 22 | 27 | 31 |
| Gaelscoil Na Gerann | 38 | 45 | 50 |
| Bunscoil An Chastil | 71 | 75 | 77 |
| Gaelscoil Na Speiríní | 21 | 23 | 24 |
| Gaelscoil Ghleann Darach | n.a | 19 | 30 |
| Gaelscoil Éanna | n.a | 12 | 26 |
| Scoil Na Fuisgeoige | 134 | 133 | 119 |
| Bunscoil Bheanna Boirche | 54 | 48 | 58 |
| Bunscoil An Iúir | 84 | 102 | 104 |
| Gaelscoil Uí Néill | 104 | 113 | 126 |
| Total | 2,041 | 2,132 | 2,183 |

Source: School census

Notes:

1. Enrolment figures include pupils in nursery, reception and year 1 – 7 classes where applicable.
2. Figures exclude pupils who are enrolled in Irish-medium units.
3. 'n.a.' is "not applicable" as the school existed as an independent school.

Irish-Medium Primary Schools

Mr Storey asked the Minister of Education to list all Irish-medium primary schools by parliamentary constituency in each of the last five years including 2009/10. (AQW 30/10)

The Minister of Education: Tá an t-eolas a iarradh leagtha amach sna táblaí thíos.

The information requested is set out in the tables below.

IRISH-MEDIUM PRIMARY SCHOOLS AND UNITS BY CONSTITUENCY 2005/06

| Constituency name | School name |
|----------------------------|-----------------------------|
| Belfast North | Bunscoil Mhic Reachtain |
| Belfast North | Bunscoil Bheann Mhadagáin |
| Belfast South | Scoil An Droichid |
| Belfast West | Bunscoil Phobal Feirste |
| Belfast West | Gaelscoil Na Bhfál |
| Belfast West | Bunscoil An Tsléibhe Dhuibh |
| Belfast West | Gaelscoil An Damba |
| Belfast West | Gaelscoil Na Móna |
| Belfast West | Gaelscoil An Lonnáin |
| Belfast West | Scoil Na Fuisgeoige |
| East Derry | St Canice's Ps (Unit) |
| Fermanagh And South Tyrone | Bunscoil An Traonaigh |
| Foyle | Bunscoil Cholmcille |
| Foyle | Gaelscoil Éadain Mhóir |
| Mid Ulster | Gaelscoil Uí Néill |

| Constituency name | School name |
|-------------------|-------------------------------|
| Mid Ulster | St Brigid's Ps Tirkane (Unit) |
| Mid Ulster | St Mary's Ps (Unit) |
| Newry And Armagh | Bunscoil An Iúir |
| Newry And Armagh | Christian Brothers' Ps (Unit) |
| Newry And Armagh | St Patrick's Ps (Unit) |
| North Antrim | Bunscoil An Chaistil |
| South Down | Bunscoil Bheanna Boirche |
| South Down | St Patrick's Boys' Ps (Unit) |
| Upper Bann | St Francis Ps (Unit) |
| Upper Bann | St John The Baptist Ps (Unit) |
| West Tyrone | Gaelscoil Uí Dhochartaigh |
| West Tyrone | St Columbkille's Ps (Unit) |
| West Tyrone | St Patrick's Ps (Unit) |

IRISH-MEDIUM PRIMARY SCHOOLS AND UNITS BY CONSTITUENCY 2006/07

| Constituency name | School name |
|----------------------------|-------------------------------|
| Belfast North | Bunscoil Bheann Mhadagáin |
| Belfast North | Bunscoil Mhic Reachtain |
| Belfast South | Scoil An Droichid |
| Belfast West | Bunscoil An Tsléibhe Dhuibh |
| Belfast West | Bunscoil Phobal Feirste |
| Belfast West | Gaelscoil An Damba |
| Belfast West | Gaelscoil An Lonnáin |
| Belfast West | Gaelscoil Na Bhfál |
| Belfast West | Gaelscoil Na Móna |
| Belfast West | Scoil Na Fuiseoige |
| East Derry | St Canice's Ps (Unit) |
| Fermanagh And South Tyrone | Bunscoil An Traonaigh |
| Foyle | Bunscoil Cholmcille |
| Foyle | Gaelscoil Éadain Mhóir |
| Mid Ulster | Gaelscoil Na SpEiríní |
| Mid Ulster | Gaelscoil Uí Néill |
| Mid Ulster | St Brigid's Ps Tirkane (Unit) |
| Mid Ulster | St Mary's Ps (Unit) |
| Newry And Armagh | Bunscoil An Iúir |
| Newry And Armagh | Christian Brothers' Ps (Unit) |
| Newry And Armagh | St Patrick's Ps (Unit) |
| North Antrim | Bunscoil An Chaistil |
| South Down | Bunscoil Bheanna Boirche |
| South Down | St Patrick's Boys' Ps (Unit) |

| Constituency name | School name |
|-------------------|-------------------------------|
| Upper Bann | St Francis Ps (Unit) |
| Upper Bann | St John The Baptist Ps (Unit) |
| West Tyrone | Gaelscoil Na Gcrann |
| West Tyrone | Gaelscoil Uí Dhochartaigh |
| West Tyrone | St Columbkille's Ps (Unit) |
| West Tyrone | St Patrick's Ps (Unit) |

IRISH-MEDIUM PRIMARY SCHOOLS AND UNITS BY CONSTITUENCY 2007/08

| Constituency name | School name |
|----------------------------|-------------------------------|
| Belfast North | Bunscoil Mhic Reachtain |
| Belfast North | Bunscoil Bheann Mhadagáin |
| Belfast South | Scoil An Droichid |
| Belfast West | Bunscoil Phobal Feirste |
| Belfast West | Gaelscoil Na Bhfál |
| Belfast West | Bunscoil An Tsléibhe Dhuibh |
| Belfast West | Gaelscoil An Damba |
| Belfast West | Gaelscoil Na Móna |
| Belfast West | Gaelscoil An Lonnáin |
| Belfast West | Scoil Na Fuiseoige |
| East Derry | St Canice's Ps (Unit) |
| Fermanagh and South Tyrone | Bunscoil An Traonaigh |
| Foyle | Bunscoil Cholmcille |
| Foyle | Gaelscoil Éadain Mhóir |
| Mid Ulster | Gaelscoil Na SpEiríní |
| Mid Ulster | Gaelscoil Uí Néill |
| Mid Ulster | St Brigid's Ps Tirkane (Unit) |
| Mid Ulster | St Mary's Ps (Unit) |
| Newry And Armagh | Bunscoil An Iúir |
| Newry And Armagh | Christian Brothers' Ps (Unit) |
| Newry And Armagh | St Patrick's Ps (Unit) |
| North Antrim | Bunscoil An Chaistil |
| South Antrim | Gaelscoil Ghleann Darach |
| South Antrim | Gaelscoil Éanna |
| South Down | Bunscoil Bheanna Boirche |
| South Down | St Patrick's Boys' Ps (Unit) |
| Upper Bann | St Francis Ps (Unit) |
| Upper Bann | St John The Baptist Ps (Unit) |
| West Tyrone | Gaelscoil Uí Dhochartaigh |
| West Tyrone | Gaelscoil Na Gcrann |
| West Tyrone | St Columbkille's Ps (Unit) |

IRISH-MEDIUM PRIMARY SCHOOLS AND UNITS BY CONSTITUENCY 2008/09

| Constituency name | School name |
|----------------------------|--|
| Belfast North | Bunscoil Mhic Reachtain |
| Belfast North | Bunscoil Bheann Mhadagáin |
| Belfast South | Scoil An Droichid |
| Belfast West | Bunscoil Phobal Feirste |
| Belfast West | Gaelscoil Na Bhfál |
| Belfast West | Bunscoil An Tsléibhe Dhuibh |
| Belfast West | Gaelscoil Na Móna |
| Belfast West | Gaelscoil An Lonnáin |
| Belfast West | Scoil Na Fuiseoige |
| East Derry | St Canice's Ps (Unit) |
| Fermanagh And South Tyrone | Bunscoil An Traonaigh |
| Foyle | Bunscoil Cholmcille |
| Foyle | Gaelscoil Éadain Mhóir |
| Mid Ulster | Gaelscoil Na Speiríní |
| Mid Ulster | Gaelscoil Uí Néill |
| Mid Ulster | St Brigid's Ps Tirkane (Unit) |
| Mid Ulster | St Mary's Ps (Unit) |
| Newry And Armagh | Bunscoil An Iúir |
| Newry And Armagh | Christian Brothers' Ps (Unit) |
| Newry And Armagh | St Patrick's Ps (Unit) |
| North Antrim | Bunscoil An Chaistil |
| South Antrim | Gaelscoil Ghleann Darach |
| South Antrim | Gaelscoil Éanna |
| South Down | Bunscoil Bheanna Boirche |
| South Down | St Patrick's Boys' Ps Downpatrick (Unit) |
| Upper Bann | St Francis Ps (Unit) |
| Upper Bann | St John The Baptist Ps (Unit) |
| West Tyrone | Gaelscoil Uí Dhochartaigh |
| West Tyrone | Gaelscoil Na Gerann |
| West Tyrone | St Columbkille's Ps (Unit) |

IRISH-MEDIUM PRIMARY SCHOOLS AND UNITS BY CONSTITUENCY 2009/10

| Belfast North | Bunscoil Mhic Reachtain |
|----------------------|--------------------------------|
| Belfast North | Bunscoil Bheann Mhadagáin |
| Belfast South | Scoil An Droichid |
| Belfast West | Bunscoil Phobal Feirste |
| Belfast West | Gaelscoil Na Bhfál |
| Belfast West | Bunscoil An Tsléibhe Dhuibh |

| Belfast North | Bunscoil Mhic Reachtain |
|----------------------------|--|
| Belfast West | Gaelscoil Na Móna |
| Belfast West | Gaelscoil An Lonnáin |
| Belfast West | Scoil Na Fuiseoige |
| East Derry | St Canice's Ps (Unit) |
| Fermanagh And South Tyrone | Bunscoil An Traonaigh |
| Foyle | Bunscoil Cholmcille |
| Foyle | Gaelscoil Éadain Mhóir |
| Mid Ulster | Gaelscoil Na Speiríní |
| Mid Ulster | Gaelscoil Uí NÉill |
| Mid Ulster | St Brigid's Ps Tirkane (Unit) |
| Mid Ulster | St Mary's Ps (Unit) |
| Newry And Armagh | Bunscoil An Iúir |
| Newry And Armagh | Christian Brothers' Ps (Unit) |
| Newry And Armagh | St Patrick's Ps (Unit) |
| North Antrim | Bunscoil An Chaistil |
| South Antrim | Gaelscoil Ghleann Darach |
| South Antrim | Gaelscoil Éanna |
| South Down | Bunscoil Bheanna Boirche |
| South Down | St Patrick's Boys' Ps Downpatrick (Unit) |
| Upper Bann | St Francis Ps (Unit) |
| Upper Bann | St John The Baptist Ps (Unit) |
| West Tyrone | Gaelscoil Uí Dhochartaigh |
| West Tyrone | Gaelscoil Na Gerann |
| West Tyrone | St Columbkille's Ps (Unit) |

IRISH-MEDIUM POST-PRIMARY SCHOOLS AND UNITS BY CONSTITUENCY 2005/06

| Constituency name | School name |
|--------------------------|----------------------------|
| Belfast West | Coláiste Feirste |
| Foyle | Coláiste Bhríde |
| Newry And Armagh | Coláiste Chaitríona (Unit) |

IRISH-MEDIUM POST-PRIMARY SCHOOLS AND UNITS BY CONSTITUENCY 2006/07

| Constituency name | School name |
|--------------------------|----------------------------|
| Belfast West | Coláiste Feirste |
| Foyle | Coláiste Bhríde |
| Newry And Armagh | Coláiste Chaitríona (Unit) |

IRISH-MEDIUM POST-PRIMARY SCHOOLS AND UNITS BY CONSTITUENCY 2007/08

| Constituency name | School name |
|--------------------------|--------------------|
| Belfast West | Coláiste Feirste |

| Constituency name | School name |
|-------------------|----------------------------|
| Foyle | Coláiste Bhríde |
| Newry And Armagh | Coláiste Chaitríona (Unit) |

IRISH-MEDIUM POST-PRIMARY SCHOOLS AND UNITS BY CONSTITUENCY 2008/09

| Constituency name | School name |
|-------------------|----------------------------|
| Belfast West | Coláiste Feirste |
| Foyle | Coláiste Bhríde |
| Newry And Armagh | Coláiste Chaitríona (Unit) |

IRISH-MEDIUM POST-PRIMARY SCHOOLS AND UNITS BY CONSTITUENCY 2009/10

| Constituency name | School name |
|-------------------|----------------------------|
| Belfast West | Coláiste Feirste |
| Foyle | Coláiste Bhríde |
| Newry And Armagh | Coláiste Chaitríona (Unit) |

Irish-Medium Post-Primary Schools

Mr Storey asked the Minister of Education to list all Irish-medium post-primary schools by parliamentary constituency in each of the last five years including 2009/10. (AQW 31/10)

The Minister of Education: Tá an t-eolas a iarradh leagtha amach sna táblaí thíos.

The information requested is set out in the tables below.

IRISH-MEDIUM PRIMARY SCHOOLS AND UNITS BY CONSTITUENCY 2005/06

| Constituency name | School name |
|----------------------------|-------------------------------|
| Belfast North | Bunscoil Mhic Reachtain |
| Belfast North | Bunscoil Bheann Mhadagáin |
| Belfast South | Scoil An Droichid |
| Belfast West | Bunscoil Phobal Feirste |
| Belfast West | Gaelscoil Na Bhfál |
| Belfast West | Bunscoil An Tsléibhe Dhuibh |
| Belfast West | Gaelscoil An Damba |
| Belfast West | Gaelscoil Na Móna |
| Belfast West | Gaelscoil An Lonnáin |
| Belfast West | Scoil Na Fuiseoige |
| East Derry | St Canice's Ps (Unit) |
| Fermanagh And South Tyrone | Bunscoil An Traonaigh |
| Foyle | Bunscoil Cholmcille |
| Foyle | Gaelscoil Éadain Mhóir |
| Mid Ulster | Gaelscoil Uí Néill |
| Mid Ulster | St Brigid's Ps Tirkane (Unit) |

| Constituency name | School name |
|-------------------|-------------------------------|
| Mid Ulster | St Mary's Ps (Unit) |
| Newry And Armagh | Bunscoil An Iúir |
| Newry And Armagh | Christian Brothers' Ps (Unit) |
| Newry And Armagh | St Patrick's Ps (Unit) |
| North Antrim | Bunscoil An Chaistil |
| South Down | Bunscoil Bheanna Boirche |
| South Down | St Patrick's Boys' Ps (Unit) |
| Upper Bann | St Francis Ps (Unit) |
| Upper Bann | St John The Baptist Ps (Unit) |
| West Tyrone | Gaelscoil Uí Dhochartaigh |
| West Tyrone | St Columbkille's Ps (Unit) |
| West Tyrone | St Patrick's Ps (Unit) |

IRISH-MEDIUM PRIMARY SCHOOLS AND UNITS BY CONSTITUENCY 2006/07

| Constituency name | School name |
|----------------------------|-------------------------------|
| Belfast North | Bunscoil Bheann Mhadagáin |
| Belfast North | Bunscoil Mhic Reachtain |
| Belfast South | Scoil An Droichid |
| Belfast West | Bunscoil An Tsléibhe Dhuibh |
| Belfast West | Bunscoil Phobal Feirste |
| Belfast West | Gaelscoil An Damba |
| Belfast West | Gaelscoil An Lonnáin |
| Belfast West | Gaelscoil Na Bhfál |
| Belfast West | Gaelscoil Na Móna |
| Belfast West | Scoil Na Fuiseoige |
| East Derry | St Canice's Ps (Unit) |
| Fermanagh And South Tyrone | Bunscoil An Traonaigh |
| Foyle | Bunscoil Cholmcille |
| Foyle | Gaelscoil Éadain Mhóir |
| Mid Ulster | Gaelscoil Na Speiríní |
| Mid Ulster | Gaelscoil Uí Néill |
| Mid Ulster | St Brigid's Ps Tirkane (Unit) |
| Mid Ulster | St Mary's Ps (Unit) |
| Newry And Armagh | Bunscoil An Iúir |
| Newry And Armagh | Christian Brothers' Ps (Unit) |
| Newry And Armagh | St Patrick's Ps (Unit) |
| North Antrim | Bunscoil An Chaistil |
| South Down | Bunscoil Bheanna Boirche |
| South Down | St Patrick's Boys' Ps (Unit) |
| Upper Bann | St Francis Ps (Unit) |

| Constituency name | School name |
|-------------------|-------------------------------|
| Upper Bann | St John The Baptist Ps (Unit) |
| West Tyrone | Gaelscoil Na Gcrann |
| West Tyrone | Gaelscoil Uí Dhochartaigh |
| West Tyrone | St Columbkille's Ps (Unit) |
| West Tyrone | St Patrick's Ps (Unit) |

IRISH-MEDIUM PRIMARY SCHOOLS AND UNITS BY CONSTITUENCY 2007/08

| Constituency name | School name |
|----------------------------|-------------------------------|
| Belfast North | Bunscoil Mhic Reachtain |
| Belfast North | Bunscoil Bheann Mhadagáin |
| Belfast South | Scoil An Droichid |
| Belfast West | Bunscoil Phobal Feirste |
| Belfast West | Gaelscoil Na Bhfál |
| Belfast West | Bunscoil An Tsléibhe Dhuibh |
| Belfast West | Gaelscoil An Damba |
| Belfast West | Gaelscoil Na Móna |
| Belfast West | Gaelscoil An Lonnáin |
| Belfast West | Scoil Na Fuiseoige |
| East Derry | St Canice's Ps (Unit) |
| Fermanagh And South Tyrone | Bunscoil An Traonaigh |
| Foyle | Bunscoil Cholmcille |
| Foyle | Gaelscoil Éadain Mhóir |
| Mid Ulster | Gaelscoil Na SpEiríní |
| Mid Ulster | Gaelscoil Uí Néill |
| Mid Ulster | St Brigid's Ps Tirkane (Unit) |
| Mid Ulster | St Mary's Ps (Unit) |
| Newry And Armagh | Bunscoil An Iúir |
| Newry And Armagh | Christian Brothers' Ps (Unit) |
| Newry And Armagh | St Patrick's Ps (Unit) |
| North Antrim | Bunscoil An Chaistil |
| South Antrim | Gaelscoil Ghleann Darach |
| South Antrim | Gaelscoil Éanna |
| South Down | Bunscoil Bheanna Boirche |
| South Down | St Patrick's Boys' Ps (Unit) |
| Upper Bann | St Francis Ps (Unit) |
| Upper Bann | St John The Baptist Ps (Unit) |
| West Tyrone | Gaelscoil Uí DhocharTaigh |
| West Tyrone | Gaelscoil Na Gcrann |
| West Tyrone | St Columbkille's Ps (Unit) |

IRISH-MEDIUM PRIMARY SCHOOLS AND UNITS BY CONSTITUENCY 2008/09

| Constituency name | School name |
|----------------------------|--|
| Belfast North | Bunscoil Mhic Reachtain |
| Belfast North | Bunscoil Bheann Mhadagáin |
| Belfast South | Scoil An Droichid |
| Belfast West | Bunscoil Phobal Feirste |
| Belfast West | Gaelscoil Na Bhfál |
| Belfast West | Bunscoil An Tsléibhe Dhuibh |
| Belfast West | Gaelscoil Na Móna |
| Belfast West | Gaelscoil An Lonnáin |
| Belfast West | Scoil Na Fuiseoige |
| East Derry | St Canice's Ps (Unit) |
| Fermanagh And South Tyrone | Bunscoil An Traonaigh |
| Foyle | Bunscoil Cholmcille |
| Foyle | Gaelscoil Éadain Mhóir |
| Mid Ulster | Gaelscoil Na Speiríní |
| Mid Ulster | Gaelscoil Uí NÉill |
| Mid Ulster | St Brigid's Ps Tirkane (Unit) |
| Mid Ulster | St Mary's Ps (Unit) |
| Newry And Armagh | Bunscoil An Iúir |
| Newry And Armagh | Christian Brothers' Ps (Unit) |
| Newry And Armagh | St Patrick's Ps (Unit) |
| North Antrim | Bunscoil An Chaistil |
| South Antrim | Gaelscoil Ghleann Darach |
| South Antrim | Gaelscoil Éanna |
| South Down | Bunscoil Bheanna Boirche |
| South Down | St Patrick's Boys' Ps Downpatrick (Unit) |
| Upper Bann | St Francis Ps (Unit) |
| Upper Bann | St John The Baptist Ps (Unit) |
| West Tyrone | Gaelscoil Uí Dhochartaigh |
| West Tyrone | Gaelscoil Na Gcrann |
| West Tyrone | St Columbkille's Ps (Unit) |

IRISH-MEDIUM PRIMARY SCHOOLS AND UNITS BY CONSTITUENCY 2009/10

| Belfast North | Bunscoil Mhic Reachtain |
|----------------------|--------------------------------|
| Belfast North | Bunscoil Bheann Mhadagáin |
| Belfast South | Scoil An Droichid |
| Belfast West | Bunscoil Phobal Feirste |
| Belfast West | Gaelscoil Na Bhfál |
| Belfast West | Bunscoil An Tsléibhe Dhuibh |

| Belfast North | Bunscoil Mhic Reachtain |
|----------------------------|--|
| Belfast West | Gaelscoil Na Móna |
| Belfast West | Gaelscoil An Lonnáin |
| Belfast West | Scoil Na Fuiseoige |
| East Derry | St Canice's Ps (Unit) |
| Fermanagh And South Tyrone | Bunscoil An Traonaigh |
| Foyle | Bunscoil Cholmcille |
| Foyle | Gaelscoil Éadain Mhóir |
| Mid Ulster | Gaelscoil Na Speiríní |
| Mid Ulster | Gaelscoil Uí NÉill |
| Mid Ulster | St Brigid's Ps Tirkane (Unit) |
| Mid Ulster | St Mary's Ps (Unit) |
| Newry And Armagh | Bunscoil An Iúir |
| Newry And Armagh | Christian Brothers' Ps (Unit) |
| Newry And Armagh | St Patrick's Ps (Unit) |
| North Antrim | Bunscoil An Chaistil |
| South Antrim | Gaelscoil Ghleann Darach |
| South Antrim | Gaelscoil Éanna |
| South Down | Bunscoil Bheanna Boirche |
| South Down | St Patrick's Boys' Ps Downpatrick (Unit) |
| Upper Bann | St Francis Ps (Unit) |
| Upper Bann | St John The Baptist Ps (Unit) |
| West Tyrone | Gaelscoil Uí Dhochartaigh |
| West Tyrone | Gaelscoil Na Gerann |
| West Tyrone | St Columbkille's Ps (Unit) |

IRISH-MEDIUM POST-PRIMARY SCHOOLS AND UNITS BY CONSTITUENCY 2005/06

| Constituency name | School name |
|--------------------------|----------------------------|
| Belfast West | Coláiste Feirste |
| Foyle | Coláiste Bhríde |
| Newry And Armagh | Coláiste Chaitríona (Unit) |

IRISH-MEDIUM POST-PRIMARY SCHOOLS AND UNITS BY CONSTITUENCY 2006/07

| Constituency name | School name |
|--------------------------|----------------------------|
| Belfast West | Coláiste Feirste |
| Foyle | Coláiste Bhríde |
| Newry And Armagh | Coláiste Chaitríona (Unit) |

IRISH-MEDIUM POST-PRIMARY SCHOOLS AND UNITS BY CONSTITUENCY 2007/08

| Constituency name | School name |
|--------------------------|--------------------|
| Belfast West | Coláiste Feirste |

| Constituency name | School name |
|-------------------|----------------------------|
| Foyle | Coláiste Bhríde |
| Newry And Armagh | Coláiste Chaitríona (Unit) |

IRISH-MEDIUM POST-PRIMARY SCHOOLS AND UNITS BY CONSTITUENCY 2008/09

| Constituency name | School name |
|-------------------|----------------------------|
| Belfast West | Coláiste Feirste |
| Foyle | Coláiste Bhríde |
| Newry And Armagh | Coláiste Chaitríona (Unit) |

IRISH-MEDIUM POST-PRIMARY SCHOOLS AND UNITS BY CONSTITUENCY 2009/10

| Constituency name | School name |
|-------------------|----------------------------|
| Belfast West | Coláiste Feirste |
| Foyle | Coláiste Bhríde |
| Newry And Armagh | Coláiste Chaitríona (Unit) |

Irish-Medium Primary Schools

Mr Storey asked the Minister of Education how many pupils enrolled in Irish-medium primary schools in each of the last three years including 2009/10. (AQW 33/10)

The Minister of Education: Tá an t-eolas a iarradh leagtha amach sna táblaí thíos. Ní bheidh fáil ar shonraí rollaithe don scoilbhliain 2009/10 go dtí go gcríochnófar an daonáireamh scoile níos moille i mbliana.

The information requested is set out in the tables below. Enrolment data for 2009/10 will not be available until completion of the school census later in the year.

(AQW 28/10) PUPILS ENROLLED AT GRANT-AIDED IRISH-MEDIUM POST-PRIMARY SCHOOLS 2006/07 – 2008/09

| School name | 2006/07 | 2007/08 | 2008/09 |
|------------------|---------|---------|---------|
| Coláiste Feirste | 489 | 506 | 513 |

(AQW 33/10) PUPILS ENROLLED AT GRANT-AIDED IRISH-MEDIUM PRIMARY SCHOOLS 2006/07 – 2008/09

| School name | 2006/07 | 2007/08 | 2008/09 |
|-----------------------------|---------|---------|---------|
| Bunscoil Mhic Reachtain | 65 | 71 | 69 |
| Bunscoil Phobal Feirste | 303 | 294 | 297 |
| Gaelscoil Na Bhfál | 213 | 211 | 211 |
| Bunscoil An Tsléibhe Dhuibh | 176 | 168 | 180 |
| Bunscoil Bheann Mhadagáin | 134 | 119 | 99 |
| Scoil An Droichid | 89 | 103 | 125 |
| Gaelscoil An Damba | 27 | 29 | 0 |
| Gaelscoil Na Móna | 66 | 72 | 86 |
| Gaelscoil An Lonnáin | 44 | 44 | 51 |
| Bunscoil Cholmcille | 163 | 159 | 161 |
| Gaelscoil Uí Dhocartaigh | 117 | 130 | 131 |

| School name | 2006/07 | 2007/08 | 2008/09 |
|--------------------------|--------------|--------------|--------------|
| Gaelscoil Éadain Mhóir | 116 | 135 | 128 |
| Bunscoil An Traonaigh | 22 | 27 | 31 |
| Gaelscoil Na Gcrann | 38 | 45 | 50 |
| Bunscoil An Chastil | 71 | 75 | 77 |
| Gaelscoil Na Speiríní | 21 | 23 | 24 |
| Gaelscoil Ghleann Darach | N.A | 19 | 30 |
| Gaelscoil Éanna | N.A | 12 | 26 |
| Scoil Na Fuisceoige | 134 | 133 | 119 |
| Bunscoil Bheanna Boirche | 54 | 48 | 58 |
| Bunscoil An Iúir | 84 | 102 | 104 |
| Gaelscoil Uí Néill | 104 | 113 | 126 |
| Total | 2,041 | 2,132 | 2,183 |

Source: School census

Note:

- Enrolment figures include pupils in nursery, reception and year 1 – 7 classes where applicable.
- Figures exclude pupils who are enrolled in Irish medium units.
- 'n.a.' is "not applicable" as the school existed as an independent school.

Children not Sent to School

Miss McIlveen asked the Minister of Education what assistance has been given to parents who have opted not to send their children to school at the start of the academic year 2009/10. (AQW 64/10)

The Minister of Education: Tugann Boird Oideachais agus Leabharlainne tacaíocht do thuismitheoirí le scoil a fháil dá bpáiste i rith agus i ndiaidh na bpróiseas rollaithe oscailte (a thugann áit do pháistí i scoil). Muna mbíonn áit ar fáil i scoileanna tosaíochtaí an pháiste, soláthróidh an Bord Oideachais agus Leabharlainne liosta de scoileanna eile a bhfuil áit ar fáil iontu do thuismitheoirí.

Education and Library Boards support parents in finding a school for their child both during, and after, the open enrolment processes (which place children in a school). If a child's preferences have been exhausted, the Education and Library Board will supply the parents with a list of alternative schools with places available.

If at the end of the process some children remain unplaced, their parents are advised to identify a preference for one of the schools with places available in order to ensure that their child will be placed in time for the beginning of the school term. Details of children un-placed and not attending school after the start of the school year are forwarded to the Education Welfare Service as, by this point, there is a non-attendance issue.

Education and Skills Authority: Chair Designate

Miss McIlveen asked the Minister of Education, in relation to the position of Chair Designate of the Education and Skills Authority (i) how many applicants applied; (ii) how many were short listed; (iii) what criteria were applied for each stage of the appointment; and (iv) who served on the appointment panel. (AQW 65/10)

The Minister of Education: Is féidir liom a chur in iúl: (i) go bhfuarthas 14 iarratas san iomlán; (ii) agus nuair a seiceáladh na hiarratais do incháilitheacht na n-iarratasóirí in aghaidh na gcritéar riachtanach, iarradh ar naonúr acu teacht le haghaidh agallaimh;

I can advise that: (i) a total of 14 applications were received; (ii) following an eligibility paper sift of the applications against the essential criteria nine applicants were invited for interviews; (iii) applicants were expected to demonstrate that they had the necessary skills, experience and competencies, both on their application form and at interview, to meet all the essential criteria as set out in the Information/Application Pack

issued to potential candidates. The criteria were Corporate Governance; Leadership; Thinking Strategically; Making an impact with others; and Analytical thinking; (iv) the short listing and interview panel was comprised of Mr Will Haire (DE Permanent Secretary), Ms Brenda McLaughlin (Civil Service Commissioner) and Ms Joan Smyth (Independent Assessor appointed by the Office of the Commissioner for Public Appointments (OCPANI)).

Private Consultancy Firms and Events Companies: Cost to DE

Mr McGlone asked the Minister of Education how much has been spent by her Department in each of the last five years on (i) private consultancy firms; and (ii) events companies. (AQW 70/10)

The Minister of Education: Fuair an Roinn seirbhísí ó ghnólaigh príobháideacha comhairliúcháin agus ó chuideachtaí imeachtaí ar roinnt ócáidí le cúig bliana anuas. Tá achoimre sa tábla thíos ar na costais a tabhaíodh i ngach bliain le cúig bliana airgeadais anuas.

The Department have employed the services of private consultancy firms and events companies on a number of occasions over the last five years. A summary of the costs incurred is contained in the table below for each of the last five financial years.

DEPARTMENT OF EDUCATION

| Financial Year | Private Consultancy Firms £ | Events Companies companies |
|----------------|--------------------------------|-------------------------------|
| 2004/05 | £765,799.21 | £0.00 |
| 2005/06 | £532,244.15 | £4,205.00 |
| 2006/07 | £905,600.57 | £764.89 |
| 2007/08 | £1,067,704.53 | £4,630.00 |
| 2008/09 | £665,009.68 | £3,620.00 |

Special Educational Needs Statements

Mr Beggs asked the Minister of Education to detail the number of young people who have received Special Educational Needs Statements, broken down by (i) constituency ; and (ii) District Council area, in each of the last three years. (AQW 75/10)

The Minister of Education: Tá curtha in iúl ag Príomhfheidhmeannaigh na mBord Oideachais agus Leabharlainne (ELBanna) nach gcoinnítear an t-eolas a d'iarr tú de réir toghcheantair nó de réir limistéar na gComhairlí Ceantair. Mar sin de, tá an t-eolas á thabhairt de réir limistéar na mBord, mar seo a leanas:-

The Chief Executives of the Education and Library Boards (ELBs) have advised that the information you have requested is not held by either constituency or District Council area. The information has, therefore, been provided by Board area as follows:-

| | BELB | NEELB | SEELB | SELB | WELB |
|----------|------|-------|-------|------|------|
| 2006/07* | 430 | 273 | 335 | 410 | 350 |
| 2007/08* | 393 | 326 | 342 | 660 | 231 |
| 2008/09* | 451 | 280 | 145 | 342 | 200 |

* academic years

The above figures refer to children and young people who received final statements of special educational need. They do not include those who may have received reviewed statements.

Special Educational Needs

Mr Beggs asked the Minister of Education to detail how the additional £25 million for Special Educational Needs has been distributed to date. (AQW 77/10)

The Minister of Education: Fuair mo Roinn cistiú de £25 milliún thar dhá bhliain le tús a chur le forfheidhmiú na moltaí beartais san Athbheithniú ar SEN agus Chuimsiú. Tá sé beartaithe go gcaithfear £750k sa bhliain 2009-10 agus £24.3 milliún sa bhliain 2010-11.

My Department has secured funding of £25 million over two years to commence implementation of the Review of SEN and Inclusion policy proposals. It is planned that £750k will be spent in 2009-10 and £24.3 million in 2010-11.

The £750k secured for 2009/10 will be used for pre-implementation activities on a capacity building programme for teachers and on developing standards/indicators and good practice guidance for Special Educational Needs Co-ordinators (SENCOs); funding has also been set aside for the consultation process which is currently underway.

To date, £5k has been allocated to the 5 Education and Library Boards to provide substitute cover for teachers attending SENCO sub-group meetings which formed part of the pre-consultation process.

The 24.3m secured for 2010/11 will be used for the implementation of a number of proposals contained in the Review and which will be individually costed in the coming months.

Post-Primary Entrance Test

Mr O'Dowd asked the Minister of Education to detail the percentage intake of each entrance test grade accepted by each individual grammar school at the start of the September 2009 school term. (AQW 80/10)

The Minister of Education: Níl an t-eolas seo ag an Roinn Oideachais faoi láthair. Cruinníonn na Boird Oideachais agus Leabharlainne na staitisticí seo ó iar-bhunscoileanna i mí Mheán Fómhair agus i mí Dheireadh Fómhair gach bliain, le haistriú daltaí idir scoileanna sna chéad chúpla seachtain den téarma acadúil a chur san áireamh.

This information is not currently available to the Department of Education. Each year the Education and Library Boards gather these statistics from post primary schools in September and October, allowing for movement of pupils between schools in the initial weeks of the academic term.

Once the statistics are collated and checked they are made available to the Department by early November. When this information becomes available I will write to you providing the statistics you seek.

Alcohol Awareness for Children

Lord Morrow asked the Minister of Education to outline what plans she has to introduce alcohol awareness for children under the school health curriculum. (AQW 95/10)

The Minister of Education: Tá mé sásta a chur in iúl go bhfuil feachtas ar alcól do pháistí mar chuid den churaclam cheana féin. Tríd an churaclam athbheithnithe, bíonn gach duine óg ábalta foghlaim faoi na héifeachtaí a bhíonn ag substaintí dleathacha agus mídhleathacha ar an chorp agus faoi na rioscaí agus na hiarmhairtí a bhaineann lena mí-úsáid. Bíonn siad ábalta scileanna a fhorbairt a bhíonn de dhíth orthu le déileáil le piarbhrú agus leis na fadhbanna a thug orthu drugaí agus alcól a ghlacadh sa chéad áit.

I am pleased to say that alcohol awareness for children is already part of the curriculum. The revised curriculum gives every young person the chance to investigate the effects on the body of legal and illegal substances and the risks and consequences of their misuse. It allows them to develop the skills they need to deal with peer pressure and the problems that may drive them to drugs and alcohol in the first place.

Schools, along with parents and others, have an essential role to play in ensuring our young people are fully equipped to make the right choices with regard to drugs and alcohol. My Department has policies in place to educate and support our young people and has issued guidance to all schools on drugs education, including alcohol. Schools are required to have a drugs policy which includes education on alcohol and drugs misuse. Education Boards provide support to schools and youth clubs with dedicated drug and alcohol education officers.

The youth and community sector also targets programmes at those most at risk of drug and alcohol misuse, to help them make healthy choices.

I would like to assure you that my Department is participating fully in the DHSSPS led New Strategic Direction on Drugs and Alcohol Steering Group, including the DHSSPS Minister's recent cross-departmental, integrated Action Plan that seeks to prevent and reduce the harm suffered by children and young people from alcohol misuse.

Dyslexic Children

Lord Morrow asked the Minister of Education how many children in schools are dyslexic; and how many are awaiting assessment. (AQW 96/10)

The Minister of Education: Léiríonn sonraí ó Dhaonáireamh Scoile 2008/09 go raibh 5,944 dalta scoile san iomlán ag Céim 1 – 5 den Chód Cleachtais do Riachtanais Speisialta Oideachais (SEN) a raibh disléicse orthu.

Data from the 2008/09 School Census shows that there were a total of 5, 944 pupils in schools at Stage 1 – 5 of the Special Educational Needs (SEN) Code of Practice with Dyslexia.

There were 175 pupils recorded at Stage 4 of the SEN Code of Practice. Stage 4 of the Code is when the relevant Education and Library Board (ELB) considers the need for a statutory assessment and, if appropriate, makes a multi-disciplinary assessment. Therefore, pupils at this stage are awaiting assessment from the ELB to determine if they are to be classified as being statemented.

Note:

1. Figures include nursery schools, primary, post primary and special schools.

Swine Flu

Mr Shannon asked the Minister of Education what action she is taking to address the possibility of Swine Flu outbreaks at primary and secondary schools. (AQW 115/10)

The Minister of Education: Ón uair a bhris flú na muc amach níos luaithe i mbliana, tá mo Roinn ag comhoibriú go dlúth leis an Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí agus leis an Public Health Agency le comhairle agus treoir a sholáthar do scoileanna agus don earnáil oideachais ar fad.

Since the outbreak of swine flu earlier this year, my Department has worked closely with the Department of Health, Social Services and Public Safety and the Public Health Agency to provide schools and the wider education sector with advice and guidance.

This advice and guidance was updated and issued to schools in time for the new school year starting this month and school principals have been given direct access telephone numbers to the Public Health Agency, if they require specific case advice. Regular good personal hygiene practice is key to reducing the spread of all virus, including swine flu, in schools. Schools have been advised to ensure that adequate supplies of liquid soap and hot water are available for both pupils and staff.

I have met on two occasions with the Minister of Health and on one occasion with the Minister for Employment and Learning to ensure a continued co-ordinated approach to how the education sector deals with any impacts of swine flu. In addition, my officials monitor advice from the World health Organisation and liaise on an all Ireland basis.

Interactive Computerised Assessment System

Mr Storey asked the Minister of Education what plans are in place to review the Interactive Computerised Assessment System. (AQW 198/10)

The Minister of Education: Tugadh isteach an Interactive Computerised Assessment System (InCAS) ar bhonn céimneach ón scoilbhliain 2007/08 le tacú le measúnú diagnóiseach i mbunscoileanna do dhaltai i mblianta 4-7.

The Interactive Computerised Assessment System (InCAS) has been introduced on a phased basis since the 2007/08 school year to support diagnostic assessment in primary schools for pupils in Years 4-7.

My officials are working with the Education and Training Inspectorate to plan the evaluation of the use of the InCAS outcomes in primary schools to inform teaching and learning and good practice will be highlighted as part of the inspection process.

In addition, training and support for teachers in using InCAS has been provided by the Council for the Curriculum, Examinations and Assessment (CCEA) and an evaluation of the InCAS implementation process has been carried out in both the 2007/08 and 2008/09 school years. My officials are providing you with a copy of the 2008/09 evaluation report in your capacity as Chairperson of the Education Committee, and a copy of the previous evaluation was provided last year to Committee members. CCEA advises that their evaluation process has been independently appraised by the Consultation Institute and that the feedback from this is very positive.

0-6 Strategy

Mr Storey asked the Minister of Education when the 0-6 Strategy will be published. (AQW 209/10)

The Minister of Education: Tá an Straitéis á dréachtú faoi láthair le hionchur ó na príomhpháirtithe leasmhara. Tá sé beartaithe comhairliúchán a dhéanamh leis an Ghrúpa Réigiúnach Tagartha agus le Bord an Tionscadail níos moille i mbliana sula gcuirfear an Straitéis faoi bhráid an Choiste Oideachais. Ina dhiaidh sin, eiseofar an Straitéis le haghaidh comhairliúcháin phoiblí.

The Department is currently drafting the strategy in conjunction with input from key stakeholders. Consultations with the Regional Reference Group and Project Board are planned later in the year prior to the Strategy being made available to the Education Committee, after which time the Strategy will be issued for public consultation.

STEM Review

Mr Storey asked the Minister of Education when the STEM Review will be published. (AQW 210/10)

The Minister of Education: Tá sé beartaithe go bhfoilseoidh an fhoireann neamhspleách athbhreithnithe an tuarascáil ar athbhreithniú STEM agus go gcuirfidh an Dr Hugh Cormican faoi mo bhráid agus faoi bhráid an Aire Fostaíochta agus Foghlama í ag ócáid lainseála ar 30 Meán Fómhair 2009 ag an Ghailearaí Fada ag Stormont.

It is intended that the STEM review report will be published by the independent review team and presented to the DEL Minister and myself by Dr Hugh Cormican at a launch planned for 30 September 2009 at the Long Gallery in Stormont.

Ballymoney High School: Newbuild

Mr Storey asked the Minister of Education to outline the reasons for the delay in a new school build for Ballymoney High School. (AQW 212/10)

The Minister of Education: The Outline Business Case (OBC) for Ballymoney High School and Rainey Endowed School confirming PPP procurement was approved by the Department in October 2008. Since that time problems with financial markets brought about by the Credit Crunch called into question the viability of achieving a Value for Money (VfM) solution to the Schools' accommodation needs via PPP procurement. The Department needed to assess the impact of the current economic climate on this and other PPP projects before proceeding. The Department has concluded that an affordable VfM solution to the Schools' accommodation needs is unlikely to be achieved through the use of PPP procurement.

Ar 4 Meán Fómhair 2009 cuireadh litir chuig Bord Oideachais agus Leabharlainne an Oirthuaiscirt, agus cuireadh cóip di chuig Príomhoide Ballymoney High School, le cur in iúl gur féidir tús a chur le planáil don scoil nua agus go bpleanálfaid don scoil faoi mhodh soláthair atá á mhaoiniú go comhghnásach.

On 4 September 2009 a letter issued to the North Eastern Education and Library Board, copied to the Principal of Ballymoney High School, confirming that planning for a new school can now commence and will be taken

forward under a conventionally funded procurement route. The existing Economic Appraisals will be used to take the project forward to the planning stage and the existing project manager has been retained to provide continuity of service to both schools and to accelerate delivery.

IT systems: DE

Mr Hamilton asked the Minister of Education to detail (i) all new IT systems that were installed within her Department; (ii) the initial budget; (iii) the actual cost; (iv) the estimated start date; and (v) the actual start date, in the last five years. (AQW 217/10)

The Minister of Education: Tá an t-eolas a iarradh mionsonraithe thíos:

The information requested is detailed below:

- (i) Teachers' Payroll/HR System
- (ii) Initial Budget
 - £868k implementation cost
 - £95k recurrent cost Year 1
 - £136k recurrent cost Year 2 onwards
- (iii) Actual Costs
 - Implementation costs to Date £836k. Known costs to complete implementation £70k.
 - Recurrent costs will be as stated
- (iv) Estimated Start Date April 2008
- (v) Actual Start Date March 2009

Castle Towers School, Ballymena

Mr O'Loan asked the Minister of Education what plans she has to relocate the Castle Towers School, Ballymena, onto a single site; and to ensure that this project is brought to an early conclusion. (AQW 283/10)

The Minister of Education: Tá mórsceim chaipitiúil oibreacha do Castle Tower Special School ag céim an Bhreithmheasa Eacnamaíochta (EA). Moltar foirgneamh nua ar iarláithreán Ballymena Boys' and Girls' Schools san EA.

A major capital works scheme for Castle Tower Special School is at Economic Appraisal (EA) stage. The EA recommends a new build on the former site of Ballymena Boys' and Girls' Schools.

In August 2009, the Department of Education (DE) provided the NEELB with comments on the EA and a further revised EA is expected to be submitted shortly. Following approval of the EA, it has been agreed that the scheme will proceed to project development and design stage. The project will then be in a strong position to compete for funding from a future capital announcement.

Primary and Post-Primary Schools

Mr P Ramsey asked the Minister of Education how many primary and post primary schools have closed in each of the last six years. (AQW 328/10)

The Minister of Education: Tá an t-eolas mionsonraithe sa tábla thíos. Ní áirítear Náiscoilleana, Scoilleana Speisialta ná aonaid ag bunscoilleana ná ag iarbhunscoilleana ar druideadh iad.

The information is detailed in the table below. Closures of Nursery Schools, Special Schools or closure of units at primary or post-primary schools are not included.

| School Year | Primary (incl. preparatory departments) | | Post Primary | |
|---------------|---|---------------------------------------|--------------|-------------------------------------|
| | Closures | Amalgamations | Closures | Amalgamations |
| 2003/04 | 4 | 1 amalgamation involving 2 schools | 0 | 2 amalgamations involving 4 schools |
| 2004/05 | 4 | 5 amalgamations involving 12 schools | 0 | 1 amalgamation involving 3 schools |
| 2005/06 | 8 | 1 amalgamation involving 2 schools | 1 | 1 amalgamation involving 2 schools |
| 2006/07 | 9 | 3 amalgamations involving 8 schools | 2 | No amalgamations |
| 2007/08 | 8 | 4 amalgamations involving 9 schools | 4 | No amalgamations |
| 2008/09 | 8 | No amalgamations | 4 | No amalgamations |
| Totals | 41 | 14 amalgamations involving 33 schools | 11 | 4 amalgamations involving 9 schools |

Primary School Uniform Grants

Mr O'Dowd asked the Minister of Education how many Primary school uniform grants were awarded up to the start of the new school term; and what was the monetary value of those grants awarded. (AQW 354/10)

The Minister of Education: Tá deimhnithe ag na Boird Oideachais agus Leabharlainne, arb iad a riarann an scéim, go raibh 24,135 deontas íoctha acu ag deireadh mhí Lúnasa i leith costais éidí bunscoile ag costas iomlán de £844,725. Tá curtha in iúl acu fosta go bhfuil iarratais ar an deontas d'éidí bunscoile á bpróiseáil acu go fóill.

The Education and Library Boards, which administer the scheme, have confirmed that at the end of August they paid 24,135 grants towards the cost of primary school uniforms at a total cost of £844,725. They have also advised that they are still processing applications for the Primary School uniform grant.

DEPARTMENT FOR EMPLOYMENT AND LEARNING

Belfast Metropolitan College: Efficiency Review

Miss McIlveen asked the Minister for Employment and Learning, in relation to the proposed E3 campus (i) when the business case was carried out; (ii) when the business case was reviewed and amended; and (iii) whether the proposal been included in the Efficiency Review of the Belfast Metropolitan College. (AQW 11/10)

The Minister for Employment and Learning (Sir Reg Empey): The Economic Appraisal for the proposed E3 campus confirmed that it was value for money in November 2004. No substantive change has been made since that date. The project received a Ministerial funding commitment at April 2006. Although the impending 2007 college merger delayed the project, design development has now been completed, Planning Approval has been granted and the project is out to tender with contractors expected to be on site in January 2010.

The Terms of Reference for the Efficiency Review of Belfast Metropolitan College required the adequacy and effectiveness of the College estate planning process to be examined. The Review considered the adequacy of the college's approach to strategic planning across the entire estate but did not carry out a detailed examination of individual sites.

Belfast Metropolitan College: Efficiency Review

Miss McIlveen asked the Minister for Employment and Learning how many draft reports on the Efficiency Review of the Belfast Metropolitan College have been written and subsequently amended. (AQW 12/10)

The Minister for Employment and Learning: The team of consultants which carried out the Efficiency Review of Belfast Metropolitan College has provided two draft reports to the Department. The second draft has been formally presented to the college governing body for consideration and comment. The college provided comments which are now being considered and, once agreed, the report will be finalised.

Belfast Metropolitan College: Efficiency Review

Miss McIlveen asked the Minister for Employment and Learning to detail the cost of the Efficiency Review of the Belfast Metropolitan College. (AQW 13/10)

The Minister for Employment and Learning: The total cost of the Efficiency Review of Belfast Metropolitan College was £71,273.

Crèche Facilities: UU, Coleraine

Mr G Robinson asked the Minister for Employment and Learning what is the current status of the crèche at the University of Ulster's Coleraine Campus. (AQW 18/10)

The Minister for Employment and Learning: I am advised by the University of Ulster that the current childcare arrangements on all its campuses will be maintained in their present form until, at least, August 2010.

The University is currently considering options for childcare provision at its Coleraine, Jordanstown and Magee campuses. The overall aim of the review is to ensure the most effective support for the widest range of students, staff and children. As part of this review, the University has recently undertaken a public consultation process.

The consultation period ended at the end of August 2009, with over 350 responses. The University's Child Care Review Working Group will now be reviewing the submissions received. Following this review, options will be presented to the University for consideration.

The University has stated that it remains committed to providing support for childcare services. As mentioned earlier in this response, the University has also stated that, whatever the outcomes of the consultation process, the current childcare arrangements on all its campuses will be maintained in their present form until, at least, August 2010.

Crèche Facilities: UU, Coleraine

Mr G Robinson asked the Minister for Employment and Learning for an update on any plans which may affect the future status of the crèche at Coleraine campus, University of Ulster. (AQW 20/10)

The Minister for Employment and Learning: I am advised by the University of Ulster that the current childcare arrangements on all its campuses will be maintained in their present form until, at least, August 2010.

The University is currently considering options for childcare provision at its Coleraine, Jordanstown and Magee campuses. The overall aim of the review is to ensure the most effective support for the widest range of students, staff and children. As part of this review, the University has recently undertaken a public consultation process.

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Crèche Facilities: UU

Mr G Robinson asked the Minister for Employment and Learning if the provision of crèche facilities on campus is an integral part of future planning to ensure that third level education is open to all parents. (AQW 21/10)

The Minister for Employment and Learning: I am advised by the University of Ulster that the current childcare arrangements on all its campuses will be maintained in their present form until, at least, August 2010.

The University is currently considering options for childcare provision at its Coleraine, Jordanstown and Magee campuses. The overall aim of the review is to ensure the most effective support for the widest range of students, staff and children. As part of this review, the University has recently undertaken a public consultation process.

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Crèche Facilities: UU

Mr G Robinson asked the Minister for Employment and Learning if the withdrawal of crèche facilities on campus would reduce the equality of opportunity for parents. (AQW 22/10)

The Minister for Employment and Learning: I am advised by the University of Ulster that the current childcare arrangements on all its campuses will be maintained in their present form until, at least, August 2010.

The University is currently considering options for childcare provision at its Coleraine, Jordanstown and Magee campuses. The overall aim of the review is to ensure the most effective support for the widest range of students, staff and children. As part of this review, the University has recently undertaken a public consultation process.

The consultation period ended at the end of August 2009, with over 350 responses. The University's Child Care Review Working Group will now be reviewing the submissions received. Following this review, options will be presented to the University for consideration.

The University has stated that it remains committed to providing support for childcare services. As mentioned earlier in this response, the University has also stated that, whatever the outcomes of the consultation process, the current childcare arrangements on all its campuses will be maintained in their present form until, at least, August 2010.

Higher Education Strategy

Mr Storey asked the Minister for Employment and Learning to detail the terms of reference for the Higher Education Strategy announced on 6 August 2009. (AQW 200/10)

The Minister for Employment and Learning: The Terms of Reference for the Higher Education Strategy are currently in draft form. The Steering Group, which will oversee the development of the Strategy, will meet in late Autumn to agree the Terms of Reference. When they are agreed, it is my intention to share them with Assembly colleagues.

IT Systems: DEL

Mr Hamilton asked the Minister for Employment and Learning to detail (i) all new IT systems that were installed within his Department; (ii) the initial budget; (iii) the actual cost; (iv) the estimated start date; and (v) the actual start date, in the last five years. (AQW 219/10)

The Minister for Employment and Learning: There have been no new IT systems installed within the Department in the last five years.

DEPARTMENT OF ENTERPRISE, TRADE AND INVESTMENT

Private Consultancy Firms and Events Companies: Cost to DETI

Mr McGlone asked the Minister of Enterprise, Trade and Investment how much has been spent by her Department in each of the last five years on (i) private consultancy firms; and (ii) events companies.

(AQW 152/10)

The Minister of Enterprise, Trade and Investment (Mrs Foster): In relation to the amount spent over the last 5 years by the Department of Enterprise, Trade and Investment on (i) Private Consultancy Firms and (ii) Events Companies, the information is outlined in tables shown in Annexes A and B respectively.

ANNEX A

DETI DIVISIONS / NDPBS

EXPENDITURE ON PRIVATE CONSULTANCY FIRMS IN EACH OF THE LAST FIVE YEARS

| Year | Expenditure |
|-----------|-------------|
| 2008/2009 | £3,291,000 |
| 2007/2008 | £2,867,000 |
| 2006/2007 | £3,232,000 |
| 2005/2006 | £3,014,000 |
| 2004/2005 | £3,206,000 |

ANNEX B

DETI DIVISIONS / NDPBS

EXPENDITURE ON EVENTS COMPANIES IN EACH OF THE LAST FIVE YEARS

| Years | Expenditure |
|-----------|-------------|
| 2008/2009 | £ 134,467 |
| 2007/2008 | £ 74,497 |
| 2006/2007 | £ 303,582 * |
| 2005/2006 | £ 38,160 |
| 2004/2005 | £ 47,284 |

* Approx £198,000 was spent on the Geoparks Conference which was self funding through sponsorship and delegate fees.

GDP: Tourism Sector

Mr Gardiner asked the Minister of Enterprise, Trade and Investment to give an estimate, on the basis of the most recent figures available, of the size of the tourism sector as a percentage of the overall Northern Ireland Gross Domestic Product.

(AQW 155/10)

The Minister of Enterprise, Trade and Investment: The most recent year for which information on the share of Gross Value Added¹ (GVA) accounted for by tourism in Northern Ireland is 2005. The direct value added from tourism is 2.0% of total Northern Ireland GVA in 2005 and when indirect and induced effects are also included it contributed a total of 3.7% to Northern Ireland GVA².

- 1 Regional Gross Value Added is now used by the Office for National Statistics instead of Gross Domestic Product, when producing the UK Regional Accounts.
- 2 The latest updated estimates are included in the research report 'Tourism in the Northern Ireland Economy – Updated estimates to 2005' which was published in June 2008.

Economic Disadvantage

Mr Simpson asked the Minister of Enterprise, Trade and Investment how many people are estimated to be living in economic disadvantage in (i) each constituency; and (ii) each council area. (AQW 187/10)

The Minister of Enterprise, Trade and Investment: Estimates of 'economic disadvantage' are based on the income and employment domains of the 2005 NI Multiple Deprivation Measure. These domains are not mutually exclusive i.e. one person may be counted as both 'income deprived' and 'employment deprived' depending on their circumstances. It is therefore not possible to answer this question and provide a single measure of the number living in 'economic disadvantage'.

However for information, the tables below provide details of the numbers of people who are 'income deprived' and 'employment deprived' by Parliamentary Constituency and Local Government District per the 2005 measure.

(I) NUMBER OF PEOPLE 'INCOME DEPRIVED' OR 'EMPLOYMENT DEPRIVED' BY PARLIAMENTARY CONSTITUENCY.

| Parliamentary Constituency | Number Income Deprived | Number Employment Deprived |
|----------------------------|------------------------|----------------------------|
| Belfast East | 14,981 | 6,378 |
| Belfast North | 30,450 | 10,569 |
| Belfast South | 14,959 | 6,478 |
| Belfast West | 39,709 | 12,889 |
| East Antrim | 11,948 | 6,263 |
| East Londonderry | 18,055 | 7,420 |
| Fermanagh and South Tyrone | 20,572 | 7,787 |
| Foyle | 36,956 | 13,545 |
| Lagan Valley | 12,592 | 6,356 |
| Mid Ulster | 20,460 | 7,981 |
| Newry and Armagh | 27,071 | 10,156 |
| North Antrim | 18,000 | 7,636 |
| North Down | 9,668 | 5,078 |
| South Antrim | 13,185 | 6,954 |
| South Down | 20,101 | 8,849 |
| Strangford | 12,658 | 6,917 |
| Upper Bann | 19,905 | 9,807 |
| West Tyrone | 23,633 | 9,905 |

N.B. Figures are not mutually exclusive i.e. one person may be counted as both 'income deprived' and 'employment deprived' depending on their circumstances.

Source: NI Multiple Deprivation Measure 2005

(II) NUMBER OF PEOPLE 'INCOME DEPRIVED' OR 'EMPLOYMENT DEPRIVED' BY LOCAL GOVERNMENT DISTRICT.

| Local Government District | Number Income Deprived | Number Employment Deprived |
|---------------------------|------------------------|----------------------------|
| Antrim | 7,093 | 3,701 |
| Ards | 10,164 | 5,347 |
| Armagh | 10,374 | 4,655 |
| Ballymena | 8,956 | 3,969 |
| Ballymoney | 5,145 | 2,235 |
| Banbridge | 6,012 | 3,289 |

| Local Government District | Number Income Deprived | Number Employment Deprived |
|---------------------------|------------------------|----------------------------|
| Belfast | 82,986 | 30,119 |
| Carrickfergus | 5,143 | 2,844 |
| Castlereagh | 7,606 | 4,186 |
| Coleraine | 10,445 | 4,216 |
| Cookstown | 8,051 | 3,286 |
| Craigavon | 16,499 | 7,880 |
| Derry | 36,956 | 13,545 |
| Down | 11,584 | 5,252 |
| Dungannon | 11,920 | 4,331 |
| Fermanagh | 13,480 | 4,920 |
| Larne | 4,759 | 2,415 |
| Limavady | 7,610 | 3,204 |
| Lisburn | 19,801 | 7,954 |
| Magherafelt | 7,581 | 3,231 |
| Moyle | 3,899 | 1,432 |
| Newry and Mourne | 24,912 | 8,969 |
| Newtownabbey | 12,031 | 5,657 |
| North Down | 8,263 | 4,429 |
| Omagh | 11,409 | 4,919 |
| Strabane | 12,224 | 4,986 |

N.B. Figures are not mutually exclusive i.e. one person may be counted as both 'income deprived' and 'employment deprived' depending on their circumstances.

Source: NI Multiple Deprivation Measure 2005

Visitors to Northern Ireland

Mr Simpson asked the Minister of Enterprise, Trade and Investment how many people have visited Northern Ireland (i) in total; and from (ii) Great Britain; (iii) the Republic of Ireland; (iv) Mainland Europe; (v) North America; and (vi) elsewhere, in each of the last five years. (AQW 188/10)

The Minister of Enterprise, Trade and Investment: Number of trips taken in Northern Ireland by out of state* visitors who stayed at least one night (2004-2008)

| | (i) Total out of state* visitors to NI (000s) | (ii) Visitors to NI from Great Britain (000s) | (iii) Visitors to NI from the Republic of Ireland (000s) | (iv) Visitors to NI from Mainland Europe (000s) | (v) Visitors to NI from North America (000s) | (vi) Visitors to NI from elsewhere (000s) |
|------|---|---|--|---|--|---|
| 2008 | 2,076 | 1,202 | 367 | 261 | 160 | 86 |
| 2007 | 2,107 | 1,285 | 322 | 266 | 163 | 71 |
| 2006 | 1,979 | 1,281 | 277 | 209 | 145 | 66 |
| 2005 | 1,972 | 1,308 | 271 | 176 | 145 | 71 |
| 2004 | 1,985 | 1,408 | 252 | 133 | 122 | 70 |

* Out of state refers to visitors from outside Northern Ireland, i.e. excludes domestic tourism.

Broadband: Satellite

Mr McGlone asked the Minister of Enterprise, Trade and Investment what steps she has taken to reduce the cost of satellite broadband for customers who are unable to avail of fixed line broadband. (AQW 243/10)

The Minister of Enterprise, Trade and Investment: DETI has put in place a contract with Avanti Communications which will provide subsidised satellite broadband services across Northern Ireland for the next three years. Under the contract, Avanti are offering a range of services with downstream rates of between 512 kbps and 3 megabits per second (mbps) for business and residential users.

Prices start at £24.47 per month and £74.75 for installation. These compare favourably with the cost of similar services available under normal commercial conditions elsewhere in the United Kingdom, which are estimated, on average to be approximately £70 per month, with an installation charge of £1,400.

The telecommunications market is privatised and regulated nationally by Ofcom. Investment decisions in the delivery and pricing of services are made by the private sector service providers. DETI has no remit to intervene in such decisions, but may make investments in the marketplace to deliver networks or improve their extent, quality and reliability where it notes underlying market failure.

Satellite represents one solution for users unable to access a fixed line broadband service. In addition to the Remote Broadband Services contract with Avanti Communications, my Department is also currently supporting 3 projects under the Northern Ireland Broadband Fund which will deliver substantial fixed wireless networks across rural parts of Northern Ireland. These projects will promote competition, making an alternative broadband solution available to customers, including those based in Cookstown and surrounding areas. Where there is sufficient evidence of demand and take-up, this may impact on pricing of services.

Broadband: Fixed Line

Mr McGlone asked the Minister of Enterprise, Trade and Investment if any assessment has been carried out to establish which areas are unable to avail of satisfactory speed fixed line broadband, and if so, to detail these areas. (AQW 245/10)

The Minister of Enterprise, Trade and Investment: DETI has worked hard to ensure that all premises across Northern Ireland have access to a broadband service of 512 kilobits per second which can satisfactorily support the services small businesses require today. However, my Department has maintained a technology neutral stance, letting the market decide on the most cost effective and efficient solutions.

It is important to note that this market consists of networks which are owned and managed by private sector companies. My Department cannot establish with absolute certainty those areas where broadband can be delivered over fixed telephone wires as the market is continuously changing and evolving. However, it is currently estimated that over 99% of premises are able to get a service delivered over fixed telephone lines. This estimate is based on studies mapping distances between postcodes and telephone exchanges and assuming that services can be delivered by fixed telephone lines to postcodes up to 8km away from an exchange (an assumption validated by the private sector).

Those premises that require an alternative technology are scattered right across Northern Ireland, mainly in rural areas. It is impractical to provide a detailed list but a map which indicates these areas can be accessed at [www.detini.gov.uk/BT Exchanges](http://www.detini.gov.uk/BT%20Exchanges) or by contacting Telecoms Policy Unit at DETI on 02890 529900.

Manufacturing Firms: Craigavon Area

Mr Gardiner asked the Minister of Enterprise, Trade and Investment to detail the percentage of Northern Ireland manufacturing firms which are situated within the Craigavon Borough Council area. (AQW 268/10)

The Minister of Enterprise, Trade and Investment: The latest figures sourced from the Inter departmental Business Register indicate that at June 2009, there were 225 manufacturing businesses situated in the Craigavon Borough Council area. This equates to 5% of all the manufacturing businesses located within Northern Ireland.

Please note that the business register only contains information on all businesses in the United Kingdom which are VAT registered or which operate a PAYE scheme. As a result the estimates used in this answer will exclude those smaller businesses which do not exceed the VAT threshold or are VAT exempt.

Manufacturing Firms: Belfast Area

Mr Gardiner asked the Minister of Enterprise, Trade and Investment to detail the percentage of Northern Ireland manufacturing firms which are situated within the Belfast City Council area. (AQW 269/10)

The Minister of Enterprise, Trade and Investment: The latest figures sourced from the Inter departmental Business Register indicate that at June 2009, there were 340 manufacturing businesses situated in the Belfast City Council area. This equates to 8% of all the manufacturing businesses located within Northern Ireland.

Please note that the business register only contains information on all businesses in the United Kingdom which are VAT registered or which operate a PAYE scheme. As a result the estimates used in this answer will exclude those smaller businesses which do not exceed the VAT threshold or are VAT exempt.

Water Charges

Mr McGlone asked the Minister of Enterprise, Trade and Investment what measures have been taken to provide assistance to small, local businesses and shops with water charges during the current economic downturn. (AQW 297/10)

The Minister of Enterprise, Trade and Investment: The Department of Enterprise, Trade and Investment has no powers to provide assistance in respect of water charges.

DEPARTMENT OF THE ENVIRONMENT

PPS 21: Approved Planning Applications

Mr Bresland asked the Minister of the Environment to outline the number of planning applications approved since the introduction of PPS 21 in each of the following District Council areas; Omagh, Strabane, Derry City, Fermanagh, Cookstown, Magherafelt and Limavady. (AQW 15/10)

The Minister of the Environment (Mr Poots): Following publication of draft PPS 21 on 25 November 2008, my Department has approved a total of 1827 planning applications in the above District Council areas between this date and 31 March 2009. This is broken down by District Council area as follows:

| District Council Area | All Approvals | All Rural Approvals | Rural new single dwelling approvals | Rural replacement single dwelling approvals |
|-----------------------|---------------|---------------------|-------------------------------------|---|
| Cookstown | 224 | 154 | 49 | 26 |
| Derry | 235 | 54 | 11 | 15 |
| Fermanagh | 437 | 315 | 150 | 42 |
| Limavady | 130 | 75 | 16 | 14 |
| Magherafelt | 276 | 191 | 56 | 51 |
| Omagh | 312 | 211 | 99 | 20 |
| Strabane | 213 | 119 | 54 | 21 |
| Total | 1827 | 1119 | 435 | 189 |

The figures for all rural approvals comprises applications for any development type in the rural area including, commercial, housing, industrial and agricultural land uses.

The next Development Management quarterly statistics are due for publication on 24 September 2009. These figures will include those applications submitted to my Department between April 2009 and June 2009.

PPS 21: Undetermined Planning Applications

Mr McGlone asked the Minister of the Environment how many planning applications remain undetermined under draft PPS21 for (i) single dwellings; and (ii) replacement dwellings, in each divisional planning office.

(AQW 38/10)

The Minister of the Environment: Following the publication of draft PPS 21 on 25 November 2008, my Department is currently considering 1357 planning applications for single dwellings and 211 planning applications for replacement dwellings submitted between this date and July 2009. This is broken down by Divisional Planning Office as follows:

| Division | Single Dwellings | Replacement Dwellings | Total Rural Applications |
|--------------|------------------|-----------------------|--------------------------|
| Ballymena | 150 | 39 | 289 |
| Belfast | 15 | 10 | 32 |
| Craigavon | 522 | 63 | 727 |
| Downpatrick | 65 | 31 | 151 |
| Londonderry | 126 | 29 | 223 |
| Omagh | 479 | 39 | 593 |
| Total | 1357 | 211 | 2015 |

The column entitled total rural applications refers to all rural applications, including commercial, housing, industrial and agricultural proposals that are currently under consideration by the Department.

Local Government Review

Mr McGlone asked the Minister of the Environment how much has been spent on the Local Government Review (i) in total ; and (ii) on consultancy fees.

(AQW 41/10)

The Minister of the Environment: A total of £4,415,053, including £453,867 for consultancy fees, has been incurred on the local government review by the Department of the Environment, over the period 2005/2006 to 2008/2009. Provision for the current financial year is £4,133,000, which includes £233,000 for consultancy fees. In addition, the Department has covered the cost of the Office of the Local Government Boundaries Commissioner – the first review costing £627,137 and the second review £616,877 (estimate), all of which is recoverable from the Consolidated Fund.

Illegal Dumping at Ballyhornan Road

Mr B Wilson asked the Minister of the Environment for an update on the investigation into the allegations of illegal dumping at Ballyhornan Road, Downpatrick.

(AQW 54/10)

The Minister of the Environment: Officials are continuing with their investigation into this case. I am unable to provide more detailed information at this juncture, as to do so could compromise the integrity of our investigation and any future legal proceedings, as well as infringe on the rights of the persons being investigated.

Tree Preservation Order: Myrtle Lodge

Mr B Wilson asked the Minister of the Environment what action his Department is taking to enforce the Tree Preservation Order at Myrtle Lodge, Bryansford.

(AQW 55/10)

The Minister of the Environment: Firstly, just to clarify, it is assumed that the question relates to Myrtle Lodge, Bryansford Road, Newcastle.

The Department is currently finalising its investigation into an alleged breach of planning control where trees, subject to a Tree Preservation Order, were removed. Unfortunately I cannot provide more information at this stage due to data protection reasons and also so as not to prejudice potential legal action.

Private Consultancy Firms and Events Organisers: Cost to DOE

Mr McGlone asked the Minister of the Environment how much has been spent by his Department in each of the last five years on (i) private consultancy firms; and (ii) events organisers. (AQW 69/10)

The Minister of the Environment: The table below gives details of my Department's expenditure on private consultancy firms and events organisers for each of the last 5 years.

| DOE | 2004/05 £ | 2005/06 £ | 2006/07 £ | 2007/08 £ | 2008/09 £ |
|---------------------------|------------------|------------------|------------------|------------------|------------------|
| Private Consultancy Firms | 1,031,179 | 1,292,223 | 2,097,051 | 2,131,030 | 1,346,791 |
| Events Organisers | 64,831 | 67,974 | 70,033 | 155,360 | 148,380 |
| Total | 1,096,010 | 1,360,197 | 2,167,084 | 2,286,390 | 1,495,171 |

PPS 21: Deferred Planning Applications

Mr Bresland asked the Minister of the Environment to detail the number of planning applications awaiting the outcome of the consultation on PPS 21, in each of the following Council areas - Omagh, Strabane, Derry City, Fermanagh, Cookstown. (AQW 99/10)

The Minister of the Environment: The number of planning applications which are deferred and awaiting the outcome of the consultation on PPS 21 in each of the Council Areas at 31 July 2009 are as follows;

| District Council Area | Deferred PPS14/21 applications |
|-----------------------|--------------------------------|
| Omagh | 176 |
| Strabane | 55 |
| Derry City | 33 |
| Fermanagh | 223 |
| Cookstown | 54 |

Bonfire Sites

Mr Burns asked the Minister of the Environment to detail the total costs incurred by each local council for cleaning and repairing bonfire sites during the summer of 2009. (AQW 112/10)

The Minister of the Environment: The total expenditure incurred by each district council in cleaning up and repairing bonfire sites in the summer of 2009 is set out in the table below.

| Council | £ |
|---------------|--------|
| Antrim | 2,978 |
| Ards | 7,202 |
| Armagh | 6,538 |
| Ballymena | 3,877 |
| Ballymoney | 9,445 |
| Banbridge | 400 |
| Belfast | 20,141 |
| Carrickfergus | 950 |
| Castlereagh | 9,529 |
| Coleraine | 447 |

| Council | £ |
|----------------------|----------------|
| Cookstown | 1,411 |
| Craigavon | 14,000 |
| Derry | 6,795 |
| Down | 3,054 |
| Dungannon & S Tyrone | 0 |
| Fermanagh | 0 |
| Larne | 12,016 |
| Limavady | 227 |
| Lisburn | 1,616 |
| Magherafelt | 930 |
| Moyle* | 3,370 |
| Newry & Mourne | 6,000 |
| Newtownabbey | 4,052 |
| North Down* | 2,000 |
| Omagh | 0 |
| Strabane | 0 |
| Total | 116,978 |

* estimate

Planning Service

Mr Beggs asked the Minister of the Environment, in relation to the Planning Service to detail (i) the income received from fees; (ii) the total number of staff employed; and (iii) the total of salaries paid, for each month, in each of the last three years. (AQW 137/10)

The Minister of the Environment: The figures requested are shown below:

PLANNING FEE INCOME LAST THREE FINANCIAL YEARS

| | 06/07 £'000 | 07/08 £'000 | 08/09 £'000 |
|--------------|------------------------|------------------------|------------------------|
| April | 1,136 | 1,427 | 1,970 |
| May | 1,363 | 1,765 | 1,860 |
| June | 1,842 | 1,705 | 1,739 |
| July | 1,755 | 1,932 | 1,493 |
| August | 1,574 | 1,902 | 1,301 |
| September | 1,738 | 2,058 | 1,327 |
| October | 1,731 | 1,982 | 1,564 |
| November | 1,755 | 1,704 | 1,099 |
| December | 1,523 | 1,272 | 1,063 |
| January | 1,765 | 1,767 | 1,208 |
| February | 1,432 | 1,832 | 1,258 |
| March | 2,014 | 1,995 | 1,302 |
| Total | 19,628 | 21,341 | 17,184 |

STAFF NUMBERS LAST THREE FINANCIAL YEARS

| | 06/07 | 07/08 | 08/09 |
|-----------|-------|-------|-------|
| April | 860 | 858 | 856 |
| May | 868 | 864 | 848 |
| June | 875 | 861 | 858 |
| July | 924 | 880 | 858 |
| August | 924 | 872 | 858 |
| September | 911 | 867 | 877 |
| October | 871 | 858 | 893 |
| November | 877 | 856 | 886 |
| December | 877 | 850 | 888 |
| January | 867 | 855 | 887 |
| February | 863 | 844 | 886 |
| March | 853 | 851 | 867 |

SALARY INFORMATION LAST THREE FINANCIAL YEARS

| | 06/07 £'000 | 07/08 £'000 | 08/09 £'000 |
|--------------|----------------|----------------|----------------|
| April | 1,831 | 1,122 | 1,958 |
| May | 1,841 | 2,133 | 1,979 |
| June | 1,854 | 2,179 | 1,996 |
| July | 1,913 | 2,324 | 2,013 |
| August | 1,910 | 1,866 | 2,082 |
| September | 1,911 | 2,078 | 2,100 |
| October | 1,824 | 1,922 | 2,166 |
| November | 1,845 | 2,111 | 2,122 |
| December | 1,813 | 2,085 | 2,146 |
| January | 1,834 | 1,971 | 2,088 |
| February | 1,807 | 1,994 | 2,075 |
| March | 3,068* | 2,052 | 2,171 |
| Total | 23,451 | 23,837 | 24,896 |

* Includes back pay accrual of £1.2m

Planning Reform

Mr Beggs asked the Minister of the Environment, in relation to the planning reform (i) to detail the total cost of additional staff employed; and (ii) what degree of costs was absorbed by the reduction in existing staff costs due to decreased numbers of planning applications. (AQW 138/10)

The Minister of the Environment: The total cost of additional staff recruited and re-deployed into specific Planning Reform posts during 2008/09 was £504,317. The costs for 2009/10 are projected to be in the region of £950k as staff will be in post for the full financial year. To date, the cost of the staff working on reform has been met through bids for additional funding rather than any reduction in existing staff costs and further bids will be submitted to cover these costs for the current and next financial year.

Driving Licences

Mr Burns asked the Minister of the Environment to detail the total costs of recalling and replacing the 400 driving licences which were recently issued with an incorrect expiry date. (AQW 161/10)

The Minister of the Environment: A total of 409 licences have been identified as requiring amendment to the dates printed on the licence. The standard cost of producing a replacement driving licence is estimated at £19, giving a total cost of £7,771. This cost, which will be borne by the Department, includes all administrative, production and normal postage charges.

Council Officials: Redundancies

Mr Burns asked the Minister of the Environment how many middle management and senior council officials have either (i) been made redundant; or (ii) had their employment terminated and subsequently re-employed at another council in each of the last 5 years. (AQW 164/10)

The Minister of the Environment: Neither my Department nor the Local Government Staff Commission holds the requested information.

Grouse Committee

Mr Shannon asked the Minister of the Environment, in relation to the Grouse Committee set up to address the fall in grouse stocks, whether he has developed a suitable method of fox control to enable grouse stocks to regain some of their lost status. (AQW 182/10)

The Minister of the Environment: The population of red grouse in Northern Ireland has only recently (2004) been accurately estimated at between 202 and 221 pairs with densities of between one and three pairs per square kilometre and sometimes lower.

Loss and fragmentation of upland heathland and blanket bog habitat as a result of overgrazing, agricultural improvement and afforestation are believed to be the most significant factors affecting grouse distribution across Northern Ireland. Predator control, including control of foxes has traditionally been carried out by land managers as part of their management of grouse moors.

After extensive consultation, a Northern Ireland Species Action Plan for Red Grouse was published in 2008. The inaugural meeting of the Steering Group established to advise on the delivery of this Action Plan takes place this month and the issue of appropriate predator control will be discussed.

This Group, with representation from a wide range of sporting and conservation interests, will encourage its members to implement the identified actions to ensure effective and sustainable outcomes for red grouse.

Red Kites

Mr Shannon asked the Minister of the Environment (i) for an update on the release of Red Kites in the Mid and South Down area; and (ii) what are the findings on the impact of Red Kites on bird life and animals in the area. (AQW 184/10)

The Minister of the Environment: In 2008, 27 red kites were released into the South Down area as part of a three year re-introduction programme. A further 26 birds were released in summer 2009. There have been four fatalities of red kites over the first year of this project.

Where red kites have been introduced at other locations throughout the UK and Ireland there have been no reports of negative impacts on the biodiversity of the area.

Red kites mainly scavenge for their food and so they are expected to have little impact on birds and animals in the South Down area. Ongoing monitoring and radio-tracking have shown the birds foraging on farmland where they have been observed feeding mainly on earthworms and other invertebrates.

Flooding: Emergency Payments

Mr Burns asked the Minister of the Environment, in relation to the summer flooding, to detail (i) the total number of successful emergency payment claims made; (ii) the total amount of emergency payments made; and (iii) the estimated cost of administering emergency payments in each of the last five years, in each local council area. (AQW 288/10)

The Minister of the Environment: The first “Scheme of Emergency Financial Assistance to District Councils – Flooding” was introduced in June 2007. With regard to this Scheme, (i) the total number of successful emergency payment claims made was 1,181; (ii) the total amount of emergency payments made was £1,181,000; and (iii) the estimated cost of administering emergency payments was £238,099.

In relation to the second Scheme which was announced in August 2008; (i) the total number of successful emergency payment claims was 1,643; (ii) the total amount of emergency payments made was £1,643,000 and (iii) the estimated cost of administering emergency payments was £146,692.

The “Scheme of Emergency Financial Assistance to District Councils – Flooding 2009/2010” was re-activated on 2 September 2009 and claims from district councils are due to be received by the Department by 1 December 2009.

The details for individual councils are set out in the tables below.

| District Council | Scheme of Emergency Financial Assistance to District Councils – June 2007 | | |
|----------------------|---|--|---|
| | Total Number of Successful Emergency Payment Claims Made | Total Amount of Emergency Payments Made | Estimated Cost of Administering Emergency Payments |
| | | £ | £ |
| Antrim | 4 | 4,000 | 0 |
| Ards | 17 | 17,000 | 392.55 |
| Armagh | 6 | 6,000 | 0 |
| Ballymena | 11 | 11,000 | 0 |
| Ballymoney | 0 | 0 | 0 |
| Banbridge | 0 | 0 | 0 |
| Belfast | 609 | 609,000 | 218,626.48 |
| Carrickfergus | 0 | 0 | 0 |
| Castlereagh | 354 | 354,000 | 12,095.61 |
| Coleraine | 6 | 6,000 | 325.5 |
| Cookstown | 5 | 5,000 | 0 |
| Craigavon | 0 | 0 | 0 |
| Derry | 0 | 0 | 0 |
| Down | 17 | 17,000 | 536.18 |
| Dungannon & S Tyrone | 7 | 7,000 | 370 |
| Fermanagh | 0 | 0 | 0 |
| Larne | 9 | 9,000 | 0 |
| Limavady | 2 | 2,000 | 0 |
| Lisburn | 8 | 8,000 | 0 |
| Magherafelt | 3 | 3,000 | 0 |
| Moyle | 17 | 17,000 | 1,716.21 |
| Newry & Mourne | 5 | 5,000 | 0 |
| Newtownabbey | 1 | 1,000 | 0 |

| District Council | Scheme of Emergency Financial Assistance to District Councils – June 2007 | | |
|------------------|---|--|---|
| | Total Number of Successful Emergency Payment Claims Made | Total Amount of Emergency Payments Made | Estimated Cost of Administering Emergency Payments |
| | | £ | £ |
| North Down | 3 | 3,000 | 0 |
| Omagh | 95 | 95,000 | 4,036.61 |
| Strabane | 2 | 2,000 | 0 |
| Total | 1,181 | 1,181,000 | 238,099.14 |

| District Council | Scheme of Emergency Financial Assistance to District Councils – August 2008 | | |
|----------------------|---|--|---|
| | Total Number of Successful Emergency Payment Claims Made | Total Amount of Emergency Payments Made | Estimated Cost of Administering Emergency Payments |
| | | £ | £ |
| Antrim | 178 | 178,000 | 23,615.81 |
| Ards | 5 | 5,000 | 0 |
| Armagh | 8 | 8,000 | 624.48 |
| Ballymena | 154 | 154,000 | 1,587.14 |
| Ballymoney | 11 | 11,000 | 734.96 |
| Banbridge | 106 | 106,000 | 5,375.08 |
| Belfast | 347 | 347,000 | 97,729.18 |
| Carrickfergus | 4 | 4,000 | 0 |
| Castlereagh | 144 | 144,000 | 1,528.05 |
| Coleraine | 4 | 4,000 | 633.85 |
| Cookstown | 8 | 8,000 | 0 |
| Craigavon | 129 | 129,000 | 737.76 |
| Derry | 0 | 0 | 0 |
| Down | 135 | 135,000 | 12,664.87 |
| Dungannon & S Tyrone | 17 | 17,000 | 0 |
| Fermanagh | 1 | 1,000 | 0 |
| Larne | 6 | 6,000 | 0 |
| Limavady | 1 | 1,000 | 0 |
| Lisburn | 158 | 158,000 | 191.00 |
| Magherafelt | 24 | 24,000 | 0 |
| Moyle | 1 | 1,000 | 962.66 |
| Newry & Mourne | 47 | 47,000 | 0 |
| Newtownabbey | 131 | 131,000 | 234.67 |
| North Down | 8 | 8,000 | 0 |
| Omagh | 16 | 16,000 | 72.36 |
| Strabane | 0 | 0 | 0 |
| Total | 1,643 | 1,643,000 | 146,691.87 |

DEPARTMENT OF FINANCE AND PERSONNEL

Central Procurement Directorate

Mr Savage asked the Minister of Finance and Personnel to detail how many complaints have been received by his Department in relation to the Central Procurement Directorate from (i) individual companies; (ii) consortiums; (iii) solicitors on behalf of individual companies; and (iv) solicitors on behalf of consortiums.

(AQW 149/10)

The Minister of Finance and Personnel (Mr S Wilson): During the period April 2006 to March 2009 a total of 19 formal complaints were made in relation to the Central Procurement Directorate. All were from individual companies. A breakdown for each year is as follows:

| Year | Number of Complaints received |
|--------------|-------------------------------|
| 2006/2007 | 3 |
| 2007/2008 | 7 |
| 2008/2009 | 9 |
| Total | 19 |

Central Procurement Directorate

Mr Savage asked the Minister of Finance and Personnel if the Central Procurement Directorate is quality assured, and, if so, to what level.

(AQW 160/10)

The Minister of Finance and Personnel: The Central Procurement Directorate was externally and independently audited on 22nd to the 25th June 2009 and was assessed and formally certified as meeting the requirements of BS EN ISO 9001:2008 standard.

Rates Payments

Mr McGlone asked the Minister of Finance and Personnel what measures have been taken to provide assistance to small business and shops with Rates payments during the current economic downturn.

(AQW 295/10)

The Minister of Finance and Personnel: A clause providing for a Small Business Rate Relief scheme for Northern Ireland has been included in the Rates Amendment Bill which I introduced into the Assembly on 14 September. This was one of the Executive measures announced by my predecessor Nigel Dodds in December 2008 to address the economic downturn. It will provide around £8m to £9m of rate relief to in excess of 16,000 small businesses with enhanced relief for small Post Offices and will be funded through the DEL. Provided we get the Bill through the Assembly, the scheme will come into operation on 1 April 2010. It will be applied automatically to eligible businesses. I would strongly encourage members support for the passage of the Bill so that the scheme can be put in place and assistance provided to our small business sector at this most difficult time.

In addition to the Small Business Rate Relief scheme, small businesses are also currently benefitting from the freeze in the non-domestic regional rate during the current CSR period, and many will also benefit from the pegging of industrial rates at 30% liability until 31 March 2011.

DEPARTMENT OF HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

Dental Surgery in Dungannon

Lord Morrow asked the Minister of Health, Social Services and Public Safety on what date the application for planning approval for a new Health Service dental surgery in Dungannon was submitted; and the exact location of the proposed surgery. (AQW 100/10)

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): The new health service dental surgery in Dungannon is being commissioned as part of the wider programme to recruit an additional 38 health service dentists. The contract to provide this service was awarded to Oasis Dental Care in May. Under the terms of this contract, Oasis, and not my Department or the HSC Board, are responsible for identifying, securing and equipping the new practices, and this includes all planning matters. However, I understand that the planning application for this practice has been submitted and is being considered by the relevant Council.

I have already stated that all 38 additional dentists will be in place within 12 months of the first new practices opening in Enniskillen and Londonderry later this year. I remain confident that this will happen.

Omagh: Enhanced Hospital

Mr Buchanan asked the Minister of Health, Social Services and Public Safety the current stage in the procurement process for the proposed enhanced hospital in Omagh; and when he anticipates making an announcement on this matter. (AQW 180/10)

The Minister of Health, Social Services and Public Safety: The procurement of the new enhanced local hospital in Omagh has been paused to facilitate a review of the business case, including the procurement method. Due to the uncertainties in financial markets, I considered it appropriate to review whether PFI remains the most appropriate procurement option for this project in terms of affordability and value for money. The review is nearing completion and, at that stage, I will be better placed to advise on the timing of the procurement process and the commencement of the construction phase of the project.

Councillors: Party Affiliation

Mr O'Dowd asked the Minister of Health, Social Services and Public Safety for the names and political party affiliation of any Councillors appointed by him to an agency, trust or board under the governance of the Department. (AQW 205/10)

The Minister of Health, Social Services and Public Safety: In my capacity as Minister for Health, Social Services and Public Safety I have appointed the following Councillors to HSC agencies, trusts or boards as listed below:

| Name of Organisation | Appointed Member | Political Party Affiliation |
|--|------------------|-----------------------------|
| Northern Ireland Ambulance Service | Seamus Shields* | SDLP |
| Patient & Client Council | Elizabeth Adger | DUP |
| Patient & Client Council | Tim Attwood | SDLP |
| Patient & Client Council | Sean McGuigan | Sinn Fein |
| Patient & Client Council | Trevor Wilson | UUP |
| Public Health Agency | Cathal Mullaghan | SDLP |
| Public Health Agency | Stephen Nicholl | UUP |
| Northern Ireland Fire & Rescue Service (NIFRS) | Sean Clarke** | Sinn Fein |
| Northern Ireland Fire & Rescue Service (NIFRS) | Arnold Hatch** | UUP |

* Appointed as 'individual member' – not as a local government representative member.

** No longer member of NIFRS

Cardiac Waiting Lists

Mr McLaughlin asked the Minister of Health, Social Services and Public Safety whether recent changes in the provision of acute cardiac services affected the cardiac surgical waiting lists. (AQW 306/10)

The Minister of Health, Social Services and Public Safety: There has been no change to the requirement for Trusts to deliver cardiac services within the target times specified in Priorities for Action. Those targets are that from April 2009 no patient should wait longer than 9 weeks for a first outpatient appointment; 9 weeks for a diagnostic test and 13 weeks for inpatient or day case treatment.

Agenda For Change

Mr Shannon asked the Minister of Health, Social Services and Public Safety what steps he is taking to ensure that, under Agenda For Change, District Nursing professionals will be given their back pay. (AQW 391/10)

The Minister of Health, Social Services and Public Safety: The process for grading for District Nursing professionals is continuing. Staff will be advised of their Agenda for Change banding when that process is complete. Following that, back pay will be processed by the local trust payroll offices; this will be done in line with the same process that has been applied to all other Agenda for Change staff groups.

Child Protection: Ryan Report

Mr Simpson asked the Minister of Health, Social Services and Public Safety what consideration he has given to the implications for child health in Northern Ireland of the Ryan Report into child abuse in the Republic of Ireland. (AQO 6/10)

The Minister of Health, Social Services and Public Safety: I was concerned to learn about the level of abuse highlighted by the Ryan Report and want to offer my sympathy to all of the victims.

The implications for child health in Northern Ireland, of the Ryan Commission, mainly arise from the implementation plan published by the Irish Minister for Children and Youth Affairs in July.

Within the plan they have indicated that they are considering legislation to provide for a duty to share information in the best interests of children which will be placed on both agencies and on a range of individuals within statutory services.

My officials are liaising with their ROI counterparts to ascertain the likely extent of these legislative proposals and if the proposed legislation will include the sharing of information with Northern Ireland authorities. Depending on the detail of these proposals they may represent a significant step in underpinning cross border child protection arrangements.

DHSSPS Budget 2008-2011

Mr McCallister asked the Minister of Health, Social Services and Public Safety for his assessment of the 2008-2011 budget settlement for his Department. (AQO 7/10)

The Minister of Health, Social Services and Public Safety: My Department faces its lowest uplift in recent times. Over the three years, my Department will receive uplifts of an average of 2.3% in real terms. This compares to average real terms English uplifts of 4%, 2.8% in Wales and 3.2% in Scotland. In addition, the Executive agreed that my Department must secure CSR savings of 3% per annum which amount to £700m over the CSR period.

John Appleby's report on relative funding for Northern Ireland concluded that, taking need into account, Northern Ireland was worse off than England by almost £300m at the start of the period. Given the difference in growth, this figure will rise to almost £600m by March 2011.

I reluctantly accepted the budget on the grounds that it was as good as it gets. The three elements of the final budget settlement include a guarantee of the first £20m of in-year resources; flexibility; and specifically that my Department should bid to the Executive for additional funding in the case of an emergency situation such as pandemic Flu.

Swine Flu: Schools

Mr Butler asked the Minister of Health, Social Services and Public Safety to outline the arrangements in place between his Department and the Department of Education to deal with cases of swine flu within schools. (AQO 8/10)

The Minister of Health, Social Services and Public Safety: Officials in my Department are in regular contact with officials in the Department of Education. I met with Caitríona Ruane and Sir Reg Empey on 20th August to discuss swine flu preparations for the new academic year in schools, colleges and universities. The Department of Education has now been given additional guidance from the Public Health Agency. Schools have already re-opened as normal. Advice given to the Department of Education about dealing with cases of swine flu is that if pupils or staff feel unwell and think they might have swine flu, they should go home (or stay at home) and phone their GP.

Another message which I continue to reinforce is that good hand hygiene is very important in helping to prevent the spread of the virus. This is the focus of our Catch it – Bin it – Kill it information campaign. Schools have been asked to promote good hygiene practices among pupils and staff.

The Public Health Agency provides specific public health advice to individual schools on a case by case basis if they have an outbreak of swine flu.

Rapid Response Vehicles

Mr Attwood asked the Minister of Health, Social Services and Public Safety in what circumstances the Rapid Response Vehicle is the most appropriate response. (AQO 9/10)

The Minister of Health, Social Services and Public Safety: The most appropriate ambulance service response to an emergency life threatening incident is a rapid response regardless of whether the paramedic arrives at the scene in a rapid response vehicle or an A&E ambulance. NIAS deploys its emergency response fleet using a tactical deployment plan which means that the nearest available paramedic resource is sent to an incident, be that by means of a rapid response vehicle or an A&E ambulance.

Dental Services: Private Patients

Mr Boylan asked the Minister of Health, Social Services and Public Safety to outline what regulations and protections are in place to ensure that private paying patients are not being overcharged for dental treatment. (AQO 12/10)

The Minister of Health, Social Services and Public Safety: Private dental treatment is carried out under private contract between the patient and dentist. As with any private contract, charges are normally agreed between both parties at the outset.

The patient has the option of accepting the charges quoted or seeking private dental care elsewhere.

Cancelled Appointments: Costs

Mr P J Bradley asked the Minister of Health, Social Services and Public Safety if an audit has been carried out on the financial costs of cancelled appointments. (AQO 13/10)

The Minister of Health, Social Services and Public Safety: In April 2007, the Northern Ireland Audit Office published a report on the subject of missed outpatient appointments (i.e. where the patient fails to attend) and cancelled clinics (i.e. where the Trust cancels). The Assembly Public Accounts Committee subsequently considered this report at a hearing in June 2007.

The NIAO report examined the financial and organisational impact of missed appointments and cancelled clinics. It pointed to the potential under-utilisation of manpower and equipment, and the negative impact on waiting lists, resulting from patients' failure to attend or from the cancellation of clinics by hospitals.

Mental Health Care for Older Persons

Mrs Long asked the Minister of Health, Social Services and Public Safety for his assessment of the Belfast Health and Social Care Trust's assertion that the modern approach to older persons mental health day support is best achieved by individual care plans rather than centre-based activities. (AQO 14/10)

The Minister of Health, Social Services and Public Safety: I agree with the Trust that the needs of each of its older people should be assessed on an individual basis to formulate tailored care plans. This was also recommended by the Bamford Review which strongly advocated the person centred approach. Part of the care plan could, of course, be placement in an appropriate day centre.

Cardiac Rehabilitation

Ms Anderson asked the Minister of Health, Social Services and Public Safety what percentage of heart attack patients in the last year received cardiac rehabilitation directly after a heart attack. (AQO 15/10)

The Minister of Health, Social Services and Public Safety: It is not possible to provide the information in the format requested.

In keeping with Northern Ireland Cardiac Rehabilitation Guidelines and Standards, cardiac rehabilitation is not only offered to patients who have experienced a heart attack but also to other groups of patients with coronary heart disease.

I recently published the service framework for cardiovascular health and wellbeing which sets a standard that "All patients identified as requiring cardiac rehabilitation, in line with regional guidelines, should be offered this service." A baseline audit to establish current levels of access to these services will be carried out by March 2010.

DEPARTMENT FOR REGIONAL DEVELOPMENT

Culmore Roundabout

Mr Durkan asked the Minister for Regional Development for an update on the redevelopment of the Culmore roundabout. (AQW 92/10)

The Minister for Regional Development (Mr Murphy): On Tuesday 8 September 2009, I announced the upgrade of the existing Culmore roundabout to a larger signalised roundabout. Preparatory work has started on site and it is expected that the main contract will start early next year. Information letters have been sent to all local MPs, MLAs and Councillors, as well as a letter drop to local residents to inform them of our plans for this scheme.

A4 at Tamlaght, Enniskillen

Mr Gallagher asked the Minister for Regional Development, pursuant to AQW 8829/09 (i) to confirm that the improvement works on the A4 at Tamlaght, Enniskillen have been completed; and (ii) to detail the final cost of these works. (AQW 102/10)

The Minister for Regional Development: My Department's Roads Service has advised that the reconstruction and resurfacing works on the A4 at Tamlaght has been completed.

The final cost of this scheme is expected to be £893,300, with £888,000 having been paid to date.

Bonfire Sites

Mr Burns asked the Minister for Regional Development to detail the total costs incurred by his Department for cleaning and repairing bonfire sites during the summer of 2009. (AQW 111/10)

The Minister for Regional Development: As I explained, in my reply to the Member's Assembly Question AQW 113/10, my Department's Roads Service does not maintain details of bonfires lit on public roads. However, Roads Service has estimated that it has cost approximately £84,000 to clean and repair bonfire sites during the summer of 2009.

I should advise that this figure includes approximately £20,000 to repair fire and structural damage to the concrete and road surface of the Lecky Road Flyover in Derry.

Bonfire Sites

Mr Burns asked the Minister for Regional Development how many bonfires were lit on public roads during the summer period in each of the last five years. (AQW 113/10)

The Minister for Regional Development: My Department's Roads Service does not maintain details of the number of bonfires lit on public roads.

However, the table below provides details of Roads Service's estimated expenditure on attending/repairing bonfire sites in each of the last five years.

| Year | Estimated expenditure attending/repairing bonfires |
|---------|--|
| 2004/05 | £80,000 |
| 2005/06 | £218,000 |
| 2006/07 | £63,000 |
| 2007/08 | £60,000 |
| 2008/09 | £60,000 |

NI Railway Timetable: Londonderry/Coleraine

Mr G Robinson asked the Minister for Regional Development if he will change the train timetable to ensure the earlier arrival of the first train into Londonderry from Coleraine. (AQW 194/10)

The Minister for Regional Development: Following a review of the position originally announced by Translink, changes have been made to the revised timetable initially proposed.

The first train will now arrive in Derry at 9.00 am. This is 10 minutes earlier than at present and 30 minutes earlier than in the revised timetabled initially proposed by NIR.

Public Transport: Londonderry/Coleraine

Mr G Robinson asked the Minister for Regional Development for his assessment of how the later arrival of the first train into Londonderry from Coleraine encourages people to use public transport. (AQW 195/10)

The Minister for Regional Development: Changes have been made to the revised timetable initially proposed by NIR. These changes will encourage people to use public transport.

The first train will now arrive in Derry at 9.00 am. This is 10 minutes earlier than at present and 30 minutes earlier than in the revised timetabled initially proposed by NIR. In addition rail users from Derry to Belfast and Coleraine to Belfast will benefit from reduced journey times of 10 and 15 minutes respectively.

NI Railway Timetable: Londonderry/Coleraine

Mr G Robinson asked the Minister for Regional Development to outline why, under the new NI Railway timetable, the earliest service from Coleraine to Londonderry will arrive at 9.30am instead of 9.10am. (AQW 196/10)

The Minister for Regional Development: Changes have been made to the revised timetable initially proposed by NIR.

The first train will now arrive in Derry at 9.00 am. This is 10 minutes earlier than at present and 30 minutes earlier than in the revised timetabled initially proposed by NIR.

Belfast to Derry Train Timetable

Mr Durkan asked the Minister for Regional Development what consultation was carried out in the Derry and Coleraine areas on the proposed new timetable for the Belfast to Derry train line. (AQW 197/10)

The Minister for Regional Development: The need for the timetable changes has arisen from the infrastructure upgrades carried out this year between Coleraine and Ballymena to permit faster trains and reduced running times. This will deliver benefits to the users of these services.

In order for these benefits to be delivered the existing timetable has to be amended.

On the one hand, journey times from Derry to Belfast will be reduced from circa 2 hours 10 minutes to circa 2 hours. Journey times from Coleraine to Belfast will be reduced from typically 1 hour 30 minutes to circa 1 hour 15 minutes. This represents significant benefit to the hundreds of commuters who are now travelling every day from Derry to Belfast and Coleraine to Belfast.

However, some aspects of the amended timetable caused me concern and I asked Translink/NIR to review again the options available. Translink has now put forward an alternative set of proposals which means that the first train from Coleraine will arrive in Derry at 9.00am with the 5.05pm train from Derry remaining in place. This timetable will be in place from 27 September.

Translink is expected to pay regard to its Passenger's Charter commitments, which require new timetables to be in the public domain sometime prior to introduction.

Translink is in continuous consultation with customers through "Translink Feedback". NIR have been advising customers from early 2009 that following line reconstruction in April to June 2009 that new train timetables would be introduced in September. However, no specific consultation in relation to detailed train times took place prior to the issue of timetables at stations on 8 September 2009 and I have already expressed my concern at the way this was handled.

NI Railway Timetable: Londonderry

Mr G Robinson asked the Minister for Regional Development what action he intends to take to ensure that the NI Railway timetable for the Londonderry line meets passenger expectations and requirements. (AQW 226/10)

The Minister for Regional Development: I have intervened, in this case, to ensure changes were made to the revised timetable initially proposed by NIR.

The first train will now arrive in Derry at 9.00 am. This is 10 minutes earlier than at present and 30 minutes earlier than in the revised timetabled initially proposed by NIR. The new timetable will also benefit rail users travelling from Derry and Coleraine to Belfast with reduced journey times.

Translink: Derry/Londonderry

Mr Durkan asked the Minister for Regional Development whether there is a protocol in place for Translink staff in relation to the usage of the names Derry and Londonderry when dealing with members of the public. (AQW 250/10)

The Minister for Regional Development: Translink has advised me that it has no specific protocol in place for staff in relation to the usage of the names Derry and Londonderry. However, Translink's call centre staff has been instructed to use the name first used by a caller.

Water Charges

Mr McGlone asked the Minister for Regional Development what measures have been taken to provide assistance to small local businesses and shops with water charges during the current economic downturn.

(AQW 298/10)

The Minister for Regional Development: The Executive has taken into account the current economic circumstances and has agreed a deferral of additional household water and sewerage payments for a further year. In light of this decision the Executive also unanimously agreed, in February 2009, to extend the phasing arrangements for non-domestic customers and to introduce a domestic allowance for sewerage. As a result, from 1 April 2009, metered premises will have a domestic allowance for both water and sewerage while unmeasured premises continue to be charged at 50%.

Regional Development Strategy

Mr McLaughlin asked the Minister for Regional Development to outline the timeframe and process for taking forward the review of the Regional Development Strategy.

(AQO 22/10)

The Minister for Regional Development: I anticipate sending a final draft of the consultation document to the Regional Development Committee and issuing for inter departmental consultation next month. I will then seek Executive clearance to proceed to public consultation.

This process takes time and I estimate that public consultation will start around Christmas.

Following a three month period of consultation and the analysis of responses the final document is likely to be published in summer 2010.

City Quays Development

Ms Ní Chuilín asked the Minister for Regional Development what consultation the Belfast Harbour Commissioners have undertaken with the community of North Belfast in relation to the development of a master plan for the city quays area.

(AQO 23/10)

The Minister for Regional Development: This is an operational matter for the Belfast Harbour Commissioners. However, I understand that they commenced a period of consultation with stakeholders on a master plan for the development of the city quays area in July 2009. This process is currently ongoing and includes consultation with elected representatives for the North Belfast area; North Belfast Housing Action Forum; North Belfast Partnership; Sailortown Regeneration Group; St. Patrick's and St. Joseph's Housing.

North/South Co-operation: Infrastructure and Transport

Mr Durkan asked the Minister for Regional Development to outline the prospects for enhancing North-South co-operation and delivery in relation to infrastructure development and transportation.

(AQO 24/10)

The Minister for Regional Development: I fully recognise the value of North / South co-operation and this is reflected, strategically, in my Department's reviews of the Regional Development Strategy and the Regional Transportation Strategy. Co-operation between both Governments has been enhanced through bodies such as the North South Ministerial Council and The Cross Border Steering Group.

The North South Ministerial Council, in Transport Sectoral Format, strives to promote common policies and approaches to strategic transport planning.

My Department's Roads Service has established excellent relations with the road authorities in the South, facilitated through the Cross Border Steering Group, which is attended by lead officials from Roads Service, the National Roads Authority and the Irish Department for Transport. These meetings provide joined-up planning between both jurisdictions to ensure that the Strategic Road Network is developed in a manner that will be of benefit to the whole island of Ireland.

An example of how cross border projects can be delivered can be found in the recently completed A1/N1, Newry to Dundalk dual carriageway.

This level of co-operation is being further enhanced through delivery of the A5 and A8 improvements. You will be aware of the Irish Government's intention to make available £400m to help fund major roads programmes on the A5 Western Corridor and on the A8 Belfast to Larne route. These projects highlight how progress is being made between both jurisdictions, to develop the strategic road network, for the benefit of the whole island of Ireland.

At a local level, cooperation also exists on various roads projects, whereby officials from the three Roads Service Divisions which interface with the South, meet as appropriate with their counterparts in the Southern County Councils.

The establishment of the North West Gateway Initiative, which was announced at the British Irish Intergovernmental Conference in May 2006, further enhanced cooperation between the North and South. This initiative was established to foster and encourage economic growth in the North West area. The objective is to provide a focus for sustained cooperative action from the two Governments which, over a period of time, will make a real difference to the region.

Turning to co-operation on rail improvements, with respect to the Belfast Dublin Enterprise service, NIR and Iarnród Éireann have developed a long term vision, known as 'Enterprise 2020', which includes the reduction in timetabled travel time between Belfast and Dublin. However, this is a long term strategy and much further work is required before the capital and revenue funding will be made available. The Investment Strategy in the North and the successor to Transport 21 in the South, provide the context in which these ideas can be taken forward.

Buses: Biofuels

Mr D Bradley asked the Minister for Regional Development, given the commitment in the Programme for Government to promote the use of renewable energy, what consideration he has given to the conversion of all public transport bus stock to operate on bio-fuels. (AQO 25/10)

The Minister for Regional Development: Whilst the procurement of fuel is an operational matter for public transport providers, I am aware that from April 2008, following extensive trials in 2007, Translink, the major provider of public transport services, has operated its entire bus fleet using a blend of 5% bio-fuel and 95% ultra low sulphur diesel.

Translink continue to closely monitor the future availability and sustainability of alternative blends of bio-fuel and diesel in conjunction with normal commercial considerations in the formulation of its fuel policy.

Water Charges

Rev Dr Robert Coulter asked the Minister for Regional Development how much the further deferral of water charges beyond 2010-2011 would cost his Department annually. (AQO 26/10)

The Minister for Regional Development: I answered a similar question from the Member's party colleague Billy Armstrong at oral questions in June this year.

The Executive has not yet agreed future funding arrangements for water and sewerage services.

Based on current estimates deferral of the introduction of additional household payments will cost NI DEL around £1 billion over the period 2010 – 2013. However, these costs could vary depending on the nature of any Executive decision.

Roads: Ards Peninsula

Mr McCarthy asked the Minister for Regional Development if he will provide extra funding for roads on the Ards Peninsula. (AQO 27/10)

The Minister for Regional Development: I would firstly like to assure the Member that the structural integrity of the entire roads network, remains a key priority for my Department's Roads Service.

Members will be interested to note that the outcome of the Budget 2008-2011, means that Roads Service's total funding for structural maintenance in 2009/10 has increased to £71.8 million, compared with the initial allocation of £56.3 million in 2008/09. However, I should stress that this amount is considerably less than the independently

established figure of approximately £108m per year, at 2009 prices, that is needed to maintain the structural integrity of the road network in the North. All proposed scheme's, therefore, have to be prioritised.

The Roads Service budget is allocated to its four Divisions on the basis of need, using a range of weighted indicators, tailored to each maintenance activity. The budget allocation for work in the Ards Borough Council area, for 2009/10, is £5.2 million.

Unfortunately, it is not possible to indicate how much of the expenditure for the Ards Borough Council area will go specifically to work in the Ards Peninsula. However, the allocation is distributed throughout the entire council area, based on need and in accordance with other predetermined criteria. The Ards Peninsula therefore receives its fair share of the overall Ards Council area budget and, it would not be appropriate or equitable to allocate a greater proportion of the budget to this region.

North/South Transport Links

Mr Attwood asked the Minister for Regional Development, given the recent collapse of the Malahide Railway Viaduct, to outline any proposals he and his counterpart in the Dublin Government are discussing for maintaining and enhancing North-South transportation links. (AQO 28/10)

The Minister for Regional Development: Firstly I would like to express relief that, due to the keen observation of an Iarnród Éireann train driver, a potential disaster was avoided. This incident reinforces the need for safety considerations to be given top priority at all times. Safety issues on the part of the track affected are the responsibility of the Southern authorities.

The operational issues arising from the Malahide bridge collapse are jointly the responsibility of NIR and Iarnród Éireann in so far as they impact the Enterprise Service. I have been made aware of the recent timetable changes implemented from 6 September and clearly the need to maintain a sustainable service is important.

I am being kept closely informed of developments and, should the need arise, I will meet with my counterpart in the Dublin Government on these issues.

Prior to the rail incident at Malahide, options had been discussed between the 2 rail companies to improve the reliability of the trains as part of a longer term vision to reduce timetabled travel time between Belfast and Dublin. These issues will be reconsidered once the Malahide railway viaduct is restored and will be taken forward within the context of the Investment priorities and frameworks for both Governments.

Railways: Enterprise Service

Ms S Ramsey asked the Minister for Regional Development what practical measures Translink has put in place to accommodate passengers using the Belfast to Dublin Enterprise service following the recent collapse of the Malahide Railway Viaduct. (AQO 29/10)

The Minister for Regional Development: The collapse of the bridge resulted in one of the three Enterprise trains (Enterprise trains are jointly owned by NIR and Iarnród Éireann) being stranded on the Dublin side of the bridge. This meant the remaining two trains were left to deliver the normal service between Belfast and Drogheda, from where a bus substitution service takes passengers on to Dublin.

After one week of running the normal service with the two trains, NIR experienced significant operational difficulties. Each train was required to operate 4 return trips per day which is beyond the fuel tank capacity of the locomotive. This resulted in the need to relocate each train daily to Drogheda depot for refueling. This in turn meant that turnaround times at the start and end of each journey were very tight and NIR found it difficult to maintain the normal timetable between Belfast and Drogheda.

As a consequence the number of train services per week day was reduced from 8 to 6 from Sunday 6 September. The revised service amalgamated two off peak afternoon services into one service and two off peak evening services into one service. The primary reason for making these changes is to ensure that passengers can be guaranteed a regular and timely service and this change has been endorsed by the Consumer Council. Passengers continue to receive up to date information on the progress on the repair work and timetables operating.

It is also planned to provide a number of promotions and possible fare reductions. These measures are aimed at ensuring a sustainable service for all passengers.

Crystal Alliance

Mr Gallagher asked the Minister for Regional Development to detail the functions taken in-house from the Steria-led Crystal Alliance consortium, and any costs associated with this change. (AQO 30/10)

The Minister for Regional Development: I have been advised by Northern Ireland Water that it has not taken any functions in-house from the Steria led Crystal Alliance consortium. Following the termination of the Steria contract its functions were transferred to other service providers. Four people were transferred from Steria to Northern Ireland Water under TUPE, the cost of which will be approximately £285,000 in a full year.

DEPARTMENT FOR SOCIAL DEVELOPMENT

Beechfield Estate, Donaghadee: Heating Scheme

Mr Easton asked the Minister for Social Development when the heating scheme for Beechfield Estate in Donaghadee will go ahead. (AQW 5/10)

The Minister for Social Development (Ms Ritchie): A scheme which includes proposed works to 111 dwellings in Beechfield Estate is currently programmed to commence on 30 November 2009.

Beechfield Estate, Donaghadee: Kitchen Scheme

Mr Easton asked the Minister for Social Development when a new kitchen scheme for Beechfield Estate in Donaghadee will be considered. (AQW 6/10)

The Minister for Social Development: The Housing Executive completed a major multi element improvement scheme within the Beechfield Estate in 1993/94. Kitchens within Housing Executive stock are normally scheduled for replacement on a 20-year life cycle and therefore the kitchens in this estate are not due for replacement until 2013/14. A scheme will be programmed for kitchen replacement in this area at the next annual programme review which will take place in early 2010.

Ballyree Drive: Pensioners' Bungalow Scheme

Mr Easton asked the Minister for Social Development when the Pensioners' Bungalow Scheme for Ballyree Drive in Bloomfield Estate will begin. (AQW 7/10)

The Minister for Social Development: Improvement works to the one bedroom bungalows in the Bloomfield estate was programmed in three phases - Phase 2 of the proposed improvement works includes the bungalows at Ballyree Drive. The work to improve 44 dwellings is unlikely to commence before April 2010 as this is dependent on the availability of funding.

Loughview Estate: Flats

Mr Easton asked the Minister for Social Development if her Department plans to go ahead with the demolition of the flats at Loughview Estate in Holywood, and if so, when. (AQW 8/10)

The Minister for Social Development: The Housing Executive is currently concluding an economic appraisal outlining options for the West Green area of Holywood.

These are expected to be submitted for approval in the autumn and I will make an announcement on our plans at that time.

Improvement Grants: Village Area

Mr B Wilson asked the Minister for Social Development how many improvement grants have been issued for the 538 properties in the Village Redevelopment area within the last ten years; and the total value of these grants. (AQW 23/10)

The Minister for Social Development: The number of grants paid in the proposed Redevelopment Area within the Village area since 1 September 1998 was 52, and the total amount of grant aid paid was £517,613.

Improvement Grants: Village Area

Mr B Wilson asked the Minister for Social Development how many improvement grants have been issued within the designated improvement area of the Village in the last ten years; and the total value of these grants. (AQW 25/10)

The Minister for Social Development: The number of grants paid in the designated improvement area within the Village area since 1 September 1998 was 66. The total amount of grant aid paid was £624,195.

Self-employed Persons

Mr Savage asked the Minister for Social Development to detail what services and practical and financial support have been (i) offered; and (ii) provided to self-employed persons who are unable to claim Jobseekers Allowance but are in need of practical and financial assistance in the current economic climate. (AQW 34/10)

The Minister for Social Development: Jobseeker's Allowance has a contribution-based and an income-based element. Contribution-based Jobseeker's Allowance is intended to help people who have paid enough Class 1 National Insurance Contributions and experience short spells of unemployment between jobs.

Those unemployed people, including the self employed, who do not qualify for contribution-based Jobseeker's Allowance and are in financial need will be eligible to claim income-based Jobseeker's Allowance but any other income a person may have will normally be taken into account when calculating the amount payable.

Income Support is also available for people who are not required to be available for work and whose resources are insufficient to meet their day-to-day living expenses.

For those not entitled to social security benefits, other financial assistance may be available from the Social Security Agency under the Social Fund scheme through the award of an interest free payable Crisis Loan. The award of such a loan is dependent on the individual's circumstances and the nature, extent and urgency of the need.

The Department for Employment and Learning provides a comprehensive range of services to help people, including the self employed, find and remain in work. These are: job search; job brokerage; work-focused interviews; and the Department's range of employment programmes including Steps to Work, Pathways to Work, Progress to Work and specialist programmes and services for people with disabilities.

Social Security Benefit Fraud

Mr Hamilton asked the Minister for Social Development how many residents in the Republic of Ireland have been detected and convicted of crossing the border and committing Social Security Benefit fraud in Northern Ireland in each of the last five years; and what was the monetary value of these frauds. (AQW 47/10)

The Minister for Social Development: The Social Security Agency's systems do not record details of whether persons detected and convicted of benefit fraud were officially resident in the Republic of Ireland. The Agency records information relating to all individuals detected and convicted of 'Cross Border' benefit fraud offences against the Northern Ireland Social Security system, irrespective of where they reported that they were living.

The table below shows details of cases where a 'Cross Border' benefit offence has been committed against the Social Security Agency. Information is only held in respect of the last 3 years plus the current year.

| Cases where a 'Cross Border' benefit offence was involved | 2006-2007 | 2007-2008 | 2008-2009 | 2009 - 8th September 2009 |
|---|-----------|-----------|-----------|---------------------------|
| No of cases detected | 14 | 13 | 12 | 9 |
| Total monetary value for cases detected | £154,554 | £177,193 | £262,412 | £96,711 |
| No of cases convicted | 0 | 1 | 3 | 1 |
| Total monetary value for cases convicted | £0 | £19,083 | £28,470 | £6,280 |

Conlig Estate: Flats

Mr Easton asked the Minister for Social Development when the flats at Conlig estate will be demolished.

(AQW 108/10)

The Minister for Social Development: The Northern Ireland Housing Executive is selling these flats on the open market as part of the Breezemount Regeneration Strategy. Any plans for their retention or demolition after that sale will be for the new owners to determine.

Six Mile Water: Derelict Bridge

Mr Burns asked the Minister for Social Development for an update on proposals to remove the derelict bridge across the Sixmilewater at Alexandra Park and Grainger's Mill in Muckamore, Antrim.

(AQW 167/10)

The Minister for Social Development: I visited Sixmilewater River at Grangers Mill on Thursday 27 August 2009. My Department is currently working with the Rivers Agency to consider the options available to prevent a repeat of the flooding of August 2008. Removal of the bridge and the impact thereof is one of the options under consideration and I expect to receive a report on this matter from my officials within the next few weeks.

I will be happy to contact you again at that time.

SPED Scheme

Mr Shannon asked the Minister for Social Development if she would be prepared to purchase the homes within the Special Purchase of Evacuated Dwellings scheme that have not been sold and to reintroduce them as Housing Executive properties.

(AQW 183/10)

The Minister for Social Development: I would be prepared to purchase a SPED acquisition which had previously been in social ownership and reintroduce as Housing Executive stock or through purchase by a Housing Association. The policy is to dispose of the property on the open market, however if there is a high level of unmet urgent housing need or the property suits the special needs requirements of an applicant and such requirements would not otherwise be met in a reasonable period of time, the property would be used for social housing.

Budget: DSD

Mr Easton asked the Minister for Social Development to outline her budget for the next financial year.

(AQW 238/10)

The Minister for Social Development: The initial budget allocations for the 3 years 2008-09 to 2010-11 for all Departments, including Social Development, were set out in the Budget 2008-11 document published by the Executive in January 2008.

The overall allocation for my Department in respect of 2010-11 is £817.7 million. In addition, the Department's Annually Managed Expenditure budget for 2010-11, covering mostly social security benefit expenditure and the Financial Assistance Scheme, amounts to some £5.3 billion.

Warm Homes Scheme

Mr Shannon asked the Minister for Social Development to outline how having two companies involved in the Warm Homes Scheme improved efficiency and value for money. (AQW 247/10)

The Minister for Social Development: The aim of the new approach to procurement in the Warm Homes Scheme is to maximise value for money for the taxpayer. This approach was developed in light of the findings of the Northern Ireland Audit Office and subsequent Public Accounts Committee report on the Warm Homes Scheme and allows the Department to benchmark performance and cost to ensure the delivery of a quality, value for money service. The new contract was awarded on 01/07/2009 to H&A Mechanical Services Limited and Bryson Charitable Group. Monitoring arrangements are in place and monthly performance meetings are held with Department officials and Northern Ireland Housing Executive, who are the scheme administrators. An interim evaluation is planned for December 2009, six months after commencement of the new scheme.

Jobseeker's Allowance

Mr McGlone asked the Minister for Social Development for the average time taken by each Social Security Office from receipt of an application for Jobseeker's Allowance to a decision being made on that application. (AQW 256/10)

The Minister for Social Development: The Social Security Agency aims to process new claims to Jobseeker's Allowance within an average of 14 days. The information requested is set out in the table below.

JOBSEEKER'S ALLOWANCE AVERAGE ACTUAL CLEARANCE TIME (DAYS)

| Office | YTD August 2009* | Office | YTD August 2009* |
|----------------|------------------|----------------|------------------|
| Andersonstown | 10.8 | | |
| Antrim | 10.9 | Kilkeel | 16.2 |
| Armagh | 12.2 | Knockbreda | 10.1 |
| Ballymena | 8.6 | Larne | 9.8 |
| Ballymoney | 9.6 | Limavady | 10.1 |
| Ballynahinch | 12.1 | Lisburn | 10.5 |
| Banbridge | 7.5 | Lisnagelvin | 10.3 |
| Bangor | 12.5 | Lurgan | 17.2 |
| Carrickfergus | 9.6 | Magherafelt | 10.1 |
| Coleraine | 9.4 | Newcastle | 13.5 |
| Cookstown | 12.1 | Newry | 13.3 |
| Corporation St | 10.3 | Newtownabbey | 14.1 |
| Downpatrick | 11.2 | Newtownards | 12.1 |
| Dungannon | 13.4 | Omagh | 11.6 |
| Enniskillen | 10.9 | Portadown | 15.0 |
| Falls Rd | 7.6 | Shaftesbury Sq | 9.1 |
| Foyle | 10.4 | Shankill | 9.4 |
| Holywood Rd | 14.0 | Strabane | 10.6 |

* year to date covers the period from April 2009 to August 2009

Budget: DSD

Mr Kinahan asked the Minister for Social Development to provide an update on her Department's budgetary position. (AQO 35/10)

The Minister for Social Development: The Department's budget for 2009-10 is divided into three separate pots, reflecting the broad spending areas of Social Security, Housing and Urban Regeneration. Following the June Monitoring round, the current expenditure limit is £767m. There are many funding pressures but the main pressure for my Department is in relation to the Housing budget. This has arisen as a result of the shortfall in capital house and land sales receipts due to the economic downturn. The Budget 2007 settlement anticipated some £73.6m in house and land sales receipts in 2009-10, but the latest estimate is that only £7m will be realised.

I have done what any conscientious Minister would do and that is try to protect the budgets which directly affect the most vulnerable. I have protected the newbuild programme so that we can maximise help for those in housing stress (while helping the construction sector). I have also protected the budget for Warm Homes, for people facing fuel poverty, and for Supporting People, so that people can live in the community instead of institutions. A consequence of this is that we face unprecedented pressure on housing grants and maintenance budgets.

I have tabled bids in excess of £84m in the September Monitoring Round and am relying on being afforded a degree of flexibility to redirect, reprioritise and adjust resources across all my business areas. I have consistently impressed upon Executive colleagues the indisputable benefits of injecting funding into Housing, a point supported recently by informed external economic consultants, John Simpson and Professor Mike Smyth of the University of Ulster. This would provide much needed social housing for the homeless and prevent further job losses in the construction industry, thus protecting many of the most vulnerable in society. As the year progresses, my officials will continue to monitor and manage the budget position very carefully.

Public Consultation: DSD

Mrs Hanna asked the Minister for Social Development for an update on the rounds of public meetings and consultations she is having in the broad area of social development. (AQO 36/10)

The Minister for Social Development: I thank the Member for her question. Over the past month or so I have undertaken a series of public meetings across Northern Ireland. I will be finishing my first round of 10 meetings next week but frankly I have found the experience so useful I intend to extend the programme further.

The point of the public meetings is simple. They give me the opportunity to hear at first hand ideas and suggestions on how my Department, the Executive and society in general might go about tackling one of the biggest challenges we face but have yet to summon the will to tackle. I am talking of course about the legacy of separation, segregation and sectarianism that scars our past and present, and will blight our future if we sit back and do nothing.

More than a decade after the Good Friday Agreement, society seems to have changed little. For the most part we still live apart, we are educated apart and socialise apart. And this despite survey evidence that the vast majority of us, if given the choice, would choose to live in mixed communities.

That strikes me as a very important agenda and so in the public meetings I am seeking ideas and suggestions on how we might go about the normalisation of our society and I have to say there have already been some good and insightful suggestions.

Ross Street Flats, Belfast

Mr P Maskey asked the Minister for Social Development, in relation to Ross Street flats (i) if she has visited the flats; (ii) if she stands by her statement that these flats are well maintained; and (iii) who her officials consulted before rejecting the Housing Executive's recommendation to demolish the flats. (AQO 37/10)

The Minister for Social Development: I have visited the Lower Falls on a number of occasions and am well aware of the issues surrounding these particular flats at Ross Street. I haven't been to the flats themselves yet, however, I was pleased to have had the opportunity to engage with local residents at the recent public forum in Belfast, when a number accompanied your colleague, Fra McCann, to our meeting discussing a Shared Future.

Broadly, the flats are reasonably maintained, but they were built in 1976, just over 30 years ago and require general updating.

Let us be clear, I want to increase the supply of housing to help those in greatest need and I will not put people out of their homes to demolish perfectly good housing if other solutions are available. I have yet to hear a good housing argument in favour of demolition.

In the Lower Falls alone there are nearly 300 people on the waiting list to be housed, 200 of them in Housing Stress. With an average waiting time of 28 months before an allocation is made, I do not want to put another 20 people from their homes just because of the actions of those who come into the area to use it as a playground for anti-social behaviour and criminality.

The fundamental problem here is not the flats themselves. We must address the core problem of anti-social behaviour. From a housing perspective we will look at a range of environmental improvements that will make the area itself less appealing for those who would use it for their anti-social behaviour whilst making it more appealing for those who live there.

My officials have already discussed this decision with the Housing Executive who will now develop plans for both refurbishment of the flats alongside wider environmental improvements to the area which should deliver the desired outcome we all want, not least the residents of Ross Street.

I am actually quite surprised at the line being adopted by the Member, who also serves this House as Chairman of the Public Accounts Committee. He seems to be saying that because there is bad behaviour, the solution is to demolish millions of pounds worth of housing. That in my view would be financially irresponsible. I can imagine how he might view it as PAC Chairman if he was considering a report where large numbers of units of serviceable accommodation had been demolished by Margaret Ritchie just because it was popular with local residents. So maybe he should be asking himself some questions.

Housing Executive Grants

Mr McElduff asked the Minister for Social Development what percentage of the £20 million her Department was allocated in the June monitoring round is being directed to private sector discretionary grants for replacement, renovation and repairs. (AQO 38/10)

The Minister for Social Development: Before dealing with the number directly, might I commiserate with the Member on the recent defeat of the Tyrone Senior Football team at the hands of Cork. I trust he, like me, will be cheering for Armagh's Ulster-Championship winning minor team which is competing for all-Ireland honours.

The answer on the £20million June Monitoring money is straightforward. 75% of it i.e. £15million is being directed at Private Sector Grants – the remainder to Disabled Adaptations. The £20million is welcome but given the magnitude of the challenge, there is the danger that despite our valiant efforts we end up – like Tyrone – just falling short of what is needed.

Shared Space

Ms J McCann asked the Minister for Social Development to explain the concept of 'shared space' and to confirm if she has had any communication with interface groups about how her Department can help to resource their work. (AQO 39/10)

The Minister for Social Development: I consider that 'shared space' is the creation of places where every person in Northern Ireland, regardless of their Section 75 group, can live, work and spend leisure time free from intimidation and where diversity is welcomed and respected.

The creation of shared spaces and ultimately a shared future permeates the work of my Department. I have placed shared space at the heart of all my endeavours in housing and have launched a Shared Neighbourhood Programme to enable 30 existing estates to realise this goal. My Department's urban regeneration masterplans and public realm schemes have, as a core objective, been making public space attractive for people to relax in and live at peace together. In Neighbourhood Renewal the creation of Shared Future is also a key priority as we cannot move forward tackling disadvantage without it.

To achieve this goal my Department meets and engages with interface groups throughout Northern Ireland. Funding for a number of these groups is also provided by my Department through various initiatives such as

Neighbourhood Renewal and community capacity building programmes. The discussions I have led through my current round of public meetings have included discussion of the difficulties faced by interface communities.

Marine Gardens, Bangor

Mr Weir asked the Minister for Social Development for an update on the proposed Marine Gardens development in Bangor. (AQO 40/10)

The Minister for Social Development: On 10 June, I announced a public consultation on the proposed Marine Gardens development at Queen's Parade in Bangor. Due to exceptionally high levels of interest in the scheme, I extended that consultation period until 24 July.

Almost 700 responses were received to the consultation exercise. My Department is carefully analysing those responses. A report of the consultation will be published before the end of September. I will take my decision on whether the Department should support the scheme after that report is published.

Housing: Finance

Mr Durkan asked the Minister for Social Development for an update on the financial challenges facing housing programmes at present. (AQO 41/10)

The Minister for Social Development: Due to the downturn in house and land sales the Housing Executive started this year with a £100 million shortfall, which is having an impact on all housing programmes. Additional funding of £20 million was allocated in the June Monitoring Round, however pressures of over £80 million still remain. Bids have been submitted through the September Monitoring Round to cover the shortfall in funding for both capital and revenue programmes.

Mortgage Rescue Scheme

Mr McLaughlin asked the Minister for Social Development (i) how many people have been evicted from their homes since the announcement of the mortgage relief scheme nearly 18 months ago; and (ii) when the mortgage relief scheme will be in place. (AQO 42/10)

The Minister for Social Development: My Department does not hold the information requested. However, figures on Mortgage possession actions are published on a quarterly basis by the Northern Ireland Court Service.

In the absence of sufficient funding to launch a Mortgage Rescue scheme, earlier this year I provided additional funding for Housing Rights to launch the Mortgage Debt and Advice Service, which now provides specialist advice for people experiencing mortgage difficulties to help them remain in their homes. I will continue to bid for the necessary funding for Mortgage Rescue during in year monitoring rounds.

Messines and Brussels: DSD Visit

Mrs M Bradley asked the Minister for Social Development to report on her recent visit to Messines and Brussels. (AQO 43/10)

The Minister for Social Development: I accepted an invitation from Glen Barr OBE, of the Maydown Ebrington Group to visit historical sites in Belgium as part of the International School for Peace Studies. The visit was extended to enable me to carry out a programme of events in Brussels.

While in Belgium, I visited Messines in support of the work currently being undertaken by the International School for Peace Studies, led by Mr Barr and the Maydown Ebrington Group. This programme, which my Department funds under the Neighbourhood Renewal Investment Fund, aims to promote peace and reconciliation between communities in disadvantaged areas of Northern Ireland. It uses the experiences of those from both parts of Ireland who fought and died together during the First World War in Belgium and in and around Messines in particular.

I had the opportunity to visit a number of cemeteries and memorials to the men of the 16th Irish and 36th Ulster Divisions. I also met with local political representatives who have been advocates for the work of the International School for Peace Studies.

My visit last week was timed to coincide with that of a group of young people from three different schools in Derry who were taking part in the Peace Studies programme. I was honoured to have the opportunity, along with these young people and their teachers, to participate in a memorial service at the Menin Gate in Messines.

During my short visit to Brussels I attended 8 separate events and met with a range of politicians and officials including the newly appointed Commissioner for Regional Development Mr Samecki and the new chair of the Parliament's Regional Development Committee – Ms Hübner. In my meeting I emphasised the important contribution the EU has made to Northern Ireland but that much still needs to be done to tackle the problem of segregation, and that a further EU contribution to this would be welcomed.

Housing: Intimidation

Dr McDonnell asked the Minister for Social Development what plans she has to review the allocation of intimidation points to ensure that those in genuine need are rehoused and that those making fraudulent applications are clearly identified. (AQO 44/10)

The Minister for Social Development: With increased political stability in Northern Ireland, incidences of sectarian intimidation have reduced significantly. Even though the definition of intimidation has been amended to include racist and homophobic issues as well as serious neighbour disputes, the number of intimidation cases has been decreasing steadily since 2002. New and tougher approaches to dealing with anti-social behaviour also provide more scope for making the applicant's home safe through discussion, support, mediation and, in some cases, legal action.

My officials are currently reviewing how certain components of need are dealt with and this review may well result in changes to the Common Selection Scheme. Any changes to intimidation action will of course take into account causes of intimidation, level of threat, and standard of evidence.

Living Over the Shops Scheme

Mrs O'Neill asked the Minister for Social Development, in relation to the £500,000 made available for the Living Over the Shops scheme, to detail (i) the source of this additional funding; (ii) how it will be delivered; and (iii) in which towns. (AQO 45/10)

The Minister for Social Development: We all know that for far too long, many town centres have been seen as being alive only during shopping hours. The Living Over The Shops initiative is an important regeneration tool which breathes new life and vitality into town centres by converting under used retail space into housing. That is why I felt it important to secure funding for this important work during the current financial year. The continuation of this scheme will not only enhance our urban regeneration activity, but will provide much needed additional housing in areas of high housing need.

Additional funding for the scheme – beyond the £320,000 already committed by the Housing Executive - has been sourced from within DSD's Urban Development Programme in order to make grant available within the 23 already designated Town Centre Living Initiative Areas

The locations are as follows – Antrim, Armagh, Ballycastle, Ballymoney, Ballynahinch, Bushmills, Cookstown, Derry, Donaghadee, Downpatrick, Dromore, Dungannon, Enniskillen, Lisburn, Lurgan, Newtownstewart, Omagh, Portaferry, Strabane, Tandragee and the Woodvale and Shankill Roads, Sandy Row and Donegall Road and Newtownards Road, all in Belfast.

NORTHERN IRELAND ASSEMBLY

Friday 25 September 2009

Written Answers to Questions

OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

Freedom of Information

Mr Kennedy asked the First Minister and deputy First Minister to detail (i) the date; and (ii) the topics discussed at the most recent meeting between the Central Freedom of Information Team and the Information Commissioner's Office Northern Ireland Regional Office. (AQW 16/10)

The First Minister and deputy First Minister (Mr P Robinson and Mr McGuinness): The Central Freedom of Information team and the Northern Ireland Regional Office of the Information Commissioner last met on 26 February 2009. The topics discussed were: the performance of the Northern Ireland Departments in processing requests under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004; the investigation of complaints against Departments by the Information Commissioner; the implementation of the new model Publication Scheme by the Departments; the training of Civil Service staff in handling requests for information; and the public consultation concerning the designation of additional public authorities under section 5 of the FOI Act.

Maze Site

Mr Savage asked the First Minister and deputy First Minister for an update on the progress of the Development Corporation formed to investigate options for the Maze site; and the costs incurred to date. (AQW 29/10)

The First Minister and deputy First Minister: We refer the Member to our previous responses to AQW 8858/09 and AQW 8457/09 dated 29 June 2009.

We can confirm that no costs have been incurred to date as OFMDFM officials are currently progressing the necessary legislation to establish and empower the Development Corporation.

United Nations Committee on Economic, Social and Cultural Rights

Dr Farry asked the First Minister and deputy First Minister, pursuant to AQW 8996/09, whether Northern Ireland officials were invited to attend the meeting of the United Nations Committee on Economic, Social and Cultural Rights to examine its report of 22 May on the United Kingdom; and what decision was taken in relation to any invitation. (AQW 68/10)

The First Minister and deputy First Minister: OFMDFM officials were invited to the examination. OFMDFM has agreed to co-ordinate any questions specific to here which the UN Committee might have following this examination and to co-ordinate an Executive response to the Concluding Observations Report .

Private Consultancy Firms and Events Organisers: Cost of OFMDFM

Mr McGlone asked the First Minister and deputy First Minister how much has been spent by their Department in each of the last five years on (i) private consultancy firms; and (ii) events organisers. (AQW 74/10)

The First Minister and deputy First Minister: Table 1 details how much the Department has spent in the last five financial years, on both private consultancy firms and events organisers.

The cost of 'private consultancy firms' is deemed to be the cost of 'external consultancy' for the last five financial years.

The cost of 'events organisers' is deemed to be the annual expenditure incurred by OFMDFM on companies categorised as event organisers.

OFMDFM has taken the lead in organising all events managed in this five-year period. The invoices supplied by event organising companies engaged by OFMDFM also include the costs of services provided by the companies' sub-contractors for services such as catering, seating, etc. These sub-contractor costs are included in the expenditure figures set out in Table 1

TABLE 1

| Description | 2004/05 (£'000s) | 2005/06 (£'000s) | 2006/07 (£'000s) | 2007/08 (£'000s) | 2008/09 (£'000s) |
|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Private Consultancy | 404 | 830 | 1,193 | 2,758 | 1,017 |
| Events Organisers | 275 | 28 | 20 | 33 | 7 |

Integrated Development Fund

Mr Durkan asked the First Minister and deputy First Minister (i) what projects have received financial assistance from the Integrated Development Fund; (ii) how much has been allocated to each Integrated Development Fund project; (iii) which projects have been completed; and (iv) when any unfinished projects will be completed. (AQW 300/10)

The First Minister and deputy First Minister: The information requested is set out for the four pilot areas in the tables below.

NORTH WEST / ILEX

| Project (Lead Department) | IDF Allocation £m | Project Completed | Estimated Date of Completion |
|---|----------------------|-------------------|---------------------------------|
| Limavady / Strabane Civic Project (DSD) | £0.773 | Yes | |
| Walled City Destination Signature Programme:- | | | |
| Tower Museum (DETI/NITB) | £0.611 | Yes | |
| Cultural/ Business Animation (DETI) | £0.316 | Yes | |
| An Gaeláras. (DCAL) | £0.500 | Yes | |
| Faughan Valley (DARD) | £0.300 | Yes | |
| Enterprise Park (Skeoge Development) (DETI / INVEST NI) | £1.051 | Yes | |
| Centre Of Excellence in Intelligent Systems (DETI / INVEST NI) | £6.115 | No | November 2011 |
| Expansion of Nerve Centre (DCAL) | £0.393 | Yes | |

| Project (Lead Department) | IDF Allocation £m | Project Completed | Estimated Date of Completion |
|---|----------------------|-------------------|---------------------------------|
| 3 of the 6 elements of the Built Heritage Programme:- (DETI / NITB) | | | |
| The Playhouse | £0.674 | Yes | |
| The 1st Derry Presbyterian Church | £1.387 | No | December 2010. |
| St Columb's Cathedral | £2.032 | No | December 2010. |
| The ABC - RIF Project (DETI /INVEST NI) | £0.464 | Yes | |

WEST BELFAST GREATER SHANKILL

| Project (Lead Department) | IDF Allocation £m | Project Completed | Estimated Date of Completion |
|--|----------------------|-------------------|--|
| Development of Business Units Lanark Way (INVESTNI/ DETI) | £0.111 | Yes | |
| Support to Enhance the Role of the Employment Services Board (DEL) | £0.274 | Yes | |
| Provision of Suffolk Retail Units (Social Economy Fund) (DSD) | £0.555 | Yes | |
| Social Economy Fund (INVEST NI/DETI) | £0.977 | No | March 2010 |
| Shankill "If Walls Could Talk" (DCAL) | £0.340 | Yes | |
| The Spectrum Centre (DCAL) | £0.315 | Yes | |
| Workforce and Economic Development Centre (DEL) | £1.252 | Yes | |
| Arterial Routes (1) & (2) (DSD) | £4.064 | No | March 2010 |
| Establishment of an Enterprise Council (INVEST NI) | £0.200 | Yes | |
| Implementation of Workforce Buddies (DEL) | £0.125 | Yes | |
| Extension of Whiterock Children's Centre (INVEST NI/ DETI) | £0.436 | Yes | |
| Colin Gateway - Consultancy (DSD) | £0.150 | Yes | |
| Colin Gateway – Capital element of project (DSD) | £3.110 | No | March 2012 |
| Development of Gaeltacht Quarter (DCAL) | £0.995 | No | Initial project proved unaffordable. Revised Business Case being prepared. DCAL advise that it is not possible, at this point, to determine a completion date. |
| Provision Of Tourist Information Facilities Greater Shankill (DETI/NITB) | £0.161 | No | November/December 2009 |
| Conway Mill (DSD) | £0.730 | No | March 2011 |
| Taskforce Education Initiative (DE) | £7.000 | | |
| Colin Project (SEELB) | £2.000 | No | March 2010. |
| Integrated Services for Children and Young People (BELB) | £5.000 | No | March 2011. |

SOUTH DOWN FISHING VILLAGES

| Project (Lead Department) | IDF Allocation £m | Project Completed | Estimated Date of Completion |
|---|----------------------|-------------------|---------------------------------|
| Comprehensive project containing a range of individual elements across 6 Fishing Industry support themes (DARD) | £6.110 | Yes | |

PORTADOWN

| Project (Lead Department) | IDF Allocation £m | Project Completed | Estimated Date of Completion |
|---|----------------------|-------------------|---------------------------------|
| Implementation of Portadown Development Framework (DSD) | £0.607 | Yes | |
| Portadown Public Realm (DSD) | £3.102 | No | March 2011 |

Sustainable Development Strategy

Mr Spratt asked the First Minister and deputy First Minister when a new Sustainable Development Strategy will be in place. (AQO 51/10)

The First Minister and deputy First Minister: We have agreed a draft of the new Sustainable Development Strategy for Northern Ireland and recently wrote to the Committee for OFMDFM seeking its views on the draft Strategy.

We intend to seek Executive agreement to begin the public consultation process that will lead to the publication of a Strategy which is now, we believe, more effectively aligned with the Programme for Government.

Additionally, we have recently approved the process to appoint a Commissioner to the Sustainable Development Commission. This is an important step as it will provide us with a strong representative voice in the Commission alongside the other devolved administrations. It will also allow access to expert resources.

We anticipate that the Commission will continue to be heavily involved in the ongoing development and implementation of the new Sustainable Development Strategy. In this context the appointment of a new Northern Ireland Commissioner will be particularly welcome.

UN International Day of Older Persons

Mr Buchanan asked the First Minister and deputy First Minister how they intend to mark the contribution our elderly citizens make to society, in light of the forthcoming Older Person's Day. (AQO 52/10)

The First Minister and deputy First Minister: This year the United Nations International Day of Older People will take place on 1st October. As in 2007 and 2008, we intend to use the day to:

- underline the Executive's commitment to addressing older people's issues;
- celebrate improvements in the well-being of older people and their contribution to social, economic and cultural life; and
- meet with representatives from a range of older people's groups from the voluntary and community sector.

In 2007 and 2008, the Office of the First Minister and deputy First Minister organised events in Belfast and Cultra and this year an event is being organised on behalf of the Junior Ministers, in the Everglades Hotel, to again celebrate the day with older people from all over Northern Ireland.

It is our intention to shortly launch the consultation document on the powers and duties of the Commissioner for Older People.

The United Nations International Day of Older People offers a unique opportunity for those Departments and organisations who provide key services for older people, to publicise and inform on relevant issues such as benefits, Community Safety and transport.

These 'Information Stands' have proved a popular feature in previous years and will again be provided at this year's event.

Cohesion, Sharing and Integration Strategy

Dr Farry asked the First Minister and deputy First Minister what steps have been taken to agree a draft policy on the Cohesion, Sharing and Integration Strategy over the past three months. (AQO 53/10)

The First Minister and deputy First Minister: The draft Programme for Cohesion, Sharing and Integration was originally meant to have been brought forward before the end of last year. That and subsequent commitments on timing were made in good faith and it was our expectation that these would be met. It was not possible to meet that date. However, reaching agreement on CSI remains one of the top policy priorities in OFMDFM.

Whilst we continue to work intensively towards an agreed strategy that will benefit all our people now and over the longer term; work to promote community relations and good race relations has continued over the past two years, led and supported by OFMDFM Ministers and the whole ministerial team.

There are many examples of that commitment:

- We have invested £29m in good relations work in the current CSR period – to build a shared and better future – that is not insubstantial!
- Additionally, we provide match funding to EU funding under the PEACE III Programme. As the Accountable Department for three Priorities within the Programme we are strategically placed to ensure co-ordination of local activities at the local level.
- Junior Ministers continue to chair the North Belfast Working Group focusing on interface issues in Belfast and across Northern Ireland. We have spent £500,000 this summer on resourcing work on summer interventions programme.
- In Coleraine we have been working proactively with our key partners both statutory and non-statutory following the death of Mr Kevin McDaid in May and we have provided an additional £23,000 to Coleraine Borough Council for diversionary work on top of the £86,000 awarded to the Council for good relations activities. Junior Ministers will meet with our key partners again on 23rd September as part of our ongoing commitment to the area.
- Similarly in Craigavon, the Junior Ministers have been chairing meetings with all our key partners on the issues and tensions there and we are supporting and facilitating diversionary work on a multi-agency basis.
- Flags monitoring has been undertaken on our behalf since 2006 by the Institute of Irish Studies at Queen's University and the last survey will be conducted at the end of this month and we expect to receive the report by the end of this year.

Presbyterian Mutual Society

Rev Dr Robert Coulter asked the First Minister and deputy First Minister what progress has been made in negotiations with HM Government and HM Treasury regarding compensation for savers with the Presbyterian Mutual Society. (AQO 54/10)

The First Minister and deputy First Minister: We are very aware of the anxiety and distress caused to members of the Presbyterian Mutual Society by the prevailing uncertainties around their savings. The Administrator is scheduled to provide members with an update report this month and the Ministerial Working Group chaired by HMT is required to produce its report to the Prime Minister in September.

We are encouraged by the fact that the Officials group has so far met 6 times and progress has been made in exploring the possible options for government help.

We have also received a report from a working group of the Presbyterian Church and this is being considered.

We do recognise, however, that there are significant commercial and other sensitivities associated with some options for resolving the PMS difficulties. Therefore, at this point, we cannot elaborate on the options. To do so may jeopardise or compromise a resolution.

We want to assure Members of this Assembly and of the Presbyterian Mutual Society that this matter is still very much receiving our close attention.

Cohesion, Sharing and Integration Strategy

Rt Hon J Donaldson asked the First Minister and deputy First Minister for an update on the progress made in agreeing the revised strategy for Cohesion, Sharing and Integration. (AQO 55/10)

The First Minister and deputy First Minister: The draft Programme for Cohesion, Sharing and Integration was originally meant to have been brought forward before the end of last year. That and subsequent commitments on timing were made in good faith and it was our expectation that these would be met. It was not possible to meet that date. However, reaching agreement on CSI remains one of the top policy priorities in OFMDFM.

Whilst we continue to work intensively towards an agreed strategy that will benefit all our people now and over the longer term; work to promote community relations and good race relations has continued over the past two years, led and supported by OFMDFM Ministers and the whole ministerial team.

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Executive Office, Brussels

Mr Neeson asked the First Minister and deputy First Minister when their Department last used the Executive Office in Brussels. (AQO 56/10)

The First Minister and deputy First Minister: Regular use of the Executive Office in Brussels is made by OFMDFM Ministers as well as other Executive Ministers and officials from their Departments. The uses of the office range from advice and briefing on European policies and programmes, facilitation of operational and technical meetings and representational meetings in Brussels on issues of local concern.

The Office is currently facilitating a two-day visit by Junior Minister Kelly, during which he will chair a plenary meeting of the Barroso Taskforce Working Group, present the report of the 2008/09 work of the Task Force and hold a series of profile-raising meetings. The Office planned and facilitated two other Ministerial visits during September 2009, one for the Minister for Social Development and one for the Minister of Enterprise, Trade and Investment. Both Ministers met institutional and diplomatic contacts at a high level in Brussels to enable them to discuss matters of interest and concern to their respective Departments.

We last visited the Brussels office on 31 March and 1 April 2009, and Junior Ministers held a series of high-level meetings to raise issues of concern including the State Aid application by Bombardier for its C-Series project.

Executive Ministers and their Departments work through the Brussels office to progress their implementation of the recommendations of the European Commission Taskforce.

Legislation: Executive Bills

Mr Dallat asked the First Minister and deputy First Minister to outline the number of Executive Bills that they anticipate being tabled before Christmas recess. (AQO 57/10)

The First Minister and deputy First Minister: Three Bills have already been introduced in this session, on Rates, the Department of Justice and, earlier today, Water and Sewerage Services. We are also aware at this time of a further five Bills which Ministers propose to introduce before Christmas recess subject to consultation with the relevant Assembly Committee and agreement by the Executive.

North/South Implementation Bodies/Tourism Ireland: Value for Money

Mr Craig asked the First Minister and deputy First Minister what action is being taken to ensure that the taxpayer in Northern Ireland is getting value for money from the North/South implementation bodies and Tourism Ireland Ltd. (AQO 58/10)

The First Minister and deputy First Minister: In connection with the examination of the efficiency and value for money, the North South Implementation Bodies and Tourism Ireland Ltd operate under the overall direction of the North South Ministerial Council (NSMC), with accountability lines back, not only to the Council, the Oireachtas and the Assembly, but also to Finance and other Departments responsible for their funding.

Each Body is required to:

- comply with the provisions of a Financial Memorandum drawn up for it by Sponsor and Finance departments;
- submit a report on its activities in each year to NSMC;
- prepare a statement of accounts in respect of each year. The Comptroller and Auditor General for Northern Ireland and the Irish Comptroller and Auditor General, in co-operation, examine and certify the accounts; and
- lay their Annual Reports and statements of account before the Northern Ireland Assembly and both Houses of the Oireachtas. Tourism Ireland Ltd operates under similar controls.

When called upon the Bodies will, if so requested, appear before, or otherwise co-operate with a Northern Ireland Assembly Committee. There are similar arrangements in relation to the Oireachtas.

The North/South Bodies, like all other public bodies, are required to deliver their objectives and programmes more efficiently, particularly in the current economic climate. Each Body is therefore required to identify 3% per annum cash releasing efficiency savings in their 2009 and 2010 Business Plans.

In addition, the St Andrews Agreement provided for the establishment of a Review Group with a remit that included; 'examine objectively the efficiency and value for money of existing Implementation Bodies.'

The Review Group consists of senior officials and an advisory panel of four experts/advisers. Work is ongoing and it is hoped that the review will be concluded by December 2009.

Coleraine: Vulnerable Communities

Mr Campbell asked the First Minister and deputy First Minister what progress has been made in assisting vulnerable working class communities in the Coleraine area following the inter-communal problems which preceded and followed the killing of Mr. Kevin McDaid over the summer. (AQO 59/10)

The First Minister and deputy First Minister: Junior Minister Kelly and former Junior Minister Donaldson met with elected members and statutory bodies from the Coleraine area on 16th June to discuss these problems and responses to them. Ministers undertook to meet again after the summer recess.

To that end Junior Ministers Kelly and Newton will meet with this grouping again on 23rd September to follow up on a number of issues such as developments on events over the summer period; diversionary activities over the summer; progress on appointment of a consultant to develop a community plan; and a report of a meeting of elected members with the Chief Executive of the Community Relations Council.

We have provided additional funding of £23,000 to Coleraine Borough Council for summer diversionary work on top of the £86,000 awarded to the Council for the 2009/10 good relations programme.

The additional monies include funding for a children's camp at Corrymeela between 10th-13th July; additional Dialogue and Identity Programme work and the development of a 3-month Cross Sectoral Development Strategy to address wider issues in the Coleraine area such as youth and community provision.

DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

Slurry Spreading Deadline

Mr Paisley Jnr asked the Minister of Agriculture and Rural Development if she has had any discussions with the Minister of the Environment regarding the possibility of extending the slurry spreading deadline for this year. (AQW 40/10)

The Minister of Agriculture and Rural Development (Ms Gildernew): I and the Minister for the Environment are fully aware that farmers are having practical difficulties with spreading slurry due to the poor weather this summer. I have provided the Minister of the Environment with details of the advice my Department has been able to offer to farmers recently and explained some of the difficulties that farmers are having with managing slurry.

I welcome the fact that farmers have avoided the risk of causing water pollution by not spreading slurry when conditions have been unsuitable over the recent months. However, this means that many farms have significant amounts of slurry in storage tanks and now need a suitable opportunity to spread slurry ahead of the winter housing period.

Without this opportunity, I recognise that some farmers could face practical difficulties in complying with the Nitrates Action Programme Regulations. The closed period for slurry spreading is a regulatory requirement under the Nitrates Action Programme Regulations. The NI Environment Agency is responsible for inspection and enforcement of these Regulations. Therefore, any regulatory matters are primarily for the Minister of the Environment to consider.

DARD Direct Offices

Mr Paisley Jnr asked the Minister of Agriculture and Rural Development what progress has been made on the final location of the DARD Direct offices; and when she expects to make an announcement on this. (AQW 42/10)

The Minister of Agriculture and Rural Development: In January this year, I announced that a network of 12 DARD Direct offices would be established to deliver services to customers across the north of Ireland. At that time I identified the locations of 10 of these offices. These are Omagh, Dungannon, Armagh, Newry, Downpatrick, Newtownards, Ballymena, Coleraine, Claudy and Magherafelt. (These are in addition to the Enniskillen office, which was established as the pilot DARD Direct office). In July, I confirmed that the 12th and final office would be located in the centre of the South and East Antrim area (eg, between Mallusk and Antrim).

With respect to identifying actual office accommodation, my officials are working in partnership with DFP (Department of Finance and Personnel) to determine this, as they are responsible for providing office accommodation to meet the needs of all Government Departments. They are working through a range of steps to assess the suitability of existing accommodation and/or identify alternative accommodation that will optimise alignment with the DARD Direct specification. It is a process of elimination and at this stage, for the majority of locations, there is no final decision on what accommodation we will occupy.

So far, decisions have been taken to refurbish accommodation currently occupied by DARD at Newry, Dungannon and Coleraine. It is envisaged that this work will be completed by March 2010. As suitable buildings are identified and secured at other locations, they will be made known.

Dairy Industry: Support DEFRA/EC

Mr Paisley Jnr asked the Minister of Agriculture and Rural Development what representations she has made to DEFRA and the European Commission regarding support for the dairy industry. (AQW 43/10)

The Minister of Agriculture and Rural Development: When milk prices fell sharply last October I and my Executive colleagues worked tirelessly to support the dairy industry. We lobbied hard to secure the re-introduction of export refunds which have been so important to it over the years. In particular –

- I spoke to the Defra Secretary of State, Hilary Benn, on 23 October to underscore the dependence of our dairy industry on milk powders and to ask him to support the re-introduction of export refunds for dairy products.
- On 19 November Arlene Foster and I wrote to Hilary Benn to alert him to the fact that our dairy industry was facing a crisis and to seek his support in forthcoming discussions in the EU Dairy Management Committee. We emphasised that there was an urgent need for the UK to request the European Commission to reintroduce export refunds for milk powders. We urged him to take positive action that would help our dairy industry through these difficult times.
- On 26 November I wrote again to Hilary Benn saying that I was bitterly disappointed that Britain appeared set to oppose a request from the Polish authorities for the re-introduction of export refunds. I assured him that the global downturn was for real for our dairy sector and asked him to re-consider Britain's position and along with Poland and other Member States to put pressure on the Commission to reintroduce export refunds.
- On 27 November, at my behest, the First Minister and Deputy First Minister wrote to the Prime Minister outlining the crisis for our dairy industry which was being damaged by exceptionally difficult market conditions in a disproportionate way compared to the situation in Britain. We emphasised that the immediate introduction of export refunds would boost returns, restore confidence and help tide the industry through an extremely difficult period.
- On 27 November I also spoke with the Defra Minister, Huw-Irranca Davies, attending the EU Agricultural Council meeting in Brussels on 28 November to again emphasise the importance of the issue and express disappointment that so far there had been no movement at EU level on export refunds.
- On 10 December Nigel Dodds and I, along with David Dobbin of United Dairy Farmers and a senior DARD official met with Hilary Benn to present the case in support of the re-introduction of export refunds. At the end of the meeting he acknowledged the strong case we had made and accepted the greater relative contribution of the dairy sector to the overall the north of Ireland's economy than is the case in Britain.
- On 11 December, at my behest, a senior DARD official wrote to the Director of Dairy Policy in Defra covering the salient points covered at the meeting on the previous day.
- At this stage Arlene Foster and I also sought a meeting with the European Commissioner, Mariann Fischer-Boel, to ensure that she was aware of the seriousness of the situation. This was arranged for 11 February (when the First Minister, deputy First Minister and I planned to attend) but this agenda item was cancelled following the European Commission's announcement on 15 January that export refunds were to be re-introduced.
- On 20 January Arlene Foster and I again wrote to Hilary Benn urging him to instruct his officials to support the re-introduction of export refunds. As a result he instructed his officials to abstain in the vote on the matter. This important change was only realised following intensive lobbying.
- As the dairy industry continued to face difficulties stemming from the downturn in global markets I urged the Commissioner Fischer at the Balmoral Show to continue to do what she could to help in the dairy sector in the months ahead.

I would welcome a higher level of export refunds to help the dairy industry through the current difficult period stemming in large measure from the economic downturn. However, I was disappointed to note that at the EU Management Committee meetings Defra officials continue to resist proposals which would benefit the dairy sector. In particular at the meeting on 18 June they voted against a Commission proposal to increase export refunds for milk powders; on 23 July they voted against an emergency measure to extend intervention for butter and skimmed milk powder until 30 November 2009; and on 3 September, following the increase in prices at the Fonterra auction asked if the Commission would reduce export refunds for whole milk powder. In view of these developments you may wish to press Hilary Benn to follow a more helpful line for the good of our dairy industry.

More recently, the Commission produced a "Dairy Market Situation 2009" communication. At my behest officials wrote to Defra on the matter and asked Defra to take a more measured approach at the September Council of Ministers meeting when other Member States ask for help. In the letter it was emphasised that while the current measures taken by the Commission have been helpful, prices are still not adequate to secure the long term future of the dairy sector and it is not sufficient for Defra to say that the market will sort it out.

I was pleased to note that at the 7 September EU Council of Ministers' meeting Commissioner Mariann Fischer-Boel used our industry as an example of a region that has been hard hit by the depressed world market. In

addition Hilary Benn referred to the difficulties faced by our local producers. These references confirm that the message regarding the difficulties faced by our industry has registered in both London and Brussels.

The situation is being carefully monitored and I will continue to press Defra and the European Commission to act in the best interests of our dairy industry. Our mutual aim is to secure outcomes on issues which are in the best long term interests of the local dairy industry.

Private Consultancy Firms and Events Organisers: Cost to DARD

Mr McGlone asked the Minister of Agriculture and Rural Development how much has been spent by her Department in each of the last five years on (i) private consultancy firms; and (ii) events organisers. (AQW 73/10)

The Minister of Agriculture and Rural Development: Expenditure incurred by the Department on consultants in the last five years is as follows:-

YEAR TOTAL SPEND

| | |
|-------|------------|
| 04/05 | £1,820,000 |
| 05/06 | £340,000 |
| 06/07 | £780,000 |
| 07/08 | £480,121 |
| 08/09 | £488,450 |

Expenditure incurred by the Department on events organisers in the last five years is as follows:-

YEAR TOTAL SPEND

| | |
|-------|-------|
| 04/05 | £0.00 |
| 05/06 | £0.00 |
| 06/07 | £0.00 |
| 07/08 | £0.00 |
| 08/09 | £0.00 |

Brucellosis

Lord Morrow asked the Minister of Agriculture and Rural Development, in relation to brucellosis 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, to date in 2009. (AQW 98/10)

The Minister of Agriculture and Rural Development:

- (i) The laboratory testing costs for brucellosis for financial year 2008/2009 have not been supplied by AFBI (Agri-Food and Biosciences Institute) to date. For calendar year 2008, the laboratory costs were £2,088,928. This includes serological testing of blood samples; bacteriological culture; testing of milk samples and the cost of the test kits.
- (ii) Veterinary fees for brucellosis, i.e. fees charged to herd owners by private veterinary practitioners, are a feature of private testing and pre-movement testing only (or post movement testing, if the pre-movement test has not been carried out). These fees are a commercial matter between the PVPs and their clients.

For all other routine and risk testing for brucellosis, Animal Health and Welfare Inspectors, employed by DARD's Veterinary Service, visit farms to take the blood samples for laboratory testing. These staff are not veterinarians and they carry out brucellosis programme tasks as well as other animal health and welfare duties.

- (iii) From 01/01/2009 to 07/08/09, (the last reactors for which there are culture results available) a total of 60 serological reactor animals had glands taken post slaughter for culture.

Of the 60 samples that were cultured, 41 were culture negative, 19 were culture positive.

A percentage of infected animals will show a negative culture.

Welfare of Animals Bill

Mr Elliott asked the Minister of Agriculture and Rural Development to outline the reasons for the delay in introducing the Welfare of Animals Bill; and if she foresees any further delay. (AQW 109/10)

The Minister of Agriculture and Rural Development: My Department consulted with stakeholders on a review of animal welfare legislation in 2006. As this consultation was carried out during Direct Rule, I wanted to take the time to engage directly with key stakeholders to hear at first hand their concerns. Since taking up office in 2007, my officials and I have engaged extensively with a wide range of welfare interests, from here, the south and Britain. This has taken time, but I want to get any new Animal Welfare Bill right. I also want to draw on lessons learnt in England, Wales and Scotland since the introduction of their new legislation in 2006 and 2007 respectively. In addition, I want to take account, as far as possible, of developments in the south as they bring forward new welfare legislation.

A new Animal Welfare Bill is one of my key ministerial priorities and it is my intention, subject to Executive approval, to progress a new Welfare Bill through to enactment during the lifetime of this Assembly.

IT Systems: DARD

Mr Hamilton asked the Minister of Agriculture and Rural Development to detail (i) all new IT systems installed within her Department in the last 5 years; (ii) the initial budget; (iii) the actual cost; (iv) the estimated start date; and (v) the actual start date. (AQW 128/10)

The Minister of Agriculture and Rural Development: The following table details new IT systems installed within the Department of Agriculture and Rural Development (excluding corporate NICS systems installed by the Department of Finance and Personnel).

TABLE: NEW IT SYSTEMS INSTALLED IN DARD

| Year | System | Initial Budget (£k) | Actual Cost (£k) | Estimated Start Date | Actual Start Date |
|-------|--|---------------------|------------------|----------------------|-------------------|
| 04/05 | Grants and Subsidies Geographic Information System | 1,786.4 | 1,651.8 | Nov 04 | Jan 05 |
| | Forest Service Geographic Information System | 525.0 | 523.8 | Jun 04 | Jun 04 |
| | Forest Service Geographic Positioning System | 80.0 | 76.4 | Mar 04 | Jul 04 |
| | Science Service Laboratory Information System | 53.1 | 61.3 | Sept 03 | Apr 04 |
| | CAFRE Student Recording System | 91.6 | 61.3 | Oct 04 | Nov 04 |
| 05/06 | Rivers Agency Geographic Information System | 59.4 | 58.6 | Oct 05 | Oct 05 |
| 06/07 | Rural Payments & Inspection Scheme Management (Single Farm Payment, Agri-environment, Customer Information System) | 734.3 | 500.6 | Jun 06 | Aug 06 (Ongoing) |
| | Mobile Computing Milk Hygiene Inspections | 35.0 | 22.5 | Jul 07 | May 07 |
| 07/08 | Single Farm Payment Scanning Application | 187.0 | 168.0 | Mar 08 | Apr 08 |
| | Agri-environment Geographic Information System | 82.0 | 75.0 | Mar 08 | Jun 08 |
| 08/09 | Mobile Computing (SFP Inspections) | 338.2 | 398.9 | Mar 09 | Jun 09 |
| | Rivers Agency/Forest Service Fleet Management System | 25.0 | 27.3 | Jul 08 | Feb 09 |
| | Office Communication System | 52.8 | 53.5 | Aug 08 | Aug 08 |

Farm Modernisation Scheme

Mr Savage asked the Minister of Agriculture and Rural Development how many Farm Modernisation Scheme applications were (i) received; (ii) approved for payment; and (iii) of those approved, how many applicants took up payment. (AQW 224/10)

The Minister of Agriculture and Rural Development: 9,269 Farm Modernisation Programme applications were received.

1,268 applications have been made an offer of financial support.

As of 16th September 2009, 1,024 farmers had indicated they would be taking up their offer of support.

Payments to farmers are only approved when the project has been completed, a valid claim submitted and the expenditure verified as being eligible. To date 20 projects have been approved for payment.

Brucellosis

Mr Savage asked the Minister of Agriculture and Rural Development how many cattle have been tested for Brucellosis in the past (i) three months; (ii) six months; (iii) nine months; and (iv) twelve months. (AQW 227/10)

The Minister of Agriculture and Rural Development: For accuracy, Official Veterinary Service statistics are published with a 5 week time lag. Therefore, the following were calculated from finalised statistics available for period ending 31/07/2009.

The number of cattle tested for brucellosis was:

- (i) 159,114 for period 01/05/2009 to 31/07/2009
- (ii) 476,844 for period 01/02/2009 to 31/07/2009
- (iii) 774,531 for period 01/11/2008 to 31/07/2009
- (iv) 913,992 for period 01/08/2008 to 31/07/2009

Sheep: Electronic Identification

Mr Moutray asked the Minister of Agriculture and Rural Development what discussions she has had with her colleagues across the UK about the introduction of electronic identification of sheep. (AQO 61/10)

The Minister of Agriculture and Rural Development: I, and my officials, have worked closely with Defra and Devolved Administration Ministers on the issue of sheep electronic identification, or EID. Such discussions have taken place as part of my regular meetings with Defra and Scottish and Welsh Ministers. I also spoke to my Ministerial colleagues by phone on several occasions in the run up to critical negotiations in Brussels.

I have also discussed the issue of sheep identification and movement with Commissioner Vassiliou and Commissioner Fischer Boel as I have always believed that we in the North should move directly to EID, rather than introducing double-tagging of sheep, as was the case in Britain. I believe that changing the system more than once in a short period of time would have been confusing for keepers. My efforts have been widely acknowledged and supported by the industry here.

Through negotiations at EU level we had already secured a two year delay in the implementation of EID and the phasing-in of individual recording of tag numbers. In July this year we secured further important concessions from the Commission which allow markets and meat plants to read and record tag numbers on behalf of keepers. This will significantly reduce the burden on keepers here.

I have also had discussions with my Ministerial colleagues in Dublin.

My officials and I have been working closely with industry representatives to design a sheep EID system that will strike the right balance between the cost of tags and the administrative burden that will be placed on keepers. My Department published a consultation on the new rules for sheep EID on 11 September, and I would encourage all those involved in the sheep industry to submit their views.

Duplicate Fields

Mr Elliott asked the Minister of Agriculture and Rural Development what is her Department's position on the Duplicate Fields court ruling and what are the implications for affected farmers. (AQO 64/10)

The Minister of Agriculture and Rural Development: Firstly, I would like to remind Members that the judgement in this Court Ruling was that 2 of the 4 cases involved should be returned to Panel for consideration of the "not at fault" provision. These cases have now been cleared with penalties withdrawn and interest paid. In the other 2 cases, there was no action for my Department and the penalties in these cases remained unchanged.

Since the judgement, my Department has been taking advice about its impact on other duplicate field cases. We have been advised that, from a legal perspective, we have fulfilled our strict obligations in respect of the Judicial Review.

However, as I recognised that this is an area of great sensitivity and concern to the farming industry, I asked my officials to see whether it is possible to allow other cases the opportunity for review.

My officials have been considering the options and are now working with the UFU and NIAPA to determine how the remaining penalty cases can be handled. One thing that has become clear is that there is no "one size fits all" solution, cases will have to be considered on their individual merits against a set of defined criteria. In addition, any action taken has to be defensible from a legislative perspective.

Good progress has been made and I will be keeping the ARD Committee advised of developments.

Food Processing: Contracts

Mr Dallat asked of Agriculture and Rural Development what steps she has taken to ensure that Northern Ireland based food processing companies will continue to have equal opportunity when bidding for contracts from Irish Government departments. (AQO 68/10)

The Minister of Agriculture and Rural Development: I understand that the Member is referring to the recent Irish Farmers' Association press article calling for all future public procurement contracts to be focused on Irish produce.

As members will be aware all public procurement contracts are subject to strict EU procurement law to ensure that there is a fair, open and transparent process. In this particular instance the Irish Defence Department awarded Crossgar Poultry to supply poultry products to the south. My personal view is that produce from the north of Ireland is "Irish Produce" and the fact that this particular company has plants across Ireland, north and south illustrates that point.

I subsequently wrote to Willie O'Dea, Minister for Defence, on 2 July seeking clarification of the public procurement policy in the South and he has assured me that all contracts will be awarded in line with the requirements set out in the EU procurement rules.

Rural Development Programme

Mr Kennedy asked the Minister of Agriculture and Rural Development what discussions she has had with the Minister of Finance and Personnel and Her Majesty's Government following legal developments regarding the conacre ruling in the McClean case. (AQO 70/10)

The Minister of Agriculture and Rural Development: The decision in the McClean case, which denied Business Property Relief in respect of land let in conacre, has concerned me greatly. I commented publicly on this issue following the British House of Lords refusal to grant leave to appeal the decision. Since then, I have written to the Minister of Finance and Personnel about the matter and we have agreed to seek a joint meeting with the Chief Secretary to the Treasury (Mr. Liam Byrne). Subsequently, I have written to the British Treasury outlining my concerns at the potential impact of this ruling on conacre letting and the likelihood of enforced sales of agricultural land. I am pleased to say that the Finance Minister and I have common views on this issue and officials from both Departments are working very closely on the matter.

Livestock and Meat Commission

Mr Paisley Jnr asked the Minister of Agriculture and Rural Development for her assessment of the Strategic Review of the Livestock and Meat Commission. (AQO 71/10)

The Minister of Agriculture and Rural Development: I welcome this independent strategic review of the Livestock and Meat Commission (LMC) which I announced on 18 August 2009. The review's aims are to address the LMC's functions, structural and funding arrangements. This strategic review will help identify a model which will deliver the best results, for those stakeholders who pay a levy to the LMC. It will also need to take into account changes in the marketplace and effective and value for money arrangements to meet the needs of levy payers.

The review is being carried out by Pricewaterhouse Coopers (PwC), who have been seeking the views of a full range of stakeholders as part of their consultation process and I have encouraged all those involved to engage fully, to help ensure that we get the best outcome for our industry.

I expect to receive the Review's Report before the end of this year. Therefore, it is too early to provide an assessment of the Review, which is still underway. As such, I do not want to pre-empt the findings of the Review's Report before I receive them. At that stage, what I can say is that I will give full consideration to all of the recommendations and their implications, before deciding on the best way forward, in the interests of all those involved.

Rural Development Programme

Mr B McCrea asked the Minister of Agriculture and Rural Development how many projects have been approved under Axis 3 of the Rural Development Programme being delivered through local council clusters. (AQO 72/10)

The Minister of Agriculture and Rural Development: With you permission Mr Speaker I will answer questions 13 and 15 together.

I am pleased to say that just over sixteen hundred applications have been recorded on the database for the measures under Axis 3 of the Rural Development Programme. These can be broken down into cluster areas as follows:

| | | |
|-------|-----|---|
| SWARD | 616 | (Fermanagh, Dungannon, Magherafelt and Cookstown) |
| LRP | 108 | (Lisburn, Castlereagh and Belfast) |
| GROW | 95 | (Antrim, Carrickfergus and Newtownabbey) |
| NER | 109 | (Ballymena, Ballymoney, Coleraine, Moyle and Larne) |
| DRAP | 198 | (Ards, North Down, Banbridge and Down) |
| ARC | 330 | (Omagh, Strabane, Derry and Limavady) |
| SOAR | 183 | (Armagh, Craigavon and Newry & Mourne) |

I would point out that not all areas have opened all their measures yet.

Following eligibility checks and site visits nearly eight hundred of these applications have now been considered as eligible for assessment by the Local Action Groups. To date over one hundred and thirty projects have achieved or exceeded the pass mark for assessment marking them eligible. Indeed the GROW group made up of Antrim, Carrickfergus and Newtownabbey council areas issued letters of offer worth over four hundred thousand pounds last week, a quarter of a million of this to farm diversification projects. I have been told that at least three more areas will be in a position to issue letters by the end of the month and this will inject much needed investment into our rural areas.

Rural White Paper

Mr Ford asked the Minister of Agriculture and Rural Development for her assessment of the work of the stakeholder forum on the Rural White Paper. (AQO 73/10)

The Minister of Agriculture and Rural Development: The Rural White Paper Stakeholder Advisory Group is currently undertaking work in sub-group format on the five themes - Rural Vision, Rural Governance, Rural Services, Rural Places and Rural People.

I recently met with the chairpersons of the five stakeholder sub-groups and was provided with a progress reports on the work of each of the sub-groups. I am satisfied with the progress made by the sub-groups to date and am particularly pleased that the representatives of the various rural sectors are working effectively together to ensure that there are meaningful and achievable outcomes to the stakeholder work.

The sub-groups have initially been focussing on researching those rural issues which fall within their terms of reference and are now in the process of identifying measures which will help to ensure the future sustainability of rural areas. The sub-groups are scheduled to report back on the outcome of their work later in the autumn and I am confident that the experience and expertise of the sub-group members will ensure that the Stakeholder Advisory Group makes an important contribution to the final overall Rural White Paper.

Rural Development Programme

Mr McQuillan asked the Minister of Agriculture and Rural Development how many applications have been made to the Rural Development Programme for each of the seven council clusters; and how many have been granted. (AQO 74/10)

The Minister of Agriculture and Rural Development: With you permission Mr Speaker I will answer questions 13 and 15 together.

I am pleased to say that just over sixteen hundred applications have been recorded on the database for the measures under Axis 3 of the Rural Development Programme. These can be broken down into cluster areas as follows:

| | | |
|-------|-----|---|
| SWARD | 616 | (Fermanagh, Dungannon, Magherafelt and Cookstown) |
| LRP | 108 | (Lisburn, Castlereagh and Belfast) |
| GROW | 95 | (Antrim, Carrickfergus and Newtownabbey) |
| NER | 109 | (Ballymena, Ballymoney, Coleraine, Moyle and Larne) |
| DRAP | 198 | (Ards, North Down, Banbridge and Down) |
| ARC | 330 | (Omagh, Strabane, Derry and Limavady) |
| SOAR | 183 | (Armagh, Craigavon and Newry & Mourne) |

I would point out that not all areas have opened all their measures yet.

Following eligibility checks and site visits nearly eight hundred of these applications have now been considered as eligible for assessment by the Local Action Groups. To date over one hundred and thirty projects have achieved or exceeded the pass mark for assessment marking them eligible. Indeed the GROW group made up of Antrim, Carrickfergus and Newtownabbey council areas issued letters of offer worth over four hundred thousand pounds last week, a quarter of a million of this to farm diversification projects. I have been told that at least three more areas will be in a position to issue letters by the end of the month and this will inject much needed investment into our rural areas.

DEPARTMENT OF CULTURE, ARTS AND LEISURE

Metropolitan Arts Centre

Mr McNarry asked the Minister of Culture, Arts and Leisure if he has approved the funding pledged by his Department to develop the Metropolitan Arts Centre. (AQW 53/10)

The Minister of Culture, Arts and Leisure (Mr McCausland): The Metropolitan Arts Centre is one of a small number of the Department's strategic arts infrastructure projects. Scrutiny of the Business Plan has been completed and the Department is moving towards a letter of offer. Outstanding issues are being addressed by DCAL officials in liaison with the Arts Council and project promoters.

Private Consultancy Firms and Events Organisers: Cost to DCAL

Mr McGlone asked the Minister of Culture, Arts and Leisure how much has been spent by his Department in each of the last five years on (i) private consultancy firms; and (ii) events organisers. (AQW 72/10)

The Minister of Culture, Arts and Leisure: The Department of Culture, Arts and Leisure spent the following amounts on (a) private consultancy firms and (b) events organisers in the financial years 2004-05 to 2008-09:

| Year | Private Consultancy Firms (£) | Events Organisers (£) |
|---------|-------------------------------|-----------------------|
| 2004-05 | 244,661 | 12,191 |
| 2005-06 | 197,378 | 3,712 |
| 2006-07 | 1,178,042 | 0 |
| 2007-08 | 3,373,393 | 0 |
| 2008-09 | 172,832 | 2,679 |

Freedom of Information Act: Compliance

Mr McNarry asked the Minister of Culture, Arts and Leisure what action is being taken to improve the Department's compliance with section 10 of the Freedom of Information Act. (AQW 94/10)

The Minister of Culture, Arts and Leisure: The Department of Culture, Arts and Leisure received a total of 523 Freedom of Information (FOI) request in 2008. 116 (22%) sought access to active Departmental records and 407 sought access to transferred records held in the permanent archive managed by the Public Record Office of Northern Ireland (PRONI).

- The Department responded to 112 of the active requests on time i.e. 96.5%. This compares favourably with clearance figures in other Departments.
- PRONI responded to 344 requests for access to permanent archive records on time i.e. 84.5%. This was an improvement of 4% on the previous year.
- PRONI carried out a review of its FOI procedures in February 2009 and the following actions were implemented
 - Appointment of additional curatorial staff.
 - Prioritisation of complex requests.
 - Application of permitted extension to time-limits for public interest consultation with originating Department

Hunger Strike Commemoration Rally

Mr Storey asked the Minister of Culture, Arts and Leisure if he intends to raise with the GAA the use of the ground in Galbally for a commemoration of deceased members of the Provisional IRA. (AQW 123/10)

The Minister of Culture, Arts and Leisure: I have publicly called on the GAA to carry out a full investigation into the activities of 16 August at Galbally. I understand the Central Council of the GAA have remitted the Ulster Council to establish the exact circumstances surrounding the use of the Galbally Pearses ground for a commemoration of deceased members of the Provisional IRA. I am awaiting the outcome of their findings and look forward to receiving a report when it is completed.

Sport makes an important contribution to a shared and better future, one in which terrorism and sport cannot be mixed. I should hope and expect

that no sports facility in Northern Ireland would be used to commemorate or celebrate terrorism or any other illegal activity.

Salmon

Mr Storey asked the Minister of Culture, Arts and Leisure for his assessment of the effectiveness of measures taken by his Department to address the fall in numbers of salmon caught in Northern Ireland. (AQW 124/10)

The Minister of Culture, Arts and Leisure: Compliance against salmon conservation targets in the former Fisheries Conservancy Board area has improved in recent years following the introduction of:

1. A voluntary net buyout scheme in the Fisheries Conservancy Board area which reduced fishing effort by 90% from 2000 – 2002
2. A carcass tagging and logbook scheme in 2001 which improved records of commercially and recreationally caught fish
3. Byelaws that require release of rod caught fish from the start of the season to 31 May and that impose a bag limit of 2 fish per day thereafter

A detailed scientific assessment undertaken in 2007 has indicated that the buyout has conserved around 460 River Bush salmon each year from 2002 - 2007 representing 42% of the rivers conservation target.

DCAL officials will continue to work with the scientific advisers in the Agri-Food and Biosciences Institute to seek robust and effective measures which will make significant impact in the drive to conserve salmon in the former Fisheries Conservancy Board area of Northern Ireland. The Department intends to seek measures for restrictions rather than a total ban.

GAA Clubs

Mr Storey asked the Minister of Culture, Arts and Leisure, what consideration he has given to the potential funding ramifications of the GAA naming (i) clubs; (ii) grounds; and (iii) competitions after deceased members of the Provisional IRA. (AQW 125/10)

The Minister of Culture, Arts and Leisure: Sport Northern Ireland (SNI), an arm's length body of my Department, is responsible for distribution of sports funding in Northern Ireland. The GAA and its affiliated clubs are entitled to apply for funding on the basis that they are voluntary sports organisations within the meaning of Article 2 of the Recreation and Youth Service (Northern Ireland) Order 1986. As a public body, SNI has a statutory obligation under Section 75 of the Northern Ireland Act 1998 to ensure that it continues to promote (1) equality of opportunity and (2) good relations. To meet this obligation, SNI funding programmes have an equality clause as a standard condition of their grants and SNI may suspend, reduce or stop payments or reclaim the grant in full if this clause is breached. Whilst not constituting a breach of this clause, I believe there is no place in sport for the naming of clubs, grounds and/or competitions after deceased terrorists and this practice is certainly not in keeping with the promotion of good relations as required under the equality legislation. I have asked officials to review the equity clause in the current terms and conditions and to advise if changes should be considered. Any change should reflect that sport makes an important contribution to a shared and better future, one in which terrorism and sport cannot be mixed.

IT Systems: DCAL

Mr Hamilton asked the Minister of Culture, Arts and Leisure to detail (i) all new IT systems installed within his Department in the last 5 years; (ii) the initial budget; (iii) the actual cost; (iv) the estimated start date; and (v) the actual start date. (AQW 129/10)

The Minister of Culture, Arts and Leisure: The relevant costs and dates for DCAL systems costing more than £100,000 are set out in the table below.

| System | Initial Budget | Actual Cost | Estimated Start date | Actual Start Date |
|--|-----------------|-------------|----------------------|-------------------|
| Digitisation of Will Calendars and Wills | * Not available | 252,360 | 31 -03-2004 | 18-3 -2006 |
| OS Historical Maps | 213,545 | 448,406 | 20-03-2006 | 10-11-2008 |

| System | Initial Budget | Actual Cost | Estimated Start date | Actual Start Date |
|---------------------------------------|----------------|-------------|----------------------|-------------------|
| eCATNI – Archival Management System | £1,346,010 | 1,446,010 | 30-06-2006 | 26-08-2008 |
| eCATNI – On-Site Public Access System | | | 30-06-2006 | 10-11-2009 |
| eCATNI – Internet Search Engine | | | 30-06-2006 | 05-01-2009 |

* The business case for phase 1 (electronic index of will calendars and digitisation of Londonderry wills) had an estimated cost of £100,000 and an actual cost of £113,480. The total cost of the project which was done in 4 phases was £252,360

Special Olympics: Funding

Lord Morrow asked the Minister of Culture, Arts and Leisure how much funding his Department has allocated to the Special Olympics in each of the last three years. (AQW 206/10)

The Minister of Culture, Arts and Leisure: The total amount of funding awarded to Special Olympics in each of the last three years by my Department is as follows:

| | |
|--------------|-----------------|
| 2006/07 | £531,800 |
| 2007/08 | Nil |
| 2008/09 | Nil |
| Total | £531,800 |

In addition, Sport Northern Ireland has awarded Special Olympics £11,815 through the Awards for All Programme.

Historical Re-enactments

Lord Morrow asked the Minister of Culture, Arts and Leisure what funding and performance opportunities are available for historical re-enactments depicting events important to the Protestant culture and heritage. (AQW 207/10)

The Minister of Culture, Arts and Leisure: Funding and performance opportunities for historical re-enactments are available through the Ulster-Scots Agency and Northern Ireland Screen, bodies sponsored by my Department. For example:-

- The Ulster-Scots Agency's Financial Assistance Scheme enables Voluntary and Community Groups to apply for funding towards drama projects including pageants and re-enactments which have an Ulster-Scots dimension.
- Northern Ireland Screen would consider supporting professional film or television productions. Northern Ireland Screen has previously supported the production of a short film entitled 'A Right Royal Lodge'.

Sports Training

Lord Morrow asked the Minister of Culture, Arts and Leisure if he would consider hosting specialist sports training days for young people using professional players and coaches. (AQW 208/10)

The 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 does not host sports specialist sports training days but can provide financial support to a range of sports organisations, including sports governing bodies, sports associations and sports clubs, that wish to do so. SNI is currently designing an Awards for Sport Programme from which assistance in this area may be obtained. This programme is presently expected to open for applications before the end of the 2009/10 financial year.

Maze Stadium Project

Mr McNarry asked the Minister of Culture, Arts and Leisure to detail the redistribution of monies that are no longer required for the Maze stadium project. (AQW 248/10)

The Minister of Culture, Arts and Leisure: Last year, 2008/09, £10m was allocated under the Multi Sports Stadium budget line. The full amount was declared as an easement in the Monitoring Round process.

This year, 2009/10, £28.92m was allocated. £1.979m was declared as an easement in the June Monitoring round and £1.1m is being declared as an easement in September Monitoring. As permitted under the acceleration and slippage arrangements in the Investment Strategy for Northern Ireland (ISNI), it is proposed at this point in the year to reallocate the remaining £25.841m as detailed in the attached table. This proposed reallocation will be regularly reviewed throughout the year and adjustments made where necessary.

This proposed reallocation is subject to the September Monitoring process which is scheduled to be considered at the Executive meeting on 24th September.

Hunger Strike Commemoration Rally

Mr McNarry asked the Minister of Culture, Arts and Leisure what steps he is taking to secure a guarantee that events such as the hunger strike commemoration rally at Galbally Gaelic Athletic Club will not happen again at any GAA venue in Northern Ireland. (AQW 249/10)

The Minister of Culture, Arts and Leisure: I have publicly expressed my concerns at what took place at Galbally on 16 August and have called on the GAA to carry out a full investigation into the matter. I understand the Central Council of the GAA have already asked the Ulster Council to establish the exact circumstances surrounding the use of the Galbally Pearses grounds for a commemoration of deceased members of the Provisional IRA. I am awaiting the outcome of these findings and look forward to receiving a report when it is completed.

Sport Northern Ireland (SNI) is responsible for the development of sport including the distribution of funding. SNI have been asked to carry out a review of their existing terms and conditions of grants to sport. I look forward to receiving a report of SNI's analysis and, if appropriate, recommendations for change by the end of November.

Olympic Games: Funding

Mr McNarry asked the Minister of Culture, Arts and Leisure how many athletes, and from which sports, who are expected to compete in the 2012 Olympic Games representing Great Britain and Northern Ireland have received, or are likely to receive within the next 12 months, funding from his Department. (AQW 251/10)

The Minister of Culture, Arts and Leisure: Sport Northern Ireland (SNI) is responsible for the development of sport in Northern Ireland including distribution of funding. SNI is currently providing financial assistance, through its Athlete Support Programme, to seven talented athletes considered to have the potential to represent Great Britain and Northern Ireland in the 2012 Olympic and Paralympic Games as follows:-

| Sport | Number |
|-----------------------|----------|
| Archery | 1 |
| Wheelchair basketball | 2 |
| Hockey | 2 |
| Table Tennis | 1 |
| Smallbore shooting | 1 |
| Total | 7 |

SNI's Athlete Support Programme is presently closed for further applications. Consequently, the full number of talented athletes considered to have the potential to be part of the Great Britain and Northern Ireland team at the London 2012 Olympic and Paralympic Games, and likely to receive funding from SNI within the next 12

months, will not be known until after the Athlete Support Programme reopens. SNI currently hopes to reopen this programme for further applications in October 2009.

Commonwealth Games

Mr McNarry asked the Minister of Culture, Arts and Leisure to detail (i) the size of the Northern Ireland team competing in the next Commonwealth Games; (ii) the number of individuals taking part in each sport; (iii) the number of team administrators; (iv) the number of team coaches; (v) the number of support staff attending; and (vi) the likely cost. (AQW 252/10)

The Minister of Culture, Arts and Leisure: The Northern Ireland Commonwealth Games Council (NICGC) is responsible for the selection of the Northern Ireland team competing in the next Commonwealth Games. This includes the (i) size of the team; the number of individuals taking part in each sport; (iii) the number of team administrators; (iv) the number of team coaches; (v) the number of support staff attending; and (vi) the likely cost. I understand that the NICGC is in the process of selecting the team and that its final decision on these matters is unlikely to be known until the summer of 2010.

Athletes: SNI Funding

Mr McNarry asked the Minister of Culture, Arts and Leisure to detail the number of athletes who have received funding from his Department and represented countries other than Northern Ireland in international competition, broken down by sport. (AQW 253/10)

The 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. The attached list provides an overview of the number of athletes who have received funding from SNI over the last three financial years broken down by sport and representation/team.

Employment of Coaches or Development Officers

Mr Ross asked the Minister of Culture, Arts and Leisure what financial assistance is offered to sports clubs for the employment of coaches or development officers. (AQW 271/10)

The 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 is currently in the process of developing two programmes, Active Communities and Awards for Sport, through which sports clubs may be able to obtain assistance in employing sports coaches and/or development officers. It is presently expected that these programmes will open for application in the next few months. In addition, SNI currently operates an Investing in Performance Sport programme through which sports clubs may, via their respective sports governing bodies, be able to access coaches and/or development officers to assist with athlete development.

GAA

Mr Ross asked the Minister of Culture, Arts and Leisure to detail all (i) GAA clubs; (ii) grounds; and (iii) competitions named after republican terrorists. (AQW 329/10)

The Minister of Culture, Arts and Leisure: The Department of Culture, Arts and Leisure does not retain information on GAA clubs, grounds or competitions that are named after republican terrorists.

However, one of my major priorities as Sports Minister is to promote sport as a vehicle for improving community relations and community cohesion in Northern Ireland. I therefore fully expect all sports bodies, including Gaelic Sports, to do all they can to support these objectives. Linkages to terrorism in whatever form are not acceptable.

Ulster Scots: Dictionary

Mr Savage asked the Minister of Culture, Arts and Leisure (i) what bodies based outside the UK have offered to contribute to the development of a dictionary for Ulster Scots since 1999; (ii) the names of those bodies; (iii) how much was offered; and (iv) what was the outcome. (AQW 403/10)

The Minister of Culture, Arts and Leisure: The Department has no information relating to offers of funding from any body outside the UK for a dictionary of Ulster Scots. Additionally the Department has engaged with the Ulster-Scots Agency, the Ulster-Scots Community Network and the Ulster-Scots Language Society and they also have no knowledge of any proposed funding from any body outside the UK for any Ulster-Scots dictionary project.

Museums: Mondays Closures

Mrs Hanna asked the Minister of Culture, Arts and Leisure if his Department has looked at other ways of making savings to prevent the closure of museums on Mondays, due to come into effect from 1 October 2009. (AQW 498/10)

The Minister of Culture, Arts and Leisure: National Museums Northern Ireland regularly examines the way in which its services are aligned more closely with the needs and expectation of its visitors. While the organisation continues to prioritise its revenue funding in line with its Corporate Strategy objectives, the limited resources have to be targeted at improving the visitor experience, extending engagement with increasingly diverse audiences and widening access and participation within the communities its serves.

National Museums strives to align its business with the needs of users and following extensive consumer research, has decided to increase opening hours at weekends to meet an increasing demand from visitors. To achieve this objective within a very challenging funding environment, the organisation has also taken the decision to close the museums on a Monday (apart from Bank Holiday Mondays) – the day on which fewest visitors attend. The new opening hours are designed to match visitor demand and reflect the changing pattern of museum visits within the United Kingdom and more widely.

Legislation: DCAL

Mr Savage asked the Minister of Culture, Arts and Leisure to outline any legislation his Department intends to bring to the Assembly before 31 December 2009. (AQW 532/10)

The Minister of Culture, Arts and Leisure: My Department has no plans to introduce any legislation to the Assembly before 31 December 2009.

Employment Levels: DCAL

Mr McNarry asked the Minister of Culture, Arts and Leisure what plans he has to change employment levels within his Department in the next twelve months; and how many of these changes are planned to be made through redundancies. (AQW 545/10)

The Minister of Culture, Arts and Leisure: As part of Budget 2008-11, my Department has a target to deliver cash releasing efficiencies of £21m over the period 2008-11 (2008/09, £3.6m; 2009/10, £7m and 2010/11, £10.4m). The 2008/09 target has been achieved. In reaching the targets set for the remaining two years, existing staffing levels will be considered. Any changes which may be required to staffing levels in the next twelve months have not been quantified but will be considered in the context of the efficiencies referred to above. It is expected that any reduction in staffing levels will be achieved by natural wastage

Sports Coaches

Mr McCallister asked the Minister of Culture, Arts and Leisure when he will carry out a public consultation on the extension of positions of trust to sports coaches, as recommended by the Assembly's ad Hoc Committee on the Draft Sexual Offences Order (NI) 2007. (AQW 607/10)

The Minister of Culture, Arts and Leisure: The Northern Ireland Office (NIO) is responsible for sexual offences legislation in Northern Ireland. Decisions about the timing, and whether or not, to carry out a public consultation on the extension of positions of trust, under such legislation, to sports coaches are therefore entirely a matter for the NIO. I can, however, confirm that the previous Minister of Culture, Arts and Leisure, Gregory Campbell MP MLA, agreed in March 2009 to a request from Paul Goggins MP, Minister for Policing and Criminal Justice at the NIO, to undertake a consultation with sports bodies to ascertain their views on the issue. A consultation with sports bodies is currently expected to be carried out this autumn.

Swimmers at Camlough

Mr Shannon asked the Minister of Culture, Arts and Leisure if he will issue a statement congratulating the swimmers at Camlough on their world record; and if he will consider hosting a reception to commemorate the occasion. (AQW 608/10)

The Minister of Culture, Arts and Leisure: I am aware of the recent Guinness world record breaking open water swim event which took place at Camlough. I have written to the Newry and Mourne Swimming Club as organisers of the event to congratulate them on achieving this Guinness world record.

Football: Grounds Improvement

Mr Dodds asked the Minister of Culture, Arts and Leisure for his plans in relation to the grounds improvement for football. (AQW 684/10)

The Minister of Culture, Arts and Leisure: Responsibility for ground improvements for football rests, in the first instance, with the owners and operators of football grounds. However, Sport Northern Ireland (SNI) is responsible for the development of sport in Northern Ireland including the distribution of funding and has a number of programmes aimed at assisting ground owners, including football grounds owners, to make improvements to their stadia. These include:

- the Stadia Safety Programme which aims to assist the owners of major football, rugby and GAA grounds, on a strategic basis, to ensure the safety and comfort of spectators attending fixtures at their venues;
- Places for Sport to assist in the development of a range of new, improved and shared sports facilities; and
- the Soccer Strategy which aims to develop football stadia to UEFA, Irish Premier League and Premier Intermediate League level.

To ensure that international football can continue to be played at Windsor Park, a limited programme of essential work has been agreed to bring the stadium up to standard in the short to medium term. In addition to this, the IFA has submitted its preferred option for future stadium provision which is currently being examined to ensure value for money, operational viability, sustainability and affordability.

I will also be considering future funding for sports grounds improvements, including football grounds, in the context of my Department's bid under the forthcoming Comprehensive Spending Review.

Motorcycling Union of Ireland

Mr Craig asked the Minister of Culture, Arts and Leisure if he can confirm that the Motorcycling Union of Ireland, via 2 and 4 Wheel Sport, has offered the Ulster Grand Prix £135 for course safety improvements to the pits area; and when this will be delivered. (AQW 741/10)

The Minister of Culture, Arts and Leisure: I am aware that the 2&4 Wheel Motorsport Steering Group Limited (2&4 Wheel MSG), with the support of the Motorcycle Union of Ireland (MCUI) and other motorsports governing bodies, is currently developing a business case to Sport Northern Ireland (SNI) for assistance with safety improvements at a range of motorsports venues across Northern Ireland.

I also understand that as part of that process, the MCUI on behalf of 2&4 Wheel MSG has invited the promoters of motorcycle road racing events, including the organisers of the Ulster Grand Prix, to submit proposals for safety improvements at their venues which may be included within the 2&4 Wheel MSG business case. I am not aware that the MCUI, via 2&4 Wheel MSG, has offered the Ulster Grand Prix funding for safety improvements at this stage. I understand, however, that 2&4 Wheel MSG may consider including proposals for safety improvements at the Ulster Grand Prix within its final business case application to SNI.

Olympic Games

Mr McQuillan asked the Minister of Culture, Arts and Leisure what he would view as a deliverable legacy of the London 2012 Olympic games to the UK. (AQO 83/10)

The Minister of Culture, Arts and Leisure: The delivery of a legacy from London 2012 for the UK is the responsibility of the Department for Culture Media and Sport (DCMS) and is articulated through the DCMS 2012 Legacy Action Plan.

In NI, I chair a 2012 Leadership Group that is responsible for delivering a NI Games legacy. Work is underway to secure increased business opportunities and revenue for NI companies through helping them to bid for and win Olympic-related contracts.

The Games present a unique once in a lifetime opportunity to inspire healthier lifestyles of a whole generation of young people through participation in sports and arts. My predecessor, Gregory Campbell, committed to using the power of the 2012 Games to tackle obesity and leave a sustainable sporting legacy. This significantly contributes to the Government's health agenda including the 'Fit Futures' programme.

NI 2012 Programmes, such as 'Connections' will contribute to the legacy by encouraging sports and arts organisations to work in partnership. NI is contributing to the Cultural Olympiad through participation in 4 major Cultural Projects, and by securing visiting teams to NI for pre-games training along with the torch relay to NI venues will help profile NI on an international platform.

PRONI: Closure

Mr Armstrong asked the Minister of Culture, Arts and Leisure for his assessment on the justification of the eight month closure of the Public Record Office of Northern Ireland during its relocation to the Titanic Quarter. (AQO 85/10)

The Minister of Culture, Arts and Leisure: The opening of a brand new, £30 million, state-of-the-art Public Record Office of Northern Ireland (PRONI) in Titanic Quarter will be a highly significant event for the preservation and accessibility of Northern Ireland's archival heritage. This major investment is a chance in a lifetime opportunity to enhance public access to that heritage, and it requires proper project management, aided by sufficient time and space, to carry out the work methodically and efficiently.

The estimate of up to 8 months for the work is based on a pilot exercise carried out 2 years ago (and on discussions with removal contractors) when approximately 14 linear kilometres of material was relocated. This time 40 linear kilometres, amounting to millions of individual documents, many of them unique, priceless and irreplaceable, plus staff and equipment, have to be moved to the new building.

To ensure a systematic decant and relocation of the records, and to keep within health and safety guidelines, it will simply not be possible for PRONI to remain open during this period.

Shared Future

Miss McIlveen asked the Minister of Culture, Arts and Leisure what role he envisages for his Department in promoting a shared and better future for Northern Ireland. (AQO 86/10)

The Minister of Culture, Arts and Leisure: Improving relationships between and within communities in Northern Ireland and building a shared and better future, based on equity, diversity and interdependency, remains a high priority for my Department.

As the Department with responsibility for culture, DCAL has a duty both to support the diverse cultures in Northern Ireland and to ensure the widest possible opportunity for people to express their own, and have access to other cultures.

My Department's commitments to A Shared Future and the Racial Equality Strategy were set out in the Triennial Action Plan and the Racial Equality Implementation Action Plan.

An example of some of the good relations work sponsored by my Department I would cite the following:

- Sport - DCAL, in partnership with Sport Northern Ireland (SNI), has drawn up a new 10 Strategy for Sport and Physical Recreation for Northern Ireland, entitled "Sport Matters: The Northern Ireland Strategy for Sport

and Physical Recreation, 2009-2019". Sport Matters commits Government in Northern Ireland to "promote community cohesion through sport and physical recreation in the context of a Shared Future". The concept of "working towards a Shared Future" is also one of the key principles underpinning the document.

- Language Diversity Policy, on which DCAL is in the lead, has the potential to make a contribution to the promotion of good relations in Northern Ireland. I envisage that the Indigenous or Regional Minority Languages Strategy will enhance and develop the Ulster-Scots culture, heritage and language and enhance and protect the development of the Irish Language.
- Arts - Many areas of the Arts Council of Northern Ireland's work directly contribute to promoting a shared and better future. Notable examples include the Re-Imaging Communities Programme and the Cultural Traditions Programme. The Arts Council of Northern Ireland has advised that two thirds of its 'Regularly Funded Organisations' target activity that relates to cross-community work, and that it has provided over £12.5m funding since 2004 to programmes and projects which make a contribution to promoting a shared future for our society.

Work continues on many of the initiatives contained in these action plans as the Department awaits the detail and direction of the Executive's good relations policy under the new 'Programme of Cohesion, Sharing and Integration'

Ulster Scots: US Links

Mr Craig asked the Minister of Culture, Arts and Leisure what strategic plans his Department has to enhance the development of the Ulster-Scots, East-West relationship with the United States of America. (AQO 87/10)

The Minister of Culture, Arts and Leisure: The Ulster-Scots Agency, the Arts Council of Northern Ireland and Northern Ireland Screen have all been involved in the promotion of Ulster-Scots in the United States of America.

The Ulster-Scots Agency in conjunction with organisations such as Tourism Ireland is working to raise awareness of Ulster-Scots in the United States. The Agency also cooperates with American based organisations such as the Ulster-Scots Society of America and the Scotch-Irish Society.

The Arts Council of Northern Ireland sits on the Belfast-Nashville Advisory Group which develops and organises Sister City related events and activities between Belfast and Nashville.

Northern Ireland Screen has previously supported the production of a documentary telling the story of the Ulster-Scots and their settlement in the United States.

Shared Future

Mr Ford asked the Minister of Culture, Arts and Leisure what action his Department is taking to promote a Shared Future. (AQO 88/10)

The Minister of Culture, Arts and Leisure: Improving relationships between and within communities in Northern Ireland and building a shared and better future, based on equity, diversity and interdependence, remains a high priority for my Department.

As the Department with responsibility for culture, DCAL has a duty both to support the diverse cultures in Northern Ireland and to ensure the widest possible opportunity for people to express their own, and have access to other cultures.

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- Language Diversity Policy, on which DCAL is in the lead, has the potential to make a contribution to the promotion of good relations in Northern Ireland. I envisage that the Indigenous or Regional Minority Languages Strategy will enhance and develop the Ulster-Scots culture, heritage and language and enhance and protect the development of the Irish Language.
- Arts - Many areas of the Arts Council of Northern Ireland's work directly contribute to promoting a shared and better future. Notable examples include the Re-Imaging Communities Programme and the Cultural Traditions Programme. The Arts Council of Northern Ireland has advised that two thirds of its 'Regularly Funded Organisations' target activity that relates to cross-community work, and that it has provided over £12.5m funding since 2004 to programmes and projects which make a contribution to promoting a shared future for our society.

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DEPARTMENT OF EDUCATION

Education and Skills Authority Bill

Mr Storey asked the Minister of Education to detail any stakeholders with whom she or her Department held meetings over the summer regarding the development of guidance and model schemes of employment in relation to the Education and Skills Authority Bill. (AQW 35/10)

The Minister of Education (Ms Ruane): Over the summer various opportunities have been taken to have informal discussions with a variety of stakeholders ahead of being able to consult on a more formal basis on the content of a draft employment scheme including a draft scheme for recruitment and selection of teaching and support staff in schools.

Tionóladh cruinniú foirmiúil le hionadaithe ó na hiontaobhaithe Caitliceacha ar 17 Lúnasa 2009 agus tá cruinnithe á bpleanáil leis na páirtithe eile leasmhara sna míonna atá romhainn.

A formal meeting with representatives of the Catholic trustees took place on 17 August 2009 and meetings with the other stakeholders are being planned for the near future.

Schools Heating Systems

Mr Hamilton asked the Minister of Education, in relation to schools converting heating systems to natural gas, how many (i) have converted; and (ii) are capable of converting but haven't yet done so. (AQW 131/10)

The Minister of Education: Baineann an t-eolas sa fhreagra seo le scoileanna atá suite i gceantair a bhfuil líonra gáis nádúrtha iontu. Fuarthas an t-eolas ó na Boird Oideachais agus Leabharlainne, ó scoileanna deonacha gramadaí agus ó scoileanna imeasctha deontaschúnta.

The information in this answer relates to schools that are located in areas served by a natural gas network. The information has been supplied by the Education and Library Boards, voluntary grammar schools and grant maintained integrated schools.

- (i) 371 schools have converted to natural gas; and
- (ii) 95 schools are capable of converting but have not yet done so.

Mobile Classrooms

Mr Storey asked the Minister of Education to list those schools currently using mobile classrooms with temporary planning permission broken down by (i) Education and Library board; and (ii) sector. (AQW 199/10)

The Minister of Education: Níl an t-eolas seo ar fáil.

This information is not available. Planning permissions are not awarded on a temporary basis. Planning permissions can however be time limited to a maximum of 5 years within which the proposed development needs to be taken forward. Grant aid is not reimbursed by my department without evidence (including planning) of all statutory approvals.

Education and Skills Authority Bill

Mr Storey asked the Minister of Education to detail, by education sector, any stakeholders with whom she or her Department held meetings over the summer regarding employment arrangements contained in the Education and Skills Authority Bill. (AQW 202/10)

The Minister of Education: Over the summer various opportunities have been taken to have informal discussions with a variety of stakeholders ahead of being able to consult on a more formal basis on the content of a draft employment scheme including a draft scheme for recruitment and selection of teaching and support staff in schools.

Tionóladh cruinniú foirmiúil le hionadaithe ó na hiontaobhaithe Caitliceacha ar 17 Lúnasa 2009 agus tá cruinnithe á bpleanáil leis na páirtithe eile leasmhara sna míonna atá romhainn.

A formal meeting with representatives of the Catholic trustees took place on 17 August 2009 and meetings with the other stakeholders are being planned for the near future.

Pre-School Education Expansion Report

Mr Storey asked the Minister of Education for an update on how her Department is progressing with the recommendations of the Northern Ireland Audit Office Pre-School Education Expansion Report. (AQW 214/10)

The Minister of Education: Foilsíodh Tuarascáil an NIAO ar an Pre-school Education Expansion Programme ar an 19ú Meitheamh 2009. Liostaíodh inti roinnt gnéithe arbh fhéidir a fheabhsú, agus ar chóir don Roinn a chur san áireamh agus beartas do pháistí á fhorbairt as seo amach.

The NIAO Report on the Pre-school Education Expansion Programme published on 19th June 2009 listed a number of areas for potential improvement which the Department should consider when developing future policy for children.

The Department is committed to addressing the observations and recommendations in the NIAO Report and will be taking those forward in developing the Early Years 0-6 Strategy.

Southern Education and Library Board: Travel Costs

Mr Savage asked the Minister of Education, pursuant to AQW 7298/09, to detail the £1.58 million travel costs of the Southern Education and Library board, broken down by (i) the mode of transport used; (ii) economy/first class/business class used; (iii) the destination; and (iv) the reason for the journey. (AQW 237/10)

The Minister of Education: The level of detail requested in respect of the £1.583 million travel costs for the Southern Education and Library Board (SELB) in 2007-08 is not held electronically by the SELB and would require the accessing of all original claim documentation. The SELB process between 700 - 1,000 mileage claims per month and therefore it would not be reasonable in terms of the disproportionate costs involved to manually source this documentation.

Tá taifead ar chóras ríomhairithe, áfach, de shonraí ar chostais taistil an SELB don bhliain airgeadais 2007/08 san fhormáid seo a leanas agus seo a leanas miondéalú ar na costais sin:

However, the details of travel costs for the SELB for 2007/08 are recorded on a computerised system in the following format and are broken down as follows:

| | £,000s |
|--|--------------|
| Staff claims for mileage / subsistence | 856 |
| Essential car users lump sum | 286 |
| Travel expenses for pupils | 441 |
| Total | 1,583 |

Maintained Primary Schools: Faughanvale Parish

Mr Durkan asked the Minister of Education to provide an update on the provision of capital investment in the maintained primary schools sector in the Faughanvale parish. (AQW 285/10)

The Minister of Education: Is ceist í planáil eastát na scoileanna faoi chothabháil a bhaineann le Comhairle na Scoileanna Caitleachacha faoi Chothabháil (CCMS) ar an chéad dul síos.

The planning of the maintained school estate is a matter for the Council for Catholic Maintained Schools (CCMS) in the first instance. CCMS has advised that discussions are now ongoing with Trustees in regard to the future development of educational provision in the parish

Naoiscoil Colmcille

Mr McCartney asked the Minister of Education what plans she has to assist Naoiscoil Colmcille, in this its 25th anniversary year, to ensure ongoing Irish medium nursery provision in the local area. (AQW 303/10)

The Minister of Education: I commend Naíscoil Cholmcille in achieving its 25th anniversary.

The naíscoil has been in receipt of funded places under the Pre-School Education Expansion Programme since the Programme started in September 1998 and, for as long as the group continues to meet the requirements of the Programme, it will continue to receive funding.

Tá Naíscoil Cholmcille ar cheann de na soláthróirí réamhscolaíochta Gaeilge i gceantair Dhoire a fhaigheann maoiniú ón Roinn. Tá an t-éileamh ar na soláthróirí seo breithnithe agam, agus tá mé sásta go bhfuil soláthar leordhóthanach réamhscolaíochta Gaeilge i gceantair Dhoire faoi láthair.

Naíscoil Cholmcille is one of several funded Irish-medium preschool providers in the Derry area and, having looked at the uptake across those providers I am satisfied that there is adequate Irish-medium preschool provision in the Derry area at the present time.

Magherafelt High School: New Facilities

Mr Armstrong asked the Minister of Education, in relation to the construction of new facilities at Magherafelt High School (i) what progress has been made to date; (ii) what is the reason for any delays to date; and (iii) when is the work due for completion. (AQW 318/10)

The Minister of Education: Tá an próiseas tairisceana don tionscadal ag Magherafelt High School críochnaithe agus tá an Roinn ag na céimeanna deireanacha d'fhaomhadh an chonartha.

The tender process for the Magherafelt High School project is concluded and the Department is in the final stages of approving the award of the contract. This was one of three contracts that was at an advanced stage in procurement under the major works framework and was stopped when the framework was set aside following a High Court ruling on the framework. The project had to be subsequently prepared for a single procurement outside of the framework. As a result of these delays the economic appraisal for the project ran out of time and required fresh approval. The project cannot be awarded until approval is in place but officials are working on this as a priority. This is a 24 month contract and work is currently programmed to conclude on this in December 2011.

South Eastern Education and Library Board: Commissioners

Mr Weir asked the Minister of Education how many meetings the Commissioners at the South Eastern Education and Library Board held in each of the last three years. (AQW 331/10)

The Minister of Education: The South Eastern Education and Library Board has advised that, since their appointment in July 2006, the Commissioners have met as follows:

| | |
|------|----------------------------|
| 2006 | 6 meetings |
| 2007 | 12 meetings |
| 2008 | 10 meetings |
| 2009 | 8 meetings up to September |

Go ginearálta, maireann na cruinnithe seo 2 lá.

These meetings generally extend to 2 days.

South Eastern Education and Library Board: Commissioners

Mr Weir asked the Minister of Education to detail the total expenses of the Commissioners of the South Eastern Education and Library Board, in each of the last three years. (AQW 333/10)

The Minister of Education: Tá curtha in iúl ag Bord Oideachais agus Leabharlainne an Oirdheiscirt gur mar seo a leanas na méideanna iomlána a íocadh leis na Coimisinéirí, lena n-áiríodh táillí, taisteal agus cothabháil:

The South Eastern Education and Library Board has advised that the total payments, including fees, travel and subsistence, made to the Commissioners is as follows:

| | |
|------|---------|
| 2006 | £50,316 |
| 2007 | £97,677 |
| 2008 | £75,361 |
| 2009 | £47,885 |

Teaching Appointments Committee

Mr Weir asked the Minister of Education if the Commissioners at the South Eastern Education and Library Board sought legal advice on the Teaching Appointments Committee before taking over its functions. (AQW 336/10)

The Minister of Education: Tá curtha in iúl ag Bord Oideachais agus Leabharlainne an Oirdheiscirt nach bhfuil na Coimisinéirí freagrach as feidhmeanna an Teaching Appointments Committee (TAC), agus tá an TAC fós ag feidmiú.

The South Eastern Education and Library Board has advised that the Commissioners have not taken over the functions of the Teaching Appointments Committee (TAC), and the TAC continues to operate as before.

Teaching Appointments Committee

Mr Weir asked the Minister of Education under what legal authority the Commissioners at the South Eastern Education and Library Board took over the functions of the Teaching Appointment Committee. (AQW 341/10)

The Minister of Education: Tá curtha in iúl ag Bord Oideachais agus Leabharlainne an Oirdheiscirt nach bhfuil na Coimisinéirí freagrach as feidhmeanna an Teaching Appointments Committee (TAC), agus tá an TAC fós ag feidmiú.

The South Eastern Education and Library Board has advised that the Commissioners have not taken over the functions of the Teaching Appointments Committee (TAC), and the TAC continues to operate as before.

Primary Languages Programme: French and German

Mr K Robinson asked the Minister of Education when her Department will introduce French and German into the Primary Languages Programme; and if the inclusion of these two languages on the NI Curriculum Primary Languages website is a preliminary step towards that end. (AQW 348/10)

The Minister of Education: Thug mé isteach Clár na dTeangacha Bunscoile le tacaíocht a thabhairt do na bunscoileanna sin a bhí ag iarraidh nuatheangacha a chur ar fáil. Tá an Ghaeilge agus an Spáinnis ar fáil faoi láthair agus leathnófar an clár sa bhliain acadúil seo leis an Pholainnis a chur san áireamh. Níl sé beartaithe faoi láthair an Fhraincis ná an Ghearmáinis a thabhairt isteach mar chuid den chlár.

I introduced the Primary Languages Programme to provide support for those primary schools who wished to make available modern languages. Currently, Spanish and Irish are available and in this academic year the programme will be expanded to include Polish. There are currently no plans to introduce French and German into the programme.

It is of course open to schools to offer additional language learning opportunities outside of the Primary Languages Programme, including in French and German, and I am pleased that many already do this. There is a range of existing support arrangements in place for those primary schools wishing to offer French and German, including through the education and library boards and CCEA, who has developed material in French, German, Spanish and Irish to assist Primary teachers to develop and integrate an element of language teaching into their classrooms. These resources are available to all schools via the Curriculum website to which you refer to. I believe that all efforts to provide enjoyable experience of language learning are valuable. The Primary Languages Programme offers opportunities for our youngest pupils and it, along with the wider efforts of schools, will, I believe, encourage more young people to continue with languages at post-primary level and beyond.

Primary Language Programme: Polish

Mr K Robinson asked the Minister of Education when the Primary Languages website will include material in Polish to fully develop the language skills of school children who will be introduced to the Polish language by peripatetic tutors during this academic year. (AQW 349/10)

The Minister of Education: Cuimsíonn láithreán gréasáin na dTeangacha Bunscoile teangacha a múineadh mar chuid de chlár píolótach Teangacha Bunscoile de chuid na Comhairle Curaclaim, Scrúdúcháin agus Measúnaithe (CCEA), ar tháinig deireadh leis i mí Lúnasa 2009 agus soláthraíonn an láithreán tacaíocht agus acmhainní do scoileanna atá ag iarraidh nuatheanga a thabhairt isteach.

The Primary Languages website features languages that were part of the Council for the Curriculum, Examinations and Assessment's (CCEA) Primary Languages Pilot programme which concluded in August 2009 and provides support and resources for schools which wish to introduce a modern language.

The languages included on that website do not currently include Polish but I have asked the Primary Languages Group to work with CCEA to explore how the resources being developed for Polish within the Primary Languages Programme might be made more widely available to schools, including through links from the Primary Languages website to the training modules for Polish which are being incorporated into the learning platform available to all schools via the C2k network.

Physically Disabled Children

Lord Morrow asked the Minister of Education how many physically disabled children are being educated in mainstream primary and post-primary schools in each Education and Library Board. (AQW 356/10)

The Minister of Education: Léirítear sa tábla thíos líon na ndaltaí atá cláraithe mar dhaltai a bhfuil Riachtanais Speisialta Oideachais le haicmiú fisiciúil acu.

The number of pupils recorded as having Special Educational Needs with a physical classification is shown in the table below.

PRIMARY AND POST PRIMARY PUPILS WHO ARE RECORDED AS HAVING 'PHYSICAL' SPECIAL EDUCATION NEEDS – 2008/09

| ELB | School type | | Total |
|--------------|-------------|--------------|--------------|
| | Primary | Post primary | |
| BELB | 101 | 100 | 201 |
| NEELB | 131 | 77 | 208 |
| SEELB | 101 | 70 | 171 |
| SELB | 151 | 118 | 269 |
| WELB | 113 | 72 | 185 |
| Total | 597 | 437 | 1,034 |

Source: Annual school census.

Note:

1. Primary includes nursery, reception and year 1 – 7 classes.
2. The physical special educational needs classification includes needs such as: cerebral palsy, spina bifida and/or hydrocephalus, muscular dystrophy, significant accidental injury and any other physical need.
3. Figures relate to pupils in mainstream classes and special units within primary and post primary schools.

Childhood Obesity

Lord Morrow asked the Minister of Education what plans she has to address childhood obesity within the school health curriculum. (AQW 357/10)

The Minister of Education: Áirítear sa churaclam athbhreithnithe an snáithe Forbairt Phearsanta agus Comhthuiscint do dhaltai bunscoile agus an snáithe Foghlaim don Saol agus don Obair do dhaltai iarbhunscoile trína mbionn daltaí ábalta ceisteanna a fhiosrú, mar shampla tairbhí bia sláintiúil agus gníomhaíochta coirp, iarmhairtí drochroghanna cothaithe, bealaí le cothú sláintiúil a bhaint amach, na tionchair ar a bhfoláine coirp agus mothúchán agus bealaí lena bhféinmheas a fhorbairt.

The revised curriculum includes a Personal Development and Mutual Understanding strand for primary pupils and a Learning for Life and Work strand for post-primary pupils which allow pupils to explore issues such as the benefits of healthy eating and physical activity, the consequences of poor dietary choices, ways of achieving a healthy diet, the influences on their physical and emotional health and ways of developing their self-esteem.

It is also a requirement of the revised curriculum for all children to undertake Home Economics at Key Stage 3. This will provide opportunities for young people to develop their understanding of a healthy diet and the hygienic and healthy use of foods in the preparation of meals.

Physical Education is a compulsory part of the revised curriculum for all pupils in Years 1 – 12 and the Department's guidance recommends at least 2 hours per week. Recognising the importance of developing children's physical literacy skills, I introduced a sports programme in 2007 to encourage children to have a healthy and active lifestyle. Since then, 62 GAA and IFA coaches have worked in 600 schools with over 32,000 children and over £3.7 million has been made available to the programme.

My Department recognises that a healthy, balanced diet is vital for children's growth and development, and for their long term health and well being. It has been working for some time to improve the quality of food in schools here and compulsory nutritional standards for school lunches are now in place in all our schools. It has also been working with the Department of Health, Social Services and Public Safety to draw up a Food in Schools policy document which draws together the range of strategies and plans that are being put in place to deliver improved nutrition for our school children.

The policy aims to ensure that school food is representative of the five food groups; makes a significant contribution to childhood nutrition and enables children to develop the necessary skills and knowledge to make healthy food choices both at school and at home. The draft policy was issued for public consultation on Monday, 14 September and I would encourage everyone to respond.

Finally, I would like to assure you that my Department is participating fully in the DHSSPS led Obesity Prevention Steering Group and advisory groups.

Magherafelt Primary and Nursery Schools: New Facilities

Mr Armstrong asked the Minister of Education, in relation to the construction of new facilities at Magherafelt primary and nursery schools (i) what progress has been made to date; (ii) what is the reason for any delays to date; and (iii) when the work is due for completion. (AQW 401/10)

The Minister of Education: Tá pleanáil do na foirgnimh nua scoile ag Magherafelt Primary School agus Magherafelt Nursery School ag céim Réamhthairisceana an phróisis pleanála faoi láthair. Ní féidir an togra seo a thabhairt ar aghaidh chuig an chéim tairisceana áfach, mar gheall ar mhoilleanna i dtaca leis an láithreán nua molta do na scoileanna a fháil.

Planning of the proposed new school buildings for Magherafelt Primary School and Magherafelt Nursery School is currently at Pre-tender stage of the planning process. The project cannot, however, progress to tender stage due to the delays the NEELB are experiencing in acquiring the proposed new site for the schools.

The delay in acquiring the site has arisen due to a need to purchase a strip of land at the front of the proposed site. This strip of land which is owned by DRD Roads Service is key for access to the proposed school site. Discussions are underway with Roads Service with a view to effecting a transfer of the land. However, further progress on the site acquisition and planning of the project cannot be made until full access to the site can be guaranteed.

Statemented Children

Mr Weir asked the Minister of Education how many children have been statemented by each of the Education and Library Boards, in each of the last five years. (AQW 423/10)

The Minister of Education: Tá curtha in iúl ag Príomhfheidhmeannaigh na mBord Oideachais agus Leabharlainne gur mar seo a leanas líon na bpáistí a fuair ráitis ar riachtanas speisialta oideachais le cúig bliana anuas:

The Chief Executives of the Education and Library Boards have advised that the number of children who have received statements of special educational need in the last five years is as follows:

| | BELB | NEELB | SEELB | SELB | WELB |
|----------|------|-------|-------|------|------|
| 2004/05* | 285 | 299 | 492 | 343 | 304 |
| 2005/06* | 317 | 354 | 528 | 409 | 249 |
| 2006/07* | 430 | 273 | 335 | 410 | 350 |
| 2007/08* | 393 | 326 | 342 | 660 | 231 |
| 2008/09* | 451 | 280 | 145 | 342 | 200 |

* academic years

The above figures refer to children and young people who received final statements of special educational need. They do not include those who may have received reviewed statements.

Truancy

Lord Morrow asked the Minister of Education what is the current truancy rate across all Education and Library Boards; and what measures are in place to combat truancy. (AQW 453/10)

The Minister of Education: Bailíonn an Roinn eolas ar atreoruithe chuig an tSeirbhís Leasa Oideachais (EWS) a iarrann scoileanna mar gheall ar bhuarthaí faoi dhaltaí a bhíonn as láthair ón scoil. Léiríonn an tábla thíos líon na ndaltaí ar atreoraigh scoileanna chuig an EWS iad i ngach bliain le cúig bliana anuas:-

The Department collects information about referrals by schools to the Education Welfare Service (EWS) because of concerns about non-attendance. The table below shows the number of pupils referred for non-attendance by schools to the EWS in each of the last five years:

| School Year | Number of pupils |
|-------------|------------------|
| 2003/04 | 8,041 |
| 2004/05 | 5,633 |
| 2005/06 | 4,467 |
| 2006/07 | 5,083 |
| 2007/08 | 4,275 |

Information on the number of referrals for non-attendance in the 2008/09 school year is currently being collected and will be published on the Department's website in due course.

The reasons for persistent non-attendance are frequently symptomatic of other problems being experienced by a pupil, such as caring responsibilities, pregnancy or being a victim of bullying. The initial response to a referral of a pupil by a school to EWS is a home visit. This provides the Education Welfare Officer (EWO) with an opportunity to assess whether the absence is condoned by parents and if they are in a position to ensure regular attendance. When this is the case court action may be considered.

Where parents are judged to be in need of support or addressing the underlying reasons for non-attendance will require sustained intervention, then the EWO will act as lead worker and in collaboration with all parties seek to agree an action plan. This may involve a 'case conference' at which the pupil, his/her parents and the school are represented. Depending on the nature of the presenting problems participation may be broadened to include other agencies. For pupils with particular problems regular attendance at their host school, or any other mainstream school, may not be an option. Where this is the case, pupils may be referred by their EWO to a suitable alternative education programme.

Transfer 2010

Mr Kennedy asked the Minister of Education to detail the total costs involved in publishing and circulating her Department's Directive 'Document Guidance Transfer 2010/11' and the reasons why it was published in bi-lingual format resulting in considerable inconvenience and delay for principals and relevant staff. (AQW 509/10)

The Minister of Education: Foilsíodh Imlitir 2009/07 ar 7 Meán Fómhair 2009, agus tugtar mionchomhairle oibriúcháin do scoileanna inti ar phróiseas an aistriú iarbhunscoile d'iontrálacha i mí Mheán Fómhair 2010, maidir le Treoir dheiridh na Roinne ar Aistriú 2010 a foilsíodh ar 25 Meitheamh 2009.

Circular 2009/07 was published on 7 September 2009, and provides schools with detailed operational advice on the process of post-primary transfer for September 2010 admissions, with reference to the Department's final Transfer 2010 Guidance published on 25 June 2009. The document was published and distributed electronically, as is the norm for Departmental Circulars, with the only related cost being that of translation into Irish, which amounted to around £1,000.

The use of Irish in Circular 2009/07 reflects the fact that there is a growing number of Irish speakers within, and being served by, our schools. They have the right to receive communications from me in their first language under the European Charter for Regional or Minority Languages. The Charter places obligations on governments to protect and promote languages such as Irish as part of a cultural heritage. I also have statutory duties under the Good Friday Agreement and I intend to fulfil these.

I view a bi-lingual format as a sensible and pragmatic way of fulfilling my commitments as described above.

School Closures: Criteria

Mr P Ramsey asked the Minister of Education to outline the pupil numbers criteria for school closures.

(AQW 510/10)

The Minister of Education: Leagtar amach sa Pholasáí do Scoileanna Inbhuanaithe na critéir a úsáidtear le hinmharthanacht scoileanna a athbhreithniú mar a leanas:

- Eispéireas Oideachasúil d'Ardchaighdeán
- Treochtaí Seasta Rollaithe
- Staid Airgeadais Fhónta
- Ceannaireacht agus Bainistíocht Láidir
- Inrochtaineacht
- Naisc Láidre leis an Phobal.

The Sustainable Schools Policy sets out the criteria for reviewing the viability of schools as follows:-

- Quality Educational Experience
- Stable Enrolment Trends

- Sound Financial Position
- Strong Leadership and Management
- Accessibility
- Strong Links with the Community.

Minimum enrolment thresholds form part of the “Stable Enrolment Trends” criterion and are as follows:

| School Type | Pupil Numbers |
|---------------|---------------|
| Rural Primary | 105 |
| Urban Primary | 140 |
| Post-primary | 500* |
| 6th Form | 100 |

* excluding 6th form provision

There is no intention to use these enrolment thresholds in a mechanistic fashion to close schools. Any review of a school’s viability will be based on an assessment across the full range of criteria, taking account of local circumstances on a case-by-case basis. The quality of education provided will be the overriding consideration.

Portadown College: Newbuild

Mr Gardiner asked the Minister of Education, in relation to Portadown College’s newbuild economic appraisal, to detail (i) the reason for the postponement and rejection of the appraisal; and (ii) all meetings and correspondence between the Southern Education and Library Board and her Department on this matter.

(AQW 526/10)

The Minister of Education: The Economic Appraisal for a major capital works scheme for Portadown College has not been postponed or rejected by the Department. In July 2009, a revised Appraisal was submitted by the Southern Education and Library Board (SELB) and is currently being considered by the Department’s Professional Advisors.

Ní raibh aon chomhfhreagras ná chruinnithe idir an SELB agus an Roinn Oideachais ar an ábhar seo.

There has been no correspondence or meetings between the SELB and the Department of Education on this matter.

Area Planning

Mr Storey asked the Minister of Education for an update on the findings of the central group and five local groups tasked with considering area planning.

(AQW 551/10)

The Minister of Education: Tá an obair curtha i gcrích ag na cúig Ghrúpa Áitiúla agus an Lárghrúpa a bhí freagrach as breithniú a dhéanamh ar sholáthar éifeachtach agus éifeachtúil an Chreata Teidlíochta ar bhonn ceantair agus tá an tuarascáil agam. Tá mé ag déanamh breithnithe ar na fionnachtana agus ar na moltaí agus beidh mé ag tabhairt freagartha ar ball.

The work of the 5 Local Groups and the Central Group tasked with considering the efficient and effective delivery of the Entitlement Framework on an area basis is now complete and the report is with me. I am currently considering the findings and recommendations and will issue my response in the near future.

Irish-Medium Education

Mr Storey asked the Minister of Education to detail the percentage growth of pupils enrolled in (i) Irish-medium primary schools; and (ii) Irish-medium post-primary schools, set against (a) the total number of pupils; and (b) the total number of pupils enrolled in Irish-medium education, in each of the last three years.

(AQW 552/10)

The Minister of Education: Tá an t-eolas a iarradh sa tábla thíos.

The information requested is detailed in the table below.

PERCENTAGE CHANGE IN IRISH-MEDIUM AND TOTAL SCHOOL ENROLMENTS 2006/07 – 2008/09

| Enrolments | 2006/07 | 2007/08 | % change 06/07 - 07/08 | 2008/09 | % change 07/08 - 08/09 |
|-----------------------------------|---------|---------|---------------------------|---------|---------------------------|
| Irish-Medium Primary schools | 2,041 | 2,132 | 4.5 | 2,217 | 4.0 |
| Total Primary | 168,184 | 166,639 | -0.9 | 164,811 | -1.1 |
| Irish-Medium post-primary schools | 489 | 506 | 3.5 | 513 | 1.4 |
| Total Post Primary | 149,765 | 147,942 | -1.2 | 147,986 | 0.0 |
| Total Irish-Medium Education | 3,682 | 3,850 | 4.6 | 3,941 | 2.4 |
| Total all schools | 335,946 | 332,649 | -1.0 | 330,802 | -0.6 |

Source: School Census

Notes to Table :

1. Figures for primary schools include nursery, reception and year 1 – 7 classes.
2. Figures for ‘Total Irish-medium Education’ include the Irish-medium primary and post-primary school enrolments, as well as children in: independent schools; Irish-medium units in primary and post-primary schools; and funded places in voluntary and private preschool centres.
3. Figures for ‘Total all schools’ include the total primary and post-primary enrolments as well as children in: funded places in voluntary and private preschool centres; and in special, independent and hospital schools.

Post-Primary Entrance Tests

Mr Storey asked the Minister of Education how many pupils will sit entrance tests for post primary schools in the next academic year (i) in total; and (ii) as a percentage of the total number of P7 pupils. (AQW 556/10)

The Minister of Education: Ní heol don Roinn Oideachais líon na ndaltaí a iontráladh do theisteanna easaontacha. Is féidir an t-eolas seo a fháil uathu sin atá freagrach as riar na dteisteanna easaontacha.

The number of pupils entered for breakaway tests is not known to the Department of Education. This information can only be provided by those who are responsible for administering breakaway tests.

Employment Levels: DE

Mr McNarry asked the Minister of Education what plans she has to change employment levels within her Department in the next 12 months; and how many of these changes are planned to be made through redundancies. (AQW 566/10)

The Minister of Education: Is é an príomhfhachtóir a mbeidh tionchar aige ar an leibhéal fostaíochta i mo Roinn sna 12 mhí atá romhainn ná athstruchtúrú na Roinne mar ullmhú do agus mar gheall ar chruthú an Údaráis um Oideachas agus Scileanna (ESA).

The key factor which will impact on the employment level in my Department over the next 12 months is the restructuring of the Department in preparation for and as a result of the creation of the Education and Skills Authority (ESA). In line with normal NICS practice, redeployment of staff will be used and it is not envisaged that a redundancy situation will arise.

DEPARTMENT FOR EMPLOYMENT AND LEARNING

Further Education Colleges: Staffing

Miss McIlveen asked the Minister for Employment and Learning how many members of staff, at lecturer grade and above, have been made redundant and subsequently re-employed in each of the Further Education Colleges in the last three years, and in what capacity. (AQW 10/10)

The Minister for Employment and Learning (Sir Reg Empey): The information requested for each of the six regional colleges is detailed in the table below:

| Year | No. of Redundancies | No. of re-deployments | Redeployment role |
|--------------------------------|---------------------|-----------------------|-----------------------|
| Southern Regional College | | | |
| 2006/07 | 0 | 0 | n/a |
| 2007/08 | 28 | 0 | n/a |
| 2008/09 | 1 | 0 | n/a |
| North West Regional College | | | |
| 2006/07 | 1 | 1 | Part-time lecturing |
| 2007/08 | 25 | 2 | Part-time lecturing |
| 2008/09 | 1 | 0 | n/a |
| Belfast Metropolitan College | | | |
| 2006/07 | 9 | 4 | Part-time lecturing |
| 2007/08 | 53 | 12 | Part-time lecturing |
| 2008/09 | 0 | 0 | n/a |
| Northern Regional College | | | |
| 2006/07 | 6 | 1 | Part-time lecturing |
| 2007/08 | 18 | 7 | Part-time lecturing |
| 2008/09 | 0 | 0 | n/a |
| South West College | | | |
| 2006/07 | 9 | 4 | Part-time lecturing |
| 2007/08 | 22 | 1 | Part-time lecturing |
| 2008/09 | 0 | 0 | n/a |
| South Eastern Regional College | | | |
| Year | No. of Redundancies | No. of redeployments | Redeployment capacity |
| 2006/07 | 7 | 3 | Part-time lecturing |
| 2007/08 | 43 | 21 | Part-time lecturing |
| 2008/09 | 1 | 0 | n/a |

The operation of the Teacher' Premature Retirement Scheme (TPRS) is a matter for individual Colleges, in their capacity as the employing authority. It is a matter for individual Colleges to defend their actions in this regard, given their assurances that the lecturing posts declared redundant have been suppressed. The Department has obtained assurances from Colleges that there has been no abuse of the terms of the TPRS and that all of the posts declared redundant have been permanently suppressed. Although there is no legal impediment to former lecturers applying for College positions, the Department of Education (DE) is considering the scope for applying further restrictions to the re-employment of teachers and lecturers who have benefited from the Scheme's provisions. My Department fully supports DE's intention in this regard.

Belfast Metropolitan College

Miss McIlveen asked the Minister for Employment and Learning when the Efficiency Review of the Belfast Metropolitan College will be published. (AQW 14/10)

The Minister for Employment and Learning: Once the report on the Efficiency Review of Belfast Metropolitan College has been finalised which, it is anticipated, will be during October 2009, it will be made available to the public via the Department's online publication scheme.

Further Education Colleges: Staff Grievances

Miss McIlveen asked the Minister for Employment and Learning to detail (i) the number of outstanding staff grievances; and (ii) the category of each grievance in each of the Further Education Colleges. (AQW 63/10)

The Minister for Employment and Learning: The number of outstanding staff grievances in each the six Further Education Colleges and their category is detailed in the table below:

| College | No. of Outstanding Staff Grievances | Category |
|--------------|-------------------------------------|----------|
| BMC | 21 | Formal |
| NRC | 6 | Formal |
| NWRC | 2 | Formal |
| SERC | 2 | Formal |
| SRC | 4 | Formal |
| SWC | 0 | N/A |
| Total | 35 | |

Further Education colleges are employing authorities in their own right. Each College operates their own staff grievance procedures, which are agreed in conjunction with the relevant trade unions. The Department has no remit in this process.

Further Education Colleges: Drop-out/Retention Rates

Miss McIlveen asked the Minister for Employment and Learning to detail the drop-out and retention rates for students at each of the Further Education Colleges in each of the last five years. (AQW 66/10)

The Minister for Employment and Learning: Drop out and retention rates at Northern Ireland Further Education Colleges are only available on an 'academic year' basis and therefore relate only to student enrolments on the final year of their course (approximately 70% of all enrolments). These data are listed below in the format of the current six college model for the period 2003/04 to 2007/08 (latest available data).

| Academic year | | Belfast Metropolitan | Northern Regional | South Eastern Regional | Southern Regional | South West | North West Regional | Total |
|---------------|----------------|----------------------|-------------------|------------------------|-------------------|------------|---------------------|-------|
| 2003/04 | Drop Out Rate | 12% | 13% | 7% | 8% | 8% | 10% | 10% |
| | Retention Rate | 88% | 87% | 93% | 92% | 92% | 90% | 90% |
| 2004/05 | Drop Out Rate | 12% | 11% | 10% | 10% | 12% | 11% | 11% |
| | Retention Rate | 88% | 89% | 90% | 90% | 88% | 89% | 89% |
| 2005/06 | Drop Out Rate | 17% | 13% | 15% | 13% | 12% | 12% | 14% |
| | Retention Rate | 83% | 87% | 85% | 87% | 88% | 88% | 86% |
| 2006/07 | Drop Out Rate | 12% | 15% | 13% | 8% | 12% | 13% | 12% |
| | Retention Rate | 88% | 85% | 87% | 92% | 88% | 87% | 88% |
| 2007/08 | Drop Out Rate | 13% | 14% | 12% | 7% | 12% | 11% | 12% |
| | Retention Rate | 87% | 86% | 88% | 93% | 88% | 89% | 88% |

Source: Further Education Leavers Survey.

Vulnerable Students

Lord Morrow asked the Minister for Employment and Learning what emotional support services are in place in colleges and universities for vulnerable students, particularly those who are away from home for the first time. (AQW 132/10)

The Minister for Employment and Learning: All Higher Education Institutions and Further Education Colleges in Northern Ireland provide a range of support services for vulnerable students, details of which are attached at Annex A.

Annex A

The University of Ulster

The University of Ulster has a system in place that supports all vulnerable students. This system operates both informally, via the Students' Union, and more formally, through the professional counselling and health services delivered by Student Support. The Counselling Service offers regular "drop in" sessions and, for students with existing mental health issues, the Register of Support Providers arranges mentoring and study support. The University also has a Peer Mentoring system for students with mental health concerns.

The University's Student Support Outreach Adviser will, prior to the start of the academic year, make contact with new students coming from a background of care for whom the transition to a new environment may be particularly difficult.

For those students experiencing financial difficulties, due to delayed loan or grant payments, emergency payments are available from the Student Funding Advisor until a more detailed assessment of need can be made.

The University of Ulster also employs Resident Assistants who are more experienced students that are able to advise and assist with transitional concerns. In addition, all students participate in induction activities, including information on support services. Information is also available on the Student Support website, and on posters and printed materials throughout the University.

Queen's University Belfast

Queen's University's Welcome Week helps students familiarise themselves with the requirements of their chosen degree and the comprehensive range of services and facilities available within the University. The week includes Academic induction programmes and a range of social and practical events run by the University's central support services.

Each student has a Personal Tutor with whom they meet during their first week at the University. The Personal Tutor will act as a point of contact on all issues of concern, academic or personal, and will assist the student in accessing the full range of University support services.

The support services are based in the Student Guidance Centre. These include the following:

- The Counselling Service offers students access to professionally accredited counsellors.
- Disability Services staff liaise with all new students who have declared a disability and, together with the student, will determine non-medical support requirements.
- The Learning Development Service offers workshops and one-to-one consultations on a range of academic support areas, including stress management.
- A Careers, Employability and Skills Service.

Under the University's Student Care Protocol, students identified as having emotional support needs, and whose academic progression or attainment could be at risk, are flagged to the University's central support services and appropriate interventions made.

The University Accommodation Service employs three resident qualified Community Youth Workers who lead a team of 12 Residential Assistants and work with University staff to help new students integrate into University accommodation.

The Union, through its Advice Centre and its team of elected student officers, provides a Monday to Friday and out-of-hours information and advice service, covering issues such as academic problems, accommodation issues, debt management and general welfare matters. In addition, the Union administers a Hardship Fund that provides support for students in extreme financial difficulty.

The University's Students' Care Review Group meets on a regular basis to discuss issues relating to vulnerable students, and to assess and provide recommendations regarding support levels. The Students' Union may make appropriate referral to other support services, both within and external to the University, with the specific permission of the student.

St. Mary's University College

St. Mary's University College provides an Induction Programme, which is revisited twice during the academic year. College counseling is also available in addition to a ten person Student Support Team. All students have a Personal Development Tutor and are encouraged to use the pastoral support services available in the College.

Stranmillis University College

Stranmillis University College provides an on campus counselling service in addition to Queen's University's counselling service. Students are also encouraged to approach Hall Wardens, their Advisor of Studies, the Student Union President and the campus Nurse with any concerns. The University holds Communication Workshops, which offer peer guidance and support for students experiencing difficulties, and Exam Workshops designed to minimise stress. Financial assistance is also provided in the form of student bursaries.

Stranmillis University College maintains a Student at Risk Register which supports identified students. This confidential database is a joint project between the Stranmillis Counselling Service and the Occupational Health Department. The Advisor of Studies and the University's Head of Departments make recommendations to support any health needs. Support from the medical officer is provided during examinations to accommodate any students with difficult domestic situations.

Further Education (FE) Colleges

24/7 Carecall counselling service

Carecall provides a 24/7 counselling service for all FE students and staff. Some colleges have also employed College Health and Welfare Officers to provide a counselling service.

Staff and Student training sessions

Staff training awareness are held regularly to encourage staff to remain alert to student needs e.g. to be aware of students who become unusually quiet or behave differently. Carecall also offer training sessions for staff. A series of student training awareness sessions are completed through the college induction process.

Student Charter

Each FE College has a Student Charter outlining information and facilities which are available for students including support and counselling services.

Student Activities Focussed events

FE Colleges hold regular student focused events. Examples include drug and alcohol awareness and healthy eating seminars.

- **Health Promotion Events**

Colleges organise health days through the Health Promotion Agency. This involves bringing in the local pharmacist and other organisations such as Breakthrough, Menssana and NUS and the Royal College of Nursing to raise issues including alcohol & drugs awareness.

- **Aware Defeat Depression – Sessions**

The Southern Regional College (SRC) (Newry Campus) has in collaboration with Aware Defeat Depression held a number of session for students focusing on mental health issues.

- **Choices DVD – Southern Regional College**

Southern Regional College (SRC) has produced a DVD to raise awareness in relation to the following topics:

- Disability
- Drug and Alcohol Abuse
- Domestic Violence
- Emerging Communities
- Diversity
- Street Violence

Anti Harassment Policy for Students

An Anti Harassment policy is agreed by each individual college governing body to help prevent harassment and to help resolve any problems.

Careers Advice

Careers Officers are available at each of the six regional FE Colleges to provide information and support for students.

Disability Policy for Students

A disability policy is agreed by each individual College governing body to reflect local procedures and practices, in line with the Special Educational Needs and Disability (Northern Ireland) Order (SENDO).

Health Promoting College

The Southern Regional College (SRC) and the South West College (SWC) are presently involved with the Southern Health & Social Care Trust and the Western Health & Social Care Trust in developing a "Health Promoting College". This will be a three year project working in partnership to promote ongoing improvement and development of physical and emotional health of which suicide risk will be a significant component. This is a pilot programme which will, if successful, be rolled out to all across all six regional FE Colleges in due course.

Private Consultancy Firms and Events Organisers: Cost to DEL

Mr McGlone asked the Minister for Employment and Learning how much has been spent by his Department in each of the last five years on (i) private consultancy firms; and (ii) events organisers. (AQW 151/10)

The Minister for Employment and Learning: The amount that the Department has spent on external consultancy in the past five years is contained in the table below. The Department adheres to DFP guidance on professional services, which defines external consultancy expenditure and best practice in relation to the engagement of consultants.

| Year | 2004/5 £m | 2005/6 £m | 2006/7 £m | 2007/8 £m | 2008/9 £m |
|--------|--------------|--------------|--------------|--------------|--------------|
| Amount | £0.42 | £0.62 | £0.38 | £0.6 | £0.74 |

The amount the Department has spent on event organisers in the past five years is contained in the table below. The Department procures event organisers in association with the relevant branch and the Central Procurement Directorate – CPD within DFP.

| Year | 2004/5 | 2005/6 | 2006/7 | 2007/8 | 2008/9 |
|--------|-----------|-----------|-----------|-----------|-----------|
| Amount | £16750.00 | £16750.00 | £29790.00 | £22723.00 | £35972.00 |

Night Courses: Upper Bann

Mr Moutray asked the Minister for Employment and Learning the number of people who enrolled in night courses in the Upper Bann area (i) in total; and (ii) by campus, in each of the last five years. (AQW 190/10)

The Minister for Employment and Learning: The table below shows the number of enrolments on evening courses at Upper Bann Institute from 2002/03 to 2006/07. Upper Bann Institute became part of the Southern Regional College in August 2007. The latest enrolment data available is for academic year 2007/08, however this cannot be broken down into the pre-merger college format. In addition, campus breakdown is not available.

| Academic year | Enrolments on evening courses |
|---------------|-------------------------------|
| 2002/03 | 7,448 |
| 2003/04 | 6,692 |
| 2004/05 | 6,829 |

| Academic year | Enrolments on evening courses |
|---------------|-------------------------------|
| 2005/06 | 5,438 |
| 2006/07 | 4,655 |

Source: Further Education Statistical Record

Apprenticeships: Upper Bann

Mr Moutray asked the Minister for Employment and Learning how many people have been enrolled in apprenticeships in the Upper Bann area in each of the last five years. (AQW 191/10)

The Minister for Employment and Learning: The Department has supported 2663 apprentices in the Upper Bann area between March 2004 and March 2009. The data in Annex A lists numbers of apprentices in each of the last five years whose given address is within the Upper Bann area. Although these apprentices reside within the Upper Bann area, they may or may not have enrolled with Training Providers in the Upper Bann area and may or may not be employed by companies in the Upper Bann area. The Department is not in a position to break enrolments down by constituency.

ANNEX A

NUMBER OF ENROLMENTS FOR APPRENTICESHIPS PROGRAMMES IN THE UPPER BANN AREA SEPTEMBER 2004 – SEPTEMBER 2009

| | |
|-------------------------|-----|
| March 2004 – March 2005 | 375 |
| March 2005 – March 2006 | 436 |
| March 2006 – March 2007 | 413 |
| March 2007 – March 2008 | 655 |
| March 2008 – March 2009 | 784 |

Drug and Alcohol Issues

Lord Morrow asked the Minister for Employment and Learning what measures are being taken to highlight drug and alcohol issues for higher education students. (AQW 235/10)

The Minister for Employment and Learning: All Higher Education Institutions and Further Education Colleges have in place measures to highlight drug and alcohol issues for students.

The Department issued a policy circular to all Further Education (FE) Colleges in 2001, which sets out guidelines to enable colleges to put in place policies on a number of health issues, including drugs and substance abuse. An additional guidance circular was issued by the Department of Education in 2005, which also applied to the FE sector.

Annex A details the measures in place.

Annex A

Higher Education Institutions

University of Ulster

The University of Ulster's Students' Union runs a number of campaigns each year related to drug and alcohol issues. This academic year there will be a campaign on the dangers of Binge Drinking. The dangers of alcohol and drug abuse are included in some of the other campaigns, such as Love Thy Neighbour and Mind Your Head.

Student Support offers support and advice to students regarding alcohol and drugs. Health, counselling and other Student Support Services work with internal and external agencies to raise awareness of problems associated with alcohol and drug misuse and the mental health of students.

The following measures are currently in place:

- A full time University Counselling Service is available with professional counsellors. This includes an Addictions Counsellor and a Mental Health Advisor. A referral system is also in place for students to receive specialist alcohol counselling.
- The Student Support Health Service provide Health Promotion Days for students which include advice, support and help for students experiencing alcohol and drug related problems. These days are facilitated by nursing staff.
- The “Student Hints and Tips Group” works across disciplines to raise awareness and support for students on a range of matters and issues throughout the year. A theme of “Alcohol Management” is currently in progress.
- A booklet, designed to give support and advice about alcohol and drinking behaviour, is available in the University.
- Links with local, and regional, external agencies which offer additional specialist support in the community. Referrals and advice are sought from the local Addiction Service.
- The University’s Community Liaison Officer works closely with students in private accommodation, with landlords and with community groups to educate and respond to substance related issues.

St. Mary’s University College

Students at the College are advised during its Induction Programme about the use of drugs and alcohol. Throughout the year, and in co-operation with the Students’ Union, poster campaigns are organised to alert students to the dangers of drug and alcohol abuse. In addition, a “Take Care of Your Health Day” is organised annually to alert students to the dangers of drugs and alcohol. The College Counsellor is available to students experiencing various difficulties, including alcohol and drugs.

Stranmillis University College

Prior to enrolment at Stranmillis University College, a health questionnaire, including any history of addiction, is completed by each Year 1 student and sent to the Occupational Health Department at Stranmillis University College, where the answers are screened by the Nurse. In the event of a student answering yes to any of the questions, an appointment is made with the Nurse. Following this appointment, the student may then be referred to an Occupational Health Physician, their GP, the University Counsellor or an appropriate outside agency.

All Year 1 students visit the Student Support Centre where they are given an overview of the confidential services available and receive a list of emergency health and councillor services, 24hr telephone numbers and email address for health agencies in Northern Ireland. In addition, health promotion literature is displayed and available within the Student Support Centre, including details of support services for Drug and alcohol dependency.

Queen’s University Belfast

As part of their induction to Queen’s, students are made aware of the range of University professional support services including: Counselling; Student Welfare; the University Health Centre; and the Students’ Union Advice Centre, where advice and support on general welfare issues, including substance and alcohol abuse, is provided.

Students living in Queen’s accommodation also have access to three resident Community Youth Workers, trained to assist students with emotional or lifestyle problems and help them to access professional support services.

Every student has a Personal Tutor with whom they meet during their first week at the University. The Personal Tutor acts as a point of contact for the student throughout their time at Queen’s. Each Personal Tutor is trained to identify students who may be at risk and will assist the student in accessing the full range of University professional support services. Support service staff work closely with academic colleagues to ensure that students are able to progress with their academic studies.

The University’s drugs and alcohol policy advises students of the consequences of their misuse and promotes support for students in difficulty. As part of Queen’s ‘Student Mental Health Policy’, a University awareness-raising campaign will highlight factors which contribute to mental wellbeing and will include a mental health awareness week on campus. The Student Mental Health Policy will dovetail with the drug and alcohol policy in promoting student wellbeing.

At the beginning of each academic year, the Vice-Chancellor and the President of the Students’ Union both address all First Year students and make it clear that anti-social behaviour, including that resulting from alcohol consumption, will not be tolerated by the University and is a disciplinary matter.

Further Education (FE) Colleges**Student Activities Focussed events**

FE Colleges hold regular student focused events. Examples include drug and alcohol awareness and healthy eating seminars.

Health Promotion Events

FE Colleges organise a number of 'health days' through the Health Promotion Agency. This involves bringing in the local pharmacist and other organisations such as Breakthrough, Menssana and NUS and the Royal College of Nursing to raise issues including alcohol & drugs awareness.

Student Loans

Mr G Robinson asked the Minister for Employment and Learning how many students are, or may be, in financial crisis due to difficulties with obtaining their student loans. (AQW 537/10)

The Minister for Employment and Learning: My Department is not aware of any Northern Ireland domiciled students being affected by the delays in payments by the Student Loans Company that have been recently reported in the media, and is not, therefore, aware of any students in financial crisis due to difficulties in obtaining their student loan.

It is my understanding that these delays are primarily the result of a change in the arrangements for processing applications for new English domiciled students and an increase in applications from English domiciled students. There has been no change in arrangements for Northern Ireland domiciled students. Applications will continue to be processed by the Education and Library Boards, with payments made by the Student Loans Company.

Rather than engage with specific political parties, my Department liaises closely with the other United Kingdom administrations on a wide range of student finance issues and is always represented at Student Finance Quadrilateral (Devolved Administrations) meetings, which are also attended by student finance colleagues from England, Scotland and Wales. In addition, there is regular liaison between my Department, the Education and Library Boards and the Student Loans Company to ensure that Northern Ireland domiciled students receive an effective service. As Minister, I engage with a wide range of interested parties on this and other issues.

Student Loans

Mr G Robinson asked the Minister for Employment and Learning what action he intends to take, unilaterally and in conjunction with his Conservative political partners in England, Scotland and Wales, to ensure that the difficulties students have faced obtaining their student loans do not arise in future years. (AQW 538/10)

The Minister for Employment and Learning: My Department is not aware of any Northern Ireland domiciled students being affected by the delays in payments by the Student Loans Company that have been recently reported in the media, and is not, therefore, aware of any students in financial crisis due to difficulties in obtaining their student loan.

It is my understanding that these delays are primarily the result of a change in the arrangements for processing applications for new English domiciled students and an increase in applications from English domiciled students. There has been no change in arrangements for Northern Ireland domiciled students. Applications will continue to be processed by the Education and Library Boards, with payments made by the Student Loans Company.

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Student Loans

Mr Burns asked the Minister for Employment and Learning to detail the approximate numbers of higher education students in Northern Ireland who have not received their student loans in time for the start of the academic year; and for her assessment on the Student Loans Company's inability to process all loans in time this year. (AQW 567/10)

The Minister for Employment and Learning: My Department is not aware of any Northern Ireland domiciled students being affected by the delays in payments by the Student Loans Company that have been recently reported in the media.

It is my understanding that these delays are primarily the result of a change in the arrangements for processing applications for new English domiciled students and an increase in applications from English domiciled students. There has been no change in arrangements for Northern Ireland domiciled students. Applications will continue to be processed by the Education and Library Boards, with payments made by the Student Loans Company.

Whilst a number of Northern Ireland domiciled students have yet to receive payment from the Student Loans Company, this is due to a variety of legitimate reasons. These include instances where a student's application has not yet been approved, for example, as a result of insufficient information provided by the student; where the student's application was not received on time; where the student's course has not yet commenced or where a Higher Education Institution has not yet confirmed a student's attendance.

DEPARTMENT OF ENTERPRISE, TRADE AND INVESTMENT

Bankruptcy/IVA

Mr Burns asked the Minister of Enterprise, Trade and Investment to detail the number of (i) declared bankruptcies; and (ii) individual voluntary arrangements in the over 65 age category, in each of the last five years. (AQW 114/10)

The Minister of Enterprise, Trade and Investment (Mrs Foster):

- (i) It is not mandatory for those made bankrupt to provide details regarding their age but when it is provided it is recorded by DETI's Insolvency Service. Based on the limited information available, it is estimated that in the most recent year ending 31 March 2009 3.6% of declared bankrupts (1155) were over 65 years. Insufficient data is available from previous years to make any meaningful comparisons
- (ii) Below is a table showing the number of individual voluntary arrangements (IVAs) for the over 65 age category for the last three financial years. Information for years ending 31 March 2005 and 31 March 2006 is unavailable¹.

| Year ending | Total number of IVAs | IVAs where DOB recorded | Age 65 and over | Percentage |
|---------------|----------------------|-------------------------|-----------------|------------|
| 31 March 2007 | 724 | 589 | 14 | 2.9% |
| 31 March 2008 | 436 | 407 | 10 | 2.5% |
| 31 March 2009 | 606 | 599 | 13 | 2.2% |

¹ With the coming into operation of the Insolvency Service (NI) Order 2005 on 27 March 2006, insolvency practitioners are required when registering an Individual Voluntary Arrangement, if possible, to supply a date of birth for the debtor. Because this provision came into operation at the end of March 2006, information for years ending 31 March 2005 and 31 March 2006 is unavailable.

Foreign Direct Investment

Mr Moutray asked the Minister of Enterprise, Trade and Investment the estimated total amount of foreign direct investment in (i) Upper Bann, (ii) Banbridge District Council; and (iii) Craigavon Borough Council, in each of the last five years. (AQW 193/10)

The Minister of Enterprise, Trade and Investment: Tables (i), (ii) and (iii) provide information on the amount of foreign direct investment offered support by Invest NI within the Upper Bann Parliamentary Constituency Area (PCA) and Banbridge and Craigavon District Council Areas (DCA) respectively during the five-year period 2004/05 to 2008/09.

This represents the estimated total cost of these projects to Invest NI's externally-owned clients. The number of projects and the associated assistance offered by Invest NI is also included. Projects have been split into those where the main focus is on employment creation and those that are innovation based, including activities such as training, research and development, trade development and technology and process development.

(I) - INVEST NI ASSISTANCE OFFERED TO EXTERNALLY-OWNED CLIENTS IN UPPER BANN PCA (2004/05 - 2008/09)

| Type of Assistance | Year | No of Offers | Total Assistance £m | Total Planned Investment £m |
|--------------------|--------------|--------------|---------------------|-----------------------------|
| Employment Related | 2004/05 | 5 | 6.05 | 35.95 |
| | 2005/06 | 1 | 0.14 | 2.00 |
| | 2006/07 | 1 | 0.03 | 0.17 |
| | 2007/08 | 1 | 0.03 | 0.25 |
| | 2008/09 | | | |
| | Total | 8 | 6.26 | 38.36 |
| Innovation | 2004/05 | 21 | 0.12 | 0.24 |
| | 2005/06 | 15 | 0.89 | 3.26 |
| | 2006/07 | 10 | 0.26 | 0.52 |
| | 2007/08 | 34 | 0.64 | 1.96 |
| | 2008/09 | 18 | 0.92 | 3.13 |
| | Total | 98 | 2.82 | 9.10 |
| Total | 2004/05 | 26 | 6.17 | 36.19 |
| | 2005/06 | 16 | 1.03 | 5.25 |
| | 2006/07 | 11 | 0.30 | 0.69 |
| | 2007/08 | 35 | 0.67 | 2.20 |
| | 2008/09 | 18 | 0.92 | 3.13 |
| | Total | 106 | 9.08 | 47.46 |

(II) - INVEST NI ASSISTANCE OFFERED TO EXTERNALLY-OWNED CLIENTS IN BANBRIDGE DCA (2004/05 - 2008/09)

| Type of Assistance | Year | No of Offers | Total Assistance £m | Total Planned Investment £m |
|--------------------|--------------|--------------|---------------------|-----------------------------|
| Employment Related | 2004/05 | 1 | 0.49 | 2.89 |
| | 2005/06 | | | |
| | 2006/07 | | | |
| | 2007/08 | | | |
| | 2008/09 | | | |
| | Total | 1 | 0.49 | 2.89 |

| Type of Assistance | Year | No of Offers | Total Assistance £m | Total Planned Investment £m |
|--------------------|--------------|--------------|---------------------|-----------------------------|
| Innovation | 2004/05 | | | |
| | 2005/06 | | | |
| | 2006/07 | 1 | 0.00 | 0.00 |
| | 2007/08 | 6 | 0.16 | 0.43 |
| | 2008/09 | 3 | 0.29 | 0.78 |
| | Total | 10 | 0.45 | 1.21 |
| Total | 2004/05 | 1 | 0.49 | 2.89 |
| | 2005/06 | | | |
| | 2006/07 | 1 | 0.00 | 0.00 |
| | 2007/08 | 6 | 0.16 | 0.43 |
| | 2008/09 | 3 | 0.29 | 0.78 |
| | Total | 11 | 0.94 | 4.10 |

(III) - INVEST NI ASSISTANCE OFFERED TO EXTERNALLY-OWNED CLIENTS IN CRAIGAVON DCA (2004/05 - 2008/09)

| Type of Assistance | Year | No of Offers | Total Assistance £m | Total Planned Investment £m |
|--------------------|--------------|--------------|---------------------|-----------------------------|
| Employment Related | 2004/05 | 4 | 5.56 | 33.06 |
| | 2005/06 | 1 | 0.14 | 2.00 |
| | 2006/07 | 1 | 0.03 | 0.17 |
| | 2007/08 | 1 | 0.03 | 0.25 |
| | 2008/09 | | | |
| | Total | 7 | 5.77 | 35.47 |
| Innovation | 2004/05 | 21 | 0.12 | 0.24 |
| | 2005/06 | 15 | 0.89 | 3.26 |
| | 2006/07 | 9 | 0.26 | 0.51 |
| | 2007/08 | 28 | 0.48 | 1.53 |
| | 2008/09 | 15 | 0.63 | 2.35 |
| | Total | 88 | 2.37 | 7.89 |
| Total | 2004/05 | 25 | 5.68 | 33.30 |
| | 2005/06 | 16 | 1.03 | 5.25 |
| | 2006/07 | 10 | 0.29 | 0.68 |
| | 2007/08 | 29 | 0.51 | 1.77 |
| | 2008/09 | 15 | 0.63 | 2.35 |
| | Total | 95 | 8.14 | 43.36 |

Notes:

1. Table totals may not add due to rounding
2. Planned investment includes assistance offered.
3. Total offer locations in geographic tables exceed total number of offers, as some projects are located in more than one area.
4. Some of the assistance offered may not be paid if projects are not fully delivered by the client.

IT Systems: DETI

Mr Hamilton asked the Minister of Enterprise, Trade and Investment, to detail (i) all new IT systems that were installed within her Department; (ii) the initial budget; (iii) the actual cost; (iv) the estimated start date; and (v) the actual start date, in the last five years. (AQW 218/10)

The Minister of Enterprise, Trade and Investment: In the past 5 years there have been 4 Information and Communication Technology systems implemented in DETI. The summary details (excluding staff costs) are as follows:

| ICT System | Initial Budget Cost (£,000) | Actual Start Date (£,000) | Planned Start Date | Actual |
|-----------------------------|-----------------------------|---------------------------|--------------------|------------|
| Insolvency Service Case Mgt | 1,041 | 1,068 | 30 Apr '06 | 30 Oct '06 |
| HSENI Knowledge Mgt | 335 | 250 | 01 Nov '05 | 01 Apr '06 |
| Companies Registry | 800 | 700 | 01 Nov '03 | 01 Nov '04 |
| Emergency Fuel Plan | 35 | 31 | 31 Mar '08 | 31 Mar '08 |

Eco-Business Advice and Job Creation

Mr McGlone asked the Minister of Enterprise, Trade and Investment what information has been made available to the public in relation to Eco-Business advice and job creation, particularly via the NI Direct website (AQW 240/10)

The Minister of Enterprise, Trade and Investment: Invest NI is committed to improving the competitiveness, productivity and sustainability of NI business by encouraging more efficient use of resources and improved environmental performance. As a part of this remit, Invest NI funds three UK wide Programmes – Envirowise, National Industrial Symbiosis Programme (NISP) and The Carbon Trust. A fundamental aspect of these programmes is provision of best practice guidance on a range of topics, including sustainable energy, clean technologies, waste minimisation and waste management. The programmes offer a number of information and advisory functions to a wide business audience including dedicated helplines, websites, free literature, technical seminars, events and training provision.

NI Direct website is targeted at the private citizen and provides a link to nibusinessinfo (nibusinessinfo.co.uk/) which is the website that has been developed and delivered by Invest NI to be the key online delivery mechanism for business information. The site receives over 20,000 visits per month. Nibusinessinfo has a section dedicated to 'Environment & Efficiency' guidance which comprises nearly 60 guides and tools with topics ranging from best practice in environmental compliance to new business innovation, as well as signposts to government support.

Invest NI publicises local environmental business events on nibusinessinfo.co.uk/ through the Events and Business News sections and also on the events calendar on investni.com/.

Invest NI is also actively engaged in promoting and raising awareness of the opportunities that are rapidly emerging from the global market for renewable energy technology amongst local businesses.

Invest NI is facilitating collaboration between companies which share a common interest in, for example wind energy, bio-energy or marine energy, to ensure that opportunities to diversify from more traditional engineering activities into the renewables market are identified and exploited where possible.

A series of five DVDs to demonstrate NI capabilities in the renewable energy sector was launched in May 2009:

- Sustainable Energy - Marine
- Sustainable Energy - Low Carbon Technologies,
- Sustainable Energy - Bio-energy
- Sustainable Energy - Wind - Investment Potential
- Sustainable Energy - Wind Energy.

These videos have been placed on YouTube at www.youtube.com/investnirenewables to be available to a wider audience.

An International Energy and Environmental Conference, to be held at the Waterfront Hall, Belfast on 14th October 2009, will provide delegates with access to present and future technologies, eco-business opportunities, research and development programmes and energy and environmental business supply chains. Information on local, national and international collaboration for the purpose of developing new eco-business opportunities will be debated.

Invest NI also provides a forum for companies and entrepreneurs that are planning to invest in energy related technologies. The Energy Research Group ensures that Northern Ireland businesses receive ongoing support and up-to-date guidance to help fast-track the development of the latest energy technologies.

Apple Growers

Mr Savage asked the Minister of Enterprise, Trade and Investment what assistance her Department (i) has given to date; and (ii) continues to give to apple growers to help them find new markets for their products.

(AQW 284/10)

The Minister of Enterprise, Trade and Investment: Invest NI has had and will continue to have significant engagement with apple processors to assist them in finding new markets for their products. Over the past three years, five companies have participated in 75 specialist 'Meet the Buyer' events organised by Invest NI. Some of these processors have also exhibited/attended major sectoral trade shows such as the International Food Exhibition (IFE) in London and CATEX in Dublin.

In addition, through Invest NI's Food Sector Marketing Advisors, over £200,000 first year sales were secured for three clients engaged in apple processing to 11 customers outside Northern Ireland. Given the timing of this business it is estimated that this could represent in excess of £500,000 cumulative sales.

Debt Advisory Services

Mr Durkan asked the Minister of Enterprise, Trade and Investment, pursuant to AQW 8216/09, for an update on the delivery of telephone debt advisory services.

(AQW 319/10)

The Minister of Enterprise, Trade and Investment: The free to use, confidential telephone debt advice service for Northern Ireland, Advice4debtNI went live on 1 September 2009. The associated website, www.advice4debtNI.com is now also operational.

Advice4debtNI representatives have met with a number of key stakeholders in Northern Ireland's advice network to discuss potential cross working opportunities and suitable referral protocols.

There has also been widespread distribution of posters and leaflets throughout Northern Ireland promoting the new service and its free phone number, 0800 917 4607.

Debt Advisory Services

Mr Durkan asked the Minister of Enterprise, Trade and Investment how many staff are employed through the Northern Ireland telephone debt advisory services contract, broken down by location.

(AQW 320/10)

The Minister of Enterprise, Trade and Investment: In April 2009, my Department awarded a 2 year contract to A4e to provide a telephone debt advice service for Northern Ireland.

The free to use, confidential telephone helpline, advice4debtNI went live on 1 September 2009 and employs four staff – 2 debt advisors, a senior debt advisor and a marketing co-ordinator.

All 4 members of staff are based in Belfast.

In addition, 2 senior A4e staff, the Northern Ireland Development Director and the Contract Manager, oversee the management and delivery of the contract on a part time basis.

Inward Investment: Upper Bann

Mr Moutray asked the Minister of Enterprise, Trade and Investment to detail (i) the amount of inward investment in Upper Bann; and (ii) the number of jobs created as a result, in each of the last five years.

(AQW 359/10)

The Minister of Enterprise, Trade and Investment: Table 1 addresses both points (i) and (ii) above. It provides information on the amount of foreign direct investment offered support by Invest NI within the Upper Bann Parliamentary Constituency Area (PCA) and the number of jobs promoted or safeguarded as a result during the five-year period 2004/05 to 2008/09. The information in Table 1 represents the estimated total cost of these projects to Invest NI's externally-owned clients and the number of jobs that the projects expect to create or safeguard. The number of projects and the associated assistance offered by Invest NI is also included.

Projects have been split into those where the main focus is on employment creation and those that are innovation based, including activities such as training, research and development, trade development and technology and process development.

TABLE 1 - INVEST NI ASSISTANCE OFFERED TO EXTERNALLY-OWNED CLIENTS IN UPPER BANN PCA & JOBS PROMOTED OR SAFEGUARDED (2004/05 - 2008/09)

| Type Of Assistance | Year | No of Offers | Total Assistance £m | Total Planned Investment £m | New Jobs | Safe Jobs |
|--------------------|--------------|--------------|---------------------|-----------------------------|-----------|------------|
| Employment Related | 2004/05 | 5 | 6.05 | 35.95 | 13 | 616 |
| | 2005/06 | 1 | 0.14 | 2.00 | 49 | 0 |
| | 2006/07 | 1 | 0.03 | 0.17 | 0 | 5 |
| | 2007/08 | 1 | 0.03 | 0.25 | 5 | 0 |
| | 2008/09 | | | | | |
| | Total | 8 | 6.26 | 38.36 | 67 | 621 |
| Innovation | 2004/05 | 21 | 0.12 | 0.24 | | |
| | 2005/06 | 15 | 0.89 | 3.26 | | |
| | 2006/07 | 10 | 0.26 | 0.52 | | |
| | 2007/08 | 34 | 0.64 | 1.96 | | |
| | 2008/09 | 18 | 0.92 | 3.13 | | |
| | Total | 98 | 2.82 | 9.10 | | |
| Total | 2004/05 | 26 | 6.17 | 36.19 | 13 | 616 |
| | 2005/06 | 16 | 1.03 | 5.25 | 49 | 0 |
| | 2006/07 | 11 | 0.30 | 0.69 | 0 | 5 |
| | 2007/08 | 35 | 0.67 | 2.20 | 5 | 0 |
| | 2008/09 | 18 | 0.92 | 3.13 | | |
| | Total | 106 | 9.08 | 47.46 | 67 | 621 |

Notes:

5. Table totals may not add due to rounding.
6. Planned investment includes assistance offered.
7. Total offer locations in geographic tables exceed total number of offers, as some projects are located in more than one area.
8. Some of the assistance offered may not be paid if projects are not fully delivered by the client.
9. New Jobs represent the number of jobs expected to be created by the project.
10. Safe Jobs represent the number jobs that would have been lost if the project was not supported.

Credit Unions

Mr Butler asked the Minister of Enterprise, Trade and Investment what progress she has made to date, to allow Credit Unions in Northern Ireland to offer the same range of financial services and products as their counterparts in Britain and the Republic of Ireland. (AQW 574/10)

The Minister of Enterprise, Trade and Investment: One of the recommendations included in the Committee for Enterprise, Trade and Investment's report of its inquiry into the Role and Potential of Credit Unions in Northern Ireland was that NI credit unions be permitted to expand their range of services to include, at the very least, those services which credit unions in Great Britain can offer currently. In my response to the report, I endorsed this recommendation.

To enable credit unions in Northern Ireland which wish to expand their current range of services, new legislation will require to be enacted. To progress this matter, along with other recommendations contained in the Committee's Report, my Department has established a team to take forward the legislative changes needed to facilitate this expansion of services.

This requires working closely with Her Majesty's Treasury (HMT) which has also completed a separate Review of the Legislative Framework for Credit Unions and Industrial and Provident Societies in Northern Ireland. The input of the Financial Services Authority (FSA) will also be crucial to the process. A joint project team consisting of HMT, DETI and FSA officials has been established to take forward the legislative and non-legislative recommendations of both Reports. These discussions have proved a useful starting point. Further meetings are planned.

My Department is committed to working to implement the recommendations of the Committee and will take all steps to ensure that this is completed as soon as practically possible. A key next step will be to consult in Northern Ireland and in GB on the detail of the proposals for the reform of the regulatory framework for Northern Ireland credit unions and I am hopeful that this will happen by the end of the year.

Small Local Businesses: Assistance

Mr McGlone asked the Minister of Enterprise, Trade and Investment what measures have been taken to provide assistance to small, local businesses and shops during the current economic downturn. (AQW 631/10)

The Minister of Enterprise, Trade and Investment: In the last twelve months, my Department has introduced a number of initiatives to help small businesses survive the current economic downturn and help them prepare for recovery. Invest NI organised a series of 'credit crunch' seminars throughout Northern Ireland which offered advice to client companies on how to navigate their way through the downturn and these were adapted for joint local council, Enterprise NI and Enterprise Agency events, with a focus specifically on non Invest NI businesses of all sizes.

The agency also has programmes designed to assist all Northern Ireland businesses with energy and environmental efficiency support and access to comprehensive online business advice and support through www.nibusinessinfo.co.uk which includes a "Beat the Credit Crunch" section.

In January 2009, the UK Government introduced the Enterprise Finance Guarantee (EFG), which provides a 75% government guarantee on Small and Medium Enterprise (SME) loans up to £1 million which can be used to convert an overdraft into a loan. Most sectors are eligible for EFG, providing they meet the banks' own lending criteria. I have met all the main Northern Ireland banks to underline the importance I attach to the active promotion of EFG.

DETI has produced an overview guide to the various support schemes which have been introduced at European, UK and local level to help businesses through the current economic downturn. This can be accessed on the DETI website.

Small businesses are benefitting from a 'prompt payment' policy introduced across all NI departments which ensures more efficient cash-flow to businesses and from April 2010 small businesses will also be able to take advantage of the small business rate relief scheme which is estimated will benefit some 16,000 businesses in Northern Ireland.

DEPARTMENT OF THE ENVIRONMENT

Clamping of Vehicles

Mr Lunn asked the Minister of the Environment what policy exists with, regards to the clamping of vehicles left untaxed in the street, when the owners of those vehicles are in care or in hospital. (AQW 141/10)

The Minister of the Environment (Mr Poots): Vehicle Licensing is an Excepted Matter, which is the responsibility of the Secretary of State for Transport. The arrangement for the removal and disposal of untaxed vehicles and associated policy is administered by the Driver & Vehicle Licensing Agency (DVLA) Swansea. I have referred your question to DVLA and officials in that Agency have agreed to respond directly to you on this matter.

Planning Application Z/2008/0489/F

Mrs Long asked the Minister of the Environment whether the landscape planting scheme which formed part of Planning Application Z/2008/0489/F was considered in the context of providing suitable replacement planting for the Tree Preservation Order trees which were removed from the site at 135 Shandon Park, Belfast. (AQW 143/10)

The Minister of the Environment: The landscape planting plan showed 5 semi-mature trees to replace the 4 TPO protected trees that had been removed. These were considered to be suitable replacements and were also considered acceptable as part of the landscape planting plan.

Planning Application Z/2008/0489/F

Mrs Long asked the Minister of the Environment whether the landscape planting scheme which formed part of Planning Application Z/2008/0489/F was (i) considered in the context of the site at the time it was determined, with the Tree Preservation Order trees already removed from the site at 135 Shandon Park, Belfast; or (ii) considered in the context in which the application was originally submitted with the Tree Preservation Order trees still in situ. (AQW 147/10)

The Minister of the Environment: The drawings originally submitted with the planning application showed the 4 Tree Preservation Order protected trees still in situ. Planning Service subsequently became aware that these trees had been removed. An amended tree survey drawing was then submitted showing the 5 replacement trees. Planning Service determined the application in the knowledge that the TPO trees had been removed and on the basis of the amended landscape planting plan.

Planning Application Z/2008/0489/F

Mrs Long asked the Minister of the Environment for his assessment as to whether the landscape plans, which formed part of Planning Application Z/2008/0489/F, would have been acceptable to Landscape Branch in the context of the mature trees which were subject to Tree Preservation Orders having been still in situ. (AQW 148/10)

The Minister of the Environment: Landscape Branch was consulted on the amended landscape planting plan. In their reply of 7 October 2008 they noted that the building footprints had been reduced and redesigned and that some TPO trees had been removed. They confirmed that they had no objection in principle to the proposed development. I am unable to speculate as to whether their comments would have been any different had the TPO trees still be in situ.

Legal Advice: Cost to DOE

Mr Beggs asked the Minister of the Environment, pursuant to AQO 3070/09, to detail the number of hours and the estimated cost of legal advice sought from the Departmental Solicitor, regarding legal advice provided to the previous Minister, because of his potential or actual conflict of interest as a local Councillor. (AQW 173/10)

The Minister of the Environment: As my predecessor advised, the Planning Service Management Board sought legal advice in relation to the application for the Aurora Building regarding the procedural handling of the application post Council consultation.

The Department did not at any time seek legal advice in relation to the previous Minister because of potential or actual conflict of interest as a local Councillor.

Planning Applications

Mr Storey asked the Minister of the Environment to detail the time taken by each divisional planning office to approve planning applications for the erection of poultry houses, in each of the last three years. (AQW 201/10)

The Minister of the Environment: The time taken by each Divisional Planning Office to approve planning applications for the erection of poultry houses in each of the last three years is as follows:

| Divisional Planning Office | Average Processing Time – Weeks (Number of Applications Processed) 1 April 2006 – 31 March 2009 | | |
|----------------------------|--|-----------------|-----------------|
| | 2006/2007 | 2007/2008 | 2008/2009 |
| Ballymena | 18 (1) | 34 (4) | 20 (11) |
| Craigavon | 61 (7) | 31 (5) | 26 (8) |
| Downpatrick | 246 (1) | 41 (1) | No applications |
| Londonderry | 21 (2) | No applications | 23 (14) |
| Omagh | 35 (12) | 26 (6) | 20 (21) |
| Agency | 41 (23) | 31 (16) | 22 (54) |

The figure in brackets represents the number of planning applications decided in that year. The application decided in 2006/2007 in Downpatrick Planning Office was an Environmental Impact Assessment development and required the submission of an Environment Statement and involved protracted negotiations with Roads Service over access issues including a number of amendments to the application.

High Hedges

Mr Storey asked the Minister of the Environment what plans he has to introduce legislation on High Hedges. (AQW 211/10)

The Minister of the Environment: I fully appreciate the level of concern over nuisance high hedges in Northern Ireland. I have just announced my decision to bring legislative proposals before the Executive and the Assembly. Naturally, I intend to consult publicly on these proposals.

IT systems: DOE

Mr Hamilton asked the Minister of the Environment to detail (i) all new IT systems that were installed within his Department; (ii) the initial budget; (iii) the actual cost; (iv) the estimated start date; and (v) the actual start date, in the last five years. (AQW 220/10)

The Minister of the Environment: My Department has installed only one IT System costing over £100,000 within the last 5 years. Project details are given below.

| Project Name | Initial Budget | Actual Cost | Estimated start date | Actual Start date |
|-----------------------------------|----------------|-------------|----------------------|-------------------|
| Taxi Licensing Information System | £465,778 | £463,629 | June 2008 | October 2008 |

Farm Land: Rights of Access

Mr Ross asked the Minister of the Environment what current legislation allows, in terms of rights of access to farm land for horse riders; and if the Department has any plans to review the current legislation. (AQW 270/10)

The Minister of the Environment: The common law right of access by horse riders to private land can be established through the general public having unrestricted access, on horseback along a defined route, which has been tolerated by the landowner for a period of time.

The responsibility for asserting such routes falls to District Councils under Article 3 of the Access to the Countryside (Northern Ireland) Order 1983.

I have no plans to amend the current legislation.

Dangerous Wild Animals Order (Northern Ireland) 2004

Mr Burns asked the Minister of the Environment to detail (i) the total number of current licences for keeping animals which have been granted by his Department under the Dangerous Wild Animals Order (Northern Ireland) 2004; (ii) a breakdown of all dangerous animals held under these licences; and (iii) to state whether these animals are owned by (a) circuses; (b) zoos; (c) private individuals; or (d) held under some other ownership arrangement. (AQW 286/10)

The Minister of the Environment:

- (i) The Dangerous Wild Animals (Northern Ireland) Order 2004 enables my Department to regulate private individuals in Northern Ireland who keep Dangerous Wild Animals. There are currently 19 licences to possess Dangerous Wild Animals covering 60 animals.
- (ii) The following animals are licensed in Northern Ireland:

| | |
|--|--|
| Emu | 10 |
| Wolf/wolf dogs | 8 |
| Ring tailed lemurs (primate) | 10 |
| Black and white ruffed lemur (primate) | 3 |
| Brown ruffed lemur (primate) | 2 |
| Saki monkey (primate) | 4 |
| Tamarins | 8 (small primate) |
| Capuchin | 5 (small primate) |
| Tiger | 1 |
| Cheetah (Bengal cat/Ocicat cross, the latter being an all domestic breed of cat) | 1 |
| Vicugna (camelid) | 2 |
| Zebra | 2 |
| Dwarf caiman (reptile) | 2 |
| Venomous snakes | 2 (white lipped viper, western diamondback rattlesnake). |

- (iii) All licences apply to private keepers, although one licence holder also runs an 'open farm'. Zoos and circuses are exempted from requiring licences to possess Dangerous Wild Animals under Article 7 of the Order.

High Hedges

Mr McLaughlin asked the Minister of the Environment what legislative action he intends to take to address the problem of nuisance high hedges. (AQW 305/10)

The Minister of the Environment: I fully appreciate the level of concern over nuisance high hedges in Northern Ireland. I have just announced my decision to bring legislative proposals before the Executive and the Assembly. Naturally, I intend to consult publicly on these proposals.

Child and Adolescent Mental Health Unit in Templepatrick

Mr Burns asked the Minister of the Environment if full planning permission has been granted to build a child and adolescent mental health unit in Templepatrick; and for an update on the status of this project. (AQW 327/10)

The Minister of the Environment: My Department is processing a planning application for full permission for erection of a residential institution for child and adolescent care at 182 Templepatrick Road, Ballyclare. On 7 September 2009 a recommendation of approval was placed before Newtownabbey Council. Another MLA has requested a meeting with me to discuss the application and this will take place as soon as possible. At the Council meeting the Planning Officer agreed that no decision would issue until the request for the meeting was considered.

High Hedges/Trees

Mr Weir asked the Minister of the Environment the proposed timescale for legislation on high hedges and trees. (AQW 330/10)

The Minister of the Environment: I fully appreciate the level of concern over nuisance high hedges in Northern Ireland. I have just announced my decision to bring legislative proposals before the Executive and the Assembly. Naturally, I intend to consult publicly on these proposals. Unfortunately I am unable to confirm the timetable at present however, I can assure you that I am fully committed to introducing this legislation at the earliest opportunity.

Lisburn: City Status

Mr Butler asked the Minister of the Environment (i) for his assessment of the city status of Lisburn in the wake of the proposed local council boundary changes; (ii) what steps his Department will be taking to confer new city status on Lisburn as part of the Review of Public Administration proposals; and (iii) will this require new legislation. (AQW 371/10)

The Minister of the Environment: My Department is currently developing proposals for legislation, which will enable all five cities in Northern Ireland, to retain their city status following the reorganisation of local government in 2011. The Department will need to consult the relevant councils and you can expect my officials to be in contact with your Council in due course.

Colin Valley Golf Course

Mr Butler asked the Minister of the Environment, in relation to the economic appraisal on Colin Valley Golf Course (i) when it was completed; (ii) when it was provided to the Department of Finance and Personnel; and (iii) what conclusions and recommendations it contains. (AQW 374/10)

The Minister of the Environment: A submission was made to the Department of Finance and Personnel (DFP) in December 2008 to determine the feasibility of leasing Colin Valley Golf Course to Colin Glen Trust for 99 years. DFP's response in January 2009 did not rule out the possibility of such a lease, but required the submission of an economic appraisal justifying it. My officials attempted this exercise but were unable to assemble a sufficiently robust case with the information supplied by the Trust. Instead they followed the advice of my predecessor, Sammy Wilson, and proposed providing a letter assuring potential backers of my Department's intention to replace the existing lease with one renewable on a 25-year cycle.

The completion of an economic appraisal supporting this course of action awaits confirmation from the Trust that the letter sent by my officials has satisfied the Trust's financial backers.

Red Kites

Mr Shannon asked the Minister of the Environment if any of the Red Kites released in Mid and South Down have been found dead; and whether there has been any monitoring of their numbers. (AQW 388/10)

The Minister of the Environment: Four red kites have been found dead over the course of the first year of the RSPB re-introduction programme.

All released birds are fitted with radio transmitters which allow them to be tracked and monitored. The radio transmitters fall off after the first season when the birds moult. In addition, all released birds are permanently wing tagged which allows individuals to be identified and their movements recorded.

While the project is still at an early stage, useful data is being collected by the RSPB. Early observations show that the birds tend to stay around the South Down release area although one has travelled as far as County Wicklow. The birds have been observed foraging in fields where they take insects and earthworms.

The Northern Ireland red kites are still juveniles and they are not expected to breed until they are 2-3 years old.

Magpies

Mr Shannon asked the Minister of the Environment what action he is taking to address the increase in the numbers of magpies; and whether he has held any discussions with the British Association for Shooting and Conservation or Country Side Alliance Ireland to initiate a control scheme. (AQW 389/10)

The Minister of the Environment: The Breeding Bird Survey, carried out by the British Trust for Ornithology, shows no increase in the numbers of breeding magpies across Northern Ireland during the last survey period 1995-2006.

Magpies are currently listed on the General Licence in the Wildlife (Northern Ireland) Order 1985. This allows authorised persons to take or kill this species for reasons such as 'preventing serious damage to livestock' or 'conserving wild birds'. Control of predators has always been seen as the responsibility of landowners.

My officials have a good working relationship and regular liaison with the British Association for Shooting and Conservation and the Countryside Alliance. To date they have not received any requests from either organisation to consider additional control measures for magpies.

Infill Sites

Mr McQuillan asked the Minister of the Environment how many infill sites have been passed for (i) Coleraine; (ii) Limavady; (iii) Moyle; (iv) Ballymoney; (v) Magherafelt; and (vi) Ballymena since the introduction of draft PPS21. (AQW 397/10)

The Minister of the Environment: My Department does not record this level of detail on the current system of electronic retrieval – 20/20. Planning applications for single dwellings in the rural area are categorised as either rural new or rural replacement. A statistical code for a single dwelling in the rural area which represents an infill development is not an available option on the 20/20 computer system. To provide accurate figures for the data requested would require a manual search of all our existing files. This information would not be available in the time specified and would incur disproportionate costs.

Flooding

Mr Shannon asked the Minister of the Environment if he will be making the £1000 payout available to all households that have been subjected to flooding, and in particular to households in Strangford. (AQW 435/10)

The Minister of the Environment: The Scheme of Emergency Financial Assistance to District Councils was re-activated on 2 September 2009 following severe flooding in parts of Northern Ireland in the latter part of August 2009. The main purpose of the £1,000 emergency payment afforded to householders is an offer of immediate practical assistance to those who have experienced severe inconvenience, to ensure their homes are made habitable as quickly as possible.

A framework which provided the basis for the 2009/2010 Emergency Financial Assistance Scheme issued to district councils on 20 May 2009, to enable them to take immediate action in the eventuality of a flooding incident in their area. Therefore, having followed these guidelines, should a council be able to provide the Department with evidence of any isolated incidences of severe inconvenience caused by flooding which occurred prior to 2 September 2009, these cases will be considered by officials and a response issued to the council. Such applications would, of course, have to adhere to the general terms and conditions of the Scheme.

The Department, having consulted with both Ards Borough Council and Down District Council can confirm that emergency payments were paid to two individual householders who suffered severe inconvenience as a result of flooding in the Strangford constituency area on 2 and 3 September 2009.

Landfill Site at Craigmore Road, Ringsend, Coleraine

Mr Dallat asked the Minister of the Environment to detail his plans to ensure that any expansion of the landfill site at Craigmore Road, Ringsend, Coleraine, is subject to a formal planning application and a full consultation with the local community. (AQW 446/10)

The Minister of the Environment: The Planning (Northern Ireland) Order 1991 provides the legislative context through which Planning Service exercises control over development. The Craigmore Road site has been the subject of a number of planning applications within the last five years. I am satisfied that any future development proposals for the site will be subject to the necessary planning application process. Any application will be processed in accordance with the requirements of the legislation.

PPS 7: Addendum

Mr Beggs asked the Minister of the Environment if and when he intends to publish a draft addendum to PPS7, 'Safeguarding the Character of Established Residential Areas'; and whether it will be treated as a material planning document with immediate effect when assessing applications. (AQW 478/10)

The Minister of the Environment: I am currently considering Draft PPS 7 Addendum 'Safeguarding the Character of Established Residential Areas', which I intend to publish for consultation as soon as possible, following Executive clearance.

In line with Planning Policy Statement (PPS) 1 'General Principles', draft planning policy statements, once published, may be regarded as a material planning consideration in the determination of planning applications.

Effluent Dispersion Modelling Report

Mr Beggs asked the Minister of the Environment, pursuant to AQW 3716/09, to detail the results of the Effluent Dispersion Modelling Report commissioned by NI Water and the NI Environment Agency, in relation to sewerage treatment and coastal discharge for Whitehead, Ballycarry and Ballystrudder districts. (AQW 481/10)

The Minister of the Environment: The Northern Ireland Environment Agency (NIEA) requested that Northern Ireland Water (NIW) carry out a marine dispersion model to assess the impact of the discharge from Whitehead, Ballycarry and Ballystrudder on the receiving water.

Initial modelling carried out by NIW was for an untreated screened discharge as the population equivalent (p.e.) has been determined as less than 10,000. The modelling study showed that a large section of coastline would be impacted by the discharge, which NIEA did not consider to be acceptable. Consequently, NIEA asked NIW to model the discharge with varying levels of treatment.

NIW modelled a discharge consisting of secondary treated effluent from Ballycarry and screened effluent from Whitehead and Ballystrudder through a proposed 500m long outfall at Cloughfin Bay.

The Northern Ireland Estuarine and Coastal Waters Classification Scheme (NIECWCS) requires that any Waste Water Treatment Works (WWTW) discharging to coastal waters serving a p.e. greater than 250 must allow the mandatory requirements of the Bathing Water Directive to be met during the bathing season.

The modelling requested by NIEA demonstrates that the discharge meets the requirements of the NIECWCS.

NI Environment Agency

Mr Beggs asked the Minister of the Environment, pursuant to AQW 3716/09, if the NI Environment Agency has asked for and received a model for the option of discharging secondary treated effluent into the North Channel at Cloghfin Bay, Islandmagee. (AQW 485/10)

The Minister of the Environment: A model for the option of discharging secondary treated effluent into the North Channel at Cloghfin Bay, Islandmagee was not requested because the modelling of the secondary treated effluent from Ballycarry and screened effluent from Whitehead and Ballystrudder, met NIEA standards.

Effluent: Islandmagee

Mr Beggs asked the Minister of the Environment for his assessment of the potential for pollution to the adjacent coastline due to high bacterial levels from untreated screened effluent being discharged via a 500 metre outfall pipe proposed in Cloghfin Bay, Islandmagee. (AQW 486/10)

The Minister of the Environment: The proposed discharge at Cloghfin Bay consists of secondary treated effluent from Ballycarry and screened effluent from Whitehead and Ballystrudder. The Northern Ireland Environment Agency requires that any Waste Water Treatment Works discharging to coastal waters serving a population equivalent greater than 250 must allow the mandatory requirements of the Bathing Water Directive to be met during the bathing season. The modelling of this proposed discharge was carried out under a range of tide and wind conditions and shows that standards set in the Bathing Water Directive will be complied with out to 200m below low tide between June and mid-September. There are no designated bathing or shellfish waters in this area which would require bacteriological standards to be applied along the coastline.

Illegal Dumping

Mr Simpson asked the Minister of the Environment for an update on the work carried out by his Department to counter illegal dumping. (AQW 508/10)

The Minister of the Environment: Since January 2009, the Northern Ireland Environment Agency (NIEA) has overseen 27 successful prosecutions, one suspended six-month prison sentence and an associated £115,950 in fines against illegal waste offenders. My officials have been instrumental in obtaining the agreement of the Irish authorities to repatriate vast quantities of illegally imported waste and will continue to work closely with their counterparts to see this work through to its conclusion.

The increased focus of NIEA's Environmental Crime Unit (ECU) on an intelligence-led strategy is producing tangible results. In March 2009, ECU's trained and accredited Financial Investigators (using the increased powers available to them under the Proceeds of Crime Act 2002) secured their first confiscation order, independently of the Serious Organised Crime Agency for £200,000, against a Co Antrim man convicted of illegally disposing of 50,400 tonnes of waste.

This confiscation order builds on four previous confiscation orders obtained on behalf of NIEA by the former Assets Recovery Agency totalling £832,000 in the period November 2007 to February 2008 and raises the total sum of environmental crime confiscation orders to over £1 million.

Illegal Dumping

Mr Gallagher asked the Minister of the Environment to detail the cost of disposing of all tyres collected as a result of illegal dumping, in each District Council, in (i) 2006/07; (ii) 2007/08; and (iii) 2008/09. (AQW 534/10)

The Minister of the Environment: My Department has no statutory authority over the collection and disposal of illegally dumped materials, and therefore does not hold these details. Figures would be collated by individual District Councils.

Motorcycle Safety Gear

Mr Shannon asked the Minister of the Environment what steps is he taking to encourage bikers to wear correct safety gear when on their bikes. (AQW 539/10)

The Minister of the Environment: My Department launched a new Highway Code for Northern Ireland in July 2008. The new Code contains a section on motorcycling which states that riders and pillion passengers on motorcycles, scooters or mopeds must wear protective helmets, which must comply with the Regulations and must be fastened securely. It also provides advice on eye protectors and suitable clothing.

The Highway Code is widely available from bookshops and other retail outlets, and can be downloaded from the DOE road safety website. It is also available in Portuguese, Polish, Lithuanian, Mandarin Chinese and Russian.

My Department is also considering, in the context of the proposed new road safety strategy for Northern Ireland, what further measures could be taken to improve the safety of motorcyclists, and on 15 September 2009 motorcyclists were invited to participate in a relevant research project.

Landfill Tax Regime

Mr McLaughlin asked the Minister of the Environment what waste licences currently regulate the Arena race track, Nutts Corner, under the Landfill Tax Regime. (AQW 679/10)

The Minister of the Environment: The Department does not issue Waste Licences under the Landfill Tax Regime.

This site is not licensed under the Waste Management Licensing Regulations (Northern Ireland) 2003.

DEPARTMENT OF FINANCE AND PERSONNEL

NI Direct Website

Mr McGlone asked the Minister of Finance and Personnel how long it took to develop the NI Direct Government Services website and at what cost. (AQW 45/10)

The Minister of Finance and Personnel (Mr S Wilson): Development of the NI Direct website began in December 2008 with the site going live, on target, on 31 March 2009.

The cost of developing the site including preparatory work was £348k.

NI Direct Website

Mr McGlone asked the Minister of Finance and Personnel to outline what contact was made with the Direct Government UK Services website during the development of the NI Direct site. (AQW 46/10)

The Minister of Finance and Personnel: The evaluation of the options for delivering the NI Direct project objectives concluded with a decision to base the new website on the very successful Directgov site which had been operating in Great Britain for some years. It was decided that this would be the most effective, speediest and efficient method of creating the new website. Although modelled on Directgov, NI Direct is being developed to reflect the particular needs of citizens in Northern Ireland.

Directgov has been very supportive and co-operative in setting up NI Direct and during the initial development phase, there was significant contact between the Directgov team and NI Direct.

Staff at Directgov have provided advice on a number of issues including technical, publishing, analytical and operational matters. A Memorandum of Understanding was developed to formalise the contact between the two websites.

Senior members of the Directgov team also came to Northern Ireland to give presentations to the NI Direct project board. The Directgov operational board also includes a representative from Northern Ireland (the head of the NI Direct central editorial team).

Directgov also agreed that their site could be copied to use as a template for the “localisation” of the content for Northern Ireland citizens.

Carbon Trust

Mr Beggs asked the Minister of Finance and Personnel to outline why Northern Ireland is the only part of the UK where the public sector has not been able to avail of support from the Carbon Trust to improve energy efficiency in its operations and the energy efficiency and energy systems within buildings. (AQW 71/10)

The Minister of Finance and Personnel: In Northern Ireland, the Carbon Trust is funded by the Department of Enterprise, Trade & Investment through Invest NI, which limits the provision of their free services to the private sector. However their services are available to any public sector organisation that is prepared to cover the cost. A separate fund to support energy efficiency improvements in Northern Ireland public sector buildings already exists.

Central Energy Efficiency Fund

Mrs D Kelly asked the Minister of Finance and Personnel to detail (i) grant awards to Craigavon Borough Council under the Central Energy Efficiency Fund from 2003 to date, including the reference numbers; and (ii) the savings that resulted from energy saving measures funded by these grant awards. (AQW 81/10)

The Minister of Finance and Personnel: The table attached sets out all Central Energy Efficiency Fund grants awarded to Craigavon Borough Council from 2003 to date. The estimated energy, carbon dioxide and monetary savings that each project could achieve have been extracted from the project data supplied by the Council in each of their bids. The Department does not have a record of actual savings achieved by the projects.

The Department is not aware of partial funding from the Clear Skies programme for the installation of wind turbines at Kinnego Marina. The bid submitted by the Council referred to one wind turbine only and was funded fully by the CEEF.

CEEFF GRANTS AWARDED TO CRAIGAVON BOROUGH COUNCIL 2003/04 TO PRESENT

| Year | DFP Ref | Council Ref | Brief Project Description | Capital Cost/ Grant Awarded | Projected Energy Savings (Gigajoules /annum) | Projected Co2 Savings (Tonnes /annum) | Projected Total Project Savings (£/annum) |
|---------|---------|----------------|---|--------------------------------|---|--|--|
| 2003/04 | 58 | Tannaghcoil | Tannaghmore change of Fuel | £3,850 | 13.1 | 2.32 | £1,209 |
| 2004/05 | 11 | Carnwind 04 | Three Wind Turbines Carn Depot | £48,000 | 784 | 90.88 | £13,825 |
| 2004/05 | 12 | Kinnegowind | One Wind Turbine Kinnego Marina | £16,000 | 189 | 25.52 | £4,626 |
| 2005/06 | 22 | Watersportwind | One Wind Turbine Craigavon Water Sports Centre | £16,000 | 189 | 22.49 | £4,626 |
| 2006/07 | 214 | Carnbio | Biomass Boiler Carn Depot | £45,000 | 1200 | 83.33 | £13,137 |
| 2006/07 | 220 | LNDCBio | Biomass Boiler Lurgan Park Sports Pavillion | £6,500 | 105.97 | 12.66 | £1,803 |
| 2006/07 | 218 | LNDCBio | Biomass Boiler Lurgan Park Gate Lodge | £6,500 | 228.04 | 15.84 | £1,604 |
| 2006/07 | 219 | OXINFO | Biomass Boiler Oxford Island Information Centre | £4,200 | 36 | 4.3 | £1,038 |
| 2006/07 | 217 | LNDCBio | Biomass Boiler Lough Neagh Discovery Centre | £35,000 | 988 | 68.61 | £7,234 |

| Year | DFP Ref | Council Ref | Brief Project Description | Capital Cost/ Grant Awarded | Projected Energy Savings (Gigajoules /annum) | Projected Co2 Savings (Tonnes /annum) | Projected Total Project Savings (£/annum) |
|---------|---------|---|---|-----------------------------|--|---------------------------------------|---|
| 2007/08 | 149 | BIOCLC (Project not completed and grant not claimed) | Biomass Boiler Craigavon Leisure Centre | £82,000 | 0 | 291.94 | £26,573 |
| 2007/08 | 150 | BIOWaves (Project not completed and grant not claimed) | Biomass Boiler Waves Leisure Centre | £79,000 | 0 | 237.95 | £21,675 |

Health and Safety Inspection

Mrs D Kelly asked the Minister of Finance and Personnel (i) who vetted the qualifications of the company that carried out the Health and Safety inspection of the Craigavon Borough Council owned wind turbines; and (ii) if that company met the required qualifications. (AQW 82/10)

The Minister of Finance and Personnel: It is the responsibility of Craigavon Borough Council, not the Department, to vet the qualifications of the company that carried out the health and safety inspection of the Council-owned wind turbines and thereby determine if that company met the required qualifications.

Central Energy Efficiency Fund

Mrs D Kelly asked the Minister of Finance and Personnel to detail the savings made (i) by the installation of wind turbines at Kinnego Marina, which were part funded by the Central Energy Efficiency Fund (CEEF) and Clear Skies; and (ii) by the three wind turbines at the Carn Depot in Craigavon, which were fully funded by the CEEF. (AQW 83/10)

The Minister of Finance and Personnel: The table attached sets out all Central Energy Efficiency Fund grants awarded to Craigavon Borough Council from 2003 to date. The estimated energy, carbon dioxide and monetary savings that each project could achieve have been extracted from the project data supplied by the Council in each of their bids. The Department does not have a record of actual savings achieved by the projects.

The Department is not aware of partial funding from the Clear Skies programme for the installation of wind turbines at Kinnego Marina. The bid submitted by the Council referred to one wind turbine only and was funded fully by the CEEF.

CEEF GRANTS AWARDED TO CRAIGAVON BOROUGH COUNCIL 2003/04 TO PRESENT

| Year | DFP Ref | Council Ref | Brief Project Description | Capital Cost/ Grant Awarded | Projected Energy Savings (Gigajoules /annum) | Projected Co2 Savings (Tonnes /annum) | Projected Total Project Savings (£/annum) |
|---------|---------|----------------|--|-----------------------------|--|---------------------------------------|---|
| 2003/04 | 58 | Tannaghcoil | Tannaghmore change of Fuel | £3,850 | 13.1 | 2.32 | £1,209 |
| 2004/05 | 11 | Carnwind 04 | Three Wind Turbines Carn Depot | £48,000 | 784 | 90.88 | £13,825 |
| 2004/05 | 12 | Kinnegowind | One Wind Turbine Kinnego Marina | £16,000 | 189 | 25.52 | £4,626 |
| 2005/06 | 22 | Watersportwind | One Wind Turbine Craigavon Water Sports Centre | £16,000 | 189 | 22.49 | £4,626 |
| 2006/07 | 214 | Carnbio | Biomass Boiler Carn Depot | £45,000 | 1200 | 83.33 | £13,137 |
| 2006/07 | 220 | LNDCBio | Biomass Boiler Lurgan Park Sports Pavillion | £6,500 | 105.97 | 12.66 | £1,803 |

| Year | DFP Ref | Council Ref | Brief Project Description | Capital Cost/ Grant Awarded | Projected Energy Savings (Gigajoules /annum) | Projected Co2 Savings (Tonnes /annum) | Projected Total Project Savings (£/annum) |
|---------|---------|---|---|-----------------------------|--|---------------------------------------|---|
| 2006/07 | 218 | LNDCBio | Biomass Boiler Lurgan Park Gate Lodge | £6,500 | 228.04 | 15.84 | £1,604 |
| 2006/07 | 219 | OXINFO | Biomass Boiler Oxford Island Information Centre | £4,200 | 36 | 4.3 | £1,038 |
| 2006/07 | 217 | LNDCBio | Biomass Boiler Lough Neagh Discovery Centre | £35,000 | 988 | 68.61 | £7,234 |
| 2007/08 | 149 | BIOCLC (Project not completed and grant not claimed) | Biomass Boiler Craigavon Leisure Centre | £82,000 | 0 | 291.94 | £26,573 |
| 2007/08 | 150 | BIOWaves (Project not completed and grant not claimed) | Biomass Boiler Waves Leisure Centre | £79,000 | 0 | 237.95 | £21,675 |

Energy Return Reports

Mrs D Kelly asked the Minister of Finance and Personnel to provide copies of the annual Energy Return Reports from Craigavon Borough Council to his Department for the last three years. (AQW 84/10)

The Minister of Finance and Personnel: Craigavon Borough Council last completed and returned an Energy Data Request form to the Department for the year 2005/06, a copy of which has been placed in the Library. Despite repeated requests to the Council for energy data for 2006/07 and 2007/08 the Department has received no response. The Energy Data Request for 2008/09 will be issued in the week ending 18 September 2009 for return no later than 31 October 2009.

Northern Ireland 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 grades in each Government Department. (AQW 88/10)

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 table attached.

VACANCIES (FULL TIME EQUIVALENT BASIS) IN THE ELEVEN NI DEPARTMENTS AND THEIR AGENCIES IN GRADES: AO; EO2; EO1; SO, AT 9 SEPTEMBER 2009

| Department | AO | | EO2 | | EO1 | | SO | |
|--|--------|---|--------|---|--------|--|--------|---------------------------|
| | Number | Location (posts) | Number | Location (posts) | Number | Location (posts) | Number | Location (posts) |
| Agriculture & Rural Development (DARD) | 2 | Belfast | 4 | Belfast (1) Armagh (1) Ballymena (1) Larne (1) | 5 | Belfast | 1 | Belfast(1) |
| Culture, Arts & Leisure (DCAL) | 0 | - | 0 | - | 1 | Belfast | 0 | - |
| Education (DE) | 3 | Bangor (2) Londonderry (1) | 0 | - | 1 | Bangor | 1 | Bangor |
| Employment & Learning (DEL) | 33 | Belfast(4), Antrim(2), Ballymoney(3), Banbridge (2) Coleraine(1), Dungannon(3), Kilkeel (1) Lisburn(1), Lisnagelvin(2), Lurgan (2) Magherafelt (4) Newtownabbey (2) Omagh(3), Portadown(3) | 39 | Belfast(6), Antrim(1), Ballymoney(2), Carrickfergus(1), Coleraine (3) Dungannon(5), Foyle (5) Kilkeel (1) Larne(1), Lisburn (1) Lisnagelvin (2) Lurgan (3) Magherafelt (2) Newtownabbey(1) Omagh (3) Portadown (2) | 24.06 | Belfast(14.66), Antrim (2) Bangor (0.35) Carrickfergus (0.28) Downpatrick (0.8) Enniskillen (0.29) Limavady(0.5) Lisburn (2) Lurgan (0.14) Magherafelt (0.78) Portadown (2.26) | 6 | Belfast(6), |
| Enterprise, Trade & Investment (DETI) | 0 | - | 1 | Belfast | 8 | Belfast(8), | 0 | - |
| Finance & Personnel (DFP) | 23 | Belfast(22), Craigavon(1), | 11 | Belfast | 11 | Belfast (9) Bangor (2) | 8 | Belfast(7), Bangor(1), |
| Health, Social Services & Public Safety (DHSSPS) | 0 | - | 3 | Belfast | 0 | - | 3 | Belfast |

| Department | AO | | EO2 | | EO1 | | SO | |
|--|---------------|---|------------|--|---------------|--|-----------|------------------------------|
| | Number | Location (posts) | Number | Location (posts) | Number | Location (posts) | Number | Location (posts) |
| Environment (DOE) | 9 | Belfast(5), Coleraine(2), Armagh (1) Craigavon (1) | 8 | Belfast(5), Coleraine(1) Omagh (1) Ballymena (1) | 10 | Belfast(9), Londonderry(1) | 2 | Belfast(1), Coleraine(1) |
| Regional Development (DRD) | 22.69 | Belfast(9), Coleraine(1), Craigavon(2), Enniskillen(4), Omagh(3), Strangford (3) Londonderry (0.69) | 7 | Belfast(4), Ballymena(1), Coleraine(2), | 9 | Belfast(8), Coleraine(1) | 10 | Belfast(9), Ballymena(1), |
| Social Development (DSD) | 16 | Belfast(13), Londonderry (3) | 85 | Armagh (1) Ballynahinch (2) Bangor (2) Belfast(62), Downpatrick(4), Dungannon (3) Enniskillen (2) Kilkeel (1) Londonderry(3), Lurgan (2) Newtownards(2), Omagh(1) | 35 | Antrim (1) Belfast(26) Dungannon(2), Enniskillen(2), Kilkeel (1) Londonderry(1), Newry(1) Portadown (1) | 10 | Belfast(10), |
| Office of the First & Deputy First Minister (OFMDFM) | 1 | Belfast | 0 | - | 0 | - | 0 | - |
| Total | 109.69 | | 158 | | 104.06 | | 41 | |

Floodline

Mr Savage asked the Minister of Finance and Personnel to outline the protocols and procedures that come into force at Floodline whenever rain is expected. (AQW 89/10)

The Minister of Finance and Personnel: NI Direct has a Flooding Incident Line (FIL) Liaison Officer who monitors weather forecasts and liaises with the Met Office and the three Flood Response Agencies (Rivers Agency, Roads Service and NI Water).

On receiving heavy rain or flood warnings from the Met Office, the FIL Liaison Officer consults with the Flood Response Agencies to assess the level of risk of flooding and decide on the appropriate course of action.

In cases where a warning relates to a period outside normal business hours, the appropriate number of additional Customer Service Representatives (CSRs) are assigned to report for duty and work alongside the normal out of hours team. Additional CSRs may also be put on stand-by.

The on-call duty officer and the FIL Liaison Officer coordinate and manage staff levels thereafter and can reduce or further increase them as appropriate.

Prediction of serious flooding is not an exact science. In the interests of proper value for public funds, it is necessary to balance the need for an appropriate level of staff given the forecast, against the need to avoid having too many CSRs on duty if flooding does not materialise.

Floodline

Mr Savage asked the Minister of Finance and Personnel to detail (i) how many staff are employed in Floodline; and (ii) how many staff were working at Floodline on 29 August 2009 at noon. (AQW 91/10)

The Minister of Finance and Personnel: Currently there are 8 on-call duty officers plus 50 Customer Service Representatives (CSRs) including an Out of Hours Team of 8.

At noon on 29th August there were 2 CSRs working plus there was an on-call duty officer. As a precautionary measure, a further 4 CSRs were put on call since it was a holiday weekend.

Floodline

Mr Savage asked the Minister of Finance and Personnel how many staff, on average, work in Floodline on a daily basis. (AQW 93/10)

The Minister of Finance and Personnel: An average of 36 Customer Service Representatives (CSRs) trained in Flooding Incident Line (FIL) would be working on other NI Direct activities during normal business hours. They are diverted instantly to FIL as calls come in.

Outside normal business hours a minimum of 2 staff are on FIL duty. On receiving heavy rain or flood warnings from the Met Office, the level of risk of flooding is considered and additional CSRs are assigned to report for duty. Additional CSRs may also be put on stand-by.

Central Procurement Directorate

Mr Savage asked the Minister of Finance and Personnel to detail (i) how many court cases have been taken against the Central Procurement Directorate (CPD) in each of the last 5 years; and (ii) how many were (a) won by CPD; and (b) lost by CPD. (AQW 144/10)

The Minister of Finance and Personnel: Court cases can only be taken against DFP, as CPD's parent Department. Details requested in respect of the number of court cases brought against DFP in relation to procurement competitions managed by CPD are set out below.

| Year | Won | Lost | Withdrawn | Total |
|---------------|----------|----------|-----------|----------|
| 2004 -2005 | 0 | 0 | 0 | 0 |
| 2005-2006 | 0 | 0 | 0 | 0 |
| 2006-2007 | 1 | 0 | 0 | 1 |
| 2007-2008 | 0 | 1 | 1 | 2 |
| 2008-2009 | 0 | 0 | 2 | 2 |
| 2009-2010 | 1 | 0 | 0 | 1 |
| Totals | 2 | 1 | 3 | 6 |

Central Procurement Directorate

Mr Savage asked the Minister of Finance and Personnel to detail how the Central Procurement Directorate is audited. (AQW 145/10)

The Minister of Finance and Personnel: Central Procurement Directorate's (CPD) income and expenditure is audited annually by the Comptroller and Auditor General (C&AG) as part of his audit of the departmental Resource Accounts.

On an annual basis, the Department of Finance and Personnel's Internal Audit function compiles an audit plan based on an assessment of specific risks. The 2008/09 Assurance Report, concluded that the control framework within CPD provided an overall satisfactory level of assurance.

Floodline

Mr Savage asked the Minister of Finance and Personnel to outline the relationship between Floodline, his Department, and the Met Office. (AQW 146/10)

The Minister of Finance and Personnel: NI Direct uses the Met Office National Severe Weather Warning Service to receive emails and SMS text alerts of early warnings and / or flash messages of Heavy/Extreme rainfall. These warnings are proactively distributed by the Met Office. Advisories of heavy / extreme rainfall are web-based only and are not proactively distributed. In addition, NI Direct is part of a local Northern Ireland group that receives, where necessary, further updates from the Met Office Public Weather Service Advisor in Northern Ireland, allowing more localised or regional advice for planning purposes. NI Direct has established a good and effective working relationship with the Met Office and regularly consults with them on both a formal and informal basis.

GDP: Manufacturing Base

Mr Gardiner asked the Minister of Finance and Personnel to give an estimate, on the basis of the most recent figures available, of the size of the manufacturing base as a percentage of the overall Northern Ireland Gross Domestic Product. (AQW 154/10)

The Minister of Finance and Personnel: Gross Domestic Product (GDP) is not produced for Northern Ireland. Because of a definitional change, what was formerly referred to as GDP was actually Gross Value Added (GVA) at basic prices. The Office for National Statistics (ONS) is responsible for producing GVA for the UK and its regions. The most recent figures available are for 2006 and show that Manufacturing accounts for 15.4% of Northern Ireland's Gross Value Added.

GDP: Agricultural/Agri-business Sector

Mr Gardiner asked the Minister of Finance and Personnel to give an estimate, on the basis of the most recent figures available, of the size of the agricultural and agri-business sector as a percentage of the overall Northern Ireland Gross Domestic Product. (AQW 156/10)

The Minister of Finance and Personnel: Gross Domestic Product (GDP) is not produced for Northern Ireland. Because of a definitional change, what was formerly referred to as GDP was actually Gross Value Added (GVA) at basic prices. The Office for National Statistics (ONS) is responsible for producing GVA for the UK and its regions. The most recent figures available are for 2006 and show that Agriculture accounts for 1.7% of Northern Ireland's Gross Value Added.

GDP: Services Sector

Mr Gardiner asked the Minister of Finance and Personnel to give an estimate, on the basis of the most recent figures available, of the size of the services sector as a percentage of the overall Northern Ireland Gross Domestic Product. (AQW 157/10)

The Minister of Finance and Personnel: Gross Domestic Product (GDP) is not produced for Northern Ireland. Because of a definitional change, what was formerly referred to as GDP was actually Gross Value Added (GVA) at basic prices. The Office for National Statistics (ONS) is responsible for producing GVA for the UK and its regions. The most recent figures available are for 2006 and show that Services (including both public and private elements) account for 71.6% of Northern Ireland's Gross Value Added.

GDP: Construction Sector

Mr Gardiner asked the Minister of Finance and Personnel to give an estimate, on the basis of the most recent figures available, of the size of the construction sector as a percentage of the overall Northern Ireland Gross Domestic Product. (AQW 158/10)

The Minister of Finance and Personnel: Gross Domestic Product (GDP) is not produced for Northern Ireland. Because of a definitional change, what was formerly referred to as GDP was actually Gross Value Added (GVA) at basic prices. The Office for National Statistics (ONS) is responsible for producing GVA for the UK and its regions. The most recent figures available are for 2006 and show that Construction accounts for 8.5% of Northern Ireland's Gross Value Added.

Private Consultancy Firms and Events Organisers: Cost to DFP

Mr McGlone asked the Minister of Finance and Personnel how much has been spent by his Department in each of the last five years on (i) private consultancy firms; and (ii) events organisers. (AQW 162/10)

The Minister of Finance and Personnel: The total expenditure for The Department of Finance and Personnel over the last five years on (i) private consultancy firms and (ii) events organisers is set out in the tables overleaf.

The majority of the consultancy expenditure relates to NICS reform projects and has been necessary to support the development and implementation of the NICS reform programme. With most of these key reform projects moving from the implementation to service delivery phases expenditure on external consultancy is expected to fall significantly in 2009/10, and a target reduction of 25% has been adopted by my Department.

| External Consultancy £'m | |
|--------------------------|--------------------|
| 2004/05 | 2.65 |
| 2005/06 | 2.51 |
| 2006/07 | 4.37 |
| 2007/08 | 6.63 |
| 2008/09 | 4.90 (provisional) |
| Total | 21.06 |

| Events Organisers £'000 | |
|-------------------------|------------|
| 2004/05 | 37 |
| 2005/06 | - |
| 2006/07 | 77 |
| 2007/08 | 141 |
| 2008/09 | 29 |
| Total | 284 |

IT Systems: DFP

Mr Hamilton asked the Minister of Finance and Personnel to detail (i) all new IT systems installed within his Department in the last 5 years; (ii) the initial budget; (iii) the actual cost; (iv) the estimated start date; and (v) the actual start date. (AQW 204/10)

The Minister of Finance and Personnel: Within the last 5 years, DFP have installed 15 IT projects costing more than £25k. The initial budget for these projects was £124,684,550 and the actual cost is £134,924,206.

I have included further information relating to each individual project in the table attached.

IT SYSTEMS INSTALLED IN DFP (2004-2009)

| No. | Project Name | Initial budget | Actual cost | Estimated start date | Actual start date |
|-----|-------------------------------------|--|--|--|---|
| 1 | Records NI | Budget of £12.7M for 2005-08 out of a total 7 year project budget of £23.7M (to July 2013) | Actual cost £13.0M - Costs from start of project to Aug 09 amount to £17.1M | Contract awarded July 2006 | July 2006 |
| 2 | Touch paper | £172,525 | £178,700 | May 2007 | May 2007 |
| 3 | Resilient Messaging | £1.09m | £1.22m | July 2008 | November 2008 |
| 4 | HR Connect | £37,750,000 | 2006/07 £15,337,470 2007/08 £11,462,530 2008/09 £5,625,000 2009/10 £300,000 to date Anticipated expenditure £5,025,000 Total expenditure: £37,750,000 | June 2007 | November 2007 |
| 5 | PAAP (Pension) | Phase 1 & 3 £296,945 Phase 2 - £120,000 Total: £416,945 | Phase 1 2008/09 – £253,249 Phase 2 – 2008/09 - £120,000 Phase 3 – not implemented Anticipated expenditure (09/10) Phase 1 – £18,000 Phase 3 - £23,656 Sub Total: £414,905 Possible further expenditure (09/10) Phase 1 - £13,000 Phase 3 - £5,000 Total expenditure: £432,905 | Phase 1 May 2008 Phase 2 September 2009 Phase 3 January 2010 | Phase 1 May 2008 Phase 2 September 2009 |
| 6 | Account NI | £55.6m (nominal) over 12 years | The cost of the BT contract as of July 2009 is estimated at £58.7m (nominal). | June 2006. | June 2006 |
| 7 | LPS - Assessment Office System | £3,081,000 | £3,800,000 | May 2004 | December 2005 |
| 8 | LPS – CAMA GIS System | £652,540 | £669,615 | June 2004 | August 2004 |
| 9 | LPS - Valuation Spatial Environment | £52,212 | £56,387 | December 2007 | December 2007 |
| 10 | LPS - IT Replacement Project | £11,059,328 | £12,989,879 | Phase 1 – 30.6.06 Phase 2 – 27.10.06 Phase 3 – 27.10.06 Phase 4 – 29.1.07 | Phase 1 – 2.10.06 Phase 2 – 1.4.07 Phase 3 – 28.7.08 Phase 4 – 12.3.07 |

| No. | Project Name | Initial budget | Actual cost | Estimated start date | Actual start date |
|-----|--|----------------|-------------|----------------------|-------------------|
| 11 | NISRA - Registration and Certificate Modernisation System | £1,161,000 | £1,161,000 | September 2004 | September 2004 |
| 12 | NISRA - Enhancement | £120,000 | £120,000 | December 2005 | December 2005 |
| 13 | NISRA - System Upgrade | £52,000 | £51,720 | April 2007 | April 2007 |
| 14 | NISRA - Enhancement | £52,000 | £44,000 | March 2008 | April 2008 |
| 15 | DFP/OFMDFM - email migration from Lotus Notes to Microsoft Outlook | £725,000 | £650,000 | January 2007 | January 2007 |

Central Procurement Directorate

Mr Savage asked the Minister of Finance and Personnel whether the Central Procurement Directorate has been found in breach of Article 83 of the EC Treaty. (AQW 221/10)

The Minister of Finance and Personnel: CPD has never been found in breach of Article 83 of the EC Treaty.

Administration Staff and Specialist Appointees: DFP Statistics

Mr Shannon asked the Minister of Finance and Personnel for statistics on administration staff and specialist appointees within her Department, broken down by religion and percentages for each religion. (AQW 230/10)

The Minister of Finance and Personnel: Information on the community background of NICS staff is collected for the purpose of monitoring the effectiveness of NICS equality and personnel policies. Because these are corporate policies it is appropriate that they are monitored centrally by the Department of Finance and Personnel on behalf of all departments. In keeping with this approach DFP will publish monitoring information for the NICS as a whole and by occupational grouping. The further processing of NICS monitoring information at the level of department, directorate or location would not be consistent with Data Protection principles.

Commercially Sensitive Information

Mr Savage asked the Minister of Finance and Personnel to detail his Department's policy in relation to the release of commercially sensitive information to the media via (i) press releases; and (ii) requests for further information from journalists to his Department's Press Office. (AQW 254/10)

The Minister of Finance and Personnel: It is the policy of my Department not to release commercially sensitive information to the media.

Workplace 2010: Collapse

Mr O'Loan asked the Minister of Finance and Personnel for his assessment of the needs of the public sector office estate and to report on his plans to improve it, following the collapse of Workplace 2010. (AQW 276/10)

The Minister of Finance and Personnel: Following the termination of the WP2010 procurement process, my Department has commenced a review of the options available to it to address the continuing deterioration of the office estate. The NICS remains committed to the general accommodation principles set out under the WP2010 programme including the move to an open, flexible office environment. This will increase the density of workstations, reduce our overall office footprint and reduce our running costs. However given the limitations on budget this change will have to take place over a considerably longer time frame than that envisaged under the WP2010 PFI process.

Central Procurement Directorate

Mr Savage asked the Minister of Finance and Personnel to detail any occasions when Central Procurement Directorate has been found in breach of EU law. (AQW 277/10)

The Minister of Finance and Personnel: Since CPD was established in April 2002 it has been found to be in breach of the Public Contracts Regulations 2006 (which implement the EU Procurement Directives) on one occasion in respect of the procurement of a framework agreement, in 2008, for Integrated Supply Teams to design and build a variety of construction projects. The judgement is being appealed.

Central Procurement Directorate

Mr Savage asked the Minister of Finance and Personnel how much Central Procurement Directorate has had to pay out in compensation as a result of having lost court cases in each of the last five years. (AQW 332/10)

The Minister of Finance and Personnel: Central Procurement Directorate has not paid any compensation as a result of lost court cases in the last five years.

Central Procurement Directorate

Mr Savage asked the Minister of Finance and Personnel to give the reasons why Central Procurement Directorate has been (i) taken to court; (ii) forced to pay fines; and (iii) forced to pay damages or loss of income compensation, in each of the last five years. (AQW 334/10)

The Minister of Finance and Personnel: Court cases can only be taken against DFP, as CPD's parent Department. Details requested in respect of court cases brought against DFP in relation to procurement competitions managed by CPD in each of the last five years are set out overleaf.

There were no instances when DFP/CPD was forced to pay fines, pay damages or loss of income compensation.

| Year | Reason for court action | Fines paid | Damages/loss of income |
|---------|---|------------|------------------------|
| 2004-05 | n/a | 0 | 0 |
| 2005-06 | n/a | 0 | 0 |
| 2006-07 | Failure to secure a contract. | 0 | 0 |
| 2007-08 | 1. Alleged breach of transparency requirements relating to assessment of tenders for a framework agreement. Case is being appealed. | 0 | 0 |
| | 2. Failure to be included on a framework agreement. | 0 | 0 |
| 2008-09 | 1. Failure to be included on a framework agreement. | 0 | 0 |
| | 2. Failure to be included in a category on a framework agreement. | 0 | 0 |
| 2009-10 | Failure to secure a contract. | 0 | 0 |

Quangos

Mr Moutray asked the Minister of Finance and Personnel what estimate he has made of the potential savings to the public purse by reducing the number of quangos and similar bodies. (AQW 373/10)

The Minister of Finance and Personnel: The Department of Finance and Personnel sponsors 2 Non Departmental Public Bodies – the Northern Ireland Building Regulations Advisory Committee and the Statistics

Advisory Committee. As both of these committees are required by statute and appointments to them are not remunerated, there is no scope for potential savings.

Legislation: DFP

Mr Savage asked the Minister of Finance and Personnel to outline any legislation his Department intends to bring before the Assembly before 31 December 2009. (AQW 404/10)

The Minister of Finance and Personnel: I introduced the Rates (Amendment) Bill to the Assembly on 14 September. I have no other plans to introduce any further legislation before 31 December 2009.

Civil Service Pay Claim

Mr McCallister asked the Minister of Finance and Personnel, in relation to the Civil Service pay claim, when the review of technical grades was completed; and to provide a synopsis of the results. (AQW 467/10)

The Minister of Finance and Personnel: Thanks to the cooperation of both the unions and staff, the field work stage of the review was completed on time at the end of August. Officials are considering a draft report of the review, a copy of which has been provided to NIPSA for its consideration and comment as part of the normal arrangements for staff reviews. It is only when that process is completed that the report will be finalised.

Rating of Empty Homes

Mr Weir asked the Minister of Finance and Personnel, given the economic downturn and the decline in the housing market, if he will reconsider the introduction of the rating of empty homes. (AQW 470/10)

The Minister of Finance and Personnel: I am reconsidering the timing of the introduction of this measure and I am currently waiting for confirmation from the Finance and Personnel Committee regarding their position.

I am well aware of the difficulties that are being experienced by homeowners during the current economic downturn. This has been demonstrated most sharply in terms of the decline in the housing market. I am keen to avoid doing anything through the rating system that would either worsen the current situation, through further reducing property prices, or hamper stabilisation of the market.

I believe that, in principle, the rating of empty homes can bring many benefits under the right circumstances. However, now does not seem to me to be the right time to place an additional burden on home owners. The local housing market has seen dramatic price falls since the policy was first announced in 2007 and increasingly the owners of empty properties cannot find buyers or tenants.

For this reason I believe that the rating of empty homes at 100% should not be introduced in April 2010. I have listened carefully to views expressed at the DFP Committee and although I am awaiting final confirmation I would like to postpone this measure until April 2011. By this time I expect the property market will have stabilised and the conditions for introducing it will be much healthier.

National Asset Management Agency

Mr Elliott asked the Minister of Finance and Personnel for his assessment of the potential impact of the Republic of Ireland's National Asset Management Agency proposals on Northern Ireland's economy. (AQW 653/10)

The Minister of Finance and Personnel: I recently had a very constructive meeting with Finance Minister Lenihan on the NAMA issue. During this meeting I was briefed on the NAMA proposals and the extent to which Northern Ireland assets would be involved. There will be some €4.8 billion in Northern Ireland loans transferring from participating banks into NAMA. These loans cover a range of assets including existing property and land.

Minister Lenihan agreed with me that there should be no 'firesale' of these assets. I was concerned that any such sale would have a deflationary impact upon the local property market and the wider Northern Ireland economy. Minister Lenihan agreed that it was in no-one's interest that this should happen.

I will continue to engage with Minister Lenihan on this important issue over the coming months.

DEPARTMENT OF HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

Ambulance Trust: North Down Efficiency Plans

Mr Easton asked the Minister of Health, Social Services and Public Safety to detail the Ambulance Trust's efficiency plans for ambulance cover for the North Down area. (AQW 9/10)

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): Ambulance cover in North Down is mainly provided from Bangor and Newtownards Ambulance Stations and from deployment points at Donaghadee (Fire Station), Bangor Marina and the Ulster Hospital, Dundonald.

The Northern Ireland Ambulance Service (NIAS) plans an increase of 4,093 hours of paramedic cover at Bangor. The profile of emergency cover at Newtownards will remain unchanged.

I have invested £17.4 million capital over the CSR period to modernise NIAS's fleet, estate, equipment and IT infrastructure. This investment will primarily be used to commence the replacement of the fleet, allowing around 20 A&E ambulances and 20 patient care service vehicles to be replaced annually. A total of 26 rapid response vehicles will be also purchased over this period.

As a result of these changes, there will be more vehicles on the road capable of responding to emergencies than in the past. Research evidence shows that for every minute between collapse and commencement of life support, survival rates reduce by 10%. The introduction of more paramedic rapid response capability is about increasing the speed and the clinical quality of the ambulance service response to those patients with the most serious life-threatening medical emergencies.

Mental Health Legislation

Dr Farry asked the Minister of Health, Social Services and Public Safety, pursuant to AWQ 8944/09, to report (i) on the number of responses to the Department's consultation on the Legislative Framework for Mental Capacity and Mental Health Legislation in Northern Ireland which made specific reference to the issue of a single bill versus separate pieces of legislation; and (ii) from that subset, the percentage of responses which argued for a single piece of legislation. (AQW 49/10)

The Minister of Health, Social Services and Public Safety: Thirty seven responses to the Department's consultation on the Legislative Framework for Mental Capacity and Mental Health Legislation in Northern Ireland made reference to the issue of a single Bill versus separate pieces of legislation; of which approximately 76% indicated support for a single piece of legislation.

Having carefully considered the views expressed in the consultation responses, I announced my intention to proceed with a single Bill on 10 September 2009.

Anti-obesity Drugs

Mr Burns asked the Minister of Health, Social Services and Public Safety to detail the number, broken down by age, of people who have been prescribed anti-obesity drugs in each of the last five years. (AQW 56/10)

The Minister of Health, Social Services and Public Safety: The information is not available in the form requested.

NHS Dentists

Mr McCarthy asked the Minister of Health, Social Services and Public Safety to provide an update on the recruitment of 38 more NHS dentists. (AQW 85/10)

The Minister of Health, Social Services and Public Safety: The contract with Oasis Dental Care Ltd specifies that there will be a phased roll out of dental practices across Northern Ireland, starting with the areas of greatest need. The first new dental practices will open in Enniskillen and Londonderry and begin seeing patients before the end of this year.

Subject to acquisition of suitable properties, and any required planning permission being approved promptly, I fully expect that all of the new dentists will be in post within 12 months of the first new practice opening.

Scoliosis

Mr McCarthy asked the Minister of Health, Social Services and Public Safety to outline the provision made for people with a scoliosis condition. (AQW 86/10)

The Minister of Health, Social Services and Public Safety: Patients suffering from scoliosis have access to care and treatment from an appropriate part of the Health and Social Care sector depending on their individual needs, ranging from primary and community care to general orthopaedic and specialist scoliosis clinics.

Regional orthopaedic services are provided by the Belfast Health and Social Care Trust's orthopaedic department. Scoliosis clinics are held at Musgrave Park Hospital. Two consultants run 6 Wednesday morning clinics per month; if a 5 week month then 1 extra clinic is held. These clinics are also attended by a spinal liaison nurse to help patients and their parents prepare for surgery. Surgery is carried out at the Royal Belfast Hospital for Sick Children. There is one scoliosis theatre list per month. From September capacity is to be increased to provide one week of paediatric scoliosis lists per month for 6 months to address those patients currently waiting for surgery.

Speech and Language Therapy Action Plan

Mr McCarthy asked the Minister of Health, Social Services and Public Safety when the planned speech and language therapy action plan will be published. (AQW 87/10)

The Minister of Health, Social Services and Public Safety: It is anticipated that the draft Speech and Language Therapy Action Plan will be published for public consultation by the end of 2009.

Hospital Cleanliness Audit Team

Lord Morrow asked the Minister of Health, Social Services and Public Safety what consideration has been given to the establishment of a dedicated hospital cleanliness audit team to carry out routine and unannounced inspections and publish regular reports on their findings. (AQW 97/10)

The Minister of Health, Social Services and Public Safety: The Regulation and Quality Improvement Authority (RQIA) carries out a programme of unannounced inspections of hospital hygiene including environmental cleanliness. A dedicated team uses an audit tool and the reports are published on the RQIA website.

NI Medical and Dental Training Agency

Mr Gallagher asked the Minister of Health, Social Services and Public Safety to detail (i) the number of junior doctors appointed to each maternity unit this year by the NI Medical and Dental Training Agency; and (ii) how many of the doctors appointed to each maternity unit have taken up their posts. (AQW 101/10)

The Minister of Health, Social Services and Public Safety: The number of junior doctors appointed to Obstetrics and Gynaecology in each hospital in this year's recruitment round is detailed in the table below. At the end of August 2009 107 of the 126 training posts available in Obstetrics and Gynaecology in Northern Ireland were filled.

OBSTETRICS AND GYNAECOLOGY JUNIOR DOCTOR VACANCY POSITION, AUGUST 2009

| Hospital | Total No of Posts | Posts filled at Aug 09 |
|-----------------|--------------------------|-------------------------------|
| Antrim | 17 | 17 |
| Altnagelvin | 13 | 13 |
| Craigavon | 15 | 15 |
| Causeway | 9 | 5 |
| Daisy Hill | 7 | 6 |
| Lagan Valley | 7 | 5 |
| Mater | 6 | 5 |
| Royal | 30 | 25 |
| Ulster | 16 | 15 |
| Erne | 6 | 1 |
| Total | 126 | 107 |

With the exception of the Erne, the vacancy situation did not adversely impact on Obstetrics and Gynaecology patient services at any of the hospitals listed in the above table. Full services at the Erne were restored on 14th September 2009.

Agenda for Change

Mr Easton asked the Minister of Health, Social Services and Public Safety why senior district nursing staff in the South Eastern Health and Social Care Trust have not yet been banded under Agenda for Change. (AQW 106/10)

The Minister of Health, Social Services and Public Safety: The process for grading senior district nursing staff posts is continuing. Staff will be advised of the Agenda for Change banding when that process is complete.

Agenda for Change

Mr Easton asked the Minister of Health, Social Services and Public Safety if the banding for sisters in outpatients in the Bangor, Ards and Ulster Hospitals under Agenda for Change has been agreed by the South Eastern Health and Social CareTrust. (AQW 107/10)

The Minister of Health, Social Services and Public Safety: The review process for the banding of Sisters in Outpatients in Bangor, Ards and the Ulster Hospitals is nearing completion and the Trust hopes to be in a position to release the outcome shortly.

Bamford Action Plan

Mrs Long asked the Minister of Health, Social Services and Public Safety when he anticipates the Bamford Action Plan will be presented to the Executive for approval. (AQW 120/10)

The Minister of Health, Social Services and Public Safety: I am currently seeking agreement from Executive colleagues to publication of the cross-Departmental Bamford Action Plan 2009-2011. The draft Action Plan was circulated to Executive colleagues in June.

Subject to agreement from OFMdFM, I hope this issue will be considered at the next meeting of the Executive on the 24 September.

Bamford Action Plan

Mrs Long asked the Minister of Health, Social Services and Public Safety whether he has the resources required to implement the Bamford Action Plan. (AQW 121/10)

The Minister of Health, Social Services and Public Safety: I have submitted to the Executive a proposed Action Plan for 2009-2011 on the implementation of the Bamford Review. This focuses on actions which can be achieved over the period to 2011 within the funding levels set out in the Executive's spending plans following the Comprehensive Spending Review, but some longer term objectives are also signalled in the Plan.

My Department's total new investment in mental health and learning disability services in support of Bamford amounts to £87m over three years, resulting in recurrent additional investment of £44m from 2010/11.

Substantial resources are also being contributed by other Departments, in particular Department of Education and Department for Social Development.

If the Plan is approved by the Executive, the necessary resources up to 2010/11 are in place. However I have made it clear to Executive colleagues that this is only a start; we will need to continue to secure substantial additional monies for these services in future spending rounds to deliver the Bamford vision. The Bamford Review envisaged a 10-15 year programme of change, costing over £300m in additional resources.

Hospital Heating Costs

Mr Hamilton asked the Minister of Health, Social Services and Public Safety to detail the heating systems used in each of Northern Ireland's hospitals; and the annual cost of heating in hospitals in each of the last 5 years. (AQW 126/10)

The Minister of Health, Social Services and Public Safety: This information is not held centrally by the Department of Health, Social Services and Public Safety.

South Tyrone Hospital: Dormant Wards

Lord Morrow asked the Minister of Health, Social Services and Public Safety if consideration has been given to the further refurbishment of dormant wards in South Tyrone Hospital, specifically for elderly after-care, in order to free up bed space in Craigavon Area Hospital. (AQW 133/10)

The Minister of Health, Social Services and Public Safety: At present, the Trust is completing a programme of refurbishment work in South Tyrone Hospital, which will allow all non-acute beds to be located in Loane House and provide a new day hospital and out patient department for older people's services.

There are currently no plans to refurbish dormant wards to increase the number of non acute hospital beds for older people in South Tyrone Hospital.

Attention Deficit Hyperactivity Disorder

Lord Morrow asked the Minister of Health, Social Services and Public Safety how many cases of Attention Deficit Hyperactivity Disorder are currently diagnosed in (i) Fermanagh; and (ii) South Tyrone. (AQW 135/10)

The Minister of Health, Social Services and Public Safety: The information is not available in the format requested.

Swine Flu

Lord Morrow asked the Minister of Health, Social Services and Public Safety to detail the procedure for swine flu testing; and to clarify if testing of Northern Ireland cases is carried out locally. (AQW 136/10)

The Minister of Health, Social Services and Public Safety: Testing is carried out locally at the Regional Virus Laboratory, Belfast Health and Social Care Trust.

Testing for the influenza A (H1N1) virus which causes swine flu is carried out by taking a swab from the patient's nose and throat. The swab is then sent to the Regional Virus Laboratory for testing.

Initially swine flu tests were only available at the Public Health Laboratory Service in Colindale, North London. However, testing was then rolled out to regional laboratories across the UK and the Regional Virus Laboratory in Belfast began testing for swine flu when the necessary validation data was determined on 8 June 2009. This ensures a prompt and responsive local service.

Surgical Site Infections

Mr G Robinson asked the Minister of Health, Social Services and Public Safety how many surgical site infections occurred in the orthopaedic wards at Altnagelvin Hospital in the last 5 years. (AQW 140/10)

The Minister of Health, Social Services and Public Safety: For the period 1 January 2004 to 31 December 2008, 42 Surgical Site Infections resulting from 4321 documented orthopaedic procedures were reported by Altnagelvin Area Hospital to the Healthcare Infection Surveillance Centre (HISC).

Staff Grade Doctors

Mr G Robinson asked the Minister of Health, Social Services and Public Safety what action he is taking to address the shortage of staff grade doctors treating (i) cardiology; (ii) older people; and (iii) respiratory conditions at Causeway Hospital. (AQW 142/10)

The Minister of Health, Social Services and Public Safety: I can confirm that the Northern Trust have arrangements in place to ensure that there is proper medical cover of cardiology, older people and respiratory services. There is no evidence of any vacancies in Cardiology, Older people or Respiratory conditions within Causeway Hospital.

Recruitment is the responsibility of trusts. My Department has however invested year on year in additional training grade doctors to meet the HSC's demand for career grade doctors of all types. The number of doctors in the training grades has increased from 1421 in 2001 to 1752 in 2008, an increase of 23%, with a view to meeting these and other service demands.

Agenda for Change

Mr Lunn asked the Minister of Health, Social Services and Public Safety for an update on his Department's implementation of the Agenda for Change pay structure in relation to ambulance workers. (AQW 165/10)

The Minister of Health, Social Services and Public Safety: The Agenda for Change agreement is being implemented by Health and Social Care employers in partnership with local Trade Unions. The Northern Ireland Ambulance Trust is working towards resolving the outstanding implementation issues in line with the AfC Joint Working Group's principles and protocols. This includes processing 8 grading review applications covering 16 ambulance staff and undertaking full job evaluation for Emergency Medical Technicians, Paramedics and Rapid Response Paramedics. All parties are due to meet on 27 November to sign-off the Job Evaluation questionnaires and providing agreement is reached on that date the job evaluation process will move to the next stage.

Fire Service/Health Service Vehicles

Mr Burns asked the Minister of Health, Social Services and Public Safety to detail (i) the number of recorded incidents of (a) theft; and (b) vandalism against Fire Service and Health Service vehicles in each of the last 5 years and; (ii) the total costs incurred by his Department in respect of these incidents. (AQW 168/10)

The Minister of Health, Social Services and Public Safety: The information requested is shown in the tables. The information shown in tables (c) shows the total cost for theft and vandalism for Health service Vehicles as the information is not recorded separately. Table (c) does not include details relating to the Northern Trust, as the information is not readily available and could only be provided at disproportionate cost.

(A) THEFT FROM NI FIRE & RESCUE SERVICE VEHICLES

| Year | Number of Incidents | Cost |
|---------|---------------------|----------|
| 2004/05 | Nil | - |
| 2005/06 | Nil | - |
| 2006/07 | Nil | - |
| 2007/08 | 2 | £1960.21 |
| 2008/09 | 2 | £ 335.00 |
| Total | 4 | £2295.21 |

(B) VANDALISM TO NI FIRE & RESCUE SERVICE VEHICLES

| Year | Number of Incidents | Estimated cost |
|---------|---------------------|----------------|
| 2004/05 | 78 | £44,850 |
| 2005/06 | 54 | £31,050 |
| 2006/07 | 42 | £24,150 |
| 2007/08 | 42 | £24,150 |
| 2008/09 | 36 | £20,700 |
| Total | 252 | £144,900.00 |

(C) THEFT AND VANDALISM - HEALTH AND SOCIAL CARE VEHICLES

| Year | Number of Incidents | | Cost |
|---------|---------------------|-----------|---------|
| | Theft | Vandalism | |
| 2004/05 | 0 | 12 | £5,950 |
| 2005/06 | 2 | 17 | £6,290 |
| 2006/07 | 3 | 23 | £43,435 |
| 2007/08 | 8 | 36 | £10,200 |
| 2008/09 | 3 | 14 | £22,344 |
| Total | 16 | 102 | £88,219 |

Swine Flu

Mr Easton asked the Minister of Health, Social Services and Public Safety how many people diagnosed with swine flu have not been treated with Tamiflu tablets. (AQW 169/10)

The Minister of Health, Social Services and Public Safety: The information requested is not available.

Health and Social Care Trust: Efficiency Plans

Mr Easton asked the Minister of Health, Social Services and Public Safety if he has approved the five Health and Social Care Trusts' efficiency plans. (AQW 170/10)

The Minister of Health, Social Services and Public Safety: My Department has approved the final proposals presented by Southern, Western, Belfast and South Eastern HSC Trusts, except in the case of Belfast Trust's Victoria Day Centre, with regard to which discussions are still ongoing.

Northern HSC Trust proposals are still under consideration.

Ambulance Trust: Efficiency Plan

Mr Easton asked the Minister of Health, Social Services and Public Safety if he has approved the Ambulance Trust's efficiency plan. (AQW 171/10)

The Minister of Health, Social Services and Public Safety: My Department has approved the NI Ambulance Service efficiency proposals, with amendments, and the outcome of these decisions have been publicly announced.

Swine Flu

Mr Easton asked the Minister of Health, Social Services and Public Safety if cases of swine flu are only recorded if they receive Tamiflu. (AQW 172/10)

The Minister of Health, Social Services and Public Safety: Cases of swine flu are recorded as confirmed once the laboratory test is found to be positive. Although all suspected cases of swine flu were tested in the early stages of the outbreak (the containment phase), not all suspected cases undergo testing as the outbreak develops. Therefore the number of confirmed cases ceases to be a useful way to estimate the actual number of cases.

Since Northern Ireland moved to the treatment phase on 2 July, the numbers of cases of swine flu are estimated from consultations for flu and flu like illness recorded by a sample of GP practices across Northern Ireland known as Sentinel GP practices. Consultations in Out of Hours centres are also included.

The number of courses of Tamiflu and Relenza is recorded on a daily basis, but not all patients receive treatment with antivirals.

Sexual Abuse Allegations: Termonbacca, Londonderry

Mr Simpson asked the Minister of Health, Social Services and Public Safety (i) to outline the child health issues arising from the allegations of sexual abuse in Termonbacca, Londonderry; and (ii) how he intends to investigate the child health issues associated with those allegations. (AQW 174/10)

The Minister of Health, Social Services and Public Safety: Within Northern Ireland, the statutory framework requires that where allegations of child abuse come to light these must be reported immediately to PSNI and Social Services for investigation. I would encourage anyone who has any information regarding any allegations of child abuse to report these immediately to the statutory authorities for investigation so that perpetrators can be brought before the courts where this is appropriate.

Regulation, inspection and provision here have been strengthened significantly over many years. Since the public inquiry by Judge Hughes in 1985 into abuse at the Kincora Boys' Home we have continuously strengthened arrangements for vulnerable children. We established an independent Regulation and Quality Improvement Authority with statutory responsibility and powers to inspect services. The Northern Ireland Social Care Council, the independent public regulatory body for the social care workforce in Northern Ireland, is dedicated to improving and regulating standards of training and practice for social care workers.

Under current legislative procedures in Northern Ireland individuals who wish to work in a paid or unpaid capacity with children in a regulated position are subject to pre-employment vetting procedures. Information regarding individuals who have harmed a child or placed a child at risk of harm will be considered with a view to placing that individual on a disqualification list thereby preventing them from working with children in the future. Individuals placed on disqualification lists have the right of appeal to the independent Care Tribunal.

The introduction of new Safeguarding Vulnerable Groups legislation next month will further strengthen protection for children and vulnerable adults in workplace situations. These new safeguarding arrangements will help to meet Government's commitment to increasing public protection by significantly extending the range of activities and workplaces from which individuals may be barred from working with children and vulnerable adults. Consequently, many more individuals than at present who may pose a risk to children or vulnerable adults can be removed from the workplace.

My Department also intends to bring forward legislation next year to establish a regional, independently-chaired Safeguarding Board for Northern Ireland. The Board will ultimately replace the non-statutory Area Child Protection Committees and will have a duty to make arrangements to safeguard the welfare of children

and young people. There will be a duty for relevant agencies to make arrangements to safeguard and promote the welfare of children and to co-operate to improve the well being of children. This measure will strengthen further safeguarding arrangements within Northern Ireland.

Acute Hospital in Enniskillen

Mr Buchanan asked the Minister of Health, Social Services and Public Safety to outline (i) the current stage of development of the new acute hospital in Enniskillen; (ii) if it is on schedule for completion in 2012; (iii) if it is still on budget; and (iv) whether any additional costs have been incurred. (AQW 177/10)

The Minister of Health, Social Services and Public Safety: Financial close for the South West Acute Hospital was achieved on 20 May 2009. Northern Ireland Health Group commenced work on site immediately in order to achieve the 2012 deadline. The general construction programme is on schedule with work currently focusing on the sub-structure works. The total capital construction costs for the project remains at £270 million with no additional costs incurred on this project. The project will be managed within the contract sum.

Freedom of Information Act

Mr McCallister asked the Minister of Health, Social Services and Public Safety what action his Department is taking to improve compliance with section 10 of the Freedom of Information Act. (AQW 181/10)

The Minister of Health, Social Services and Public Safety: The actions taken by my Department to improve compliance with section 10 of the Freedom of Information Act include the use of an electronic tracking system to log, track and issue reminders for each request, the allocation of each request to a trained Local Information Manager and the regular monitoring of performance, including scrutiny by the Departmental Board.

Insulin Pumps

Mr Shannon asked the Minister of Health, Social Services and Public Safety to outline the funding currently provided in relation to the provision of insulin pumps in each Health and Social Care Trust area. (AQW 185/10)

The Minister of Health, Social Services and Public Safety: The information requested is not available.

On 25 June 2009, my Department endorsed National Institute for Health and Clinical Excellence Technology Appraisal No 151 on insulin pump therapy as applicable to Northern Ireland. The Health and Social Care Board and Trusts are currently developing plans to facilitate implementation of this guidance.

Type 1 Diabetes

Mr Shannon asked the Minister of Health, Social Services and Public Safety to detail, as a whole number and a percentage, how many people with Type 1 diabetes in each Health and Social Care Trust area are currently on insulin pump therapy. (AQW 186/10)

The Minister of Health, Social Services and Public Safety: The information requested is not available centrally.

Sexual Abuse Allegations: St Patrick's Home

Mr Simpson asked the Minister of Health, Social Services and Public Safety (i) to outline the child health issues arising from the allegations of sexual abuse in St Patrick's home on the Glen Road, Belfast; and (ii) how he intends to investigate the child health issues associated with those allegations. (AQW 189/10)

The Minister of Health, Social Services and Public Safety: Within Northern Ireland, the statutory framework requires that where allegations of child abuse come to light these must be reported immediately to PSNI and Social Services for investigation. I would encourage anyone who has any information regarding

any allegations of child abuse to report these immediately to the statutory authorities for investigation so that perpetrators can be brought before the courts where this is appropriate.

Regulation, inspection and provision here have been strengthened significantly over many years. Since the public inquiry by Judge Hughes in 1985 into abuse at the Kincora Boys' Home we have continuously strengthened arrangements for vulnerable children. We established an independent Regulation and Quality Improvement Authority with statutory responsibility and powers to inspect services. The Northern Ireland Social Care Council, the independent public regulatory body for the social care workforce in Northern Ireland, is dedicated to improving and regulating standards of training and practice for social care workers.

Under current legislative procedures in Northern Ireland individuals who wish to work in a paid or unpaid capacity with children in a regulated position are subject to pre-employment vetting procedures. Information regarding individuals who have harmed a child or placed a child at risk of harm will be considered with a view to placing that individual on a disqualification list thereby preventing them from working with children in the future. Individuals placed on disqualification lists have the right of appeal to the independent Care Tribunal.

The introduction of new Safeguarding Vulnerable Groups legislation next month will further strengthen protection for children and vulnerable adults in workplace situations. These new safeguarding arrangements will help to meet Government's commitment to increasing public protection by significantly extending the range of activities and workplaces from which individuals may be barred from working with children and vulnerable adults. Consequently, many more individuals than at present who may pose a risk to children or vulnerable adults can be removed from the workplace.

My Department also intends to bring forward legislation next year to establish a regional, independently-chaired Safeguarding Board for Northern Ireland. The Board will ultimately replace the non-statutory Area Child Protection Committees and will have a duty to make arrangements to safeguard the welfare of children and young people. There will be a duty for relevant agencies to make arrangements to safeguard and promote the welfare of children and to co-operate to improve the well being of children. This measure will strengthen further safeguarding arrangements within Northern Ireland.

Alcohol and Drug Awareness Programmes

Mr Ross asked the Minister of Health, Social Services and Public Safety how much funding is given to the community and voluntary sectors for alcohol and drug awareness programmes. (AQW 213/10)

The Minister of Health, Social Services and Public Safety: Through my Department's New Strategic Direction for Alcohol and Drugs, £3,159,665 has been allocated in 2009/2010 via the Public Health Agency to a range of community and voluntary sector organisations across Northern Ireland to raise awareness, and to prevent and address alcohol and drug related harm.

It is anticipated that this will increase to £3,712,819 in 2010/11.

Missed Appointments

Mr Ross asked the Minister of Health, Social Services and Public Safety how much public money was lost through (i) missed GP appointments; and (ii) missed hospital appointments in the past twelve months. (AQW 215/10)

The Minister of Health, Social Services and Public Safety: The cost of (i) missed GP appointments and (ii) missed hospital appointments is not available centrally.

Swine Flu

Lord Browne asked the Minister of Health, Social Services and Public Safety how many cases of Swine Flu have been recorded in east Belfast. (AQW 228/10)

The Minister of Health, Social Services and Public Safety: The information requested is not available.

Blood Donation

Mr Burns asked the Minister of Health, Social Services and Public Safety to detail the total number of (i) whole blood donations; (ii) platelet donations which the Northern Ireland Blood Transfusion Service has received in each of the last 5 years; and (iii) the number of those who became repeat donors. (AQW 231/10)

The Minister of Health, Social Services and Public Safety: (i) and (ii)

| Year | Whole blood | Platelets |
|---------|-------------|-----------|
| 2004/05 | 67,384 | 4,049 |
| 2005/06 | 64,338 | 3,716 |
| 2006/07 | 61,132 | 3,483 |
| 2007/08 | 57,872 | 3,905 |
| 2008/09 | 57,388 | 3,854 |

(iii) whole blood donations in any year are donated by donors at an average frequency of around 1.6 donations per donor per year (based on some donors donating up to three times per year, and some donors only once).

Blood Donation

Mr Burns asked the Minister of Health, Social Services and Public Safety to detail (i) the total number of people registered to give blood in Northern Ireland; and (ii) the number of registered donors who are (a) active; and (b) lapsed or inactive. (AQW 232/10)

The Minister of Health, Social Services and Public Safety:

- (i) Northern Ireland Blood Transfusion Service introduced a new IT system in 1996, and almost 400,000 people have been enrolled on this register (including those transferred from the legacy computer system).
- (ii)
 - (a) The current active donor panel is in excess of 64,000 - approximately 6% of the eligible population
 - (b) A simple definition of a lapsed donor is a person who has not donated for two years. However, a more useful indicator of the change to the database is the percentage of donors who become inactive each year - which can be as much as 15% in a year. Hence the constant need for new donors i.e. in the region of 8,000 to 10,000 each year.

Blood Donation

Mr Burns asked the Minister of Health, Social Services and Public Safety how much was spent advertising and promoting blood donation in each of the last five years. (AQW 233/10)

The Minister of Health, Social Services and Public Safety:

| Year | Advertising spend (£'000) |
|---------|---------------------------|
| 2004/05 | 158 |
| 2005/06 | 119 |
| 2006/07 | 127 |
| 2007/08 | 110 |
| 2008/09 | 119 |

Blood Stock and Reserves

Mr Burns asked the Minister of Health, Social Services and Public Safety for his assessment of the current status of blood stock and reserves in Northern Ireland. (AQW 234/10)

The Minister of Health, Social Services and Public Safety: On 11 September Northern Ireland Blood Transfusion Service held just over nine days stock of blood, against a 'satisfactory' target of four days. However, stocks of one specific group O Rhesus negative were at just over 6 days (due to the higher usage of this universal blood group).

It should be noted that blood stocks have been increased in the light of current pandemic 'flu planning.

NI Fire Service

Mr Easton asked the Minister of Health, Social Services and Public Safety if he has approved the NI Fire Service efficiency plans. (AQW 244/10)

The Minister of Health, Social Services and Public Safety: NI Fire Service efficiency proposals are currently being finalised and will then be sent to me for my approval.

Nexium (esomeprazole)/Lyrica (pregabalin)/Tramacet

Mr Boylan asked the Minister of Health, Social Services and Public Safety if (i) Nexium (esomeprazole); (ii) Lyrica (pregabalin); and (iii) Tramacet have been prescribed by GPs, consultants or hospitals. (AQW 347/10)

The Minister of Health, Social Services and Public Safety: Information is not available centrally in respect of drugs prescribed by consultants and hospitals; however I can confirm that each of the three drugs Nexium (esomeprazole); Lyrica (pregabalin); and Tramacet were prescribed by GPs during 2008.

Nexium (esomeprazole)/Lyrica (pregabalin)/Tramacet

Mr Boylan asked the Minister of Health, Social Services and Public Safety to outline the guidelines issued to GPs, consultants and hospitals in relation to prescribing (i) Nexium (esomeprazole); (ii) Lyrica (pregabalin); and (iii) Tramacet. (AQW 393/10)

The Minister of Health, Social Services and Public Safety: Guidance on prescribing for specific conditions is regularly disseminated to the Health and Social Care sector and reflects an evidence-based approach to care as developed by the National Institute for Health and Clinical Excellence (NICE), other national bodies and regional Northern Ireland groups such as the Guidelines and Audit Implementation Network (GAIN).

In respect of Nexium (esomeprazole), the most recent guidance on the medicines used to treat symptomatic reflux and / or dyspepsia were issued by DHSSPS in March 2007. This recommended the use of Nexium® (esomeprazole) as an option if initial treatment of the condition with a cost-effective generic medicine had not achieved an adequate response. This guidance is in line with advice issued by NICE in 2004.

The Clinical Resources Efficiency Support Team (CREST) issued guidance dealing with the management of neuropathic pain in February 2008. This guidance lists Lyrica® as a treatment option for patients who develop side-effects with other more cost-effective drugs.

No specific prescribing guidance has been issued by the Department on the use Tramacet®.

Guidance issued to the Health and Social Care sector does not override or replace the individual responsibility of health professionals to make appropriate decisions in the circumstances of their individual patients, in consultation with the patient and/or guardian or carer.

Foyle Epilepsy Action

Mr G Robinson asked the Minister of Health, Social Services and Public Safety to outline what action he intends to take following his recent meeting with representatives of Foyle Epilepsy Action. (AQW 504/10)

The Minister of Health, Social Services and Public Safety: At the meeting on Tuesday 15 September a number of issues were raised and I have asked Departmental Officials to take these forward with the relevant Health and Social Care bodies, Public Health Agency and other relevant Departments.

Extracorporeal Membrane Oxygenation Therapy

Lord Morrow asked the Minister of Health, Social Services and Public Safety (i) what provision is in place for patients suffering from swine flu and associated complications who require Extracorporeal Membrane Oxygenation therapy; and (ii) what is the protocol involved. (AQW 535/10)

The Minister of Health, Social Services and Public Safety: There are only five dedicated adult Extracorporeal Membrane Oxygenation (ECMO) beds in Britain, located at Glenfield Hospital in Leicester. ECMO facilities for children are located at the Freeman Hospital, Newcastle, the Royal Hospital for Sick Children, Glasgow; and Great Ormond Street Hospital, London.

If an individual clinician recommended ECMO for a patient, it would be considered on a case by case basis by the Health and Social Care Board for an extra-contractual referral to a centre providing this therapy. However, during the peak of a surge of pandemic influenza, it is likely that there would be limited availability.

Extracorporeal Membrane Oxygenation therapy (ECMO) is only one of a number of treatments for respiratory failure. Robust clinical evidence to support the use of ECMO is limited and the treatment is not without considerable risks.

In Northern Ireland, patients who require ventilatory support are cared for in intensive care units. Plans are in place to expand the provision of critical care to more than double capacity through the purchase of an additional 47 ventilators for adults and 38 ventilators for children.

Mid-Ulster Hospital

Mr McGlone asked the Minister of Health, Social Services and Public Safety to detail all plans for changes, or anticipated dates for announcement of changes, to services at the Mid Ulster Hospital, Magherafelt, with particular reference to the Accident and Emergency Unit. (AQW 559/10)

The Minister of Health, Social Services and Public Safety: The Northern Trust has recently forwarded proposals for the reform of acute service provision across the Trust area. I am currently considering those proposals and expect to be in a position to make an announcement shortly.

Mid-Ulster Hospital

Mr Molloy asked the Minister of Health, Social Services and Public Safety for an update on his recent visit to the Mid-Ulster Hospital. (AQW 683/10)

The Minister of Health, Social Services and Public Safety: The Northern Trust recently forwarded for my consideration proposals for the reform of acute services within its area. To help inform my decision on these proposals I took the opportunity to visit the Mid-Ulster hospital on 21 September and to see for myself the facilities and newly refurbished areas at the hospital.

DEPARTMENT FOR REGIONAL DEVELOPMENT

A56 Newry to Tandragee Road

Mr Kennedy asked the Minister for Regional Development if there are any plans to improve or upgrade the A56 Newry to Tandragee Road following the recent fatal accidents on this road. (AQW 48/10)

The Minister for Regional Development (Mr Murphy): It is assumed that the question relates to the stretch of the A27 road between Newry and Tandragee.

I am pleased to advise you that my Department's Roads Service proposes to carry out a number of road improvement schemes, over the next few years, which will contribute to improving road safety on this stretch of the A27, namely:-

- a right turn lane at Terryhoogan Road;
- a right turn lane at Mullahead Road;
- an improvement to the forward visibility at Blacks Lane; and
- road link to the A28 as part of the A1 upgrade which is currently ongoing.

Pay and Display Machines

Mr Ross asked the Minister for Regional Development to detail the (i) number; and (ii) location of pay and display machines in the East Antrim constituency. (AQW 50/10)

The Minister for Regional Development: My Department's Roads Service has advised that there are 20 pay and display machines used in Roads Service car parks in the East Antrim Constituency. Their locations and the number at each car park are shown in the table below:

| Carrickfergus | |
|----------------------|-----------------|
| Location | No. of machines |
| High Street | 2 |
| Joymount Street | 2 |
| Lancasterian Street | 3 |
| St Brides | 4 |
| Larne | |
| Location | No. of machines |
| Agnew Street | 2 |
| Circular Road West | 2 |
| Fairhill | 1 |
| Narrowgauge Road | 4 |

Pay and Display Machines

Mr Ross asked the Minister for Regional Development (i) how many pay and display machines have been broken in the East Antrim constituency, in the last year; and (ii) for how long each machine was broken. (AQW 51/10)

The Minister for Regional Development: My Department's Roads Service has advised that during the period from 1 September 2008 to 31 August 2009, each one of the 20 machines in the East Antrim Constituency experienced at least one fault that rendered it out of order. A total of 362 machine faults were reported in the last year.

I am also advised that the average total length of time that each machine was not operational, as a result of these faults, was 5.6 days. This equates to approximately 1.8% of the total working time of the machines.

Flags on Lampposts

Dr Farry asked the Minister for Regional Development to outline the number and nature of requests that have been made by the Roads Service to the Police for the names and addresses of those responsible for erecting flags on lampposts to enable enforcement action to be taken. (AQW 52/10)

The Minister for Regional Development: My Department's Roads Service has advised that it has not made any requests to the PSNI for the names and addresses of those responsible for erecting flags on Roads Service lampposts.

Vesting of Properties

Mr Beggs asked the Minister for Regional Development to detail (i) all properties on the A2 Greenisland widening scheme that have been vested to date; and (ii) what budget has been set aside for the vesting of properties during 2009/10 and 2010/11. (AQW 76/10)

The Minister for Regional Development: My Department's Roads Service has advised that, to date, no properties have been vested as part of the A2 Greenisland widening scheme. However, over the last few years a number of houses were acquired under blight legislation. This legislation obliges Roads Service to acquire properties, if the presence of a protection line for a road scheme has led to the owner being unable to sell the property at market value. So far Roads Service has acquired 23 properties, with a total cost of approximately £9 million.

I can also advise that no budget has been identified at this time for the vesting of properties during 2009/10 and 2010/11. Further applications under blight legislation will of course be addressed.

Roads Service will continue to bid, through the normal process, to obtain funding to allow the vesting of land and construction to proceed at the earliest opportunity.

A1/Dromore Road Flyover, Banbridge

Mr Savage asked the Minister for Regional Development why, four months after completion, the A1/Dromore Road flyover, Banbridge, is still not fully operational. (AQW 78/10)

The Minister for Regional Development: The works to provide a new flyover at the Dromore Road junction on the A1 at Banbridge are part of Package 2 of my Department's Roads Service's Design, Build, Finance and Operate programme. Roads Service has advised that the date specified in the contract for the completion of the new flyover is December 2009.

However, once the construction works on the flyover were substantially completed, ahead of schedule, traffic was able to travel one-way across the new bridge from the southbound carriageway to Dromore Road. While the new road may have appeared to be ready for opening, a Road Safety Audit, carried out by an independent Road Safety Auditor appointed by the Contractor, highlighted a number of issues which needed to be addressed. This is normal procedure on such contracts. At the same time, the Contractor's own Quality Inspectors conducted a survey to identify works that were not fully completed, or where defects needed to be rectified. While I am advised that none of the issues identified were matters of concern, they did need to be attended to, prior to fully opening the flyover to traffic.

Activities have, therefore, been continuing on site to address the issues raised by both the independent Road Safety Auditor and the Contractor's Quality Inspection team. In the interest of safety, of both the travelling public and the workforce on site, traffic management measures have remained in place on the flyover.

I am pleased to be able to now confirm that the Dromore Road junction on the A1 at Banbridge was fully opened to all traffic on Monday 14 September 2009.

Water/Storm Drainage Infrastructure

Mr Savage asked the Minister for Regional Development for his assessment of (i) Northern Ireland Water infrastructure; and (ii) Roads Service storm drainage infrastructure, in the Belfast and surrounding area, with particular reference to performance on Saturday 29 August 2009. (AQW 79/10)

The Minister for Regional Development: I am advised that there were only isolated reported incidences of flooding on 29 August 2009. Both Northern Ireland Water and Roads Service have reported that there were no major problems with the performance of their drainage systems on the subject date.

Primary Road Network Connections

Mr Durkan asked the Minister for Regional Development for an update on the report on primary road network connections around the Derry City area; and to indicate when it will be made public. (AQW 90/10)

The Minister for Regional Development: My Department's Roads Service appointed consultants, Scott Wilson, to consider the strategic needs of the traffic around Derry City and it was previously anticipated that the report would be completed this summer.

However, due to the level of detail required, it is now anticipated that the report should be completed by the end of 2009.

A47 at Bo Island, Co Fermanagh

Mr Gallagher asked the Minister for Regional Development to outline what improvement works his Department plans to carry out on the A47 at Bo Island, Co. Fermanagh over the next three years. (AQW 103/10)

The Minister for Regional Development: My Department's Roads Service has advised that two significant resurfacing schemes on the A47 Boa Island Road are near completion. These schemes, located at The Commons near Belleek and on Boa Island near Ardshankil, have a combined value of some £200,000.

Over the next three years Roads Service plans to carry out further widening work on the A47 near Lusty Beg, as suitable fill material becomes available from other schemes. Resurfacing the widened section of road will, however, be subject to the availability of funding.

Private Consultancy Firms and Events Organisers: Cost to DRD

Mr McGlone asked the Minister for Regional Development how much has been spent by his Department in each of the last five years on (i) private consultancy firms; and (ii) events organisers. (AQW 153/10)

The Minister for Regional Development:

(i) The expenditure incurred by my Department on private consultancy firms during the financial years 2004/05 to 2008/09 is set out in the table below.

DRD EXPENDITURE ON PRIVATE CONSULTANCY FIRMS

| | 2004/05 | 2005/06 | 2006/07 | 2007/08 | 2008/09 |
|-----------------|-------------------|-------------------|--------------------|-------------------|-----------------|
| Core Department | £2,178,062 | £1,372,423 | £5,076,850 | £1,081,710 | £248,299 |
| DRD Agencies | £5,261,687 | £7,240,114 | £10,861,783 | £757,368 | £533,145 |
| Total | £7,439,749 | £8,612,537 | £15,938,633 | £1,839,078 | £781,444 |

(ii) The expenditure incurred by my Department on external events organisers during the financial years 2004/05 to 2008/09 is set out in the table below.

DRD EXPENDITURE ON EVENTS ORGANISERS

| | 2004/05 | 2005/06 | 2006/07 | 2007/08 | 2008/09 |
|-----------------|---------------|----------------|----------------|-------------|----------------|
| Core Department | £4,922 | £Nil | £928 | £Nil | £11,270 |
| DRD Agencies | £4,167 | £50,884 | £39,671 | £Nil | £Nil |
| Total | £9,089 | £50,884 | £40,599 | £Nil | £11,270 |

Rapid Transport Division

Mr Kinahan asked the Minister for Regional Development to outline the progress of the Rapid Transport Division in carrying out detailed survey work on route options provided in the Rapid Transit strategic outline case. (AQW 175/10)

The Minister for Regional Development: Rapid Transit Division have completed Traffic and Parking Surveys for all routes.

Topographical, Geotechnical, Deflectograph, and Land Acquisition Surveys are currently ongoing along the route options provided in the Strategic Outline Case.

Rapid Transport Scheme

Mr Kinahan asked the Minister for Regional Development, pursuant to AQO 2237/09, what action has been taken to solicit developer contributions to the Rapid Transport scheme. (AQW 176/10)

The Minister for Regional Development: Rapid Transit Division has met with a number of key developers to discuss contributions. Initially it was envisaged that developer contributions would contribute significantly to the funding of the Rapid Transit project. However, this may be difficult to realise in the short term due to the current economic climate.

Rapid Transit Division is also being advised of planning applications on/adjacent to the routes which will enable them to seek contributions from new developments as part of planning conditions.

Rapid Transport Division

Mr Kinahan asked the Minister for Regional Development to outline the progress of the Rapid Transport Division in carrying out a market sounding exercise for the Rapid Transit scheme. (AQW 178/10)

The Minister for Regional Development: Rapid Transit Division completed the Market Sounding Exercise and reported to me on 27 July 2009.

In summary, the report demonstrates that there is a high level of interest from operators in the design, operation and maintenance of the BRT system. The limited interest in its financing is due to the current market conditions, the current formative level of system design, and uncertainty in relation to legislative and operational risks.

Londonderry Line Passing Loop

Mr Kinahan asked the Minister for Regional Development, pursuant to AQO 664/09, for an update on the Londonderry line passing loop. (AQW 179/10)

The Minister for Regional Development: A detailed track capacity and Infrastructure Study of the line between Belfast and Derry has now been completed. The objective of the Study was to identify specifically the infrastructure upgrades necessary to support an hourly intercity train service between Derry and Belfast. The Study suggests that Ballykelly is not the preferred location for a passing loop on what is otherwise a single track railway. For the optimal hourly train service and technical reasons the passing loop needs to be located close to Derry. Translink are now advancing their detailed plans to determine the precise location for the passing loop and intend to incorporate this development into the much larger track relay and re-signalling project between Coleraine and Derry which is planned to run from 2011 to 2013. These decisions are subject to the outcome of the economic appraisal and will require the necessary statutory approval process.

NI Railways: Timetable

Mr G Robinson asked the Minister for Regional Development what consultation was carried out with NI Railway passengers on the Londonderry Line before the new timetable was agreed. (AQW 222/10)

The Minister for Regional Development: NIR are formally obliged to consult with my department, under existing Public Service Obligations, in relation to changes in service levels (i.e. the number of trains per day) however, no changes in service levels are proposed on the Derry line.

Translink are in continuous consultation with customers through “Translink Feedback”. NIR have informed me that they have been advising customers from early 2009 that following line reconstruction in April to June 2009 that new train timetables would be introduced in September. No specific consultation in relation to detailed train times took place prior to the issue of timetables at stations on 8 September 2009.

Translink are also expected to pay regard to its Passenger’s Charter commitments, which require new timetables to be in the public domain a number of weeks prior to introduction. I am not convinced that adequate consultation took place in this case and these issues have been discussed with Translink.

NI Railways: Timetable

Mr G Robinson asked the Minister for Regional Development what consideration was given to passenger requirements when developing the new NI Railway timetable for the Londonderry line. (AQW 223/10)

The Minister for Regional Development: I have had changes made to the revised timetable initially proposed by NIR.

The first train will now arrive in Derry at 9.00 am. This is 10 minutes earlier than at present and 30 minutes earlier than in the revised timetabled initially proposed by NIR. However the revised timetable retains the proposal that will mean rail passengers from Derry and Coleraine will have reduced journey times to Belfast. This aspect was central to Translinks consideration of the proposals originally announced.

NI Railways: Working Time Directive

Mr G Robinson asked the Minister for Regional Development to outline how the working time directive is applied to NI Railway drivers, conductors and signal staff. (AQW 225/10)

The Minister for Regional Development: NI Railways has informed me that the working patterns for train drivers, conductors and signals staff are covered by EU Working Time Directives and that they are in full compliance with same. In particular this is applied to minimum daily rest periods, minimum weekly rest periods, maximum weekly working hours and average weekly working hours. Working patterns are monitored on a regular basis.

A8 Road

Mr Ross asked the Minister for Regional Development, in relation to the A8 road, to outline (i) the process undertaken when dealing with landowners affected by the preferred route; and (ii) what level of compensation will be offered to landowners impacted by the preferred route. (AQW 236/10)

The Minister for Regional Development: Firstly, in relation to the processes undertaken when dealing with landowners affected by the preferred route for the A8, my Department’s Roads Service has advised that, affected landowners were given the opportunity to discuss this scheme, by attending public exhibitions which were held in May 2008 and November 2008. At that time landowners were offered one to one meetings with Roads Service officials and the design consultants. These meetings gave an opportunity to explain the scheme options being considered and the likely impact they may have on landowners. In addition, over 600 people took the opportunity to view the preferred route and speak with officials, at the “Preferred Route Announcement” exhibition which was held on 5 and 6 August 2009.

It is considered that there are approximately 100 landowners likely to be affected by the preferred route and discussions are planned with these landowners, during the coming months, where the impact on landowners will be discussed and attempts made at identifying measures to mitigate this impact.

With regard to compensation, I can advise that landowners’ rights and interests are protected by legislation and the Department of Finance and Personnel’s, Land and Property Services, will act for the Department on these matters. They will evaluate the level of compensation, on an individual basis, in line with their published guidance on the assessment of compensation.

IT Systems: DRD

Mr Hamilton asked the Minister for Regional Development to detail (i) all new IT systems that were installed in his Department; (ii) the initial budget; (iii) the actual cost; (iv) the estimated start date; and (v) the actual start date, in the last five years. (AQW 261/10)

The Minister for Regional Development: Over the past five years the Department for Regional Development has installed one new system - the Decriminalised Parking Enforcement (DPE) Penalty Charge Notice (PCN) Processing System.

The business case estimated the cost of the system (initial budget) at £2.76M over a contract period of 10 years. Based on the initial capital cost and monthly volume based service charges to date, the projected actual cost to 2016 (assuming no significant change in volumes) is £2.46M, i.e. £300k within budget.

The project had an estimated go-live date of October 2006, and the system did indeed go-live in October 2006.

In addition to this Departmental specific system, a number of common NICS systems were implemented within the Department during the past five years including Records Management HR Connect, and Account NI. Implementation of these systems was managed by the DFP.

Rail Level-crossing on the A76 in Lurgan

Mr Gardiner asked the Minister for Regional Development why he does not consider it a priority to address the issue of the rail level-crossing on the A76 in Lurgan, which is closed for over three hours each day, interrupting the town's main link to the M1 motorway, by providing uninterrupted vehicle access through an underpass or flyover. (AQW 265/10)

The Minister for Regional Development: As you are aware, a study was carried out, in September 2007, to assess the William Street crossing in Lurgan.

The report considered a number of engineering options including an overpass, an underpass and a tunnel. All the options proved to be very expensive, ranging from approximately £20 million to £250 million. None of the options performed well under economic appraisal, and all had significant environmental consequences for the William Street/Lough Road area of Lurgan.

Translink has advised me that there are three crossings on the section of railway line, within the vicinity of Lurgan town centre, and the timing of the relevant signals has been optimised to mitigate delays to road traffic. NIR's new timetables from 27 September 2009 will have no impact on existing road closure times at the railway crossing on the A76 in Lurgan.

Roads Maintenance

Mr Gardiner asked the Minister for Regional Development how much he is spending on roads maintenance per mile of road (i) on trunk roads; (ii) on motorways; (iii) on A class roads; and (iv) on B class roads. (AQW 266/10)

The Minister for Regional Development: My Department's Roads Service do not maintain details of expenditure broken down by road class. However, when the structural maintenance expenditure for 2008/09 is assessed against the total number of miles of all classes of public roads, this equates to approximately £4,000 per mile of road.

Contingency Fund: DRD

Mr Gardiner asked the Minister for Regional Development to detail the amount of any contingency fund he retains within his departmental budget. (AQW 267/10)

The Minister for Regional Development: My department's budget has been fully allocated across the Roads, Transport and Water and Sewerage programmes as set out on page 43 in the current Corporate and Business Plan (available on the DRD website at http://www.drdsn.gov.uk/drd_corporate_plan_2009-11_and_business_plan_2009-10.pdf). My department does not have a policy to withhold allocations to maintain a contingency fund.

During the year my department's focus is on managing risk through contingency plans on an ongoing basis across those allocations.

Roads Infrastructure

Mr O'Loan asked the Minister for Regional Development, in relation to developer contribution to roads infrastructure, if there is any agreement or understanding in cases where the developer is another public body, that Roads Service will fund the cost of the development. (AQW 280/10)

The Minister for Regional Development: The principle of developer contributions for roads and other infrastructure, as a result of new development, is well established in Planning Policy Statements (PPS) 3 (Access, Movement and Parking), and PPS 13 (Transportation and Land Use).

The principle applies equally to proposals coming forward from other public bodies, and there is no general agreement or understanding that Roads Service would fund infrastructure requirements identified in a Transport Assessment.

Translink

Mr G Robinson asked the Minister for Regional Development if he can confirm that all timetable changes being considered by Translink in the future will be subject to a passenger consultation, to ensure that passengers have a direct input into service improvement and development. (AQW 313/10)

The Minister for Regional Development: The Translink Passenger's Charter has been drawn up in agreement with DRD and the Consumer Council. Within this Charter Translink are committed to tell passengers about timetable changes 4 weeks before the new timetable applies. This can reduce to 2 weeks when essential engineering work is the reason for the timetable change.

Timetable changes are an operational matter and are the responsibility of Translink. There is no specific requirement for Translink to consult on timetable changes but I would expect Translink to consult at a local level with customers for major changes.

Timetable development is a complex matter requiring the balancing of various stakeholder interests. In addition, to best, meeting as many customers' needs as possible, Translink need to balance the policy aims of government, operational effectiveness and efficiencies.

Under the Transport Act 1967 if sufficient numbers of customers complain to me about rail services I can review the position and if necessary ask Translink to change their proposals. This is not my preferred position and can be avoided, in my view, if local consultations and communications take place. Clearly I also need to take account of the legal requirement for Translink to work to a commercial remit.

I have advised Translink that they need to consider carefully the impacts of potential timetable changes and to reconsider their methods for consulting locally with customers and political representatives. We also need to recognize that not all stakeholders will be fully satisfied with any existing or new timetable. Translink have also offered to provide my department with proposed major timetable changes 2 weeks prior to publication of the proposal. However we need to be careful about ensuring that Translink are allowed to operate with some degree of operational autonomy and to recognize the commercial remit the company operates under.

NI Railways: Timetable

Mr G Robinson asked the Minister for Regional Development if he will seek the input of local elected representatives on future timetable changes proposed by NI Railways. (AQW 316/10)

The Minister for Regional Development: Timetable changes are an operational matter and are the responsibility of Translink. There is no specific requirement for Translink to consult on timetable changes but I would expect, for major changes, Translink to consult at a local level both with customers and elected representatives.

I have advised Translink that they need to consider carefully the impacts of potential timetable changes and to reconsider their methods for consulting locally with customers and political representatives. Translink have

also offered to provide my department with proposed timetable changes 2 weeks prior to publication of proposed timetable changes. I also need to be careful about ensuring that Translink are allowed to operate with some degree of operational autonomy and to recognise their commercial remit.

NI Railways: Timetable

Mr Durkan asked the Minister for Regional Development what is the approval process for changes to NI Railways timetables. (AQW 321/10)

The Minister for Regional Development: The Translink Passenger's Charter has been drawn up in agreement with DRD and the Consumer Council. Within this Charter, Translink are committed to tell passengers about timetable changes 4 weeks before the new timetable applies. This can reduce to 2 weeks when essential engineering work is the reason for the timetable change.

There is no formal agreed process for my department to approve bus or rail timetables. Timetable changes are an operational matter and are the responsibility of Translink. I do expect Translink to consult at a local level with customers and to discuss major changes with my department. Under the Transport Act 1967 if sufficient numbers of customers complain to myself about rail services I can review the position and if necessary ask Translink to change their proposals. This is not my preferred position and can be avoided, in my view, if local consultations and communications take place. Clearly I also need to take account of the legal requirement for Translink to work to a commercial remit.

It is the case that passengers can complain about Translink services through the "feedback" website and Translink are committed, within the Passenger's Charter, to investigate all complaints thoroughly and fairly.

I have advised Translink that they need to consider carefully the impacts of potential timetable changes and to reconsider their methods for consulting locally with customers and political representatives. Translink have also offered to provide my department with proposed major timetable changes 2 weeks prior to publication of the proposal. Under existing Public Service Obligation arrangement a schedule of rail services detailing the number of train services exists. Changes to this schedule must be agreed with my department in light of available resources. We need also to be careful about ensuring that Translink are allowed to operate with some degree of operational autonomy and to recognise the commercial remit.

Tourist Signage

Mr Dallat asked the Minister for Regional Development what steps he has taken to review departmental policy on the use of 'brown' directional signs to assist users of hotels and guesthouses, particularly in rural areas. (AQW 379/10)

The Minister for Regional Development: My Department's Roads Service facilitates the provision of white on brown tourist traffic signs using its policy "Tourist Signing in Northern Ireland". The policy, published in April 2004, was jointly developed and agreed with the NI Tourist Board (NITB) and provides a framework for the provision of tourist signing, in a consistent and equitable manner.

I have recently asked Roads Service to examine the policy, to establish if there is potential for an enhancement that would allow additional rural businesses to be accommodated. As deliberations are just underway, it is too early to say what changes are possible.

Roads Service has to be mindful of the impact that a proliferation of signing could have on the rural landscape and road safety, and any change will have to be done in a controlled way.

Passing Loop Between Derry and Coleraine

Mr Durkan asked the Minister for Regional Development for an update on the provision of a passing loop between Derry and Coleraine. (AQW 399/10)

The Minister for Regional Development: A detailed track capacity and Infrastructure Study of the line between Belfast and Derry has now been completed. The objective of the Study was to identify specifically the infrastructure upgrades necessary to support an hourly intercity train service between Derry and Belfast. The

Study suggests that Ballykelly is not the preferred location for a passing loop on what is otherwise a single track railway. For the optimal hourly train service and technical reasons the passing loop needs to be located close to Derry. Translink are now advancing their detailed plans to determine the precise location for the passing loop and intend to incorporate this development into the much larger track relay and re-signalling project between Coleraine and Derry which is planned to run from 2011 to 2013. These decisions are subject to the outcome of the economic appraisal and will require the necessary statutory approval process.

NI Railways: Timetable

Mr G Robinson asked the Minister for Regional Development why the 21.20 train from Belfast to Londonderry on Saturday and Sunday evenings and the 21.20 from Londonderry to Belfast on Sunday evenings have been completely removed from the NI Railway timetable. (AQW 402/10)

The Minister for Regional Development: The current 2120 hours Saturday night train from Belfast to Derry has been rescheduled to depart Great Victoria Street Station at 2110 hours and Belfast Central at 2120 hours. It will arrive into Derry at 2323 hours, some 17 minutes earlier than the current timetable.

The current 2120 hours Sunday night train from Belfast to Derry had been rescheduled to 2143 hours departure but with the train terminating in Coleraine. Following discussions with Translink this planned change has now been withdrawn and the rescheduled service will terminate in Derry.

With respect to Sunday night Derry to Belfast trains, there is no current 2120 hours train to Belfast. Currently the last train to Belfast departs Derry at 1935 hours. This will become a 1925 hours departure in the new timetable proposals.

The new weekend timetables between Derry and Belfast have been recast to provide regular clockface departures throughout the day – that is a train every two hours on Saturdays and every three hours on Sundays. Translink experience to date is that by providing regularity and consistency of timetables, as far as possible, that this is generally welcomed by passengers and that it generates additional ridership. It is also worth pointing out that the new timetables at weekends will deliver reduced journey times.

Roads Service: Maintenance Engineers

Mr I McCrea asked the Minister for Regional Development why Roads Service has reduced the number of maintenance section engineers from 24 to 20. (AQW 437/10)

The Minister for Regional Development: Roads Service has not reduced the number of maintenance section engineers from 24 to 20. At present, two of the 24 Section Engineer posts are unfilled.

Roads Service: Maintenance Engineers

Mr I McCrea asked the Minister for Regional Development what areas are affected by the recent decision by Roads Service to reduce the number of maintenance section engineers from 24 to 20. (AQW 438/10)

The Minister for Regional Development: I would refer the Member to my answer to his Assembly Question AQW 437/10.

Direct Labour Operational Depots

Mr I McCrea asked the Minister for Regional Development to detail any proposed closures of the direct labour operational depots of Roads Service. (AQW 443/10)

The Minister for Regional Development: In order to meet the Executive's Budget 2008 administrative efficiency savings my Department's Roads Service is reviewing its administration costs, with a view to identifying potential savings.

Within Roads Service, the first stage of a Depot Review is almost complete. As yet, no final decision has been made, however, consideration is being given to closing three Depots and moving associated staff to neighbouring depots.

Roads Service has invited the Trade Union Side to enter into discussions about this matter.

Steria Contract

Mr Gallagher asked the Minister for Regional Development, pursuant to AQO 30/10, in relation to the termination of the Steria contract, to list (i) the functions transferred; and (ii) the service provider, to which the functions were transferred. (AQW 487/10)

The Minister for Regional Development: I have been advised by Northern Ireland Water that following the termination of the Steria contract, functions relating to ICT support and help desk were transferred to Northgate Ltd and the provision of the back office functions of the Customer Service Centre were transferred to Echo Managed Services Ltd.

In addition, the management of a number of small contracts which were under the control of Steria transferred either to NIW or Echo Managed Services Ltd.

NI Railways: Timetable

Mr G Robinson asked the Minister for Regional Development to detail the cost to the public purse of Translink having to withdraw the planned revised NI Railway timetable for the Londonderry line last week. (AQW 503/10)

The Minister for Regional Development: Translink have advised me that they incurred £811.00 expenditure for the printing of 30,000 timetables, which have now been withdrawn, for the Derry line rail service.

Burrenbridge/Ballyhafry Road Junction, Castlewellan

Mr W Clarke asked the Minister for Regional Development when the Burrenbridge/ Ballyhafry Road junction, Castlewellan, will be repaired. (AQW 514/10)

The Minister for Regional Development: My Department's Roads Service has advised that no repairs are considered necessary to the Burrenbridge Road / Ballyhafry Road Junction. However, a section of the Burrenbridge Road, near to the Ballyhafry Road, was damaged recently, as a result of a retaining wall collapse. A contractor has been appointed to carry out repairs, and it is anticipated that this work should be completed by 15 October 2009.

Roadside Trees

Mr Dallat asked the Minister for Regional Development what plans he has to erect warning signs in areas where roadside trees act as a hazard. (AQW 518/10)

The Minister for Regional Development: I can advise that, where trees are considered to pose a high risk hazard to road users or they have been found to be the primary cause of a serious collision, they are invariably removed, if on Roads Service owned land, or protection measures are installed.

I can also advise that Roads Service is jointly working with the national road authorities of Scotland, Wales and the South to develop a Road Protection Scoring system, using the EuroRAP protocols, which will assess the level of protection a road offers to vehicle occupants in the event of a collision. One of the elements that the system will assess is the likely outcome of a run-off collision with roadside hazards, such as trees. The information provided will be used by Roads Service to consider what mitigating measures are necessary to improve the road safety performance of each route.

NI Water: Pricing Arrangements

Mr Irwin asked the Minister for Regional Development to detail the cost associated with a connection to an existing water main for a new dwelling in the countryside; and to explain the pricing arrangements adopted by NI Water. (AQW 542/10)

The Minister for Regional Development: I have been advised by Northern Ireland Water that the charges for connecting a property to the watermain are detailed in its Scheme of Charges for 2009/10, which is available on its website at www.niwater.com. The cost of a connection will depend on the circumstances of each case, but the charge for a full standard water connection in a public area/roadway is £882. Where a connection is in private lands and the customer can undertake all excavation and reinstatement works at their own expense, the cost of a standard connection is £216.

Roads Surveys in Toome and Castledawson

Mr Campbell asked the Minister for Regional Development if there have been any surveys done in Toome and Castledawson in the last five years, since the opening of the bypasses, to determine if there has been any change in patterns of business following the new road layout being established. (AQW 558/10)

The Minister for Regional Development: My Department's Roads Service has advised that no surveys of this nature have been carried out in the last five years, and that it has no plans to carry out such surveys in the future.

Belfast Harbour Commission Land

Ms Ni Chuilín asked the Minister for Regional Development, in relation to Belfast Harbour Commission land, to detail (i) how much land it has; (ii) if any land has been transferred or sold to other companies, if so, (a) will any land be used for regeneration; and (b) what type of regeneration will be developed. (AQW 572/10)

The Minister for Regional Development: The total area of land owned by Belfast Harbour Commissioners is 1955 acres. Since 1847 the Belfast Harbour Commissioners have granted a total of 1438 acres on various leases. Of this figure, 377 acres may be described as regeneration land on which commercial office, warehousing, local service retail, leisure and residential development has either taken place, is being developed, or is proposed.

Road Building and Improvement Schemes

Mr Gardiner asked the Minister for Regional Development to detail (i) all road building and improvement schemes undertaken by his Department; (ii) the estimated and actual costs of each scheme; and (iii) the current stage of each scheme, in each constituency, since 2007. (AQW 624/10)

The Minister for Regional Development: My Department's Roads Service does not hold information on schemes on a constituency basis. However, information on schemes completed and proposed schemes can be found in Roads Service's Spring and Autumn Reports to Councils. These reports can be accessed from the Roads Service internet site at the following web address: www.roadsni.gov.uk/index/publications/publications-council_reports.htm

Roads Service is currently compiling their Autumn Reports to Councils.

DEPARTMENT FOR SOCIAL DEVELOPMENT

Social Housing Waiting List

Mr Hamilton asked the Minister for Social Development to detail the current religious breakdown of the applicants on the social housing waiting list. (AQW 1/10)

The Minister for Social Development (Ms Ritchie): The table shows the social housing waiting list by religious background at 1 June 2009.

**SOCIAL HOUSING WAITING LIST BY RELIGIOUS BACKGROUND
(AT 1 JUNE 2009)**

| Religion | Number of position 1 applicants | Percentage |
|--------------|---------------------------------|-------------|
| Catholic | 14671 | 38.4% |
| Other | 3395 | 8.9% |
| Protestant | 15260 | 39.9% |
| Undisclosed | 4901 | 12.8% |
| Total | 38227 | 100% |

Notes

- The religious composition of households is based on 'self reported' answers to the question held in the General Housing Application Form. The religion of the Position 1 individual (i.e. the person appearing first on the General Housing Application Form) in the household is assumed as a proxy for the religion of all individuals in the household.
- The Housing Executive is currently unable to identify 'mixed' religion households although we are aware that a number of households currently described as 'Roman Catholic' or 'Protestant' would clearly fall into a 'Mixed' category.

Northern Ireland Housing Executive: Discretionary Grants

Mr Hamilton asked the Minister for Social Development what consideration was given to the impact on the construction sector of the decision to stop NIHE discretionary grants. (AQW 2/10)

The Minister for Social Development: Obviously the decision to suspend grants, except where obligations and commitments already existed, was going to impact on the construction sector. However the total spend on grants this year is likely to be of the order of £35.5 million against £40.5 million the previous year. We have also been managing the newbuild programme to ensure that more houses are built on land we already own-thus transferring funding from land purchase to pure construction activity.

You will aware that, due to the downturn in land and house sales, there is a £100 million shortfall in the Housing Budget for 2009/10 which will impact on all spending programmes. My priority is to protect vulnerable households and I have therefore protected the budgets for:

- Warm Homes – to help households facing fuel poverty;
- Supporting People – to help people live independently in the community rather than in institutions; and
- the newbuild programme – to help those in acute housing stress and the homeless.

Warm Homes Scheme

Mr Hamilton asked the Minister for Social Development (i) how many referrals and applications have been received since the inception of the new Warm Homes Scheme contracts; and (ii) how many schemes have been enacted. (AQW 3/10)

The Minister for Social Development: Since the new Warm Homes Scheme commenced on 1 July 2009, 2,092 new applications have been received. Five hundred applications have been approved and allocated to contractors for installation of measures to improve the energy efficiency of the homes. There are a further 265 applications which have been approved and the work will to be allocated to a contractor in the next few days. I have set a Public Service Agreement target to implement energy efficiency measures in 10,000 households in 2009/2010 and I expect this target to be met.

Warm Homes Scheme

Mr Hamilton asked the Minister for Social Development how many Warm Homes Scheme installations have been made in each year of the lifetime of the Scheme, including the 2009 year to date. (AQW 4/10)

The Minister for Social Development: Over 71,000 homes have been made more energy efficient by the Warm Homes Scheme Since its inception in 2001. Two new scheme managers were appointed in July 2009. The number of homes assisted for each complete year of the scheme is shown in the table below. To date, 500 energy efficiency measures have been installed in 379 households during the financial year 2009/10. The Public Service Agreement target is to implement energy efficiency measures in 10,000 households and I fully expect that target to be met.

| Year | Households Assisted |
|--------------|---------------------|
| 2001-02 | 3,826 |
| 2002-03 | 7,484 |
| 2003-04 | 7,124 |
| 2004-05 | 8,557 |
| 2005-06 | 10,266 |
| 2006-07 | 11,687 |
| 2007-08 | 11,279 |
| 2008-09 | 10,927 |
| 2009-10 | 379 |
| Total | 71,529 |

Decent Homes Standard

Mr Hamilton asked the Minister for Social Development how many homes owned by the Northern Ireland Housing Executive meet the Decent Homes standard in terms of energy; and how many do not. (AQW 59/10)

The Minister for Social Development: Of the 90,272 Housing Executive dwellings, 12,300 do not currently meet the Decent Homes standard for thermal comfort. Through its programmes of planned improvement and heating replacement schemes the Housing Executive has reduced this figure from 55,970 in 2001.

Natural Gas

Mr Hamilton asked the Minister for Social Development (i) how many homes are owned by the Northern Ireland Housing Executive; (ii) how many of these are in areas served by natural gas; and (iii) how many have converted to natural gas. (AQW 60/10)

The Minister for Social Development: The Housing Executive stock levels currently stand at 90,279 dwellings across Northern Ireland. The Housing Executive does not hold details about which areas are served by natural gas. Currently 29,161 Housing Executive properties have been converted to natural gas heating.

Energy Efficiency Measures

Mr Hamilton asked the Minister for Social Development how many Northern Ireland Housing Executive owned homes have had energy efficiency measures installed in each of the last 5 years. (AQW 61/10)

The Minister for Social Development: Energy efficiency improvements were carried out by the Housing Executive on its properties as follows:-

| | |
|---------|-------|
| 2004/05 | 10476 |
|---------|-------|

| | |
|---------|-------|
| 2005/06 | 10978 |
| 2006/07 | 8606 |
| 2007/08 | 5394 |
| 2008/09 | 2547 |

Heating Systems

Mr Hamilton asked the Minister for Social Development how many homes owned by the Northern Ireland Housing Executive have (i) oil fired; and (ii) economy 7 heating systems. (AQW 62/10)

The Minister for Social Development: The Housing Executive currently has 36,879 dwellings with oil heating and 11,339 dwellings with Economy 7 heating systems.

SPED Scheme

Mr Easton asked the Minister for Social Development how she proposes to raise additional funding for the Special Purchase of Evacuated Dwellings scheme for PSNI officers intimidated out of their homes. (AQW 105/10)

The Minister for Social Development: I am pleased that the Executive, with a commitment to additional funding, has agreed that my Department can now reinstate the SPED scheme with immediate effect. I have now instructed the Housing Executive to process the outstanding SPED applications.

Bonfire Sites

Mr Burns asked the Minister for Social Development to detail the costs incurred by her Department in cleaning and repairing bonfire sites during the summer of 2009. (AQW 110/10)

The Minister for Social Development: For the period 1 July 2009 to 31 August 2009 the Housing Executive incurred costs of £108k through the removal and reinstatement works associated with bonfires. This compares to £125k costs through such works during 2008/09.

SPED Scheme

Mr Ross asked the Minister for Social Development how many dwellings her Department has purchased under the Special Purchase of Evacuated Dwellings scheme in each of the past three years. (AQW 216/10)

The Minister for Social Development: The number of properties purchased under the Special Purchase of Evacuated Dwellings Scheme for the period requested was as follows:

| | |
|-----------|----|
| 2006/2007 | 22 |
| 2007/2008 | 22 |
| 2008/2009 | 46 |

Private Consultancy Firms and Events Organisers: Cost to DSD

Mr McGlone asked the Minister for Social Development how much has been spent by her Department in each of the last five years on (i) private consultancy firms; and (ii) events organisers. (AQW 229/10)

The Minister for Social Development: The information on consultancy and event organiser costs for the last 5 years is set out in the table below:

| | Consultancy costs £ | Event Organiser Costs £ |
|-----------|------------------------|----------------------------|
| 2004-2005 | 923,945 | - |
| 2005-2006 | 719,511 | 860 |
| 2006-2007 | 640,518 | - |
| 2007-2008 | 760,597 | 1,575 |
| 2008-2009 | 1,929,236 | - |

North Down: Housing Executive

Mr Easton asked the Minister for Social Development how much money has been allocated to the Housing Executive for schemes in North Down for the next financial year. (AQW 239/10)

The Minister for Social Development: The Housing Executive is unable to confirm its programmes of activity for 2010/11 and cannot therefore confirm how much will be available for planned maintenance and improvement schemes in North Down during the next financial year.

North Down: Housing Executive

Mr Easton asked the Minister for Social Development how much money has been allocated to the Housing Executive for new housing in North Down for the next financial year. (AQW 241/10)

The Minister for Social Development: The Housing Executive is currently formulating the new Social Housing Development Programme for 2010/11-2012/13 and therefore it is not possible at this stage to state how much money will be allocated for new housing in North Down for the next financial year. I anticipate that the new Social Housing Development Programme will be ready for approval in 2010.

North Down: Housing Executive

Mr Easton asked the Minister for Social Development how much money has been allocated to the Housing Executive for maintenance in North Down in the next financial year. (AQW 242/10)

The Minister for Social Development: The Housing Executive cannot confirm its programmes of activity for 2010/11 at this stage, and cannot therefore confirm how much will be available for maintenance in North Down during the next financial year.

Solid Fuel to Oil Conversions

Mr Shannon asked the Minister for Social Development, under Egan, what has the average cost been for solid fuel to oil conversions in disabled persons homes in each NI Housing Executive area over the past year. (AQW 246/10)

The Minister for Social Development: The average costs for solid fuel to oil conversions in disabled persons homes in the last financial year are detailed below:

| Housing Executive Administrative Area | £ |
|---------------------------------------|------|
| Belfast | 7893 |
| South East | 7322 |
| South | 7011 |
| North East | 7061 |
| West | 7000 |

Neighbourhood Renewal Funding

Lord Morrow asked the Minister for Social Development how much neighbourhood renewal funding has been spent in Fermanagh and South Tyrone; and on what specific projects from January 2008 to date. (AQW 273/10)

The Minister for Social Development: There are two Neighbourhood Renewal Areas in the Fermanagh and South Tyrone constituency. These are in Dungannon (covering the Annaghshee, Fairmount Park and Milltown estates) and Enniskillen (covering Windmill Heights, Cornagrade, Kilmacormick 1, Rossory Church Road and Galliagh Park). From January 2008 to date, DSD has provided £476,297.44 to projects in the Dungannon Neighbourhood Renewal Area and £310,535.28 to projects in the Enniskillen Neighbourhood Renewal Area. Specific projects details are listed below.

ENNISKILLEN NRA

| Project | Amount of funding approved (£) |
|--|-----------------------------------|
| Aisling Centre – Provision of childcare for parents attending counselling sessions | 9,562 |
| Health and Wellbeing Project | 74,710.00 |
| Environmental Improvement schemes | 23,000.00 & 20,545.00 = 43,545.00 |
| Technical Assistance and Neighbourhood Renewal Coordinator for Partnership | 48,017.02 |
| Homework club and afterschool activities Jones Memorial Primary School | 26,399.28 |
| Community Alcohol Support | 6,683.02 |
| Refurbishment of Devenish Partnership Forum | 4,884.19 |
| Refurbishment of Kilmacormick Resource Centre | 7,849.06 |
| Social Activity & Community Interaction Programmes | 4,000 & 6,384.77 = 10,384.77 |
| Lakeshore Litter Collection | 2,582.59 |
| Exploring Enterprise Programme with Fermanagh Enterprise Ltd | 15,287.45 |
| Homework and Activities club in Devenish Partnership Forum | 31,157.05 |
| Research project on volunteering within NRA | 10,500.00 |
| Allotment Scheme – Devenish | 18,973.85 |

DUNGANNON NRA

| Project | Amount of funding approved (£) |
|--|--|
| Technical Assistance and Neighbourhood Renewal Coordinator | 38,935.40 |
| Education Programmes | 35,000.00 & 57,500.00 & 19,804.17 = 112,304.17 |
| Summer Schemes | 12,011.50 & 2,690.00 = 14,701.50 |
| Environmental Improvement & Estate Cleanup projects | 9,500.00 & 20,000.00 & 52,250.00 & 15,000.00 = 96,750.00 |
| Capital Works & Equipment Dungannon Youth Centre | 12,642.86 & 10,438.15 = 23,081.01 |
| Youth outreach and parent engagement programme | 10,000.00 |
| Health Programme | 8,675.66 |
| IT suite at Dungannon West | 8,806.85 |
| Exploring Enterprise programme with Dungannon Enterprise Ltd | 6,380.00 |
| Recreational Facilities at Dixon Park | 50,000.00 |
| Phase 1 Disabled Access at Dungannon West | 3,800.00 |
| Sports Programme for youths with MORPH | 19,928.64 |
| Loughview community house Refurbishment | 5,707.12 |

| Project | Amount of funding approved (£) |
|---|--------------------------------|
| Gannonball Run – 5 x Neighbourhood Renewal Area Teams | 5,700.00 |
| Upgrade of facilities GFC | 71,527.09 |

Co-Ownership Housing Scheme

Mr Hamilton asked the Minister for Social Development how many applications to the Co-Ownership Housing Scheme were accepted in each of the last five years. (AQW 311/10)

The Minister for Social Development: Co-Ownership Housing has advised me that it records statistics for financial years. The table below details the information requested.

| Year | Applications made | Accepted |
|---------|-------------------|--------------|
| 2004/05 | 707 | 502 |
| 2005/06 | 718 | 504 |
| 2006/07 | 532 | 325 |
| 2007/08 | 1923 | 935 |
| 2008/09 | 381 | 325 |
| 2009/10 | 896 | 250 estimate |

The number of applications for the 2008/09 financial year was affected by the suspension of new applications to the scheme between April and November 2008. A quota system was introduced by Co-Ownership Housing in April 09 as a response to the increased volume of applications to the scheme; as such the figure of 896 will include a large number of applications which have been resubmitted on one or more occasions.

Co-Ownership Housing Scheme

Mr Hamilton asked the Minister for Social Development (i) how many applications have been received for assistance via the Co-Ownership Housing Scheme in each month of the last year; and (ii) how many applications were accepted. (AQW 312/10)

The Minister for Social Development: The table below details the information requested.

| Month | Applications received | Accepted |
|--------------|-----------------------|-------------------|
| November 08 | 84 | 1 |
| December 08 | 35 | 7 |
| January 09 | 34 | 12 |
| February 09 | 63 | 28 |
| March 09 | 165 | 29 |
| April 09 | 207 | 30 |
| May 09 | 176 | 32 |
| June 09 | 195 | 62 |
| July 09 | 137 | 63 |
| August 09 | 106 | 45 |
| September 09 | 75 | Not yet available |

The number of applications for the 2008/09 financial year was affected by the suspension of new applications to the scheme between April and November 2008. A quota system was introduced from April in response to

the increased volume of applications to the scheme; as such the monthly figures include a large number of applications which have been resubmitted on one or more occasions.

West Belfast District Housing Executive: Manager

Mr P Maskey asked the Minister for Social Development, in relation to the transfer of the manager of the West Belfast District Housing Executive office to another branch, (i) why he is being transferred; (ii) if he agrees with the transfer; (iii) was he consulted on the move; (iv) if the Minister has any concerns about this move; and (v) has the transfer anything to do with the maintenance contract the Housing Executive has with Red Sky. (AQW 390/10)

The Minister for Social Development: I am unable to answer this question as it is an operational matter for the Management of the Housing Executive.

Cookstown and Magherafelt Districts: Newbuild Programmes

Mr McGlone asked the Minister for Social Development to detail all current and proposed new build programmes for the Cookstown and Magherafelt districts. (AQW 415/10)

The Minister for Social Development: The Social Housing Development Programme is available on the Housing Executive's website at www.nihe.gov.uk and is broken down by District Councils and Parliamentary constituencies containing details of all current and proposed new build programmes for the Cookstown and Magherafelt districts.

Pension Credit Applications

Mrs I Robinson asked the Minister for Social Development how many pension credit application forms submitted to the Pensions Service at Carlisle House in Londonderry are currently logged as lost or misplaced. (AQW 420/10)

The Minister for Social Development: The information requested is not available. Since the introduction of new IT and enhanced telephony under the Pensions Transformation Programme in July 2008, approximately 90% of all new Pension Credit claims are made by telephone. This minimises considerably any incidences of misplaced forms.

Co-ownership Housing Scheme

Mr Ross asked the Minister for Social Development how many applications for the co-ownership housing scheme have been received from people in the East Antrim constituency in each of the last three years. (AQW 441/10)

The Minister for Social Development: Co-Ownership Housing has advised me that it records statistics according to local council area, rather than by parliamentary constituency. The table details applications received relating to the Larne, Carrickfergus and Newtownabbey District Council Areas.

| Year | Applications received |
|---------|-----------------------|
| 2006/07 | 18 |
| 2007/08 | 50 |
| 2008/09 | 6 |
| 2009/10 | 4 |

The number of applications for the 2008/09 financial year was affected by the suspension of the scheme between April and November due to insufficient funding.

Co-ownership Housing Scheme

Mr Ross asked the Minister for Social Development how many applications for the co-ownership housing scheme received from people in the East Antrim constituency have been accepted, in each of the last three years. (AQW 444/10)

The Minister for Social Development: Co-Ownership Housing has advised me that it records statistics according to local council area, rather than by parliamentary constituency. The table details applications accepted relating to the Larne, Carrickfergus and Newtownabbey District Council Areas.

| Year | Applications accepted |
|---------|-----------------------|
| 2006/07 | 7 |
| 2007/08 | 32 |
| 2008/09 | 9 |
| 2009/10 | 0 |

The number of applications for the 2008/09 financial year was affected by the suspension of the scheme between April and November due to insufficient funding.

Jobseeker's Allowance

Mr Gardiner asked the Minister for Social Development how many people aged 16 to 24 claimed Job Seeker's Allowance in each of the last twelve months. (AQW 499/10)

The Minister for Social Development: The information requested is set out in the table below.

| Month | No of People |
|----------------|--------------|
| September 2008 | 10769 |
| October 2008 | 10823 |
| November 2008 | 11359 |
| December 2008 | 12088 |
| January 2009 | 12883 |
| February 2009 | 14702 |
| March 2009 | 15977 |
| April 2009 | 16390 |
| May 2009 | 16451 |
| June 2009 | 16702 |
| July 2009 | 17564 |
| August 2009 | 18873 |

Jobseeker's Allowance

Mr Gardiner asked the Minister for Social Development how many people claimed Job Seeker's Allowance in each of the last twelve months, in each employment sector. (AQW 505/10)

The Minister for Social Development: The information requested is not recorded in the form requested.

Legislation

Mr Savage asked the Minister for Social Development to outline any legislation her Department intends to bring to the Assembly before 31 December 2009. (AQW 513/10)

The Minister for Social Development: I intend to bring the Licensing and Registration of Clubs (Amendment) Bill and the Pensions Regulator Tribunal (Transfer of Functions) Bill to the Assembly by the end of the calendar year, subject to consultation with the Social Development Committee and agreement by the Executive. The Housing (Amendment) Bill which was introduced prior to the summer recess is currently undergoing its Committee stage. I will also be bringing forward a range of subordinate legislation to the Assembly during this period.

Alexander Avenue, North Belfast

Ms Ní Chuilín asked the Minister for Social Development (i) to clarify whether Alexander Avenue in the Parkside area of north Belfast will not be included in redevelopment plans; (ii) if not, how was this decision reached; and (iii) if a detailed conditions or in-depth survey was carried out on the housing in the area. (AQW 578/10)

The Minister for Social Development: The Housing Executive has prepared an Economic Appraisal for the Parkside area of North Belfast which includes Alexandra Avenue and is currently being considered by the Department. Once a decision is taken on the way forward a detailed plan will be presented to the community.

Derry City: Social houses

Mr McCartney asked the Minister for Social Development how many social houses were started in Derry City in year ending March 2009. (AQW 583/10)

The Minister for Social Development: The number of social housing starts on site in Derry City Council area during the 2008/09 Programme Year was 160 units.

Upper Long Streets

Ms Ní Chuilín asked the Minister for Social Development when a decision will be made regarding the urban renewal status for the Upper Long Streets in the New Lodge area. (AQW 585/10)

The Minister for Social Development: The Economic Appraisal for Upper Long Streets consisting of a number of proposed options is currently being finalised by the Housing Executive. It should be completed by the end of November and I will then be in a position to consider the options before announcing how we will proceed.

Volunteer Drivers

Mr Shannon asked the Minister for Social Development if she would consider implementing a package whereby volunteer drivers, who use their own cars to provide alternative community transport to various community organisations and associations, could receive out of pocket mileage expenses. (AQW 609/10)

The Minister for Social Development: Funding for volunteer travel expenses is currently available under the Small Grants scheme. The Small Grants scheme is administered by the volunteer centre network.

Employment and Support Allowance Centre

Mr Savage asked the Minister for Social Development how many active cases are currently being dealt with by the Employment and Support Allowance Branch. (AQW 628/10)

The Minister for Social Development: The Employment and Support Allowance Centre is currently dealing with 12,880 active cases, figures correct at 31 August 2009.

Employment and Support Allowance Centre

Mr Savage asked the Minister for Social Development (i) how many staff are employed in the Employment and Support Allowance Branch (ESAB); (ii) to provide a breakdown of the sections within ESAB; and (iii) how many staff work in each section. (AQW 630/10)

The Minister for Social Development: The information requested is set out in the table below.

STAFF EMPLOYED IN ESA CENTRE BY SECTION

| Section | Number of Staff |
|---------------------------|-----------------|
| Accuracy & Medical | 31.65 |
| Decision Making & Appeals | 37.00 |
| Processing | 75.44 |
| Operational Support | 36.80 |
| Telephony | 70.90 |
| Total | 251.79* |

* This number is based on whole time equivalents and will include a number of part time staff

Employment and Support Allowance: Claims

Mr Savage asked the Minister for Social Development to detail the average time it takes to process an Employment and Support Allowance claim. (AQW 634/10)

The Minister for Social Development: The average clearance time for a claim to Employment and Support Allowance (ESA) is 17.5 days. These figures relate to August 2009, the last month for which there are full figures available.

Disability Living Allowance

Mr Shannon asked the Minister for Social Development how many Disability Living Allowance tribunal appeals have been deferred due to non availability of GP notes, in each constituency, in each of the last three years. (AQW 669/10)

The Minister for Social Development: The information cannot be provided in the detail requested as The Appeals Service does not maintain statistical data on the basis of constituency areas.

The total number of Disability Living Allowance appeals adjourned for General Practitioner records are:

| | |
|---------|------|
| 2006/07 | 526 |
| 2007/08 | 821 |
| 2008/09 | 1147 |

NORTHERN IRELAND ASSEMBLY COMMISSION

Parliament Buildings: Main Entrance

Mr Burns asked the Assembly Commission for an overview of the design and an explanation of the figures and symbolism displayed on the facade at the front of Parliament Buildings above the main entrance. (AQW 287/10)

The Representative of the Assembly Commission (Mr Neeson): The front of Parliament Buildings is adorned by Britannia and her guardian lions at the top and features the Royal Coat of Arms on the 1st Floor Balcony.

In between, on the pediment above the portico is a sculpture group that is not so easily identified or categorised.

While it is clear that the sculpture involves the flame or torch of liberty, there are differing views on what the sculpture portrays.

One record of Parliament Buildings, published by H.M.S.O., claims that the sculpture represents Ulster presenting the golden flame of loyalty to Britain while another record, published by the Ulster Architectural Heritage Society says that the sculpture represents the Commonwealth or Britain presenting the lighted torch of liberty to Northern Ireland.

Unfortunately we are not in a position to determine which of the above interpretations is correct.

NORTHERN IRELAND ASSEMBLY

Friday 2 October 2009

Written Answers to Questions

OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

Child Abuse: Allegations

Mr Simpson asked the First Minister and deputy First Minister if, within the Department's responsibilities relating to children and young people, they will seek a meeting with (i) the Secretary of State for Northern Ireland; (ii) the Chief Constable; and (iii) the Children's Commissioner in order to press for a thorough investigation of allegations of child abuse in (a) St Patrick's home on the Glen Road, Belfast; (b) Termonbacca in Londonderry; and (c) any care facility organised by (i) the Roman Catholic Church; (ii) any other church or religious organisation; and (iii) any care facility run by the state. (AQW 255/10)

The First Minister and deputy First Minister (Mr P Robinson and Mr McGuinness):

- The issue of child protection and the safeguarding of children is a key priority for all of us and an issue which impacts on the work of several departments in the devolved administration, as well as the Northern Ireland Office.
- OFMDFM has recently published a major policy statement on Safeguarding Children which has brought together developments underway across the Northern Ireland Executive, NIO and Court Service. It has helped us to identify gaps and where further initiatives are required.
- Regulation, inspection and provision of arrangements for vulnerable children here have been strengthened significantly over many years. An independent Regulation and Quality Improvement Authority has been established with statutory responsibility and powers to inspect services. The Northern Ireland Social Care Council, the independent public regulatory body for the social care workforce in Northern Ireland, is dedicated to improving and regulating standards of training and practice for social care workers.
- Under current legislative procedures here, individuals who wish to work in a paid or unpaid capacity with children in a regulated position will be subject to pre-employment vetting procedures. New Safeguarding Vulnerable Groups legislation will be introduced next month to strengthen further protection for children in workplace situations. DHSSPS also intends to establish a regional Safeguarding Board for Northern Ireland next year. This will strengthen further safeguarding arrangements within Northern Ireland.
- In February 2008 the NSMC considered a paper on child protection and agreed that a cross-border group of officials from relevant departments would intensify co-operation on child protection and report progress to NSMC. The Executive has also proposed child protection as a new work stream within the British Irish Council. The Council has deferred a decision on the proposal pending the outcome of the various enquiries into the Baby P case, but has tasked officials to consider the matter.
- We share concerns about allegations of abuse against children and want to see full investigations of any specific incidents take place. We would strongly urge if anyone has evidence of abuses committed within this jurisdiction against them, if they have not already done so, to bring it to the attention of the PSNI for investigation.

We have agreed to put the issues that you have raised on the agenda of the next Ministerial Sub-Committee on Children and Young People for discussion.

Sexual Abuse of Children

Mr Simpson asked the First Minister and deputy First Minister if their Department has had any discussions with the Children's Commissioner regarding the question of sexual abuse of children in (i) any environment of trust organised by the Roman Catholic church; (ii) any environment of trust organised by any other church or religious organisation; (iii) any state run care environment. (AQW 291/10)

The First Minister and deputy First Minister: The issue of child protection and the safeguarding of children is a key priority for all of us and an issue which impacts on the work of several departments in the devolved administration, as well as the Northern Ireland Office.

Because of the cross cutting nature of this issue and its direct link to the 'living in safety and with stability' aspect of the 10-year strategy for children and young people, we took the initiative to co-ordinate the development of the recently published Safeguarding Statement which pulls together the work of a number of departments.

We worked closely with the Commissioner for Children and Young People on the development of the cross-departmental Safeguarding Statement but our Department has not been approached by the Commissioner regarding sexual abuse of children in any specific environment or organisation.

Under current legislative procedures here, individuals who wish to work in a paid or unpaid capacity with children in a regulated position will be subject to pre-employment vetting procedures. New Safeguarding Vulnerable Groups legislation will be introduced next month to strengthen further protection for children in workplace situations. DHSSPS also intends to establish a regional Safeguarding Board for Northern Ireland next year. This will strengthen further safeguarding arrangements here.

We have not directly been made aware of any calls for an investigation into any particular institution. If anyone has specific information about Termonbacca, St Patrick's or any other institution, they should report it to the PSNI and seek help from the Social Services. Every individual case brought to the attention of the PSNI or Social Services will be investigated.

We have agreed to put the issues you raise as an agenda item for discussion at the next Ministerial Sub-Committee for Children and Young People.

Child Abuse: Investigations

Mr Simpson asked the First Minister and deputy First Minister what consideration their Department has given to supporting calls for an investigation into child abuse in any care facility organised by (i) the Roman Catholic church; (ii) any other church or religious organisation; and (iii) the state. (AQW 292/10)

The First Minister and deputy First Minister: The issue of child protection and the safeguarding of children is a key priority for all of us and an issue which impacts on the work of several departments in the devolved administration, as well as the Northern Ireland Office.

Because of the cross cutting nature of this issue and its direct link to the 'living in safety and with stability' aspect of the 10-year strategy for children and young people, we took the initiative to co-ordinate the development of the recently published Safeguarding Statement which pulls together the work of a number of departments.

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We have agreed to put the issues you raise as an agenda item for discussion at the next Ministerial Sub-Committee for Children and Young People.

Child Protection Issues

Mr Simpson asked the First Minister and deputy First Minister what is their Department's assessment of the child protection issues arising from the allegations of sexual abuse in Termonbacca, Londonderry; and how they intend to investigate those child protection issues. (AQW 293/10)

The First Minister and deputy First Minister: The issue of child protection and the safeguarding of children is a key priority for all of us and an issue which impacts on the work of several departments in the devolved administration, as well as the Northern Ireland Office.

Because of the cross cutting nature of this issue and its direct link to the 'living in safety and with stability' aspect of the 10-year strategy for children and young people, we took the initiative to co-ordinate the development of the recently published Safeguarding Statement which pulls together the work of a number of departments.

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We have not directly been made aware of any calls for an investigation into any particular institution. If anyone has specific information about Termonbacca, St Patrick's or any other institution, they should report it to the PSNI and seek help from the Social Services. Every individual case brought to the attention of the PSNI or Social Services will be investigated.

We have agreed to put the issues you raise as an agenda item for discussion at the next Ministerial Sub-Committee for Children and Young People.

Child Protection Issues

Mr Simpson asked the First Minister and deputy First Minister what is their Department's assessment of the child protection issues arising from the allegations of sexual abuse at St Patrick's home on the Glen Road, Belfast; and how they intend to investigate those child protection issues. (AQW 294/10)

The First Minister and deputy First Minister: The issue of child protection and the safeguarding of children is a key priority for all of us and an issue which impacts on the work of several departments in the devolved administration, as well as the Northern Ireland Office.

Because of the cross cutting nature of this issue and its direct link to the 'living in safety and with stability' aspect of the 10-year strategy for children and young people, we took the initiative to co-ordinate the development of the recently published Safeguarding Statement which pulls together the work of a number of departments.

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We have not directly been made aware of any calls for an investigation into any particular institution. If anyone has specific information about Termonbacca, St Patrick's or any other institution, they should report it to the PSNI and seek help from the Social Services. Every individual case brought to the attention of the PSNI or Social Services will be investigated.

We have agreed to put the issues you raise as an agenda item for discussion at the next Ministerial Sub-Committee for Children and Young People.

Integrated Development Fund

Mr Durkan asked the First Minister and deputy First Minister how much of the monies allocated to the Integrated Development Fund remains unallocated, and to indicate how these monies will be made available to qualifying projects. (AQW 301/10)

The First Minister and deputy First Minister: Of the 32 pilot projects submitted for approval to date, 31 have been formally approved and Integrated Development Funding support totalling £45.2m has been made available to the projects. The most recent project to be submitted for approval, Broadbridge Dualling in the North West, is being considered.

The Executive closed all Central Funds, including the Integrated Development Fund, as part of the Budget 2008 settlement. Consequently, there are no further monies to be allocated from the Fund.

Those outstanding pilot projects which had previously received approval in principle may still be brought forward as bids for funding, subject to the provision of the required economic appraisals. Following formal endorsement by OFMDFM/DFP Ministers, each will be considered, as a high priority, for funding support by the Executive as part of the quarterly financial monitoring process.

Legislation: OFMDFM

Mr Savage asked the First Minister and deputy First Minister to outline any legislation their Department intends to bring before the Assembly before 31 December 2009. (AQW 405/10)

The First Minister and deputy First Minister: We introduced the Department of Justice Bill in the Assembly on 14 September 2009. A policy consultation is currently underway in relation to the setting up of a Victims and Survivors service which will require primary legislation in due course. A Legislative Consent Motion will be brought forward seeking the Assembly's endorsement to the extension of the UK Child Poverty Bill to Northern Ireland. We also anticipate bringing secondary legislation to create a Maze/Long Kesh Development Corporation to drive forward redevelopment of the site before 31 December 2009.

Commissioner for Older People

Mr Shannon asked the First Minister and deputy First Minister when the Commissioner for Older People will be in place; and what discussions have taken place, since the announcement of their intention to appoint a commissioner, with Help the Aged and other such organisations to garner opinions on any appointment. (AQW 429/10)

The First Minister and deputy First Minister: We intend shortly to seek the Executive's agreement to issue a consultation document and Draft Bill which sets out our proposals to establish a Commissioner for Older People. After careful consideration of all the consultation responses, we will make a decision about the scale and scope of the proposed Commissioner's powers. We are unable to appoint a Commissioner until the legislative process is complete and it is likely that this will take until spring 2011.

Since the decision to appoint a Commissioner was announced, OFMDFM officials have been engaged in research and pre-consultation with key stakeholders, including Help the Aged/Age Concern; Age Sector Platform, the Advocate, Dame Joan Harbison and others. They have had a range of meetings with stakeholder organisations to ensure that there is the broadest possible involvement in the policy development and legislative processes prior to formal public consultation. A list of these meetings has been placed in the Assembly Library.

Furthermore, Junior Minister Kelly and Junior Minister Newton also met with Dame Joan Harbison in July this year to hear at first hand about the issues which older people are raising with her and to discuss the Advocate's role in the consultation process.

North Antrim Constituency: OFMDFM Projects

Mr McKay asked the First Minister and deputy First Minister to detail (i) what projects their Department has funded; and (ii) the amount of money provided by their Department, in the North Antrim constituency, since May 2007. (AQW 462/10)

The First Minister and deputy First Minister: Our Department has funded a number of projects in the North Antrim constituency since May 2007. The projects and the amount of funding involved are detailed below.

| Projects | Amount of Funding |
|--|--|
| Northern Health & Social Services Board Trauma Advisory Panel | 2007/08 - £71,777 2008/09 - £79,891 (The Panel will continue to be funded by OFMDFM during 2009/10) |
| Ballymena Inter-Ethnic Forum | 2007/08 - £40,000 2008/09 - £46,000 2009/10 - £20,650 * (*out of their total allocation of £45,000 for 2009/10) |
| Dunclug Partnership Group – Summer Community Relations event | 2007/08 - £200 |
| Dunclug Partnership Group – Shared Future Event | 2007/08 - £2700 2008/09 - £3000 |
| Harryville Partnership Initiative – Cross-border Community Relations programme | 2007/08 - £800 |
| Corrymeela Community residential programme Minority ethnic communities | 2007/08 - £2500 |
| Community Relations Residential | 2008/09 - £5000 |
| Harryville Partnership Initiative Cross border Community Relations programme | 2007/08 - £800 |
| Dervock and District Community group Community festival | 2007/08 - £1450 |
| Bann valley Community Assoc. Community Relations discussion | 2007/08 - £825 |
| WAVE trauma Centre (Victims Core funding grant) | 2007/08 - £36,648 |
| Psychotherapy intervention services | 2008/09 - £38,178 |
| Alternative therapy services | 2008/09 - £6720 |
| Structured activities dealing with past | 2008/09 - £2560 2008/09 - £4532 |
| Ballymena All saints Church development of Churches Forum | 2008/09 - £325 |
| Ballymena Inter Ethnic Forum Community Relations week event | 2008/09 - £1500 |
| Ballymena Community Safety Partnership Summer interventions | 2008/09 - £880 |
| Ballymena Peace group Community Relations residential | 2008/09 - £1500 |
| Ballymena Community Forum Minority Ethnic event | 2008/09 - £480 |
| Ballymoney Resource Centre | 2008/09 - £2682 |
| Dunloy Development Association Shared history Project | 2008/09 - £256 |
| Ballycastle Trinity Community Choir Community Relations music event | 2008/09 - £2500 |
| Moyle Four Swans Community Arts Festival | 2008/09 - £5000 |
| Ballymena RUC GC Association Social Engagement programme | 2008/09 - £2630 |
| Ballymena District Council | 2007/08 - £69240 2008/09 - £71730 2009/10 - £15736.45 (1st qtr allocation) |
| Ballymoney District Council | 2007/08 - £55271.28 2008/09 - £78819.22 2009/10 - £10716.61 (1st qtr allocation) |

| Projects | Amount of Funding |
|------------------------|---|
| Moyle District Council | 2007/08 - £47634.28 |
| | 2008/09 - £49665.13 |
| | 2009/10 - £9620.15 (1st qtr allocation) |

Employment Levels

Mr McNarry asked the First Minister and deputy First Minister what plans they have to change employment levels within their Department in the next 12 months; and how many of these changes are planned to be made through redundancies. (AQW 600/10)

The First Minister and deputy First Minister: Staffing levels in the Department are regularly reviewed to ensure the work of the Department is delivered in the most efficient and effective way. The size of the Department has reduced from 408 staff in post in September 2007 to 394 in September 2009.

Proposals for organisational change to support delivery of current and future Departmental objectives are currently under consideration.

A key aim for the Northern Ireland Civil Service is to avoid redundancy if this is possible; it is planned that any staff who become surplus through organisational changes in the Department would be redeployed within the Northern Ireland Civil Service.

Child Protection Issues

Mr Simpson asked the First Minister and deputy First Minister (i) for their assessment of the child protection issues arising from the allegations of serious physical assault against children in (a) Termonbacca, Londonderry; (b) Nazareth House, Londonderry; (c) Nazareth Lodge, Belfast; (d) Nazareth House, Belfast; (e) St Patrick's home, Belfast; and (ii) how they intend to investigate those child protection issues. (AQW 672/10)

The First Minister and deputy First Minister: As we have stated previously, the issue of child protection and the safeguarding of children is a key priority for all of us and an issue which impacts on the work of several departments in the devolved administration, as well as the Northern Ireland Office.

Recognising the seriousness of this matter, Ministers will consider it at the next meeting of the Ministerial Sub-Committee on Children and Young People.

We would like to repeat that we have not directly been made aware of any calls for an investigation into any particular institution and have no plans to seek meetings at this time. However, we share concerns about allegations of abuse against children and want to see full investigations of any specific incidents take place. We would strongly urge if anyone has evidence of abuses committed against them within this jurisdiction, if they have not already done so, to bring it to the attention

Child Protection Issues

Mr Simpson asked the First Minister and deputy First Minister (i) what assessment they have made of the need for a public investigation of allegations of serious physical assault against children in (a) Termonbacca, Londonderry; (b) Nazareth House, Londonderry; (c) Nazareth Lodge, Belfast; (d) Nazareth House, Belfast; (e) St Patrick's home, Belfast; and (ii) how they intend to investigate those child protection issues. (AQW 673/10)

The First Minister and deputy First Minister: As we have stated previously, the issue of child protection and the safeguarding of children is a key priority for all of us and an issue which impacts on the work of several departments in the devolved administration, as well as the Northern Ireland Office.

Recognising the seriousness of this matter, Ministers will consider it at the next meeting of the Ministerial Sub-Committee on Children and Young People.

We would like to repeat that we have not directly been made aware of any calls for an investigation into any particular institution and have no plans to seek meetings at this time. However, we share concerns about

allegations of abuse against children and want to see full investigations of any specific incidents take place. We would strongly urge if anyone has evidence of abuses committed against them within this jurisdiction, if they have not already done so, to bring it to the attention

Executive: Issues not Agreed

Mr Savage asked the First Minister and deputy First Minister to list all issues on which the Executive has not reached agreement. (AQW 874/10)

The First Minister and deputy First Minister: It is not our practice to disclose details of Executive business. The content of Executive papers and all aspects of Executive business are confidential.

Executive: Issues Agreed

Mr Savage asked the First Minister and deputy First Minister to list the 451 issues on which the Executive has reached agreement. (AQW 875/10)

The First Minister and deputy First Minister: It is not our practice to disclose details of Executive business. The content of Executive papers and all aspects of Executive business are confidential.

DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

Apple Industry

Mr Savage asked the Minister of Agriculture and Rural Development for her assessment of the current state of the apple industry. (AQW 278/10)

The Minister of Agriculture and Rural Development (Ms Gildernew): There are approximately 1500 hectares of orchard in the north of Ireland, with approximately 200 apple growers. Bramley Seedlings occupy 97% of the orchard area.

The projected yield for 2009 is estimated at 30,000 tonnes which represents 45% of the 2007/2008 crops. However, it represents 75% of the long term average yield. The projected reduction in crop yield is due to the extremely poor weather conditions (wet and cold) in May when the orchards were in blossom. However, it is anticipated that the apple sector will meet market demand from the fresh and processed sectors.

It is too early in the season to make definitive statement on producer returns for 2009, however early indications are that an increase on 2008 prices is anticipated.

Apple Growers

Mr Savage asked the Minister of Agriculture and Rural Development what assistance is available for apple growers. (AQW 279/10)

The Minister of Agriculture and Rural Development: My Department through CAFRE works closely with the apple industry to deliver industry training, knowledge and technology transfer and benchmarking programmes. CAFRE, in conjunction with AFBI, appraise plant health and assist growers to develop pest and disease control plans for their orchards. Technical support and advice is also given on the processing and packaging of apples and apple products.

My Department is a major sponsor of apple research, with considerable research being carried out by AFBI, Loughgall. Financial assistance may be available to the apple industry involved in the processing and marketing of apples through the Rural Development Programme's Agriculture and Forestry Marketing Development Grant Scheme. This scheme, which is currently open to producers and processors in the Agri-Food and Forestry sectors can provide grant assistance of 40% up to £150,000, to assist in the development of marketing capability.

The EU Agricultural and Forestry Processing and Marketing Scheme seeks to improve the economic performance and international competitiveness of the agri-food processing, horticulture and forestry sectors.

The Supply Chain Development (SCD) Programme is aimed at helping farmers and food producers work together to improve the rewards from their supply chain by helping to stimulate the formation of “embryonic” supply chain partnerships and support these as they move forward, by providing financial assistance and expert guidance.

The Department has assisted the Fruit Industry Federation in developing an application to register ‘Armagh Bramley Apples’ as a Protected Geographical Indication (PGI) under the EU Protected Food Names Scheme.

The EC Fresh Fruit and Vegetable Aid Scheme aims to channel “grants” to Producer Organisations (POs), who come together to produce, harvest, store, package and market their crop. Approved programmes are guaranteed up to 50% EU funding of their incurred expenditure.

Apple Growers

Mr Savage asked the Minister of Agriculture and Rural Development to detail what assistance her Department (i) has given to date; and (ii) continues to give to apple growers, in conjunction with DETI and Invest NI, in finding new markets for their products. (AQW 281/10)

The Minister of Agriculture and Rural Development: To date my Department has awarded £1.35m of grant aid to the Apple Industry, under the previous Processing and Marketing Grant Scheme (PMG) 2000 – 2006.

DARD has facilitated the Fruit Industry Federation in their application for Protected Geographical Indication (PGI) status for the Armagh Bramley under the EU Protected Food Name Scheme. This scheme aims to identify regional and traditional foods whose authenticity and origin can be guaranteed.

The Fruit Industry Federation participation in the Supply Chain Development Programme (SCDP) helped the industry develop a strategy to enable them to move forward together.

In May 2009, the apple industry was provided with £10k of support through the NI Regional Food Programme which aims to promote quality regional food and its consumption within Ireland and Britain.

As part of the NI Rural Development Programme 2007 - 2013, financial assistance continues to be made available to apple growers and processors through schemes administered by DARD. These include the EU Agriculture and Forestry Processing and Marketing Scheme which is delivered jointly by DARD and Invest NI; and The Agriculture and Forestry Marketing and Development Grant Scheme which provides financial support to encourage greater integration and collaboration between producers, processors and others in the Agri - food, wood supply and renewable energy chains.

In addition, Invest NI has had and will continue to have significant engagement with apple processors to assist them in finding new markets for their products. Over the past three years, five companies have participated in 75 specialist ‘Meet the Buyer’ events organised by Invest NI. Some of these processors have also exhibited/attended major sectoral trade shows such as the International Food Exhibition (IFE) in London and CATEX in Dublin.

In addition, through Invest NI’s Food Sector Marketing Advisors, over £200,000 first year sales were secured for three clients engaged in apple processing to 11 customers outside the north of Ireland. Given the timing of this business it is estimated that this could represent in excess of £500,000 cumulative sales.

Organic Farming Scheme

Mr Durkan asked the Minister of Agriculture and Rural Development (i) when the Organic Farming Scheme will open for applications; and (ii) when successful applicants will receive financial payments under the scheme. (AQW 307/10)

The Minister of Agriculture and Rural Development:

- (i) On 6 August I issued a press release confirming that the Organic Farming Scheme (OFS) will open for new applications again in early 2010.
- (ii) Successful applicants will receive payment at the end of each OFS agreement claim year if all agreement requirements have been met. All OFS agreement claim years run from 1 January to 31 December each year.

Hence, for agreements entered into in January 2009, the first payments will be due to commence in January 2010.

DARD Direct Facility, Newtownards

Mr Hamilton asked the Minister of Agriculture and Rural Development (i) what sites are being investigated as possible locations for the DARD Direct facility in Newtownards; and (ii) when the new service will be fully operational. (AQW 308/10)

The Minister of Agriculture and Rural Development: In January this year, I announced that a network of 12 DARD Direct offices would be established to deliver services to customers across the north of Ireland. At that time I identified the locations of 10 of these offices. These are Omagh, Dungannon, Armagh, Newry, Downpatrick, Newtownards, Ballymena, Coleraine, Claudy and Magherafelt. (These are in addition to the Enniskillen office, which was established as the pilot DARD Direct office). In July, I confirmed that the 12th and final office would be located in the centre of the South and East Antrim area (eg, between Mallusk and Antrim).

With respect to identifying actual office accommodation, my officials are working in partnership with DFP (Department of Finance and Personnel) to determine this, as they are responsible for providing office accommodation to meet the needs of all Government Departments. They are working through a range of steps to assess the suitability of existing accommodation and/or identify alternative accommodation that will optimise alignment with the DARD Direct specification. It is a process of elimination and at this stage, for the majority of locations, there is no final decision on what accommodation we will occupy.

A property search of the Newtownards area has not identified any suitable premises. We are currently working with DFP to explore the potential of new accommodation being available by working through an “Expressions of Interest” process for this location. This is a complicated process and may take considerable time to implement.

In the shorter term, we are implementing management changes to enable us to deliver all key services from the existing offices at Kiltonga.

It is hoped that our customers can benefit from this improved accessibility to our services from the Spring of next year.

Protected Geographical Indication Status: Comber Potato

Mr Hamilton asked the Minister of Agriculture and Rural Development for an update on the achievement of Protected Geographical Indication status for the Comber potato. (AQW 309/10)

The Minister of Agriculture and Rural Development: The NI Potato Stakeholder Forum’s application to register ‘Comber Earlies’ under the EU Protected Food Name Scheme is currently being finalised.

Once the application has been finalised, the Department will oversee a consultation with interested parties. Following this, the application will be forwarded to Defra, as the competent authority, before onward transmission to the EC.

The EC can take at least 18 months to consider, approve and register the product under the scheme.

Food Production Sector

Mr Hamilton asked the Minister of Agriculture and Rural Development what strategy is in place for the growth of the food production sector; and what targets have been set for expanding the industry. (AQW 310/10)

The Minister of Agriculture and Rural Development: The local agri-food sector plays a significant role in contributing to the wider local economy, as well as being the backbone of rural communities here. It is the single largest private sector employer and demand for our quality local produce means that the sector contributes significantly to external sales.

In May last year, I, and the then DETI Minister, Nigel Dodds, established new structures for development support for the agri food industry. These comprised an Inter-Departmental Group (IDG) and an Industry Advisory Panel (IAP), which gave representatives of the agri-food industry unprecedented direct influence at a strategic level on public policy relating to this important sector.

The IAP and IDG have agreed a Strategy Framework for the agri-food industry to help build a strong and robust food sector capable of competing within the competitive environment which exists in both the domestic and international marketplace. Work is now underway with industry representatives to develop performance indicators against which to measure the Strategy Framework.

A key issue for consideration was to define the scope and focus of development priorities for the industry. The Framework identified market dynamics, changing demographics, lifestyles and consumer consumption patterns as challenges which underlined the need for priority to be given to industry investment in both marketing and innovation and points to the need to further stimulate capability development across critical strategic areas.

To support the development of these priorities, key strategic themes were identified: market understanding and development, fostering innovation, supply chain management, capability development and waste & energy. Dedicated Project Teams, including representation from the IAP, have been established to take forward work in these respective areas.

Waste Management Solutions

Mr Burns asked the Minister of Agriculture and Rural Development if her Department has advertised for tenders for the provision of waste management solutions to address the problem faced by poultry farmers in relation to the disposal of poultry litter. (AQW 326/10)

The Minister of Agriculture and Rural Development: My Department has not advertised for tenders for the provision of waste management solutions. Those who have waste to dispose of may have commercial contracts to do so.

The Nitrates Action Programme Regulations require farmers to put in place sufficient storage capacity for livestock manure. In the case of poultry enterprise this needs to be sufficient for at least 26 weeks.

Pig Producers

Mr Shannon asked the Minister of Agriculture and Rural Development how many pig producers are registered in 2009 compared to each of the last 3 years. (AQW 392/10)

The Minister of Agriculture and Rural Development: The number of pig producers in the last four years as recorded from the Agri farm census were:

| 2006 | 2007 | 2008 |
|------|------|------|
| 452 | 490 | 488 |

Figures for 2009 will not be available until December 2009.

Animal Welfare Act

Mrs I Robinson asked the Minister of Agriculture and Rural Development when she intends to introduce the Animal Welfare Act. (AQW 426/10)

The Minister of Agriculture and Rural Development: A new Animal Welfare Bill is one of my key ministerial priorities and it is my intention, subject to Executive approval, to progress an Animal Welfare Bill through to introduction to the Assembly by June 2010 and enactment during the lifetime of the current Assembly.

Farm Modernisation Programme

Mr P J Bradley asked the Minister of Agriculture and Rural Development whether the documentation associated with unsuccessful applications to the Farm Modernisation Programme will be acceptable as applications under any further releases of the programme, and will they be given preferential treatment over fresh applications. (AQW 430/10)

The Minister of Agriculture and Rural Development: As the European Commission have requested additional selection criteria for future tranches of the Farm Modernisation Programme and as there will be there

will be revisions to the List of Eligible Items it will be necessary for farmers to submit a further application. I will be ensuring however that the application forms remains as straightforward and as easy to complete as before.

Applications will therefore be assessed on the revised selection criteria.

North Antrim Constituency: DARD Projects

Mr McKay asked the Minister of Agriculture and Rural Development to detail (i) what projects her Department has funded; and (ii) the amount of money provided by her Department, in the North Antrim constituency, since May 2007. (AQW 464/10)

The Minister of Agriculture and Rural Development: The following table details the projects funded since 8 May 2007:-

| Name of Project | Funding | Description of Project |
|---|---|---|
| *Projects Funded by Forest Service | | |
| *Harvesting of trees | It is not possible to extract costs that were incurred on this project through Forest Service operational expenditure | 80,000 m ³ harvested, with associated replanting and maintenance actions. |
| *Conservation | It is not possible to extract costs that were incurred on this project through Forest Service operational expenditure | Assistance with NI Environment Agency (NIEA) on restoration work to Breen Oakwood ponds Special Area of Conservation. |
| *Squirrel preservation | It is not possible to extract costs that were incurred on this project through Forest Service operational expenditure | Facilitated Red Squirrel preservation using feeders and crop manipulation jointly with the Glens Red Squirrel Group. |
| *Deer management | It is not possible to extract costs that were incurred on this project through Forest Service operational expenditure | Establishment of deer lawns in Ballycastle and ongoing monitoring of population levels. |
| *Boundary drain cleaning | It is not possible to extract costs that were incurred on this project through Forest Service operational expenditure | 250 metres of boundary drains cleaned. |
| Projects funded by Rivers Agency | | |
| Ballymoney Ring Road Drain | £42,000 Approximate Cost | Drainage infrastructure (pipe laying and river channel works) project constructed by Rivers Agency's Coleraine Area Office, Direct Labour Organisation to facilitate drainage from development of approximately 10 hectares of land in Ballymoney. Project completed in December 2007. |
| Lower Bann Motorisation of Sluice Gates | £900,000 Approximate Cost | Mechanical & Electrical project to install electric motors on the 3 main sluice gates control structures on the Lower Bann River (at Toome, Portna & Cutts Coleraine). Project also included, automation of controls to enable remote control and installation of CCTV systems for monitoring the gates. Project completed in December 2008. |
| Projects funded by Animal Welfare | | |
| Bluetongue Eradication | £47,190 | Bluetongue was detected in animals imported to a north Antrim farm in February 2008. The Minister took prompt and decisive action: the animals concerned (and in-contacts) were culled, restrictions were imposed, and additional testing was carried out. This action was successful in stopping the Bluetongue becoming established here. |

| Name of Project | Funding | Description of Project |
|--|---|---|
| Projects funded by Service Delivery Group | | |
| DARD Direct Accommodation Rollout Project | £25,000 | Refurbishment and upgrade of customer service reception area and private interview room in Kilpatrick House, Ballymena. |
| Supply Chain Development Programme (SCDP) | £11,738.75 | The north Antrim Dairy Development Group received support from the SCDP, between November 2007 and June 2008, to facilitate the development of a calf export business. |
| *Projects funded by the College of Agriculture, Food and Rural Enterprise (CAFRE) | | |
| *CAFRE – Further and Higher Education programmes | It is not possible to extract from the College accounts the money spent on delivery of these programmes on the north Antrim Constituency. | Further Education and Higher Education programmes provided for those wishing to pursue a career in the agri-food industry and delivered at the CAFRE Campuses of Greenmount, Loughry and Enniskillen. Courses are open to application to those who meet the required entry criteria from across the north of Ireland. |
| *Industry training programme | It is not possible to extract from the College accounts the money spent on delivery of these programmes on the north Antrim Constituency. | Training courses for those working in the agri-food industry, which are delivered locally across the north or at the CAFRE Campuses of Greenmount, Enniskillen and Loughry. |
| *Knowledge and Technology Transfer programme | It is not possible to extract from the College accounts the money spent on delivery of these programmes on the north Antrim Constituency. | This programme aims to equip those in the agri-food industry with the knowledge, skills and experience to adopt appropriate technologies and systems within their businesses. CAFRE Technologists and Development Advisers work with the industry to encourage the adoption of the technology or system within their businesses. This is achieved through training courses, normally delivered throughout the north, Demonstration events on the College Farm/local farms or Food Processing Units and through mentoring. |
| *Benchmarking programme | It is not possible to extract from the College accounts the money spent on delivery of these programmes on the north Antrim Constituency. | This programme involves the collection of physical and financial data from farmers and growers, the analysis of this data by CAFRE Business Technologists and comparison with similar farm businesses. Through this programme the strengths and weaknesses of farm business performance can be identified and actions to improve performance implemented. This programme is available to farmers and growers across the north. |
| Projects funded by Rural Development Division | | |
| Empowering Community Energy | £46,957.17 | The upgrading of an existing water turbine installation at Houston's Mill complex to improve energy output from 1kwh to 14kwh. |
| North Antrim Community Development and Networking | £419,336.40 | The project is to provide a community development and networking service in the rural areas of Ballymena, Ballymoney, Moyle and Larne. The primary areas of work within this project will involve building capacities of rural communities, stimulating community development in areas of low community infrastructure, to increase and support voluntary activity and networking |

| Name of Project | Funding | Description of Project |
|---|-------------|--|
| Business Development Support | £82,761 | As part of the Leader support which north Antrim will offer, Business Development Support will be offered to successful applicants. It will ensure a coherent and innovative approach is adopted by the project promoters. It will thus complement the capital grants available. |
| Artisan Food Producers' Country Market | £31,709.31 | To develop and market artisan food producers by developing markets for selling |
| Woolcraft | £29,017.22 | To identify options for wool and sheep products, look at product development and marketing of these new products. This project will also aim to raise the profile of wool production in the areas. |
| The Irish Sheepdog (Phase 2) | £11,625.60 | The project focuses on expanding the sheepdog enterprise on a small farm enterprise that has already received £1,800 Leader+ grant assistance to establish a web presence. |
| Newferry Environmental Improvements | £78,092 | Ballymena Borough Council, in conjunction with Newferry Water-ski Club, wish to upgrade the current facilities at Newferry – slip-way, jetty, car park, picnic area and public toilets, in line with the Lower Bann Tourism and Recreation Study. |
| PBS Office Provision | £15,000 | With the help of EU Funding, PBS wishes to renovate an old farm building to provide a purpose built call centre and office facility to allow its current operation to expand, creating flexible, local employment in a rural area. |
| Women into Enterprise | £47,941.12 | This project will look at business linkages between Isle of Wight and north Antrim. It will link individual businesses and provide a programme of training, mentoring and marketing assistance |
| The Weir Footbridge, Bushmills | £120,317 | The construction of a new footbridge over the River Bush in Bushmills village. |
| ER&M E-commerce Business - Marketing Consultant | £7,800 | Assistance to ER&M for the appointment of a Marketing Consultant to complement the work through existing markets and launch the business fully into new markets. |
| Armoy Comm. Tourism Project | £56,196.55 | To develop a multimedia tourist information facility based on the villages motorcycle history. |
| BUSH Heritage | £80,325.12 | Develop tourism and regeneration initiatives for village. |
| Moycraig Young Farmers' Hall | £129,261.11 | Renovation of Moycraig Farmers Recreational Hall to include heating, toilets and other internal works. Project also includes construction of a car park adjacent to the hall. |
| Glenovation - Provision of Specialised Technology Developer | £7,500 | This project is to provide a technology related developer who will be based in Ballycastle providing Internet programming services mainly to international clients. |
| Gracehill Farm Foods | £9,600 | To develop three food products and establish a small food processing unit that will manufacture quality black and white puddings and haggis. |

| Name of Project | Funding | Description of Project |
|---|------------|--|
| Rankin Engraving - New Laser Engraver | £10,000 | The addition of a new laser engraver will enable Rankin Engraving and Graphics to offer a greater portfolio of services to the wider rural community in which it serves, as well as across all of the north. |
| Food and Cultural Tourism | £35,000 | This project seeks to establish how an appreciation of local culture can help local tourism providers, food producers, crafts people and others meet the needs of discerning consumers. The partners will explore culture as and local food as a resource which can benefit local business. |
| Beachview Cottages (Extension) | £39,000 | Beachview Cottages has been in business for 10 years. During this time they have developed a unique tourist product and in recent time the demand for accommodation has exceed its availability. Beachview Cottages now wish to extend its facilities to capture this market and encourage more visitors into the Cushendun area. |
| Steel Shed Company - Develop a Manufacturing Facility | £3,126.40 | The purchase of the necessary plant equipment, such as, concrete moulds, vibrating table, handling equipment, jigs, cutting/welding equipment and associated tools for the manufacture of both concrete sectional and steel buildings. Additionally there is a requirement for the development of a functional stand alone web site for the promotion of the steel buildings. |
| Myra and Robert Gault | £10,000 | Modernising of refrigeration in shop. |
| Celtic Crafts | £3,759 | Installation of shop windows and painting to exterior of shop. |
| Ballyvoy Service Station | £6,570.60 | Re-establishment of a business shop. |
| CM Recycling - Shredding Machine | £40,000 | CM Recycling are in the process of buying an industrial shredding machine for the recycling of green waste and hope to initially supply local authorities, agriculture industry, plant nursery and equestrian centres as their product portfolio expands. |
| Mosside Cultural and Environmental Regeneration | £74,099.13 | Environmental improvements, production of booklet and interactive workshops, re-establishment of Mosside fair day. |
| The Loughgiel Synergy Project | £7,500 | The project aims to bring together local women from the Loughgiel area to plan, develop and manage a personal and social development project which will enable those involved to gain experience and confidence in managing and engaging in development workshops. |
| Bridge to Lifelong Learning | £4,245 | Provide variety of taster sessions and courses to rural women to promote skills for social, economical and environmental purposes actively promoting the inclusion of all women wishing to learn and enhance skills to combat disadvantage. |
| A Step Further | £30,000 | J & S Stairs relocation and expansion project. |

| Name of Project | Funding | Description of Project |
|---|------------|--|
| MJ. Dougherty Building and Joinery | £14,607.20 | Funding for MJ Doherty Building & Joinery Contractors to purchase machinery for the manufacture of bespoke pieces of furniture. |
| Biker Tourism (Main project) | £19,821.05 | This is a pilot initiative aimed at encouraging small businesses to tap into the biker tourism sector and to provide facilities for these bikers through corporation by accommodation providers. |
| Lismoyle Engineering Co Ltd - Decorative Marine Steelwork | £8,000 | For the manufacture of high specification stainless steel fittings and railings for leisure boats. |
| Ballymena Birdwatchers' Club tern breeding | £9,592 | The Tern Breeding Programme is a habitat restoration project involving erection of a number of tern breeding platforms on Lough Beg on the River Bann. |
| Bespoke Jewellery Manufacturing | £6,988 | Purchase of specialist equipment which will help improve the product range and manufacturing techniques. |
| Metal Fabrication Equipment | £36,241.60 | GMC Engineering wish to develop their business and expand into additional dealerships across Ireland for ATV Quads. The company also wishes to engage in the new opportunity to manufacture traditional farming gates. |
| Nirox IT | £9,420 | The company wishes to invest in IT infrastructure to support the businesses current growth and secure the employment of existing staff and help the company expand to meet demand. |
| MJF Sailpower Coaching | £9,275 | To establish a sail coaching facility in Cushendall serving all of Ireland, aimed at the established sailor wishing to improve and participate more fully in the sport of sail racing |
| Boundless Play | £26,132 | To purchase play equipment and develop a disused Council site for disabled and able bodied children in the local and surrounding area. |
| McCurdy Specialist Engineering | £2,600 | To improve the efficiency and profitability of the business by bringing in house a key production method, namely the metalworking of specialist decorative scrolls |
| Tourism Car-Parking at Fairhead | £10,000 | The provision of secure off road car parking for climbers and walkers who visit the Fairhead cliffs. |
| Strand One: Rural Service Centre Hubs Programme | £5,000 | Providing Development Support and associated financial Technical Assistance. |
| Strand One: Rural Service Centre Hubs Programme | £3,609.15 | Providing Development Support and associated financial Technical Assistance |
| Strand Two: Service Centre Hubs Project | £16,171.60 | Providing Development support and Grant assistance towards Technical Assistance costs. |
| Enterprise Networking Europe | £25,440 | The project will involve partners initially in Finland and France with Polish and Estonian partners joining shortly. All the participating groups work with small enterprises and have identified a need to diversify their markets and learn from their experience with similar enterprises in other EU states. |

| Name of Project | Funding | Description of Project |
|---|----------------------|---|
| Reducing Risks / Cutting Costs | £3,875 | This self implementation project focuses on the barriers to growth for small businesses. These primarily concern health and safety and failure to meet the standards required of the legislation results in higher insurance premiums. This will look at ways of reducing insurance costs and implementing H&S practices. |
| Dervock 2006 and Beyond | £4,784.98 | Dervock 2006 and Beyond Community Plan (commissioned via the NIHE) identifying a number of issues and action points. The Plan aims to capitalise and build on a previous CRISP Scheme carried out in the village in 1997. |
| Maximising Community. Space — Cloughmills Cultural and Historical | £46,362.25 | Provision of a large community facility which meets health and safety standards, and complies with disabled access regulations. |
| North Antrim Leader (NAL) business capital support programme | £150,000 | NAL will put in place a micro business development programme which will address an identified need for small business support in the north Antrim area. The programme will aim to stimulate economic growth through the provision of targeted capital assistance. |
| Round 2 Maximising Community. Space — Derrykeighan and District Community Association | £40,000 | Provision of a small community facility which meets health and safety standards, and complies with disabled access regulations. |
| Round 2 Maximising Community Space — Carnelea Orange Hall Management Committee | £39,534.79 | Provision of a large community facility which meets health and safety standards, and complies with fire authority regulations. |
| Newferry — a good place to give berth! | £29,257.50 | The project will involve the purchase of new floating jetties to facilitate the demand for berthing of boats using this section of the river for water skiing. |
| Total | £2,979,380.60 | |

The project below was a cross-border initiative between north Antrim and Donegal. The outputs and impacts from this project were to be shared equally across the target areas. In this instance, it has not been possible to disaggregate the actual amount of funding apportioned to the north Antrim Constituency.

| Name of Project | Funding | Description of Project |
|-------------------------------|------------|--|
| Maximising the Rural Resource | €1,269,631 | There are four themes to the framework based on shared natural and cultural resources in the two areas:- Marine Leisure Development; Language and Culture; Building sustainable capacity; and Reviving traditional skills. |

* It is not possible to disaggregate specific funding for the north Antrim Constituency for these projects.

Farm Modernisation Scheme

Mr Weir asked the Minister of Agriculture and Rural Development, in relation to the Farm Modernisation Scheme, (i) how many applications were received since its inception; (ii) how many were approved for payment; and (iii) of those approved, how many took up payment, in the North Down constituency. (AQW 469/10)

The Minister of Agriculture and Rural Development: 33 applications from farm businesses located in the North Down Constituency were submitted to the First Tranche of the Farm Modernisation Programme.

Of these 7 have received Letters of Offer of financial support towards the purchase costs of modernisation items.

As farmers have 4 months in which to purchase these items and submit their claims, information on the number of farmers in the North Down constituency who have received payment is not yet available.

Legislation: DARD

Mr Savage asked the Minister of Agriculture and Rural Development to outline any legislation her Department intends to bring to the Assembly before 31 December 2009. (AQW 533/10)

The Minister of Agriculture and Rural Development: The Department of Agriculture and Rural Development has no plans to formally introduce any new legislation to the NI Assembly before 31 December 2009.

Employment Levels

Mr McNarry asked the Minister of Agriculture and Rural Development what plans she has to change employment levels within her Department in the next 12 months; and how many of these changes are planned to be made through redundancies. (AQW 601/10)

The Minister of Agriculture and Rural Development: The Department of Agriculture and Rural Development currently has no plans to change its employment levels in the next 12 months or to make any staff redundant. Should change become necessary the Department would make every reasonable effort to minimise the number of employees compulsorily made redundant.

DEPARTMENT OF CULTURE, ARTS AND LEISURE

North Antrim Constituency: DCAL Projects

Mr McKay asked the Minister of Culture, Arts and Leisure to detail (i) what projects his Department has funded; and (ii) the amount of money provided by his Department, in the North Antrim constituency, since May 2007. (AQW 461/10)

The Minister of Culture, Arts and Leisure (Mr McCausland): The information requested is set out at Annex A.

NELSON MCC AUSLAND MLA

ANNEX A

INLAND FISHERIES

| Project | Amount (£) |
|---|----------------|
| Refurbishment of Trap Building at River Bush Salmon Station | 119,700 |
| New store at River Bush Salmon Station | 32,500 |
| Buttermilk Bridge, Broughshane | 5,000 |
| Newferry Environmental Improvement Scheme | 20,000 |
| Total | 177,200 |

EVENTS UNIT

| Project | Amount (£) |
|--|-------------------|
| *All Ireland Antrim Girls Golf Championships | 10,000 |
| *Northern Ireland Milk Cup | 25,000 |
| Northern Ireland Milk Cup | 48,700 |
| Northern Ireland Milk Cup | 65,000 |
| Armoy Road Races | 20,000 |
| Total | 168,700 |

* Funded by Northern Ireland Events Company

SPORT NI

| Project | Amount (£) |
|--|-------------------|
| Glenravel Community Development Association (Multi-purpose community building) | 994,892 |
| Construction of full size grass pitch (All Saints GAC) | 248,195 |
| Construction of full size GAA grass pitch (Glen Rovers GAC) | 188,793 |
| Construction of full size GAA grass pitch with floodlighting (St Mary's GAC) | 225,000 |
| Total | 1,656,880 |

NATIONAL MUSEUMS NORTHERN IRELAND

| Project | Amount (£) |
|--|-------------------|
| Boyd's Ballycastle (Ballycastle Museum) | 420 |
| Boyd's Ballycastle Tours (Ballycastle Museum) | 350 |
| Preserved Medieval Wood Artefacts from Ballymoney (Ballymoney Museum) | 4,747 |
| 1911 - 1914 - New Perspectives (The Braid) | 4,250 |
| Tullygrawley Wood Cut Prints Archive (Ballymena Museum) | 1,349 |
| Storage materials for archive documents and replacements of wooden drawer unit with conservation grade metal map cabinet (Ballymoney Museum) | 895 |
| Education/Outreach Post (Mid Antrim Museum Service) | 1,500 |
| Legends in the Landscape School Programme (Mid Antrim Museum Service) | 1,529 |
| Conservation of Staton Bronzes (Ballymoney Museum) | 273 |
| Conservation and dating wooden artefacts (Ballymoney Museum) | 3,083 |
| Conservation of dating of a possible Bronze Age wooden tub (Ballymoney Museum) | 494 |
| Conservation of metal artefacts (Ballymoney Museum) | 781 |
| Divine Inspiration: Remarkable objects reflecting faith (Mid Antrim Museum) | 6,000 |
| C18th medical Book (Ballymoney Museum) | 200 |
| Two Clocks (Mid Antrim Museum) | 3,425 |
| 30 Emigrant Letters (Ballymoney Museum) | 200 |

| Project | Amount (£) |
|--------------|---------------|
| Total | 29,496 |

ARTS COUNCIL OF NORTHERN IRELAND

| Project | Amount (£) |
|---|----------------|
| Public Art Sculpture at Station Road, Ballymena (Kells & Connor Improvement Association) | 15,000 |
| STart Up – ‘Sensory Mural for Disability Playground’, Moyle (Place & Identity Art) | 5,000 |
| Travel application to South Africa for artist Liz Weir | 500 |
| Exchange trips between Glens of Antrim Comhaltas and Ballyduff Comhaltas (Waterford) | 9,943 |
| Malta Residency for Artist Damian Gorman | 450 |
| Drumaheagles Young Defenders Flute Band, Ballymoney (Musical Instrument Application) | 5,000 |
| Enhancing Capacity of Northern Ireland Theatre Association | 45,000 |
| African drumming workshop in Senegal. Residency for artist Nicola Such | 500 |
| Residency at Martha Street Studio, Winnipeg for artist Ivan Frew | 1,400 |
| The Magic Flute – Dervock & District Community Association | 14,936 |
| Ballymena & Harryville Young Conqueror (Purchase of instruments) | 5,000 |
| Residency West Bengal, India for artist Raymond Watson | 650 |
| To produce 20 paintings during the residency. The work should reflect the local landscape and aspects of it. Artist Maurice Orr | 1,961 |
| Susan F Hunter, Moyle, Creative Industries Business Development | 6,670 |
| Public Art Project – Moyle District Council | 9,095 |
| Ballyeamon Barn Creative Breaks | 25,000 |
| Fiona Kerr Jewellery, Cullybackey, Creative Industries Development Project | 9,940 |
| Castlegore Amateur Flute Band (Purchase Musical Instruments) | 5,000 |
| Total | 161,045 |

COMMUNITY FESTIVALS FUND

| Project | Amount (£) |
|--|---------------|
| Dunaghy Cultural and Community Festival (Ballymoney) | 2,250 |
| Heart of the Glens Festival 2007 (Cushendall) | 3,000 |
| Ballymena Borough Council | 32,160 |
| Ballymoney Borough Council | 11,500 |
| Moyle District Council | 8,800 |
| Total | 57,710 |

NI SCREEN

| Project | Amount (£) |
|---|-------------------|
| ‘The Truck’ – Mobile Digital Creativity vehicle run by North Eastern Education and Library Board (NEELB), based at the Antrim Board | 36,000 |
| Creative Learning Centre (The Nerve Centre) – two 5 day film schools for teenagers in Ballycastle 2008 | 2,000 |
| Creative Learning Centre (The Nerve Centre) – production of animated film, 4 primary schools in Ballycastle area | 10,000 |
| Total | 48,000 |

LIBRARIES NI

| Project | Amount (£) |
|---|-------------------|
| Capital investment to Library Branches (Disability access, CCTV and other improvements) | 79,940 |
| Ballymena HQ Building Health & Safety Improvements | 18,733 |
| Total | 98,673 |

FORAS NA GAELIGE

| Project | Amount (£) |
|--|-------------------|
| Ballycastle Programme of Events | 2,770 |
| Summer Camp, Ballycastle | 3,500 |
| Community of Ballycastle (2008-10) | 117,441 |
| Voice of Dalraida (2009) | 1,310 |
| Voice of Dalraida (2008) | 500 |
| Dunloy Arts Club | 3,319 |
| The Glens’ Feis (Cultural Festival) | 2,000 |
| Donncha O’Broin, Ballycastle (A Publication) | 8,000 |
| Total | 138,840 |

ULSTER-SCOTS AGENCY

| Project | Amount (£) |
|---|-------------------|
| Bushmills Ulster-Scots Heritage Project | 14,380 |
| Bendoragh Lambeg Drumming (Drum & Fife tuition) | 1,950 |
| Ballinlea Community Group (Ulster-Scots evening) | 246 |
| Ballinlea Community Group (at home with Ulster-Scots) | 483 |
| Kingdom of Dalriada Ulster-Scots Society (Festival) | 7,790 |
| Lavin Flute Band (music tuition) | 400 |
| Stranocum Ulster-Scots Cultural & Heritage (Robert the Bruce 700th Anniversary) | 2,750 |
| Lower Bann Valley Ulster-Scots Society (Festival) | 3,200 |
| Sir George White Memorial Flute Band (flute & drum tuition) | 5,850 |
| Mossie Development Group (Mossie Cultural Regeneration) | 2,774 |

| Project | Amount (£) |
|--|------------|
| Maralagh Educational & Cultural Group (Ulster-Scots Celebration Night) | 1,150 |
| Dunloy Accordion Band (tuition workshops) | 2,137 |
| Ballinlea Community Group (festival) | 3,742 |
| Dunloy Accordion Band (commission of musical arrangements) | 3,600 |
| Stranocum Ulster-Scots Cultural & Heritage (music tuition) | 1,400 |
| Dunloy Accordion Band (festival day) | 623 |
| Cullybackey Pipe Band | 25 |
| Gig'n the Bann Festival Committee (festival) | 3,310 |
| Maralagh Educational & Cultural Group (Flute & Drum Tuition) | 8,462 |
| Maralagh Educational & Cultural Group (Ulster-Scots Concert) | 250 |
| Killycoogan Accordion Band (accordion & drum classes) | 2,250 |
| Lower Bann Valley Ulster-Scots Society (flute & drum tuition) | 2,250 |
| Mosside Development Group (fair day) | 1,004 |
| Bushmills Ulster-Scots Heritage (skills training, education & awareness talks) | 17,950 |
| Craiganeer Accordion Band (tuition project) | 2,408 |
| Stranocum Ulster-Scots Cultural & Heritage (alternative St Patricks night) | 250 |
| Cullybackey Pipe Band (summer school) | 700 |
| Dunloy Accordion Band (accordion & drum classes) | 4,475 |
| Eden Accordion Band (accordion & drum classes) | 3,200 |
| Bannside Community Safety Group (summer school) | 1,927 |
| Glebeside Community Association (summer school) | 700 |
| Riada Concert Group (accordion, fife & drum tuition) | 2,031 |
| Craiganeer Accordion Band (accordion & drum classes) | 600 |
| Broughshane District LOL (Festival) | 1,490 |
| Goldsprings T.D.F.B (flute & drum tuition) | 1,050 |
| Stranocum Ulster-Scots Cultural & Heritage (festival) | 2,167 |
| Cullybackey Pipe Band (festival) | 1,265 |
| Bannside Community Safety Group (summer school) | 2,560 |
| Cullybackey Pipe Band (educational workshop) | 1,000 |
| Mosside Development Group (Mosside word park) | 10,984 |
| Cullybackey Pipe Band (summer school) | 1,305 |
| Benwarden Flute Band (Flute & Drum tuition) | 675 |
| Glebeside Community Association (community week) | 250 |
| Mosside Development Group (fair day) | 3,890 |
| Kingdom of Dalriada Ulster-Scots Society (Burns supper) | 250 |
| Moyasset Heritage & Cultural Society (St Patricks celebration) | 250 |
| Ballymoney Fife & Lambeg Drumming Club (National Lambeg & Fife Showcase) | 2,000 |

| Project | Amount (£) |
|---|----------------|
| Cullybackey Pipe Band (pipe & drum tuition) | 1,855 |
| Garryduff Flute Band (Flute & Drum Tuition) | 600 |
| Ballykeel Loyal Sons of Ulster (Flute & Drum Tuition) | 800 |
| Ullans Speakers Association (running cost) | 20,203 |
| Broughshane Community Safety Group (festival) | 1,950 |
| Sir Edward Carson Festival, Glenarm | 1,350 |
| Total | 160,161 |

Northern Ireland Association of Target Shooting Sports

Mr Shannon asked the Minister of Culture, Arts and Leisure if he would consider meeting with the NI Association of Target Shooting Sports to ensure that there are opportunities for young people to be introduced to the sport in preparation for the 2012 Olympics. (AQW 717/10)

The Minister of Culture, Arts and Leisure: Responsibility for providing opportunities for young people to be introduced to shooting sports rests, in the first instance, with the recognised governing bodies for the sports. Sport Northern Ireland, which is responsible for the development of sport including the distribution of funding, recognises the Northern Ireland Shooting Federation as the umbrella body for the three principal shooting organisations - the Ulster Rifle Association, the Northern Ireland Smallbore Shooting Union and the Ulster Clay Pigeon Shooting Association.

I have not received a request from the NI Association of Target Shooting Sports for a meeting but would be prepared to consider such a meeting if their proposals had the clear support of the Northern Ireland Shooting Federation and the relevant governing bodies.

Post Offices

Mr W Clarke asked the Minister of Culture, Arts and Leisure (i) what services his Department currently provides through post offices; and (ii) for his assessment of any additional services that could be provided through local post offices. (AQW 753/10)

The Minister of Culture, Arts and Leisure: DCAL currently sells angling permits and licences through a distribution network including fishing tackle shops, hotels and tourist information outlets. The Department also use the services of local Post Offices in rural locations to act as angling permit and licence distributors on behalf of the Department.

Where there are geographical gaps in the current distribution network, rural Post Offices located close to prime angling waters could consider becoming an approved DCAL angling permit and licence distributor and stock angling related merchandise to encourage anglers into their premises.

DEPARTMENT OF EDUCATION

GAA Sports Coaching

Miss M McIlveen asked the Minister of Education to list the eight controlled primary schools which offer GAA sports coaching under the sports teaching programme, which she introduced in 2007. (AQW 67/10)

The Minister of Education (Ms Ruane): Tá socraithe agam go gcuirfear an t-eolas a iarradh i Leabharlann an Tionóil.

I have arranged for the information to be placed in the Assembly Library.

Class Sizes

Mr K Robinson asked the Minister of Education to detail the average class size at (i) Key Stage one; and (ii) Key Stage two in (a) controlled schools; (b) maintained schools; (c) integrated schools; and (d) Irish medium schools, in each of the last five years. (AQW 719/10)

The Minister of Education: Tá an t-eolas a iarradh sa tábla thíos.

The information requested is detailed in the table below.

Average class sizes in primary schools by management type and Key stage 2004/05 – 2008/09

| Year | Key Stage | School type | | | |
|---------|-----------|--------------|------------|---------------------|------------|
| | | Irish Medium | Controlled | Catholic Maintained | Integrated |
| 2004/05 | KS1 | 20 | 23 | 23 | 24 |
| | KS2 | 19 | 24 | 23 | 26 |
| 2005/06 | KS1 | 20 | 23 | 23 | 24 |
| | KS2 | 18 | 24 | 24 | 26 |
| 2006/07 | KS1 | 19 | 23 | 23 | 25 |
| | KS2 | 19 | 24 | 24 | 27 |
| 2007/08 | KS1 | 19 | 23 | 23 | 25 |
| | KS2 | 20 | 24 | 24 | 26 |
| 2008/09 | KS1 | 19 | 23 | 23 | 25 |
| | KS2 | 19 | 24 | 24 | 26 |

Source: School Census

Notes To Table:-

- Figures for 2004/05 and 2005/06 include classes in special units. From 2006/07 data have been collected in such a way that special units can be identified separately. Figures for 2006/07, 2007/08 and 2008/09 exclude special units.
- The integrated sector includes 'controlled integrated' and 'grant maintained integrated' schools.
- Classes that contain pupils from more than one year group are referred to as 'composite'. Composite classes that span Key Stage 1 and Key Stage 2 have been excluded.
- In 2006/07 the definition of Key Stages changed. Prior to this, Key Stage 1 included Years 1 – 4. From this year onwards, Years 1 and 2 have been referred to as 'Foundation stage', with only Year 3 and 4 being defined as Key Stage 1. For the purpose of this exercise, Key stage 1 has been defined as Years 1 – 4, to provide consistency across all of the five years.

Pupil:Teacher Ratio

Mr Elliott asked the Minister of Education what is the pupil/teacher ratio for primary level education in the (i) controlled sector; (ii) voluntary sector; and (iii) Irish-medium sector. (AQW 755/10)

The Minister of Education: Tá an t-eolas a iarradh sa tábla thíos.

The information requested is detailed in the table below.

PUPIL: TEACHER RATIOS, 2008/09

| Sector | Pupil: Teacher Ratio |
|--|----------------------|
| (i) Controlled ¹ sector | 20.4 |
| (ii) Voluntary ² sector | 20.4 |
| (iii) Irish-medium ³ sector | 16.3 |

¹ Includes controlled integrated primary schools, and the preparatory departments of controlled grammar schools.

- 2 Includes maintained and grant-maintained integrated primary schools, and the preparatory departments of voluntary grammar schools.
- 3 Includes schools in which Irish is the only medium. English-medium schools with Irish-medium units are not included.

Pupil:Teacher Ratio

Mr Elliott asked the Minister of Education what is the pupil/teacher ratio for secondary level education in the (i) controlled sector; (ii) voluntary sector; and (iii) Irish-medium sector. (AQW 757/10)

The Minister of Education: Tá an t-eolas a iarradh sa tábla thíos

The information requested is detailed in the table below.

PUPIL: TEACHER RATIOS, 2008/09

| Sector | Pupil: Teacher Ratio |
|--|----------------------|
| (i) Controlled ¹ sector schools | 14.4 |
| (ii) Voluntary ² sector schools | 14.5 |
| (iii) Irish-medium ³ sector | 11.3 |

1 Includes controlled integrated secondary schools, and controlled grammar schools.

2 Includes maintained and grant-maintained integrated secondary schools, and voluntary grammar schools.

3 This figure refers to the only wholly Irish-medium secondary school.

Nutritional Policy Objectives

Ms J McCann asked the Minister of Education to outline her policy objectives in relation to improving nutritional standards in schools and educating children on healthy food choices. (AQO 95/10)

The Minister of Education: Chuir an Roinn Oideachais, i bpáirtíocht leis na boird oideachais agus leabharlainne, tús le Caighdeán Chothaitheacha Nua do Lónta Scoile i mí Mheán Fómhair na bliana dhá mhíle a cúig, agus tá siad in áit in gach scoil anseo.

The Department of Education, in conjunction with Education and Library Boards, began the implementation of New Nutritional Standards for School Lunches in September 2005 and they are now in place in all schools here. The aims of the Standards are to help pupils make healthy choices by providing a range of healthy meals, to convey the meaning and importance of a healthy diet, and to contribute to a reduction in levels of child obesity.

From September 2007 the Standards programme was extended to include other sources of food in schools, such as tuck shops and vending machines. Only healthy choices should be provided in vending machines, tuck shops, and other sources of food within the premises of each school.

The revised curriculum includes a Personal Development and Mutual Understanding strand for primary pupils and a Learning for Life and Work strand for post-primary pupils which allow pupils to explore issues such as the benefits of healthy eating and physical activity, the consequences of poor dietary choices, ways of achieving a healthy diet, the influences on their physical and emotional health and ways of developing their self-esteem.

It is also a requirement of the revised curriculum for all children to undertake Home Economics at Key Stage 3. This will provide opportunities for young people to develop their understanding of a healthy diet and the hygienic and healthy use of foods in the preparation of meals.

My Department, in conjunction with the Department of Health, Social Services and Public Safety, is developing a Food In School policy which will encompass all aspects of food in schools, including other food provided in schools, such as breakfast clubs, tuck shops, etc and education on nutrition and healthy eating. The policy was issued for public consultation on 14 September.

Classroom Assistants: Pay Dispute

Mr Dallat asked the Minister of Education for an update on the resolution of the classroom assistants' pay dispute. (AQO 96/10)

The Minister of Education: Is maith a thuigim an ról tábhachtach atá ag cúntóirí ranga. Mar Aire Oideachais, thug mé cuairt ar roinnt mhór scoileanna agus chonaic mé le mo chuid súl féin an tacaíocht ard-cháilíochta foghlama a chuireann cúntóirí ranga ar fáil, agus chonaic mé fosta chomh tiomanta agus dílis atá siad.

I very much appreciate the important role that classroom assistants perform. As Minister for Education I have visited a large number of schools and have witnessed at first hand the high quality learning support that classroom assistants provide, and their commitment and dedication.

I am, therefore, very concerned about the length of time it is taking to complete the classroom assistants' job evaluation process. Whilst I do acknowledge that it is a complex task, I am calling on all parties involved – the Education Boards, the Trade Unions, the School Principals and the classroom assistants - to resolve all outstanding issues at the earliest possible date.

As regards the progress that has been made since the November 2007 JNC Collective Agreement, I can advise that 94% of classroom assistants have signed and returned the 'Variation of Contract Form' and have received the one-off compensatory payment due to them. However, the calculation of salary arrears, which in some cases date back to 1 January 1995, has proved to be a much more complex and detailed process.

To date, of the 5,266 career histories and job descriptions that issued to schools, 1,958 cases have been assessed and agreed, and 44% (853) of these have received their arrears.

I can also advise that, while all classroom assistants who signed the Variation of Contract form were entitled to receive the one-off compensatory payment, it is estimated that up to 50% of classroom assistants could be entitled to Job Evaluation arrears.

The Boards have given priority to processing Special Schools' cases to ensure that those most likely to be entitled to arrears are paid their arrears as quickly as possible.

There have also been difficulties agreeing some of the job descriptions. It is hoped that proposals for an appeals process to expedite the clearance of these cases will be agreed by the Joint Negotiating Council (JNC) in the very near future.

The Boards have assured me they are working proactively with the schools to ensure that the remaining career histories and job descriptions are submitted as soon as possible. Nevertheless, I will be writing to the Boards to ask them to redouble their efforts to ensure that all the outstanding cases are processed as quickly as possible.

Educational Performance: Ethnic Minorities

Mr B Wilson asked the Minister of Education, in light of the increase in the number of children from ethnic minorities leaving school with no qualifications, if she has a strategy to improve their educational performance. (AQO 97/10)

The Minister of Education: Is é ceann de mo chuid tosaíochtaí é mar Aire Oideachais a chinntiú go mbaineann páistí mionlaigh eitnigh a lánchumas amach.

Ensuring that minority ethnic children reach their potential is one of my priorities as Minister of Education.

There has not been an increase in the percentage of minority ethnic children leaving school with no qualifications here in the north. Following the establishment of the Inclusion and Diversity Service in 2007 and the Department's initiatives, Departmental statistics show a considerable drop in the percentage of minority ethnic children leaving school with no qualifications between 2006 and 2008. However, while I am pleased this has happened, we can't be complacent. We need to achieve further improvements. Credit should be given to the children, parents and the schools.

Schools with newcomer and Traveller children, including Roma, are funded directly via the Common Funding Formula. In the current financial year, a total of just over £7.7 million of additional funding has been provided to schools on this basis.

In April of this year I launched the policy 'Every School a Good School – Supporting Newcomer pupils.' The aim of this policy is to ensure that schools and Education and Library Boards are in a position to welcome newcomer

pupils into their school communities. I have taken action to help schools assist newcomer children with their acquisition of the language of instruction, whether it is English or Irish, in an inclusive manner, to enable them to access the curriculum in particular, and partake in every aspect of school life.

Whilst the number of minority ethnic children leaving school with no qualifications has reduced, most of these children are Travellers. There are still significant numbers of Traveller children leaving school with no qualifications, indicating that there is still a long way to go to ensure that Traveller children reach their potential in the education system.

To this end, I established the Taskforce for Traveller Education in November 2008 jointly chaired by Katherine Joyce and Robbie McVeigh, as a cross-sectoral group including members of the Traveller community from across the north, representatives from a range of non-government organisations, as well as government Departments and public bodies from all of Ireland. The aim of the Taskforce is to assist the Department develop an action plan on Traveller education.

My Department funds the regional Inclusion and Diversity Service (IDS), which is responsible for a range of work areas aimed at providing support to schools with newcomer pupils. These services range from providing school-based support for initial parent/teacher meetings to follow-up advice on pastoral needs, basic language needs, curriculum support and an extensive training programme for school staff etc.

Currently, each Education and Library Board is also funded for Traveller services which will be brought together under the Education and Skills Authority.

I plan to continue to build the capacity and skills of the school workforce to support minority ethnic pupils both now and into the future as part of the overall raising standards agenda.

Primary School Strategy: East Belfast

Lord Browne asked the Minister of Education if a strategy for new builds of primary schools in inner city east Belfast has been agreed and, if so, what is the timescale for implementation. (AQO 98/10)

The Minister of Education: Níor cuireadh straitéis pleanála ceantair do bhunscoileanna ionchathracha oirthear Bhéal Feirste faoi bhráid mo Roinne le breithniú agus ceadú a dhéanamh uirthi.

An area-planning strategy for primary schools in inner city east Belfast has not been submitted to my Department for consideration and approval.

The Belfast Education and Library Board has advised, however, that it is currently progressing an area-based approach for all controlled primary schools in Belfast.

It is vital for the Belfast Education and Library Board to take this forward so that following the establishment of the Education and Skills Authority in January 2010, the modernisation of the schools' estate can progress as quickly as possible.

Educational Underachievement

Mr Beggs asked the Minister of Education to outline the major contributing factors to educational underachievement; and what action she has taken to address each of them. (AQO 99/10)

The Minister of Education: Nuair a rinneadh Aire Oideachais díom fuair mé le hoidhreacht córas a d'fhreastail ar riachtannais daichead den chéad de pháistí.

When I was appointed as Education Minister, I inherited a system that was built around the needs of 40% of children.

Last year around 11,000 children left school without five good GCSEs including literacy and maths. They were failed by the education system here. For the most part, these were already disadvantaged children. I am not prepared to tolerate such inequality.

Even among schools with similar levels of disadvantage, performance varies greatly. Gaps also exist between schools under different management types. Traveller children experience some of the worst educational outcomes of any minority ethnic group.

I am taking forward a major reform programme that will enable every young person to fulfil her or his potential.

On 30 April, I launched 'Every School a Good School – A Policy for School Improvement'. This flagship policy will tackle underachievement and promote equality and the raising of standards across the north.

On June 25, 2009 I published my final Transfer 2010 Guidance. This document provides post-primary schools with a menu of recommended admissions criteria that, if used, will end academic selection at 11. The much needed abandonment of academic selection at 11 will enable excellence to be spread around our system rather than unfairly concentrated in a minority of schools.

These will be supported by other key reforms aimed at raising standards. These include the revised curriculum; the Entitlement Framework for post-primary pupils; a revised literacy and numeracy strategy; an early years strategy; the Way Forward for Special Educational Needs and Inclusion; support for Newcomer pupils; and the Extended Schools programme. I am also working through the North South Ministerial Council to tackle underachievement because it is an issue of concern right across this island.

Lagan College: Newbuild

Ms Lo asked the Minister of Education whether she can give a clear indication of when the building work at the new premises at Lagan College will commence. (AQO 100/10)

The Minister of Education: Is féidir tús a chur le hobair tógála i ndiaidh conradh a shíniú; sular féidir seo a dhéanamh, áfach, caithfidh mo Roinn dearbhú a fháil gurb é an bealach is fearr chun tosaigh é an tionscadal. Dá bhrí sin, tá mo Roinn ag obair i bpáirtíocht leo sin atá bainteach sa tionscadal le aghaidh a thabhairt ar an ábhar seo go práinneach.

Building work can commence after a contract has been signed but before this can happen my Department has to be assured that this project is the best way forward. The Department is therefore working closely with those involved in the project to address this issue as a matter of urgency.

Post-Primary Places

Mrs I Robinson asked the Minister of Education if it is her intention to revoke the primary legislation which gives priority to children living in Northern Ireland in respect of securing post-primary school places. (AQO 101/10)

The Minister of Education: Tá rún agam an reachtaíocht a scrios a cheanglaíonn ar gach scoil thuaisceartach tús áite a thabhairt in iontrálacha do iarratasóirí a bhfuil cónaí orthu sa Tuaisceart.

It is my intention to delete the legislation which requires all northern schools to give priority in admissions to applicants resident in the North. I wish to make sure that there can be no potential for conflict with EU law on the accessing of services across geographical boundaries between member states.

I wish to give schools the freedom to choose the nature of their geographical admissions criteria. I believe that children in border areas should enjoy the same prospects of admission to local schools as children in other areas.

Many families, from all community backgrounds, live their lives, work and access services on either side of the border and we should modernise our approach to admissions to reflect this.

I am currently considering a paper for the Executive on this issue.

School Uniform Grants

Ms Anderson asked the Minister of Education how many children were awarded a grant for a primary school uniform up to the start of the new school year. (AQO 102/10)

The Minister of Education: Am cruatain eacnamaíoch é seo, go háirithe dóibh sin a bhfuil teaghlaigh óga acu nó tá deacrachtaí acu riar ar chaiteachas gach aon lae, mar shampla, éide scoile.

This is a time of economic hardship, particularly so for those in our community with young families who struggle to meet the cost of basic everyday needs, such as the cost of school uniforms.

As Minister of Education, I am determined to do everything I can to help ease the financial need faced by parents simply by sending their child to primary school. I introduced this new payment as an anti-poverty

measure to help reduce the spiralling costs facing parents at this time of year and it is the first time that such a measure has been taken here.

The Education and Library Boards, which administer the scheme, have confirmed that at the end of August they paid 24,135 grants towards the cost of primary school uniforms. They have also advised that they are still processing applications for the Primary School uniform grant.

Rural Schools

Mr Gallagher asked the Minister of Education what action her Department is taking to protect smaller rural schools. (AQO 103/10)

The Minister of Education: Leagann mo Bheartas do Scoileanna Inbhuanaithe amach na sé chritéir seo leanas do inmharthanacht scoileanna a mheasúnú:

My Sustainable Schools Policy sets out criteria for assessing the viability of schools, both rural and urban, but recognises and takes specific account of the particular needs of rural schools and communities. This is reflected in the lower minimum enrolment threshold for primary schools in rural areas (at 105) than in urban areas (at 140). The policy also provides guidance on reasonable home to school travel times for pupils, which takes account of the availability of suitable schools in the area, and considers the strength of the school's links with the local community.

Ballynahinch High School: Newbuild

Mr Wells asked the Minister of Education for an update on her Department's plans to provide a new complex for Ballynahinch High School. (AQO 104/10)

The Minister of Education: Tá saincheisteanna athfhillteacha ann maidir le Rollú Fadtéarmach agus inmharthanacht Ardscoil Bhaile na hInse, rud a tharraingeann aird ar lochtanna sa phróiseas pleanála caipitil atá againn.

There have recurrent issues surrounding the Long-Term Enrolment and sustainability of Ballynahinch High School, which highlights the deficiencies in the current capital planning process. The area based planning system, which will be taken forward by ESA will ensure that in future provision is accurately matched to demand.

There is also the question of the number of children who travel from Down to Belfast to attend post-primary schools. In 2007/8, this number was 309. The rationality of this amidst the fact that post-primary schools in Down are losing pupils has to be addressed. If followed, the Department's Transfer 2010 Guidance, will help address this: it recommends that schools no longer use academic criteria and it is these criteria, in the main, that facilitate long-distance admissions.

DEPARTMENT FOR EMPLOYMENT AND LEARNING

Belfast Metropolitan College: Evening Classes

Lord Browne asked the Minister for Employment and Learning how many people have enrolled for evening classes at Belfast Metropolitan College in Castlereagh in each of the last three years. (AQW 344/10)

The Minister for Employment and Learning (Sir Reg Empey): The table below shows the number of enrolments on evening courses at Castlereagh College from 2004/05 to 2006/07. Castlereagh College became part of the Belfast Metropolitan College in August 2007. The latest enrolment data available is for academic year 2007/08, however this cannot be broken down into the pre-merger college format.

| Academic year | Enrolments on evening courses |
|---------------|-------------------------------|
| 2004/05 | 3,687 |

| Academic year | Enrolments on evening courses |
|---------------|-------------------------------|
| 2005/06 | 3,916 |
| 2006/07 | 3,389 |

Source: Further Education Statistical Record

Apprenticeships: East Belfast

Lord Browne asked the Minister for Employment and Learning how many people have enrolled in apprenticeships in East Belfast in each of the last three years. (AQW 355/10)

The Minister for Employment and Learning: The Department has supported 770 apprentices in the East Belfast area between March 2006 and March 2009. The data in Annex A lists numbers of apprentices in each of the last three years whose given address is within the East Belfast area. Although these apprentices reside within the East Belfast area, they may or may not have enrolled with Training Providers in the East Belfast area and may or may not be employed by companies in the East Belfast area. The Department is not in a position to break enrolments down by constituency.

ANNEX A

NUMBER OF ENROLMENTS FOR APPRENTICESHIPS PROGRAMMES IN THE EAST BELFAST AREA MARCH 2006 – MARCH 2009

| March 2006 – March 2007 | March 2007 – March 2008 | March 2008 – March 2009 |
|-------------------------|-------------------------|-------------------------|
| 134 | 249 | 387 |

Apprenticeships: North Down

Mr Weir asked the Minister for Employment and Learning how many people have enrolled in apprenticeships in North Down, in each of the last three years. (AQW 422/10)

The Minister for Employment and Learning: The Department has supported 946 apprentices in the North Down area between March 2006 and March 2009. The data in Annex A lists numbers of apprentices in each of the last three years whose given address is within the North Down area. Although these apprentices reside within the North Down area, they may or may not have enrolled with Training Providers in the North Down area and may or may not be employed by companies in the North Down area. The Department is not in a position to break enrolments down by constituency.

ANNEX A

NUMBER OF ENROLMENTS FOR APPRENTICESHIPS PROGRAMMES IN THE NORTH DOWN AREA MARCH 2006 – MARCH 2009

| March 2006 – March 2007 | March 2007 – March 2008 | March 2008 – March 2009 |
|-------------------------|-------------------------|-------------------------|
| 218 | 356 | 372 |

North Antrim Constituency: DEL Projects

Mr McKay asked the Minister for Employment and Learning to detail (i) what projects his Department has funded; and (ii) the amount of money provided by his Department, in the North Antrim constituency, since May 2007. (AQW 457/10)

The Minister for Employment and Learning: The Department has provided European funding to one organisation in the North Antrim constituency area since May 2007. During 2007/08, DEL offered £172,020 of funding to the Triangle Housing Association Ltd, Ballymoney under the Programme for Building Sustainable Prosperity (2000-2006) for the Triangle Supported Employment Service project.

Under the Northern Ireland European Social Fund Programme 2007-2013, DEL has offered the Triangle Housing Association Ltd £1,091,256 in funding towards the project costs of the organisation's Progression to Employment Services project, over the period 1 April 2008 to 31 March 2011.

Under the Department's Bridge to Employment programme, which aims to provide trained staff for inward investment companies and existing companies entering an expansion phase, the Department has supported one company over two projects to recruit unemployed drivers in North Antrim. The total spend was £4,935 and nine people were employed.

Skillsafe was introduced by the Department to assist apprentices that were being put on short time by their employer as a result of the economic downturn. The purpose of the scheme is to fill the Apprentice's downtime with accredited training that will contribute to their Apprenticeship. To date there is one company in North Antrim availing of this opportunity, with three apprentices currently working a four-day-week and one day at the Training Provider. The total spend to date is £5,624.

Under Management and Leadership Development a total of 17 small to medium enterprises have received support through the Management Analysis and Planning (MAP) programme representing total funding of £44,170. In addition, 85 individual managers have been supported through the Management and Leadership Development (MLDP) and INTRO graduate programmes, representing a total funding of £141,402. The programmes outlined seek to develop and enhance managerial and leadership skills in Northern Ireland companies and social enterprises.

Jobskills/Training for Success/ApprenticeshipsNI - Funding

The Department contracts with over 50 Suppliers to deliver Jobskills, Training for Success and ApprenticeshipsNI throughout Northern Ireland.

Six of these Suppliers are headquartered in the North Antrim constituency and, since May 2007, the Department has approved some £17.7m by way of funding and associated allowances to individual participants.

In the Further Education sector, the Department has funded a number of projects in Northern Regional College since May 2007. The total spend is £2,913,871.02, broken down as follows:

- Cultural Diversity project - £36,765.49;
- Innovation Fund project - £66,729.53;
- Joint DEL/DE Vocational Education Programme - £1.6m;
- Upgrade to Northern Regional College interconnectivity network - £31,000;
- Upgrade of IT Equipment from Information Learning Technology Capital Funding - £620,576; and
- 28 small construction projects funded through Health & Safety, Minor Works and Disability Compliance programmes - £563,000.

Sir Reg Empey MLA

Minister for Employment and Learning

Night Classes: North Down

Mr Weir asked the Minister for Employment and Learning how many people have enrolled for night classes in North Down through the South Eastern Regional College, in each of the last five years. (AQW 489/10)

The Minister for Employment and Learning: The table below shows the number of enrolments on evening courses at North Down & Ards Institute from 2002/03 to 2006/07. North Down & Ards Institute became part of the South Eastern Regional College in August 2007. The latest enrolment data available is for academic year 2007/08, however this cannot be broken down into the pre-merger college format.

| Academic year | Enrolments on evening courses |
|---------------|-------------------------------|
| 2002/03 | 6,017 |
| 2003/04 | 5,661 |
| 2004/05 | 5,304 |
| 2005/06 | 4,827 |

| Academic year | Enrolments on evening courses |
|---------------|-------------------------------|
| 2006/07 | 4,906 |

Source: Further Education Statistical Record

Redundant Workers

Mr McGlone asked the Minister for Employment and Learning, in relation to workers made redundant in Mid-Ulster in the last 18 months, to detail (i) the number of employees made redundant; (ii) what action her Department has taken to re-skill and retain redundant workers within the local area; and (iii) the number of redundant workers that have been re-employed within the local area. (AQW 493/10)

The Minister for Employment and Learning:

- (i) The number of confirmed redundancies notified to the Department of Enterprise, Trade and Investment (DETI) in the last 18 months (1st March 2008 to 31st August 2009) in the Mid-Ulster Parliamentary Constituency Area was 347. This represented 6.3% of the 5,523 confirmed redundancies in Northern Ireland over the same period.
- (ii) My Department provides a comprehensive range of services and programmes to help people find and remain in work. These are, job search, work-focused interviews and employment programmes including Steps to Work, Pathways to Work, Progress to Work and specialist programmes and services for people with disabilities. The Department has also introduced contingency arrangements to allow apprentices who were made redundant from the construction, engineering and motor vehicle sectors to continue with training.
- (iii) There is no information available on the number of redundant workers that have been re-employed within the local area. There is no system or system links between DETI and DEL which can link info on those made redundant to those re-employed. Even within DEL we only have info on clients who use our services; many get jobs without engaging with us.

Programme-Led Apprenticeship Scheme

Lord Browne asked the Minister for Employment and Learning to detail (i) how many campuses have agreed to accept apprentices for work placement in the Programme Led Apprenticeship Scheme; and (ii) the category of places that have been agreed. (AQW 540/10)

The Minister for Employment and Learning: At the 24th September 2009, there were 2,287 participants on Programme-Led Apprenticeship provision across 27 training suppliers, including 1,497 in the 6 regional colleges.

We are not in a position to comment on the category of places that have been agreed as we are still within the assessment timeframe and it is not yet possible to provide more detailed information such as uptake by occupational area.

Legislation: DEL

Mr Savage asked the Minister for Employment and Learning to outline any legislation his Department intends to bring to the Assembly before 31 December 2009. (AQW 546/10)

The Minister for Employment and Learning: The Department for Employment and Learning does not intend to bring any new primary or subordinate legislation to the Assembly before 31 December 2009.

However, it is anticipated that the “Amendments to Conduct of Employment Agencies and Employment Businesses Regulations (NI) 2005”, which are subject to Affirmative Resolution, will be brought before the Assembly in early 2010.

You will be aware that the Employment Bill is currently before the Assembly, following its introduction in June 2009.

Employment Levels

Mr McNarry asked the Minister for Employment and Learning what plans he has to change employment levels within his Department in the next 12 months; and how many of these changes are planned to be made through redundancies. (AQW 565/10)

The Minister for Employment and Learning: My Department plans to at least maintain its current levels of staffing, while responding to additional demands and remaining within the limits of its existing available budget, over the next 12 months.

The Department has no plans to make changes through redundancies.

Student Complaints

Mr Butler asked the Minister for Employment and Learning to outline the measures his Department has in place to address student complaints in Further and Higher Education institutions. (AQW 754/10)

The Minister for Employment and Learning: Further and higher education institutions are independent and operate at arms length from the Department. As a result, my Department does not have any direct or formal involvement with student complaints from either type of institution.

In the universities, student complaints which cannot be resolved internally are referred to the university's "Visitor" who ensures that the Statutes, Ordinances and Regulations of the University have been properly observed and carried out and that natural justice is observed within the institution.

Within Further Education (FE), the colleges have developed and implemented their own complaints procedures.

Programme-led Apprenticeship Scheme

Mr Buchanan asked the Minister for Employment and Learning what has been the uptake of the new Programme-led Apprenticeship Scheme and how this compares with the provision made by his Department. (AQW 802/10)

The Minister for Employment and Learning: Programme-Led Apprenticeships is a demand led programme and as such it is very difficult to predict the uptake with a high degree of accuracy. There are currently 2,395 programme-led apprentices who have been registered since the inception of the programme on 7 September compared to an estimated total uptake of some 3,000.

Student Loans

Mrs M Bradley asked the Minister for Employment and Learning what action he has taken with his colleagues in other jurisdictions to raise the threshold for repayment of student loans. (AQO 111/10)

The Minister for Employment and Learning: Following the announcement earlier this year that the March 2009 Retail Price Index was negative (-0.4%), it was agreed by all Devolved Administrations (and with Treasury) that the threshold for the repayment of income-contingent student loans should be frozen at £15,000 for a further 12 months. Had a negative Retail Price Index rate been used to calculate the repayment threshold from April 2010/11, the threshold would have reduced and borrowers would have started repaying earlier and ended up paying more.

All Devolved Administrations remain committed to exploring the option of increasing the threshold in line with Retail Price Index from April 2011/12 onwards but such a decision will be subject to the outcome of the next Comprehensive Spending Review.

University of Ulster: New Belfast Campus

Mr D Bradley asked the Minister for Employment and Learning to give the estimated capital spend on the proposed new University of Ulster Campus in Belfast; and to outline if this will include expenditure from his Department or any other Northern Ireland Executive budget. (AQO 112/10)

The Minister for Employment and Learning: The university has submitted an economic appraisal for the proposed campus in Belfast. The appraisal details a capital cost of £254.6m. This includes the cost of the work in the both the Belfast campus and the Jordanstown campus. It is estimated that the construction timeframe will be five years.

The economic appraisal is still being considered within my Department and, if approved, will be forwarded to DFP for its approval. It is only after these approvals are received that any capital contribution from this Department can be considered. Moreover, the Department can only commit funding out of the current CSR period that expires in 2010/11.

I am not aware, at present, of any proposed expenditure on the Belfast campus project from any other Executive budget.

Student Loans

Mr P J Bradley asked the Minister for Employment and Learning if he is aware of any Northern Ireland students being affected by the recent delay in payments from the Student Loans Company; and what action can be taken to ensure that Northern Ireland students are not affected by similar delays in the future. (AQO 113/10)

The Minister for Employment and Learning: My Department is not aware of any Northern Ireland domiciled students being affected by the delays in payments by the Student Loans Company that have been recently reported in the media.

It is my understanding that these delays are primarily the result of a change in the arrangements for processing applications for new English domiciled students and an increase in applications from English domiciled students. There has been no change in arrangements for Northern Ireland domiciled students. Applications will continue to be processed by the Education and Library Boards, with payments made by the Student Loans Company.

There is regular liaison between my Department, the Education and Library Boards and the Student Loans Company to ensure that Northern Ireland domiciled students receive an effective service.

Creche Facilities

Ms S Ramsey asked the Minister for Employment and Learning what steps he is taking to ensure that higher education institutions are providing creche facilities. (AQO 114/10)

The Minister for Employment and Learning: Responsibility for the provision of crèche facilities is a matter for the respective Higher Education institutions. However, my Department provides financial support in the form of 85% towards the cost of childcare for full-time students with dependant children and, a Parents' Learning Allowance of up to £1,508 in the current academic year.

STEM Subjects

Mrs D Kelly asked the Minister for Employment and Learning what actions are being taken by his Department to increase the participation in, and completion of, science, technology, engineering and mathematics subjects, at further and higher level. (AQO 115/10)

The Minister for Employment and Learning: The Step Up Programme which is funded by my Department encourages young people from disadvantaged areas in Belfast and Londonderry to study science in universities. This programme is extremely well regarded and has a completion rate of 95%. In addition, my Department is on target to achieve its Programme for Government target to increase by 300 the number of PhD research students at local universities in economically relevant subjects, such as science and technology, by 2010. Further Education colleges carry out a range of activities aimed at increasing participation in STEM subjects. These

include promotional campaigns, collaboration with Northern Ireland's University partners through the "Connected Programme" to provide joint projects in STEM curricula areas and the development of industry linked Foundation Degree programme in STEM subject areas. My Department is also currently considering the possibility of providing a bursary or scholarship to encourage more people to study STEM subjects in further and higher education in Northern Ireland.

Apprenticeships: Leavers

Mr Boylan asked the Minister for Employment and Learning how many people have left apprenticeships without attaining their qualification in the last 2 years. (AQO 116/10)

The Minister for Employment and Learning: During the period, September 2007 to August 2009, there were 14,235 new apprenticeship starts. Of these, the Department has been notified that 4,666 have left without completing their apprenticeship and 8676 continue in training. The majority will have acquired skills and qualifications, including National Vocational Qualifications, technical certificates and/or Essential Skills. The department is working with the Learning and Skills Development Agency Northern Ireland to develop retention strategies and these will be rolled out as best practice early next year.

Give and Take: Educational Maintenance Allowance Claims

Mr F McCann asked the Minister for Employment and Learning if he is aware that participants who take part in the Give and Take scheme provided by Include Youth are not entitled to claim Educational Maintenance Allowance; and if he has any plans to change these arrangements. (AQO 117/10)

The Minister for Employment and Learning: I am aware that participants who take part in the Give and Take scheme provided by Include Youth are not entitled to claim Educational Maintenance Allowance (EMA). Include Youth has a long history of working to enhance services for vulnerable 16 – 21 year olds who for various reasons are unable to participate in mainstream training and employment opportunities. In addition to helping fund the Include Youth's Give and Take scheme, my Department's Career's Service has a Partnership Agreement with the scheme to facilitate access to careers guidance for participants facing barriers to education, training and employment. The Give and Take scheme is not prescriptive in terms of the hours each young person should attend as it does recognise there are individual issues and barriers to participation.

EMA in contrast is an attendance based scheme with allowances and bonus payments closely linked to recorded student attendance and absence. EMA's primary objective is to encourage participation in school or further education for 16 - 19 year olds.

As the requirements for participation in the Give and Take Scheme and EMA are quite different my Department will continue to support each separately for the foreseeable future.

Holylands, Belfast: Stakeholders' Consultation

Mr Cree asked the Minister for Employment and Learning for an update on the stakeholders consultation process regarding the Holyland area of Belfast. (AQO 118/10)

The Minister for Employment and Learning: As the member may be aware, my Department facilitated a Stakeholder Forum on 7 May 2009, from which a draft report was produced. This report has identified a number of proposals and possible solutions.

An Editorial Group, comprising of key stakeholders, convened on 26 August 2009 to discuss the draft report, allocate responsibilities and develop an action plan.

I have since written to the agencies and organisations cited in the report, including my Ministerial colleagues, seeking their views on the proposed actions.

I intend to hold a follow-up conference on 28 October 2009.

Further Education: Enrolments

Mr Ross asked the Minister for Employment and Learning how many students have enrolled in courses in Further Education colleges for this coming academic year. (AQO 119/10)

The Minister for Employment and Learning: The statistical data on student enrolments in Further Education colleges for the academic year 2009/10 will be available from 20th November 2009. I will write to you at that time.

DEPARTMENT OF ENTERPRISE, TRADE AND INVESTMENT

Broadband: Fixed Line

Mr McGlone asked the Minister of Enterprise, Trade and Investment what is being done to ensure that 100% coverage for fixed line broadband service can be offered to all households at an acceptable speed and standard. (AQW 296/10)

The Minister of Enterprise, Trade and Investment (Mrs Foster): Within the context of a privatised and independently regulated market my Department has taken a number of steps to stimulate investment in Northern Ireland's broadband telecommunications infrastructure and to promote competition. However, my Department has maintained a technology neutral stance - in line with UK policy and in order to maximise competition and minimise market distortions - letting the market decide on the most cost effective and efficient solutions.

Research by the Department of Business, Innovation and Skills Digital Britain initiative indicates that the costs to upgrade existing infrastructures to provide services over fixed line technologies, are not economically viable for the telecommunications companies, without significant additional funding sources and this is particularly the case for rural areas. Independent research has estimated that the cost of deploying a 100% fixed line solution across all of Northern Ireland is prohibitive, with estimates of the size of investment required range from £200m to £500m depending upon the extent of fibre deployed in the solution. Naturally the private sector will only intervene and invest where the rate of return on their investment is sufficient to justify the investment.

In August 2008, I launched the Northern Ireland Broadband Fund to encourage the private sector to consider where best to deploy "in-fill" solutions into a number of priority rural areas where distance from the nearest telephone exchange prevents a fixed line-based broadband service.

As of September 2009, three projects are underway delivering wireless broadband services in rural areas in Counties Antrim, Fermanagh, and Tyrone. A fourth project trialling the delivery of wireless broadband in the Foyle basin is scheduled to commence in November 2009.

The last significant intervention my Department undertook left a significant legacy with over 99% of all premises with access to fixed line broadband. Currently, we are undertaking a £18m procurement targeted on a Programme for Government commitment, to ensure 85% of businesses have access to next generation broadband by 2011. No result is available yet from the procurement process. But overall, Northern Ireland remains very well served for fixed line broadband access.

Invest NI

Mr McGlone asked the Minister of Enterprise, Trade and Investment what expenditure on job creation has been made by Invest NI in the last five years for (i) each constituency; and (ii) each district council. (AQW 299/10)

The Minister of Enterprise, Trade and Investment: Table (i) provides information on the amount of assistance offered by Invest NI to employment-related projects within each Parliamentary Constituency Area during the five-year period 2004/05 to 2008/09. The same information is repeated for each District Council Area in Table (ii). This represents the value of support which is expected to be paid towards employment-related investment during the life-time of assisted projects. The amount of investment that these projects plan to stimulate is also included.

TABLE (I): INVEST NI ASSISTANCE OFFERED TO EMPLOYMENT-RELATED PROJECTS AND ASSOCIATED PLANNED INVESTMENT BY PCA (2004/05 TO 2008/09)

| PCA | Total Assistance £m | Total Planned Investment £m |
|-----------------------------|---------------------|-----------------------------|
| Belfast East | 60.36 | 711.41 |
| Belfast North | 7.68 | 115.10 |
| Belfast South | 43.33 | 270.47 |
| Belfast West | 9.36 | 41.64 |
| East Antrim | 20.46 | 99.15 |
| East Londonderry | 15.12 | 59.65 |
| Fermanagh & South Tyrone | 22.71 | 182.98 |
| Foyle | 44.12 | 207.08 |
| Lagan Valley | 14.30 | 116.32 |
| Mid Ulster | 15.06 | 137.48 |
| Newry & Armagh | 24.58 | 256.14 |
| North Antrim | 15.41 | 77.78 |
| North Down | 11.69 | 81.50 |
| South Antrim | 11.45 | 68.49 |
| South Down | 16.75 | 61.90 |
| Strangford | 5.43 | 40.93 |
| Upper Bann | 31.68 | 150.73 |
| West Tyrone | 7.88 | 63.94 |
| Location not yet Determined | 0.06 | 0.80 |
| Total | 377.42 | 2,743.51 |

TABLE (II): INVEST NI ASSISTANCE OFFERED TO EMPLOYMENT-RELATED PROJECTS AND ASSOCIATED PLANNED INVESTMENT BY DCA (2004/05 TO 2008/09)

| DCA | Total Assistance £m | Total Planned Investment £m |
|---------------|---------------------|-----------------------------|
| Antrim | 8.44 | 47.13 |
| Ards | 3.73 | 27.28 |
| Armagh | 5.64 | 36.01 |
| Ballymena | 11.07 | 60.78 |
| Ballymoney | 1.47 | 4.08 |
| Banbridge | 2.10 | 13.42 |
| Belfast | 116.71 | 1,108.31 |
| Carrickfergus | 0.68 | 4.70 |
| Castlereagh | 4.34 | 34.62 |
| Coleraine | 6.82 | 36.25 |
| Cookstown | 7.50 | 64.03 |
| Craigavon | 30.82 | 144.30 |
| Derry | 44.12 | 207.08 |
| Down | 3.65 | 11.39 |

| DCA | Total Assistance £m | Total Planned Investment £m |
|-----------------------------|---------------------|-----------------------------|
| Dungannon | 13.07 | 81.02 |
| Fermanagh | 11.84 | 122.24 |
| Larne | 18.78 | 89.56 |
| Limavady | 8.30 | 23.41 |
| Lisburn | 14.85 | 121.98 |
| Magherafelt | 5.36 | 53.18 |
| Moyle | 2.87 | 12.92 |
| Newry & Mourne | 31.24 | 265.13 |
| Newtownabbey | 4.50 | 28.94 |
| North Down | 11.59 | 81.03 |
| Omagh | 4.77 | 45.86 |
| Strabane | 3.11 | 18.08 |
| Location not yet Determined | 0.06 | 0.80 |
| Total | 377.42 | 2,743.51 |

Notes to Tables:

1. Table totals may not add due to rounding.
2. Planned investment includes assistance offered.
3. Some of the assistance offered may not be paid if projects are not fully delivered by the client.
4. 'Location Not Yet Determined' refers to an inward investor that has not yet selected a specific location.

This represents 60% of the total assistance offered by Invest NI over the period and 80% of the associated planned investment. The remaining 40% (£252m) of support was offered to innovation based projects, including activities such as training, research and development, trade development and technology and process development. Although not directly related to job creation, these capability development activities will underpin business competitiveness leading eventually to growth and employment opportunities, although they cannot be accurately forecasted at this stage.

In addition to the assistance offered directly by Invest NI, offers totalling over £7m were made indirectly through the Start A Business programme to individuals intending to set up a business. This programme is delivered in partnership with Enterprise Northern Ireland and provides guidance to new businesses, reliant on the local Northern Ireland market.

Incinerator at Glenavy

Mr Burns asked the Minister of Enterprise, Trade and Investment if Invest NI is proposing to make funding available for the proposed Rose Energy chicken litter incinerator at Glenavy; and, if so, how much funding is proposed. (AQW 323/10)

The Minister of Enterprise, Trade and Investment: Invest NI is in discussion with the promoters regarding this project. Quotations have been updated and are currently being assessed from an engineering and financial viewpoint.

The project promoters' case for support will be subject to the normal appraisal process.

The project is currently the subject of a planning application and any financial support would, of course, be conditional on planning approval being received.

Incinerator at Glenavy

Mr Burns asked the Minister of Enterprise, Trade and Investment (i) if public funding from Invest NI will be required to finance the construction of the proposed Rose Energy incinerator at Glenavy; and (ii) the anticipated amount of Invest NI funding required. (AQW 324/10)

The Minister of Enterprise, Trade and Investment: Rose Energy originally submitted their proposal for support under the DETI administered

Environment and Renewable Energy Fund (EREF). The company was seeking £16m of assistance towards the commission and operating of the waste incinerator. Their application, however, was declined. The company subsequently approached Invest NI for support.

Invest NI is in discussion with the promoters regarding support towards this project. Quotations have been updated and are currently being assessed from an engineering and financial viewpoint.

Consequently, I am not in a position to disclose an amount at this juncture. When the quantum of support is agreed the case for support will be submitted through the approval process.

Chicken Litter: Disposal

Mr Burns asked the Minister of Enterprise, Trade and Investment to clarify if any formal procurement process has been undertaken in seeking waste management facilities or solutions for the disposal of chicken litter in Northern Ireland. (AQW 325/10)

The Minister of Enterprise, Trade and Investment: My Department is not aware of any formal procurement process having been undertaken in seeking waste management facilities or solutions for the disposal of chicken litter in Northern Ireland.

In 2005, a study was carried out on a biomass combined heat and power plant using poultry litter as a primary fuel. However, this was solely a feasibility study on one potential solution and did not consider alternative available options.

North Antrim: Inward Investment

Mr Storey asked the Minister of Enterprise, Trade and Investment to detail (i) the amount inward investment in North Antrim; and (ii) the number of jobs created as a result, in each of the last five years. (AQW 358/10)

The Minister of Enterprise, Trade and Investment: Table 1 addresses both points (i) and (ii) above. It provides information on the amount of foreign direct investment offered support by Invest NI within the North Antrim Parliamentary Constituency Area (PCA) and the number of jobs promoted or safeguarded as a result during the five-year period 2004/05 to 2008/09. The information in Table 1 represents the estimated total cost of these projects to Invest NI's externally-owned clients and the number of jobs that the projects expect to create or safeguard. The number of projects and the associated assistance offered by Invest NI is also included.

Projects have been split into those where (1) the main focus is on employment creation and (2) those that are innovation based, including activities such as training, research and development, trade development and technology and process development.

TABLE 1 - INVEST NI ASSISTANCE OFFERED TO EXTERNALLY-OWNED CLIENTS IN NORTH ANTRIM PCA & JOBS PROMOTED OR SAFEGUARDED (2004/05 - 2008/09)

| Type of Assistance | Year | No of Offers | Total Assistance £m | Total Planned Investment £m | New jobs | Safe Jobs |
|--------------------|--------------|--------------|---------------------|-----------------------------|-----------|------------|
| Employment Related | 2004/05 | 1 | 2.00 | 6.50 | 23 | 123 |
| | 2005/06 | | | | | |
| | 2006/07 | | | | | |
| | 2007/08 | 1 | 2.55 | 13.49 | 0 | 264 |
| | 2008/09 | | | | | |
| | Total | 2 | 4.55 | 19.99 | 23 | 387 |
| Innovation | 2004/05 | 11 | 0.33 | 1.21 | | |
| | 2005/06 | 9 | 0.07 | 0.35 | | |
| | 2006/07 | 9 | 0.38 | 1.85 | | |
| | 2007/08 | 4 | 0.09 | 0.29 | | |
| | 2008/09 | 1 | 0.00 | 0.00 | | |
| | Total | 34 | 0.87 | 3.70 | 0 | 0 |
| Total | 2004/05 | 12 | 2.33 | 7.71 | 23 | 123 |
| | 2005/06 | 9 | 0.07 | 0.35 | 0 | 0 |
| | 2006/07 | 9 | 0.38 | 1.85 | 0 | 0 |
| | 2007/08 | 5 | 2.64 | 13.78 | 0 | 264 |
| | 2008/09 | 1 | 0.00 | 0.00 | 0 | 0 |
| | Total | 36 | 5.42 | 23.69 | 23 | 387 |

Notes to Table:

1. Table totals may not add due to rounding.
2. Planned investment includes assistance offered.
3. Total offer locations in geographic tables exceed total number of offers, as some projects are located in more than one area.
4. Some of the assistance offered may not be paid if projects are not fully delivered by the client.
5. New Jobs represent the number of jobs expected to be created by the project.
6. Safe Jobs represent the number jobs that would have been lost if the project was not supported.

East Derry: Investment

Mr Dallat asked the Minister of Enterprise, Trade and Investment to detail the number of visits she has made to east Derry to promote new investment in the last 12 months. (AQW 381/10)

The Minister of Enterprise, Trade and Investment: I have made two visits to the East Londonderry constituency in the last year. In April I was invited by Coleraine Borough Council to a meeting where they outlined their ideas for the future development of the Borough. This meeting also afforded me the opportunity to meet with a number of the area's key employers including AVX, TBF Thompson and Northstone Concrete. During August, I visited Armstrong Medical to hear from John Armstrong of his ambitious expansion plans for the company.

I would like to assure you that Invest NI continues to work to promote all of Northern Ireland, including East Londonderry, as an attractive and viable location for both inward investment and expansion by existing companies located in the area. In particular, Invest NI is working closely with local stakeholders to encourage the development of regional sales propositions. One such example is Coleraine Borough Council's 'Invest in Coleraine' initiative, which helps ensure that the product offering for the Coleraine area is maximised to attract visits by potential investors.

Invest NI's ongoing work with those overseas investors already located in Northern Ireland is also essential, both in terms of assisting them to grow and develop and in promoting the benefits of investing in Northern Ireland. This approach has helped cultivate and foster relationships that have secured and promoted investment in East Londonderry by international companies such as Nicobrand, Dairy Produce Packers and Fugro-BKS.

It is also important to emphasise Invest NI's work in assisting indigenous companies to grow and develop by focusing on exploiting export opportunities. In East Londonderry this has helped promote the growth and development of a number of key employers such as Armstrong Medical and Causeway Data Communications.

The purchase of the former Seagate Limavady facility by Limavady Gear Company has also been particularly encouraging and I hope to visit them in the next few weeks. The company operates at the forefront of the renewable energy sector, which a recent Carbon Trust report identified as having the potential to create over 30,000 jobs. Limavady Gear is now well placed to exploit the tremendous opportunities for the growth the sector offers, for the benefit of not only East Londonderry, but Northern Ireland as a whole.

North Down: Inward Investment

Mr Weir asked the Minister of Enterprise, Trade and Investment to detail (i) the amount of inward investment in North Down; and (ii) the number of jobs created as a result, in each of the last five years. (AQW 421/10)

The Minister of Enterprise, Trade and Investment: Table 1 addresses both points (i) and (ii) above. It provides information on the amount of foreign direct investment offered support by Invest NI within the North Down Parliamentary Constituency Area (PCA) and the number of jobs promoted or safeguarded as a result during the five-year period 2004/05 to 2008/09. The information in Table 1 represents the estimated total cost of these projects to Invest NI's externally-owned clients and the number of jobs that the projects expect to create or safeguard. The number of projects and the associated assistance offered by Invest NI is also included.

Projects have been split into those where the main focus is on (1) employment creation and (2) those that are innovation based, including activities such as training, research and development, trade development and technology and process development.

TABLE 1 - INVEST NI ASSISTANCE OFFERED TO EXTERNALLY-OWNED CLIENTS IN NORTH DOWN PCA & JOBS PROMOTED OR SAFEGUARDED (2004/05 - 2008/09)

| Type of Assistance | Year | No of Offers | Total Assistance £m | Total Planned Investment £m | New jobs | Safe Jobs |
|--------------------|--------------|--------------|---------------------|-----------------------------|------------|------------|
| Employment Related | 2004/05 | 2 | 0.99 | 5.33 | 140 | 147 |
| | 2005/06 | | | | | |
| | 2006/07 | 1 | 0.93 | 4.00 | 233 | 0 |
| | 2007/08 | 1 | 0.75 | 6.29 | 63 | 12 |
| | 2008/09 | 1 | 6.50 | 46.54 | 163 | 152 |
| | Total | 5 | 9.17 | 62.17 | 599 | 311 |
| Innovation | 2004/05 | 2 | 1.19 | 5.71 | | |
| | 2005/06 | 1 | 0.02 | 0.02 | | |
| | 2006/07 | | | | | |
| | 2007/08 | 5 | 0.76 | 3.09 | | |
| | 2008/09 | 6 | 0.35 | 0.86 | | |
| | Total | 14 | 2.33 | 9.69 | 0 | 0 |

| Type of Assistance | Year | No of Offers | Total Assistance £m | Total Planned Investment £m | New jobs | Safe Jobs |
|--------------------|--------------|--------------|---------------------|-----------------------------|------------|------------|
| Total | 2004/05 | 4 | 2.18 | 11.04 | 140 | 147 |
| | 2005/06 | 1 | 0.02 | 0.02 | 0 | 0 |
| | 2006/07 | 1 | 0.93 | 4.00 | 233 | 0 |
| | 2007/08 | 6 | 1.51 | 9.39 | 63 | 12 |
| | 2008/09 | 7 | 6.85 | 47.40 | 163 | 152 |
| | Total | 19 | 11.51 | 71.86 | 599 | 311 |

Notes to Table:

7. Table totals may not add due to rounding.
8. Planned investment includes assistance offered.
9. Total offer locations in geographic tables exceed total number of offers, as some projects are located in more than one area.
10. Some of the assistance offered may not be paid if projects are not fully delivered by the client.
11. New Jobs represent the number of jobs expected to be created by the project.
12. Safe Jobs represent the number jobs that would have been lost if the project was not supported.

Inward Investment: Visits Facilitated by Invest NI

Mr McGlone asked the Minister of Enterprise, Trade and Investment to detail the number of inward investment visits facilitated by Invest NI to the Cookstown District and to the Mid-Ulster region, in the last 18 months and any progress made. (AQW 494/10)

The Minister of Enterprise, Trade and Investment: In the last 18 months, Invest NI facilitated 4 visits by potential investors to the Cookstown District and Mid Ulster Region. Invest NI remains in contact with the visitors in order to pursue any investment opportunities. However, I am conscious of the impact of the current economic conditions on investment decisions. Furthermore, securing an inward investment project is the end point of an extensive process which may span a considerable period (18 to 24 months) and involve a number of visits to Northern Ireland.

Invest NI's role is to promote "Northern Ireland" as an attractive and viable location for new inward investment opportunities. Whilst Invest NI makes its best efforts to ensure a spread of investment across the region its role is to promote Northern Ireland as an entity. Ultimately, the final location decision rests with the investor. If the investor seeks information on specific areas within Northern Ireland then Invest NI will work with the local stakeholders to best promote the area.

Economic Difficulties

Mr McGlone asked the Minister of Enterprise, Trade and Investment to detail any plans she has to tackle the severe economic difficulties being experienced in Mid- Ulster. (AQW 495/10)

The Minister of Enterprise, Trade and Investment: I am very aware of the economic difficulties being experienced throughout Northern Ireland, including the Mid-Ulster constituency.

In an effort to lessen the impact of the downturn across Northern Ireland a £44.5 million package of measures was announced by the Executive toward the end of last year. These measures included: £15million to help those most vulnerable to fuel poverty; the introduction of a new 10 day prompt payment policy across departments to aid business cash-flow; and further investment in schools and roads, which would have a positive impact on the construction industry.

As DETI Minister, I established sub-groups of the Economic Development Forum which reported to me with a list of recommendations of further steps that could be taken by the Executive to support the economy at this time. I am pleased to say that the majority of the prioritised proposals have been progressed.

In terms of support offered to companies in the Mid-Ulster area, Invest NI made 294 offers of assistance in 2008/09. This was the highest number of offers to any Parliamentary Constituency in Northern Ireland and comprised £6.3million of assistance, which leveraged total investment of £48.2million into the area.

Additionally, Invest NI held a series of seminars across Northern Ireland to provide business advice to companies. One of the first of these seminars was held in Cookstown. This enabled companies from the Mid-Ulster area to discuss their individual business needs in detail, identify key projects to improve performance and access specialist business skills to assist them to implement these projects.

Furthermore, I announced the Short Term Aid Scheme (STAS) in May 2009. This scheme allowed Invest NI to show greater flexibility in the support which could be provided to businesses in difficulty. STAS is open to both Invest NI Clients and the wider business community and has a total of £15million grant support available. To date, over £2.8million of support has been offered to 18 businesses, including businesses located in the Mid-Ulster area, with the value of these offers ranging from £13,000 to over £400,000.

In order to keep all businesses informed of the series of schemes available, my department has produced a guide to the schemes which have been introduced at European, UK and local level, to support businesses through the current economic downturn. This can be accessed on the DETI website.

My Executive colleagues and I will continue to do all that we can to support the local economy through this difficult period.

Competitiveness Programme

Mr McGlone asked the Minister of Enterprise, Trade and Investment what flexibility there will be in the Competitiveness Programme to address local economic difficulties being experienced in Mid-Ulster and other parts of Northern Ireland. (AQW 496/10)

The Minister of Enterprise, Trade and Investment: The Local Economic Development (LED) measure of the Northern Ireland European Sustainable Competitiveness Programme 2007-2013, Priority 2 Sustainable Enterprise & Entrepreneurship is open to all 26 District Councils. The LED measure aims to provide support for locally identified projects addressing local needs. The measure is flexible in the nature of activity that can be supported and focuses in particular on innovation, entrepreneurship and research and development.

Applications can be made to DETI at any time giving Councils the opportunity to address local needs as they arise. The measure has a total programme value of £50million (£25million European Regional Development Fund matched by £25million Council expenditure) throughout the seven year period of 2007-2013, with a further two year period up to 31 December 2015 for expenditure to be incurred.

Councils in Mid-Ulster have successfully submitted applications focusing on stimulating economic growth and improving competitiveness for their region. In June 2009, the Department in conjunction with Northern Ireland Local Government Association, held a one-day workshop in Cookstown to help Councils identify further opportunities available through the LED Measure. The Department continues to work closely with all Councils including those in Mid-Ulster to ensure future proposals address the specific needs.

Legislation: DETI

Mr Savage asked the Minister of Enterprise, Trade and Investment to outline any legislation her Department intends to bring before the Assembly before 31 December 2009. (AQW 517/10)

The Minister of Enterprise, Trade and Investment: A consultation in relation to the Unsolicited Services (Trade and Business Directories) Bill was completed in August 2009. I anticipate bringing this draft Bill before the Assembly before the end of the year. I also anticipate bringing secondary legislation, to add to the list of statutory tourist establishments as set out in article 12(1) of the Tourism (NI) Order 1992, before 31 December 2009.

Land Purchased from Invest NI

Mr Butler asked the Minister of Enterprise, Trade and Investment to detail (i) how many companies have asked for land they purchased from Invest NI to be bought back by Invest NI; (ii) how much the land was sold for; and (iii) the reason's why companies have asked for land to be returned to Invest NI. (AQW 575/10)

The Minister of Enterprise, Trade and Investment: Due to the current global economic downturn, a number of Invest NI client companies have been forced to delay or abandon plans to expand or further develop their business. As a result, Invest NI introduced a number of interim policy changes.

One such change has been the introduction of a "land buy back" option which enables Invest NI to re-purchase undeveloped land it had previously sold to client companies. The buy back option is available only to those companies assessed to be in acute hardship as a result of the current economic downturn and it is intended as a short term measure. As such, it is reviewed on a regular basis.

Invest NI has had initial discussions suggesting the potential re-purchase of undeveloped land with seven client companies over the past 12 months. It is not expected, however, that all discussions will result in a buy-back and to date no land has been re-purchased. In terms of the amount originally paid by the client companies for the lands in question the range is from circa £290,000 to circa £1 million per site depending on size and location.

Employment Levels

Mr McNarry asked the Minister of Enterprise, Trade and Investment what plans she has to change employment levels within her Department in the next 12 months; and how many changes will be made through redundancies. (AQW 594/10)

The Minister of Enterprise, Trade and Investment: The Department of Enterprise, Trade & Investment is committed to meeting its 2007 Comprehensive Spending Review targets by achieving a reduction of 47 posts over the 3 year period 2008/2009 to 2010/2011. Many of these efficiencies have already been achieved; the remaining 28 efficiencies are due to be achieved within the next 12 months. We expect to achieve all the staffing efficiencies through redeployment and natural wastage and do not therefore anticipate any redundancies being necessary in the next 12 months.

The above figures include HSENI and reflect the position at 31 August 2009.

Foreign Direct Investment in North Down

Mr Weir asked the Minister of Enterprise, Trade and Investment what is the estimated foreign direct investment in North Down, in each of the last five years. (AQW 621/10)

The Minister of Enterprise, Trade and Investment: Table 1 provides information on the amount of foreign direct investment offered support by Invest NI within the North Down Parliamentary Constituency Area (PCA) and the number of jobs promoted or safeguarded as a result during the five-year period 2004/05 to 2008/09. The information in Table 1 represents the estimated total cost of these projects to Invest NI's externally-owned clients and the number of jobs that the projects expect to create or safeguard. The number of projects and the associated assistance offered by Invest NI is also included.

Projects have been split into (i) those where the main focus is on employment creation and (ii) those that are innovation based, including activities such as training, research and development, trade development and technology and process development.

TABLE 1 - INVEST NI ASSISTANCE OFFERED TO EXTERNALLY-OWNED CLIENTS IN NORTH DOWN PCA & JOBS PROMOTED OR SAFEGUARDED (2004/05 - 2008/09)

| Type of Assistance | Year | No of Offers | Total Assistance £m | Total Planned Investment £m | New jobs | Safe Jobs |
|--------------------|--------------|--------------|---------------------|-----------------------------|------------|------------|
| Employment Related | 2004/05 | 2 | 0.99 | 5.33 | 140 | 147 |
| | 2005/06 | | | | | |
| | 2006/07 | 1 | 0.93 | 4.00 | 233 | 0 |
| | 2007/08 | 1 | 0.75 | 6.29 | 63 | 12 |
| | 2008/09 | 1 | 6.50 | 46.54 | 163 | 152 |
| | Total | 5 | 9.17 | 62.17 | 599 | 311 |
| Innovation | 2004/05 | 2 | 1.19 | 5.71 | | |
| | 2005/06 | 1 | 0.02 | 0.02 | | |
| | 2006/07 | | | | | |
| | 2007/08 | 5 | 0.76 | 3.09 | | |
| | 2008/09 | 6 | 0.35 | 0.86 | | |
| | Total | 14 | 2.33 | 9.69 | 0 | 0 |
| Total | 2004/05 | 4 | 2.18 | 11.04 | 140 | 147 |
| | 2005/06 | 1 | 0.02 | 0.02 | 0 | 0 |
| | 2006/07 | 1 | 0.93 | 4.00 | 233 | 0 |
| | 2007/08 | 6 | 1.51 | 9.39 | 63 | 12 |
| | 2008/09 | 7 | 6.85 | 47.40 | 163 | 152 |
| | Total | 19 | 11.51 | 71.86 | 599 | 311 |

Notes to Table:

13. Table totals may not add due to rounding.
14. Planned investment includes assistance offered.
15. Total offer locations in geographic tables exceed total number of offers, as some projects are located in more than one area.
16. Some of the assistance offered may not be paid if projects are not fully delivered by the client.
17. New Jobs represent the number of jobs expected to be created by the project.
18. Safe Jobs represent the number jobs that would have been lost if the project was not supported.

Invest NI

Mr Butler asked the Minister of Enterprise, Trade and Investment how many jobs Invest NI has created over the last 2 years. (AQW 729/10)

The Minister of Enterprise, Trade and Investment: During the 2 financial years 2007/08 and 2008/09 Invest NI promoted 11,248 jobs and safeguarded 3,055 existing jobs. This represents the number of jobs that Invest NI clients, both locally and externally-owned, expect to create or safeguard during the lifetime of projects offered assistance during the period under review.

Despite challenging economic conditions Invest NI has made good progress towards achieving the Programme For Government target of securing 6,500 new jobs through inward investment by 31st March 2011. Provisional figures based on offers approved by Invest NI between 1st April 2008 and 31st August 2009 show that 4,879 new jobs have been promoted.

In addition, Invest NI made 5,676 indirect offers through the Northern Ireland Start A Business programme to individuals intending to set up a business. These offers are expected to create almost 6,000 new jobs. This programme is delivered in partnership with Enterprise Northern Ireland and provides support to new businesses, reliant on the local Northern Ireland market.

Fuel Poverty: Social Tariff System

Mrs O'Neill asked the Minister of Enterprise, Trade and Investment if she will enter into discussions with the Utility Regulator and energy companies to bring forward proposals to introduce a social tariff system to help people who are most susceptible to fuel poverty. (AQO 122/10)

The Minister of Enterprise, Trade and Investment: I am conscious that one of the Fuel Poverty Taskforce proposals included a recommendation on the feasibility of introducing a social tariff scheme. Such a tariff would be extremely complex and not a panacea to the hardships caused by poverty.

The Regulator's office has nonetheless undertaken work relating to the feasibility of social tariffs and has employed consultants to undertake an analysis of the options for implementing a social tariff in Northern Ireland, including an examination of the likely impact associated with the various options. The work has raised a whole range of difficult issues particularly around targeting and to which sectors such tariffs might apply.

Social tariff charges to try and help the fuel poor could, for example, impact disproportionately on other customers, including businesses. This could ultimately have a negative impact on employment levels and so, perversely, result in increased levels of fuel poverty. Equally, without proper targeting of those most in need, overall numbers of fuel poor could actually be increased.

The next steps in the Regulator's work are likely to include a full public consultation, followed by a recommendation to Ministers on a way forward. This will include the need for any supporting policy action by key Northern Ireland Departments, including legislation.

However, I would stress that the full implications of any social tariff charges will need to be considered carefully by the Executive.

Job Creation

Mr Molloy asked the Minister of Enterprise, Trade and Investment to detail how many jobs her Department has created over the last 2 years. (AQO 128/10)

The Minister of Enterprise, Trade and Investment: Although my Department, through Invest NI, promotes jobs associated with the business development projects it assists, ultimately, it is the individual company that creates these jobs.

In the two financial years to 31st March 2009, Invest NI promoted 11,248 jobs and safeguarded 3,055 existing jobs. This represents the number of jobs that Invest NI clients, both locally and externally-owned, expect to create or safeguard during the lifetime of projects offered assistance.

In addition, Invest NI made 5,676 offers, through the Start A Business programme, to individuals intending to set up a business reliant on the local Northern Ireland market. These offers are expected to help create almost 6,000 new jobs.

In total, Invest NI assistance during the period in question promoted approximately 17,000 new jobs, safeguarding a further 3,055 jobs.

Despite challenging economic conditions, Invest NI has made good progress towards achieving the Programme for Government target of securing 6,500 new jobs through inward investment by 31st March 2011. Provisional figures based on offers approved by Invest NI between 1st April 2008 and 31st August 2009 show that 4,879 new jobs have been promoted.

Stream International Call Centre

Mr McCartney asked the Minister of Enterprise, Trade and Investment to provide an update on Invest NI's work to provide more contracts to secure employment with the international call centre, Stream. (AQO 129/10)

The Minister of Enterprise, Trade and Investment: The redundancies at Stream are extremely regrettable and I fully appreciate the impact on those employees affected.

The securing of new contracts is a matter for Stream and we hope that the company is ultimately successful in this regard. Invest NI has supported the company in the past and will continue to offer support where it is appropriate.

Moreover, I have written to the CEO of the Stream Group, urging him to put additional work into the Londonderry operation. I also hope to meet the CEO when I visit the United States in the autumn.

Invest NI continues to support the company as it tries to break into new markets and in addition, my department, Invest NI and the Department of Employment and Learning, are working closely together to provide practical help to those facing redundancy.

Foreign Direct Investment Targets

Mr Gardiner asked the Minister of Enterprise, Trade and Investment for an update on progress in relation to the foreign direct investment targets outlined in the Programme for Government. (AQO 130/10)

The Minister of Enterprise, Trade and Investment: Invest NI's 2008-09 results showed that the agency had considerably exceeded its FDI targets during the year, with supported projects promoting 4,055 new jobs against an original target of 2,200.

Targets for the current year are challenging, especially in the current economic climate. Invest NI continues to actively pursue all available opportunities aggressively in order to secure inward investment projects.

Renewable Energy: Targets

Mr Savage asked the Minister of Enterprise, Trade and Investment what discussions she has had with the Minister of Finance and Personnel concerning the NI Civil Service estate's role in meeting renewable energy targets, as set out in the Draft Strategic Energy Framework. (AQO 131/10)

The Minister of Enterprise, Trade and Investment: Given its responsibilities for the Government estate and for Government procurement, DFP has a important role in demonstrating Government's lead on sustainable energy.

I have not, as yet, had direct dialogue on this issue with my Ministerial colleague. However, DFP and DETI officials work closely together through a number of formal structures including the Sustainable Energy inter-departmental working group and in all four of its sub-groups. These relate to bioenergy, communications, economic opportunities and energy efficiency. These working groups are aimed at bringing forward a coherent plan to ensure better integration and alignment of sustainable energy policy and activities across all the NI departments.

Inward Investment: Coleraine/Limavady

Mr Campbell asked the Minister of Enterprise, Trade and Investment, following the loss of 1,000 jobs at Seagate, what inward investment projects have been, or are being, promoted in the Coleraine and Limavady areas. (AQO 132/10)

The Minister of Enterprise, Trade and Investment: Invest NI continues to work hard to promote all of Northern Ireland as an attractive and viable location for inward investment.

In particular, the agency is working closely with local stakeholders to encourage the development of regional sales propositions. One such example is Coleraine Borough Council's 'Invest in Coleraine' initiative, which helps ensure that the product offering for the Coleraine area is maximised to attract visits by potential investors.

Invest NI's ongoing work with those overseas investors already located in Northern Ireland is also essential, both in terms of assisting them to grow and develop and in promoting the benefits of investing in Northern Ireland. This approach has helped cultivate and foster relationships that have secured and promoted investment in East Londonderry by international companies such as Nicobrand, Dairy Produce Packers and Fugro-BKS.

It is also important to emphasise Invest NI's work in assisting indigenous companies to grow and develop by focusing on exploiting export opportunities. In East Londonderry this has helped promote the growth and development of a number of key employers such as Armstrong Medical and Causeway Data Communications.

The purchase of the former Seagate Limavady facility by Limavady Gear Company has also been particularly encouraging. The company operates at the forefront of the renewable energy sector, which a recent Carbon Trust report identified as having the potential to create over 30,000 jobs. Limavady Gear is now well placed to exploit

the tremendous opportunities for the growth the sector offers, for the benefit of not only East Londonderry, but Northern Ireland as a whole.

Credit Unions

Mr McLaughlin asked the Minister of Enterprise, Trade and Investment for an update on the progress of legislation to enhance Credit Union services. (AQO 133/10)

The Minister of Enterprise, Trade and Investment: One of the recommendations included in the Committee for Enterprise, Trade and Investment's report of its inquiry into the Role and Potential of Credit Unions in Northern Ireland was that NI credit unions be permitted to expand their range of services to include, at the very least, those services which credit unions in Great Britain can offer currently. In my response to the report, I endorsed this recommendation.

To enable credit unions in Northern Ireland which wish to expand their current range of services, new legislation will require to be enacted. To progress this matter, along with other recommendations contained in the Committee's Report, my Department has established a team to take forward the legislative changes needed to facilitate this expansion of services.

This requires working closely with Her Majesty's Treasury (HMT) which has also completed a separate Review of the Legislative Framework for Credit Unions and Industrial and Provident Societies in Northern Ireland. The input of the Financial Services Authority (FSA) will also be crucial to the process. A joint project team consisting of HMT, DETI and FSA officials has been established to take forward the legislative and non-legislative recommendations of both Reports. These discussions have proved a useful starting point. Further meetings are planned.

My Department is committed to working to implement the recommendations of the Committee and will take all steps to ensure that this is completed as soon as practically possible. A key next step will be to consult in Northern Ireland and in GB on the detail of the proposals for the reform of the regulatory framework for Northern Ireland credit unions and I am hopeful that this will happen by the end of the year.

Business Start-up Projects

Mrs Hanna asked the Minister of Enterprise, Trade and Investment to outline the targets her Department set for the Enterprise Development Fund for new business start-ups for last four months; and how many new businesses started during that period. (AQO 134/10)

The Minister of Enterprise, Trade and Investment: Invest NI's Enterprise Development Programmes have a target of 3,800 business start ups per annum. This equates to approximately 1,267 start ups over a four month period.

Interest in the programme to date has been encouragingly high. Between its launch in April 2009 and the end of August, over 3,200 clients had met with an advisor and indicated they wished to participate in the start-up strand of the programme.

In the same period, over 360 start-ups have been recorded on the programme. It is to be expected that this figure will increase significantly in the months ahead as the programme beds in and clients work their way through the options available to them. It is interesting to note that the number of start ups recorded in August 2009 exceeds that of July 2009 by over 55%.

DEPARTMENT OF THE ENVIRONMENT

Incinerator on the Ballyutoag Road

Mr Burns asked the Minister of the Environment for his assessment of the proposal to build an incinerator on the Ballyutoag Road on the outskirts of Belfast. (AQW 473/10)

The Minister of the Environment (Mr Poots): The proposal to construct an energy from waste plant on the Ballyutoag Road has been designated as an Article 31 major planning application. As this application is likely to come before me for decision it would not be appropriate to offer any assessment at this stage.

North Antrim Constituency: DOE Projects

Mr McKay asked the Minister of the Environment to detail (i) what projects his Department has funded; and (ii) the amount of money provided by his Department, in the North Antrim constituency, since May 2007. (AQW 536/10)

The Minister of the Environment: The table below provides details of my Department's expenditure on projects in the North Antrim constituency since May 2007.

| Projects | Expenditure £ |
|---|----------------|
| Portrush Coastal Zone: Replacement Exhibition | 63,382 |
| Dunluce Castle: Cliff stabilisation | 356,992 |
| Rathlin Island: Road upgrade and guardrail | 38,000 |
| Causeway Coast and Glens Heritage: Management of AONB | 232,007 |
| Grants for Listed Building projects | 63,379 |
| Total | 753,760 |

Legislation: DOE

Mr Savage asked the Minister of the Environment to outline any legislation his Department intends to bring to the Assembly before 31 December 2009. (AQW 547/10)

The Minister of the Environment: The legislation that my Department intends to bring to the Assembly before 31 December 2009, subject to Environment Committee consideration and Executive Committee approval as appropriate, is set out below:

- Wildlife Bill;
- Carbon Reduction Commitment Order;
- Local Government (Boundaries) Order (Northern Ireland); and
- Local Government (Statutory Transition Committees) Regulations (Northern Ireland).

Taxi Enforcement Officers

Rt Hon J Donaldson asked the Minister of the Environment for his assessment of the impact of the twelve additional taxi enforcement officers appointed recently and to confirm any plans he has to recruit further such staff. (AQW 602/10)

The Minister of the Environment: I can advise that an additional 10 front line enforcement officers have been recruited by DVA to date in order to bolster up Taxi, Bus and Goods Vehicle Enforcement. Of these, 5 have been assigned to the existing taxi enforcement team based in Belfast, bringing the total compliment of front line staff dedicated to taxi enforcement at present up to 12 officers.

The recruitment of further enforcement officers will be kept under review in the light of our ongoing assessment of their impact and the resources available to the Department.

The impact of having a team of 12 dedicated taxi enforcement officers has been very positive both in terms of improved regionalised deployment and higher volumes of vehicles targeted and checked at the roadside. Between 1 August and 10 September 2009, a total of 32 taxi enforcement operations were conducted across Northern Ireland with 266 taxis checked. The following statistics refer to the geographical areas where operations were mounted and the outcome of those operations:

| Areas of Operational Deployment (Period 1/8/09 – 10/9/2009 Incl) | |
|--|--------------|
| Antrim | Strabane |
| Ballymoney | Craigavon |
| Bangor | Maghera |
| Belfast | Nutts Corner |
| Lisburn | Omagh |
| Londonderry | Newry |

Of those vehicles inspected the following detections were made:

| Nature of Offence | Number of Offences Detected |
|-----------------------------------|-----------------------------|
| No Public Service Vehicle Licence | 20 |
| No Valid Taxi Driving Licence | 7 |
| No Insurance | 6 (13 awaiting production) |
| Defective Brakes | 10 |
| Defective Lights | 14 |
| Defective Tyres | 19 |
| Other Defects | 2 |
| PSV Condition of Licence Breaches | 193 |
| Total offences detected | 271 |

Of those detections the following sanctions were applied:

| Sanctions | |
|--|----|
| Defect Notices Issued | 14 |
| Immediate Prohibition Imposed | 8 |
| Taxi Plates Suspended at Roadside | 5 |
| Prosecution Reports Generated | 41 |
| Detections pending Licensing Suspension/Revocation Reports | 15 |

Taxis: Operator Registration Scheme

Rt Hon J Donaldson asked the Minister of the Environment for an update on his plans to introduce an Operator Registration Scheme for taxis by the end of the year; and how the scheme will be implemented.

(AQW 603/10)

The Minister of the Environment: Work is on schedule to introduce the registration scheme by the end of the year. Applications for this voluntary scheme, which will be free to operators, will be available from mid October 2009. The scheme will be a forerunner to a permit scheme and then to full operator licensing. New regulations will be required for the permit scheme and full operator licensing, and work will begin once the effectiveness of the voluntary registration scheme has been assessed. It is intended that the permit scheme will be in place by 2011 and full operator licensing by 2013.

Taximeters: Specifications

Rt Hon J Donaldson asked the Minister of the Environment what progress has been made on the development of specifications for taximeters; and when will the fitting of such meters become mandatory. (AQW 604/10)

The Minister of the Environment: Officials have developed a modern specification for the taximeters that all taxis will have to be fitted with in due course, and work is in progress to develop the draft legislation to support the specification. We will be consulting on the specification and draft legislation later this year. Subject to that consultation and the Assembly legislative process we intend to bring new taximeter Regulations into effect by June 2010.

It is proposed that the new Regulations will apply, in the first instance, only to those taxis that already work to regulated fares i.e. Belfast public hire taxis. In many cases their existing taximeters are likely to be acceptable in the short to medium term and there is a lead-in time to allow them to replace any taximeters that will not meet the specification. Other taxi drivers will require taximeters only after the planned Northern Ireland wide taxi fare has been introduced. However, it is intended that the new Regulations will help to inform the industry about what taximeters will be acceptable in the future.

Taxis: Legislation to Regulate

Rt Hon J Donaldson asked the Minister of the Environment what plans he has to expedite any of the proposed legislation to regulate taxis, to ensure that the impact of the Taxi Act is in felt before mid 2010. (AQW 612/10)

The Minister of the Environment: When the Taxis Act was enacted it was envisaged that a programme of taxi reform would be implemented progressively over a three to five year period, as resources permitted, and that remains the intention. The first Commencement Order under the Taxis Act is expected to be introduced in October 2009. That will enable the PSNI and the Driver & Vehicle Agency to enforce taxi legislation on Belfast Harbour Commissioners land including major locations for taxis such as Belfast City Airport. My officials met with stakeholders to make them aware of the proposed changes and to help them ensure that they comply with the new requirements. Progress has also been made on some of the measures necessary to underpin future plans. For example, officials have developed a specification for the taximeters that all taxis will have to be fitted with in due course. We will be consulting on this specification later this year. We have also developed a suite of relevant fixed penalty offences; drafting has already begun on amending legislation and it is intended that these will be in place by March 2010. Preliminary discussions have been held about the review of taxi fares that is scheduled to start in 2010. Plans are at an advanced stage for the introduction by the end of this year of an operator registration scheme, with a view to moving progressively to full operator licensing by 2013. Preliminary work is under way to consolidate and modernise the specification for taxi vehicles, and this is on schedule for implementation by 2011.

Driving Licences: Commonwealth or Former Commonwealth Countries

Mr Weir asked the Minister of the Environment what consideration is being given to the status of driving licences from Commonwealth or former Commonwealth countries, to ensure that they are recognised in Northern Ireland, as in other parts of the United Kingdom. (AQW 618/10)

The Minister of the Environment: Where a country is assessed as having a driver training, testing and licensing regime which meets the strict standards applied within the United Kingdom, it may be considered for the purpose of driving licence exchange. In practice, the assessment of candidate countries is carried out by the Driving Standards Agency (DSA) in Great Britain following a formal request from the candidate country to enter into an exchange agreement. The assessments take into consideration the quality and depth of the driving test, the robustness of the driver licensing system, security of the driving licence and other facts, such as road traffic accident and mortality rates.

Countries deemed suitable for licence exchange must be designated for such purpose by making a Designation Order. The Department has designated several countries under the Motor Vehicles (Exchangeable Licences) Order (Northern Ireland) 1994.

On 12 October 2009, the Department will bring into force a new Designation Order which will allow for the exchange of driving licences issued in the provinces and territories of Canada, the Falkland Islands, the Faroe

Islands, the Principality of Monaco, South Africa and the Republic of Korea. This will mean that the exchange arrangements in Northern Ireland are the same as those throughout the rest of the United Kingdom.

The Department has not been approached by the driver licensing authorities in any other countries to enter into exchange arrangements.

Local Government Review

Mr McGlone asked the Minister of the Environment, pursuant to AQW 41/10, to detail the expenditure incurred on the Local Government Review, including provisions for the current year and all consultancy fees.
(AQW 633/10)

The Minister of the Environment: Further to AQW 41/10, the detail of the expenditure incurred on the Local Government Reform is set out in the tables attached.

Table 1 describes reform costs, including consultancy fees/expenses from 2005/2006 up to 31 August 2009. Please note this amount includes an additional £109,357 relating to Transition Committee funding. The table also includes details of the provisions for the current financial year.

Table 2 provides costs associated with the Local Government Boundaries Commissioner.

TABLE 1

| Local Government Reform Expenditure | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 | 2009/10* | TOTALS | 2009/2010 (provision) |
|-------------------------------------|----------------|------------------|------------------|------------------|----------------|------------------|-----------------------|
| | £ | £ | £ | £ | £ | £ | £ |
| Salaries | 165,714 (est) | 872,728 (est) | 918,458 | 781,778 | 418,566 | 3,157,244 | 1,173,000 |
| General Administrative Expenditure | 16,571 (est) | 87,272 (est) | 78,392 | 81,562 | 18,001 | 281,798 | 117,000 |
| Taskforce operational expenses | 0 | 111,017 | 47,806 | 122,736 | 49,250 | 330,809 | 150,000 |
| NILGA support funding | 0 | 0 | 26,942 | 548,567 | 57,059 | 632,568 | 660,000 |
| Modernisation | 0 | 0 | 0 | 101,643 | 0 | 101,643 | 0 |
| Review of public expenditure | 0 | 0 | 0 | 109,357 | 157,964 | 267,321 | 1,800,000 |
| Consultants' fees | 11,666 | 75,032 | 126,098 | 241,071 | 67,483 | 521,350 | 233,000 |
| Total | 193,951 | 1,146,049 | 1,197,696 | 1,986,714 | 768,323 | 5,292,733 | 4,133,000 |

*Expenditure in the 2009/2010 year is up to and including 31 August 2009

TABLE 2

LOCAL GOVERNMENT BOUNDARIES COMMISSIONER EXPENDITURE

| | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 | 2009/2010 (Provision) |
|----------|-----------|-----------|-----------|-----------|-----------------------|
| | £ | £ | £ | | £ |
| Salaries | 273,515 | 69,892 | 291,713 | 78,958 | 71,950 |
| Other | 226,857 | 56,873 | 200,164 | 52,563 | 53,050 |

| | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 | 2009/2010 (Provision) |
|--------------------|-----------|-----------|-----------|------------------|--------------------------|
| | £ | £ | £ | | £ |
| Totals | 500,372 | 126,765 | 491,877 | 131,521 | 125,000 |
| Grand Total | | | | 1,250,535 | 125,000 |

Taxis Act

Rt Hon J Donaldson asked the Minister of the Environment to provide an update on the first commencement order for the Taxis Act. (AQW 638/10)

The Minister of the Environment: I fully appreciate the level of concern over nuisance high hedges, and have just announced my decision to bring legislative proposals before the Executive and the Assembly. Naturally, I intend to consult publicly on these proposals. While I am unable to confirm the precise timetable at this stage, I hope that the legislation can be in place by the time that the new councils are formed in 2011.

Economic Considerations

Mr O'Loan asked the Minister of the Environment what impact the previous Minister's statement, on the weight to be given to economic considerations, has had on planning decisions. (AQW 641/10)

The Minister of the Environment: The previous Minister's statement has provided guidance to my Department on the weight to be accorded to the economic aspects of development proposals when making planning decisions, ensuring the planning system makes a full and positive contribution to the growth of the economy.

In line with the previous Minister's statement my Department will take full account of the economic aspects of a planning proposal, including the wider benefits to the regional or local economy, alongside social and environmental aspects, in so far as they are material considerations in the determination of the planning application to which they relate. In cases where the economic benefits of a proposal are significant, substantial weight is afforded to them in the determination of that planning decision.

It should be noted that this statement is now the subject of judicial review proceedings together with a further statement made by the previous Minister on 16 June 2009 on major development proposals and the development plan system. Leave was recently granted by Mr Justice Weatherup in the High Court and he will hear the case on 17 November 2009.

Historic Ruins: Alleged Damage

Mr Hamilton asked the Minister of the Environment for an update on investigations into alleged damage to historic ruins situated at Ringbuoy Point in Cloughey, County Down. (AQW 650/10)

The Minister of the Environment: By way of background, a site of archaeological interest has previously been identified on the lands at Ringbuoy Point. My Department does not, however, have any records of upstanding historic ruins of any masonry or earthwork feature at this location and the site of archaeological interest does not have statutory protection under the provisions of the Historic Monuments and Archaeological Objects (NI) Order 1995.

The Department is currently investigating an alleged breach of planning control in relation to the caravan site at Ringbuoy Point Cloughey, County Down. Unfortunately I cannot provide you with more details at present as any release of information at this stage may prejudice any future potential legal action in relation to this case.

High Hedges and Trees

Mr Hamilton asked the Minister of the Environment what plans his Department has to introduce legislation aimed at tackling problems with nuisance high hedges and trees. (AQW 651/10)

The Minister of the Environment: I fully appreciate the level of concern over nuisance high hedges, and have just announced my decision to bring legislative proposals before the Executive and the Assembly. Naturally, I intend to consult publicly on these proposals. While I am unable to confirm the precise timetable at this stage, I hope that the legislation can be in place by the time that the new councils are formed in 2011.

Irish Hare Population

Mr Shannon asked the Minister of the Environment, in light of the latest figures showing the rise in the Irish hare population, if he will consider introducing the Irish hare into the quarry list again. (AQW 667/10)

The Minister of the Environment: My Department has undertaken a series of night driven transect surveys of Irish hares in Northern Ireland since 2002. These have indicated that the Irish hare population can be subject to wide annual population fluctuations. The present series is due to be completed in 2010 after which an assessment will be made regarding the general trend of the population.

The 2009 survey indicated a slight fall in the population of Irish hares, although this was not significant. Based on this result I have decided to bring forward another temporary Special Protection Order (SPO) for Irish hares to commence in December 2009.

Irish hares will revert to their original status when the Temporary SPO has expired. The requirement for further protection, whether temporary or permanent, will be assessed when the 2010 survey has been completed and in the light of future proposals within a revised Irish hare Species Action Plan.

Race Tracks at Nutts Corner

Mr McLaughlin asked the Minister of the Environment if all possible measures are in place to monitor noise from both legal and illegal race tracks at Nutts Corner. (AQW 676/10)

The Minister of the Environment: District council's as the statutory regulatory authority have powers under the Pollution Control and Local Government (NI) Order 1978 to investigate, monitor and take enforcement action for noise nuisance from motor sport race tracks. The powers also extend to neighbouring councils to take action against a noise nuisance that arises outside their jurisdiction.

Race Tracks at Nutts Corner

Mr McLaughlin asked the Minister of the Environment to list all existing legal race track sites and all illicit sites at Nutts Corner. (AQW 677/10)

The Minister of the Environment: There are two approved and lawful motorsport tracks at Nutts Corner. One is the long established Nutts Corner Motorsport Centre at Dundrod Road. The other is a stock car track at Moira Road known as Nutts Corner Raceway.

Currently, there are no illegal tracks at Nutts Corner. However, Planning Service is investigating 4 alleged unauthorised tracks in the Moira Road area of Nutts Corner.

Orange Arches

Mr Butler asked the Minister of the Environment to detail the number of orange arches that have been erected in each of the last three years which (i) met his Department's planning regulations; or (ii) were not approved by his Department or did not meet planning regulations. (AQW 696/10)

The Minister of the Environment: My Department does not receive planning applications for any type of Ceremonial Arches and has no records of the numbers erected.

Historically Planning Service has not required planning applications to be submitted as these are temporary structures ultimately removed in a reasonable timescale. Issues relating to the structural safety of the arch are dealt with by DRD Roads Service under the Roads Order.

Pollution Incidents

Mr W Clarke asked the Minister of the Environment to list all pollution incidents which have occurred in the Shimna River below Fofanny Water Treatment Works in the last three years; and to detail (i) the severity; (ii) the source of the pollution; and (iii) what sanctions were imposed. (AQW 713/10)

The Minister of the Environment: The Northern Ireland Environment Agency (NIEA) has confirmed that from 1 January 2006 to date, there has been one report of potential pollution impacting the Shimna River below Fofanny Water Treatment Works.

The pollution incident occurred on 20 September 2009 and was considered as high severity by NIEA officials. The source of the pollution remains under investigation.

Given that the incident investigation remains 'live', no enforcement action has been initiated against any party at this time. However, NIEA normally seeks to carry out an enforcement action for High and Medium Severity water pollution incidents where the polluter is identified. Sanctions are ultimately a matter for the courts.

Marine Bill

Mr I McCrea asked the Minister of the Environment why there is a delay in progressing the Marine Bill. (AQW 727/10)

The Minister of the Environment: The position on the Northern Ireland Marine Bill remains unchanged from that given to the Assembly on 2 March 2009. I remain committed to introducing legislation to the Assembly in 2011, subject to Executive approval, with a view to its being on the Statute Book in 2012.

The UK Marine and Coastal Access Bill, which contains provisions relevant to Northern Ireland, is expected to receive Royal Assent this autumn.

Unroadworthy Vehicles

Mr Dallat asked the Minister of the Environment how many joint operations were carried out in the last 12 months by staff from the vehicle test centres and the PSNI to detect unroadworthy vehicles; and what were the findings. (AQW 771/10)

The Minister of the Environment: On the road enforcement work by the Driver & Vehicle Agency is undertaken by a specialist team and is not part of the general work of staff based in vehicle test centres.

In the period 1 October 2008 to 30 September 2009, DVA enforcement officers carried out 4 joint enforcement operations with the PSNI. Operations were undertaken at Ballymena, Larne and Newry resulting in 34 vehicles examined of which 30 (88%) were discovered to be unroadworthy.

Those detections resulted in the following sanctions being applied at the roadside:

| Defect Notices Issued | Immediate Prohibition Imposed (for serious mechanical defects) | Prosecution Reports Generated |
|-----------------------|--|-------------------------------|
| 10 | 11 | 14 |

Staff employed by DVA can also operate independently from the PSNI and have a wide range of powers to enable them to stop, inspect, direct, detain vehicles or drivers and if offences are detected proceedings may be initiated for this through the Public Prosecution Service.

Local Government Service Delivery

Mr McGlone asked the Minister of the Environment to detail the conclusions of the Pricewaterhouse Coopers report on Local Government Service Delivery; and the monetary and non-monetary costs in the economic appraisal of the options. (AQW 776/10)

The Minister of the Environment: The PricewaterhouseCoopers report on Local Government Service Delivery is currently under development; this includes the economic appraisal aspects of the options. However, once completed and considered by the Strategic Leadership Board, I will make the report public.

Review of Public Administration

Mr McGlone asked the Minister of the Environment how much has been spent by his Department on the Review of Public Administration. (AQW 777/10)

The Minister of the Environment: I refer the member to my responses to his previous questions - AQW 41/10 and AQW 633/10.

Fox Predation

Mr Shannon asked the Minister of the Environment what steps he intends to take to address the concerns of the Grouse group about fox predation reducing the number of grouse. (AQW 785/10)

The Minister of the Environment: A Northern Ireland Species Action Plan for Red Grouse was published in 2008.

The inaugural meeting of the Northern Ireland Red Grouse Species Action Plan Steering Group was held on 21 September 2009. A wide range of interests were represented at the meeting. Predator control was one of many issues discussed.

This Group will advise on the effective delivery of the Action Plan, encourage the implementation of the identified actions and ensure effective outcomes.

Predator control is an issue traditionally dealt with by moorland managers in local areas. However, I will ask the Northern Ireland Environment Agency to keep me informed of the recommendations from the Group as they develop their discussions.

Grouse Project

Mr Shannon asked the Minister of the Environment, in light of the significant financial contributions made by private benefactors to the Grouse Project; whether grouse numbers can be increased and sustained. (AQW 787/10)

The Minister of the Environment: The inaugural meeting of the Northern Ireland Red Grouse Species Action Plan Steering Group was held on 21 September 2009. The aim of the Action Plan is to increase the population of red grouse across Northern Ireland. The Group is chaired by Roger Pollen of the British Association of Shooting and Conservation and a very positive first meeting covered a wide range of issues.

A wide range of interests and stakeholders were represented at the meeting, including the Glenwherry Upland Regeneration Project. This is a moorland habitat improvement project which is showing encouraging benefits for managing red grouse populations and has been supported by a number of private benefactors.

The participation of moorland managers in the grouse group is to be welcomed and their knowledge and experience will be of benefit to the group's aim of achieving increased red grouse numbers.

Jellyfish Population

Mr Shannon asked the Minister of the Environment what steps the NI Environment Agency is taking to ensure that the small purple jellyfish population explosion which has invaded that coast of Antrim and Down is contained, to prevent damage to the salmon industry. (AQW 788/10)

The Minister of the Environment: The Department of Agriculture and Rural Development (DARD) Fisheries Division is responsible for issues connected with commercial sea fisheries.

However, the Northern Ireland Environment Agency (NIEA) has a statutory responsibility for marine nature conservation and as such undertakes marine surveillance and monitoring. It can also provide scientific advice on the distribution and extent of jellyfish blooms to other Departments, Agencies and coastal stakeholders.

On 16 September 2009, NIEA informed Glenarm Organic Salmon, DARD Fisheries Division, the National Trust and coastal Councils of the presence of significant numbers of mauve stinger jellyfish off the North Antrim coast. NIEA also advised DARD to request that the Marine and Fisheries Agency of the UK Department for Environment, Food and Rural Affairs fly over the area in their surveillance aircraft to determine the extent of the infestation.

The mauve stinger is occasionally present in coastal waters but is typically found offshore and in small numbers. Containment of jellyfish blooms at sea is not a feasible option. It is the responsibility of each fishing operator to make contingency plans to protect its interests and to guard against jellyfish blooms.

Brown Hare and the Irish Hare

Mr Shannon asked the Minister of the Environment if he is aware that the inter-breeding of the Brown Hare and the Irish Hare is causing concern to naturalists; and what steps he intends to take to control and monitor the problem. (AQW 789/10)

The Minister of the Environment: I am aware of the potential impact of hybridisation on the Irish hare.

The Northern Ireland Environment Agency (NIEA) has raised this with other members of the Irish hare Species Action Plan Steering Group. As a result, a 'Brown hare sub-group' has recently been formed to consider the issue.

NIEA previously funded scientists at Queens University (QUB) to undertake genetic analysis of road kill specimens of both Irish and Brown hares, which subsequently confirmed that hybridisation had occurred between the two species in Northern Ireland. This study has revealed that there is two-way hybridisation taking place; female Irish hares mating with Brown hares and female Brown hares mating with Irish hares. This gives concern for the protection of the 'uniqueness' of our native Irish hare population.

To fully assess the impacts of this hybridisation, NIEA has commissioned QUB to produce a report which will highlight the risks and provide options/recommendations on how to address the problem.

NIEA has requested that the report is assessed and peer-reviewed by a panel of international hare experts from countries where similar 'inter-breeding' has caused concern for native hare populations.

Local Government Boundary Commissioner

Dr Farry asked the Minister of the Environment to outline the timescale for bringing the final recommendations of the Local Government Boundary Commissioner to the Assembly. (AQW 809/10)

The Minister of the Environment: The final recommendations of the Local Government Boundaries Commissioner will be given effect, with or without modification, by a Local Government (Boundaries) Order. This is subject to consideration by the Executive. I will lay the Local Government Boundaries Commissioner's Final Recommendations Report in the Assembly, together with a draft Order giving effect to the recommendations, with or without modifications and, if necessary, a statement of the reasons for any modifications at the earliest opportunity after Executive consideration is completed.

Bridleways

Dr Farry asked the Minister of the Environment to outline the policy of his Department on the (i) protection and (ii) future provision of bridleways. (AQW 810/10)

The Minister of the Environment: Responsibility for the assertion, protection and provision of bridleways lies with District councils under the Access to the Countryside (Northern Ireland) Order 1983.

The Northern Ireland Environment Agency, through its Natural Heritage Grants Programme, supports the Countryside Access and Activities Network (CAAN). CAAN's objectives include working with the British Horse Society on the development of off-road horse riding trails for public use.

Bridleways

Dr Farry asked the Minister of the Environment to outline the provision of bridleways in Northern Ireland compared to other jurisdictions within the United Kingdom and the Republic of Ireland. (AQW 811/10)

The Minister of the Environment: The Department does not hold data on bridleways in Northern Ireland as responsibility for their provision lies with District Councils under the Access to the Countryside (Northern Ireland) Order 1983.

Planning Management Board

Mr Beggs asked the Minister of the Environment, pursuant to AQW 173/10, to detail the number of hours and the estimated cost of legal advice sought by the Planning Management Board. (AQW 812/10)

The Minister of the Environment: The time and cost of providing the legal advice in relation to the Aurora Application, as advised by the Departmental Solicitor, was 7.66 hours totalling £1,019.67.

Planning Appeals Commission

Mr Shannon asked the Minister of the Environment (i) when the Planning Appeals Commission intends to report its findings on the Belfast Metropolitan Area Plan to the Planning Service; and (ii) when the Planning Service intends to publish the final plan. (AQW 918/10)

The Minister of the Environment: The Draft Belfast Metropolitan Area Plan 2015 (BMAP) was published in November 2004. The Public Inquiry commenced in April 2007 and concluded in May 2008.

The Planning Appeals Commission (PAC) is currently considering all the information before it prior to completing its report and making its recommendations to the Department. The PAC has indicated a preliminary timescale for delivery of the report to Planning Service as early summer 2010. Any review of timescales undertaken by the PAC may advance the Report or elements of the Report.

In October 2008, the Department wrote to the PAC and requested the early release of that part of the BMAP Report relating to strategic retail issues, including Sprucefield. The PAC took the view that this was a discrete issue and, as the public sessions of the Inquiry were complete, it could comply with the Department's request. The Commission issued the report to the Department on 21 January 2009, and it is now available to the public on request.

Upon receipt of the remainder of the report, Planning Service will consider the recommendations of the PAC and prepare the Plan for adoption. Although the date of adoption will be dependent on the date that the PAC Report is received, it is unlikely that the Plan will be adopted before 2011.

Rose Energy: Planning Application

Mr Burns asked the Minister of the Environment when a decision will be made regarding the planning application by Rose Energy to build an incinerator in Glenavy. (AQW 966/10)

The Minister of the Environment: The planning application, accompanied by an Environmental Statement, for a biomass fuelled power plant at Ballyvannon Road Glenavy was submitted to Planning Service on 4 June 2008. Article 31 of the Planning (Northern Ireland) Order 1991 was applied to the proposal on 23 September 2008, designating the proposal as a major application.

Following initial consideration of the power plant application, additional environmental information was requested on 11 February 2009 as an Addendum to the Environmental Statement. The Addendum was submitted to Planning Service on 12 June 2009. At the same time Rose Energy also submitted a new separate planning application for the abstraction of water directly from Lough Neagh. The new application for water abstraction is accompanied by an Environmental Statement. The water abstraction application was designated Article 31 on 11 August 2009 and is being processed in tandem with the power plant planning application.

On 28 August 2009 Rose Energy submitted a further addendum to the Environmental Statement accompanying the power plant application. The addendum comprises an amended Noise Assessment and was submitted voluntarily

by Rose Energy. Consultations on the addendum were issued to the relevant consultees on 1 September 2009. Neighbour re-notification in respect of the addendum issued on 7 September 2009 and advertisement took place on 9, 10 and 11 September 2009. Advertisement of the addendum in the Antrim newspapers and in the three daily newspapers will take place on 7, 8 and 9 October 2009. In accordance with the Environmental Impact Assessment Regulations, the public have been given 4 weeks from the date of advertisement to submit representations regarding the environmental effects of the proposals. The 4 week period will end on 6 November 2009.

A number of detailed and technical objection reports were submitted to Planning Service, on behalf of the Communities Against Lough Neagh Incinerator (CALNI), on 18 and 21 September 2009 and the advice of expert consultees has been sought on the content of these reports.

My department is processing both planning applications as quickly as it is possible to do so and I hope to be in a position to take a decision on the way forward in the near future.

DEPARTMENT OF FINANCE AND PERSONNEL

Quangos

Mr Moutray asked the Minister of Finance and Personnel how many quangos and similar bodies are currently operational. (AQW 372/10)

The Minister of Finance and Personnel (Mr Wilson): The total number of Northern Ireland public bodies in operation on 14 September 2009 was 74.

All public bodies sponsored by Northern Ireland departments are listed in the annual public bodies report.

The most recent published report is for 2008 and is available in the Assembly library. The 2009 report (position at 31 March 2009) is currently being finalised and will be available in the Assembly Library by the end of October.

Building (Amendment) Regulations (Northern Ireland) 2006

Mr Burns asked the Minister of Finance and Personnel, with reference to F1 and F2 of the Building (Amendment) Regulations (Northern Ireland) 2006, what checks does his Department carry out to make sure that (i) building certificates are not being issued without the required air tightness testing certificates; and (ii) those carrying out such tests are suitably accredited and qualified. (AQW 466/10)

The Minister of Finance and Personnel: Technical Booklets F1 (for dwellings) and F2 (for buildings other than dwellings) of the Building Regulations (Northern Ireland) 2000 (as amended) set out standards and construction methods that, if adhered to, will be deemed to have satisfied the requirements of Part F (Conservation of fuel and power) of the Regulations. Technical Booklets have no force under statute, and there is no obligation to comply with the methods or standards set out in them, however if an applicant decides to deviate from these standards, he must demonstrate to the satisfaction of Building Control that the requirements of the regulations have been met.

If an air tightness test is to be carried out, the tester must be suitably qualified and be registered and approved by an appropriate professional body such as the British Institute of Non-Destructive Testing.

Under Article 11 of the Building Regulations (Northern Ireland) Order 1979 (as amended), district councils have a duty to enforce building regulations in their council area. It is up to each council to determine the appropriate method of enforcement for their council area, and to liaise with other councils to ensure consistency of approach. There is no enforcement role for the Department under this legislation.

Building (Amendment) Regulations (Northern Ireland) 2006

Mr Burns asked the Minister of Finance and Personnel, in relation to F1 and F2 of the Building (Amendment) Regulations (Northern Ireland) 2006 (i) what controls and checks are undertaken by Building Control in each

local council area to ensure that air tightness tests are carried out to the required standards as set out in the Air Tightness Testing and Measurement Association's publication 'Measuring air permeability of building envelopes'; and (ii) if he can confirm that the engineers carrying out such tests are suitably qualified and accredited.

(AQW 471/10)

The Minister of Finance and Personnel: Technical Booklets F1 (for dwellings) and F2 (for buildings other than dwellings) of the Building Regulations (Northern Ireland) 2000 (as amended) set out standards and construction methods that, if adhered to, will be deemed to have satisfied the requirements of Part F (Conservation of fuel and power) of the Regulations. Technical Booklets have no force under statute, and there is no obligation to comply with the methods or standards set out in them, however if an applicant decides to deviate from these standards, he must demonstrate to the satisfaction of Building Control that the requirements of the regulations have been met.

If an air tightness test is to be carried out, the tester must be suitably qualified and be registered and approved by an appropriate professional body such as the British Institute of Non-Destructive Testing.

Under Article 11 of the Building Regulations (Northern Ireland) Order 1979 (as amended), district councils have a duty to enforce building regulations in their council area. It is up to each council to determine the appropriate method of enforcement for their council area, and to liaise with other councils to ensure consistency of approach. There is no enforcement role for the Department under this legislation.

Building (Amendment) Regulations (Northern Ireland) 2006

Mr Burns asked the Minister of Finance and Personnel what assurances each council can provide that Building Certificates are not being issued without air tightness tests being carried out and to the required professional standards under F1 and F2 of the Building (Amendment) Regulations (Northern Ireland) 2006.

(AQW 472/10)

The Minister of Finance and Personnel: Technical Booklets F1 and F2 set out the standards and methods of construction that, if adhered to, will be deemed to have satisfied the requirements of Part F (Conservation of fuel and power) of the Building Regulations (Northern Ireland) 2000 (as amended). There is no legal obligation to adhere to the standards or methods set out in the Technical Booklets, however if a designer decides to adopt an alternative standard or method, he must satisfy the district council that the requirements of the regulations are met.

If an air tightness test is to be carried out, the tester must be suitably qualified and be registered and approved by an appropriate professional body such as the British Institute of Non-Destructive Testing.

Under Article 11 of the Building Regulations (Northern Ireland) Order 1979 (as amended), district councils are tasked with enforcing the regulations within their council area. It is a matter for each council to determine an appropriate level of enforcement of each aspect of the Building Regulations (Northern Ireland) 2000. As the local government function falls within the remit of the Department of the Environment, it would not be appropriate for my Department to dictate how district councils fulfil their enforcement duties.

Land and Property Service

Mr Armstrong asked the Minister of Finance and Personnel what systems are currently in place for the transfer of information, relating to land or property owners, from the Land and Property Service to NI Water.

(AQW 520/10)

The Minister of Finance and Personnel: Land & Property Services does not transfer information on land or property owners to NI Water.

Land & Property Services extracts Net Annual Values and related Valuation List information for non-domestic properties from its valuation and rating computer systems, and provides this data to NI Water to enable the calculation of the variable charge in respect of the unmeasured (non-metered) non-domestic properties.

Flooding Incident Line

Mr Weir asked the Minister of Finance and Personnel how many customers has the new Flooding Incident Line dealt with since its inception. (AQW 560/10)

The Minister of Finance and Personnel: The Flooding Incident Line has dealt with 1,465 customers since its inception up until 18 September 2009.

| 1st Quarter (Jan - Mar) | 2nd Quarter (Apr - Jun) | 3rd Quarter (Jul - Sep*) | 2009 to date |
|-------------------------|-------------------------|--------------------------|--------------|
| 292 | 427 | 746 | 1465 |

*Note: Incomplete quarter; figures for period up until 18 September.

Flooding Incident Line

Mr Weir asked the Minister of Finance and Personnel what evaluation process has been put in place to assess the effectiveness of the new Flooding Incident Line. (AQW 561/10)

The Minister of Finance and Personnel: There are several processes to assess the effectiveness of the Flooding Incident Line.

Statistics reflecting the number of calls received and the time taken to answer each call are examined on a weekly basis and also after all major incidents.

A report detailing all of the reported incidents from the previous day is circulated to the three Flood Response Agencies on a daily basis to assess the quality and accuracy of the information recorded.

A selection of calls are sampled and listened to for quality assurance purposes.

FIL has a complaints procedure in place should a complaint be received from a caller.

Flooding Incident Line

Mr Weir asked the Minister of Finance and Personnel if his Department intends to put customer satisfaction surveys in place or carry out customer check ups, in relation to the Flooding Incident Line. (AQW 562/10)

The Minister of Finance and Personnel: The Flooding Incident Line (FIL) is operated under the NI Direct Programme. NI Direct is Customer Contact Association (CCA) accredited and regularly runs satisfaction surveys such as “mystery shoppers”. The intention is to extend these checks to the FIL now that it has been established. In addition, a sample of callers will also be included in the 2009 DFP Customer Satisfaction Survey.

Employment Levels

Mr McNarry asked the Minister of Finance and Personnel what plans he has to change employment levels within his Department in the next 12 months; and how many of these changes are planned to be made through redundancies. (AQW 599/10)

The Minister of Finance and Personnel: My assessment is that the number of posts in the Department is likely to reduce by up to 75 in the next 12 months.

I expect to achieve this reduction by not filling vacant posts, dispensing with temporary staff, redeployment to other Departments and by natural wastage.

I do not foresee a redundancy situation in the next 12 months.

Recruitment Prospects

Mr McNarry asked the Minister of Finance and Personnel to outline the current recruitment prospects in each Department for (i) males aged 18-24; and (ii) females aged 18-24. (AQW 652/10)

The Minister of Finance and Personnel: It is Northern Ireland Civil Service (NICS) policy that all eligible persons shall have equal opportunity for employment, training and advancement in the NICS on the basis of their ability and aptitude for the work. All recruitment to NICS Departments is open and fair and in accordance with the NI Civil Service Commissioners Code. All external competitions are advertised in the Belfast Telegraph, Irish News, Newsletter and on www.nicsrecruitment.gov.uk, www.jobcentreonline.com and www.nijobs.com. These competitions are open to all who meet the criteria for the position regardless of gender or age.

Lease Arrangements

Mr Butler asked the Minister of Finance and Personnel (i) how many 99 year lease arrangements his Department approved in the last three years; (ii) how many 25 year lease arrangements his Department approved in the last three years; and (iii) to list all bodies and organisations operating both 99 and 25 year leases. (AQW 682/10)

The Minister of Finance and Personnel: DFP has not approved any 99 year lease arrangements in the last three years;

DFP has not approved any 25 year lease arrangements in the last three years;

None of DFP's Agencies has a lease over 25 years. DFP itself has one property held on a 125 year lease.

Cold-Related Illness

Mr Hamilton asked the Minister of Finance and Personnel how many people died of a cold related illness in each of the last three winters. (AQW 685/10)

The Minister of Finance and Personnel: The following table provides figures for the annual number of deaths registered in Northern Ireland where hypothermia was mentioned on the death certificate for 2006 to 2008.

Number of deaths registered with a mention of hypothermia¹ on the death certificate, Northern Ireland, 2006 to 2008.

| | 2006 | 2007 | 2008(P) |
|---|------|------|---------|
| Deaths with mention of hypothermia on death certificate | 15 | 13 | 18 |

¹ Deaths with a mention of hypothermia defined using the International Classification of Diseases, Tenth Revision (ICD-10) code T68.

(P) 2008 data is provisional

Barnett Formula

Dr Farry asked the Minister of Finance and Personnel for his assessment of the conclusions and recommendations in the report by the House of Lords Select Committee on the Barnett Formula, including its consistency with the evidence presented by the Head of the Northern Ireland Civil Service. (AQW 807/10)

The Minister of Finance and Personnel: The conclusions of the House of Lords Select Committee on the Barnett Formula report produced in July 2009 are consistent with the written evidence presented by the Head of the Northern Ireland Civil Service and the oral evidence given by DFP officials to the Committee.

Northern Ireland officials had expressed concern about the need to have recognition of relative regional need in any funding allocation mechanism that might succeed the Barnett Formula. Officials also stressed the importance of having transparency and independence in any new funding mechanism. Both these issues lie at the heart of the conclusions presented by the Select Committee.

DEPARTMENT OF HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

IT Systems: DHSSPS

Mr Hamilton asked the Minister of Health, Social Services and Public Safety to detail (i) all new IT systems that were installed in his Department; (ii) the initial budget; (iii) the actual cost; (iv) the estimated start date; and (v) the actual start date, in the last five years. (AQW 259/10)

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): In addition to the accounting, personnel, records management and infrastructure systems that were installed in all Departments as part of the NICS Reforms Programme, the following IT systems were installed in DHSSPS in the last five years:

| System | Initial Budget | Actual Cost | Estimated Start Date | Actual Start Date |
|----------------------------|----------------|-------------|----------------------|-------------------|
| Emergency Contact System | £71,000 | £73,000 | April 2004 | September 2004 |
| HPSS Superannuation System | £2,364,000 | £2,519,000 | October 2007 | October 2007 |

The Emergency Contact System was installed as a means of bringing together teams to respond in the event of an emergency.

The HPSS Superannuation System was a replacement system to administer pensions for ex-employees of the HPSS.

ME Service at Belfast City Hospital

Mr McCarthy asked the Minister of Health, Social Services and Public Safety if he is aware that the M.E. service at Belfast City Hospital has ceased to accept further referrals. (AQW 262/10)

The Minister of Health, Social Services and Public Safety: The Belfast Trust has advised that the clinic at Belfast City Hospital was being provided on a voluntary basis by a consultant with a special interest in ME. Due to the pressure of competing priorities that consultant is no longer available to provide this service and no new cases have been referred since 2 July 2009.

As you will be aware, the allocation of resources for specific services is a matter for the Health and Social Care Board. I understand that to date the Board has not received a business case for a fully commissioned service for ME.

However, people suffering from this very debilitating condition continue to have access to appropriate care and treatment, ranging from primary and community care to specialist regional neurology services, depending on their assessed individual needs.

I can also advise that I have commissioned the HSC Board to undertake a full and comprehensive evaluation and report of the effectiveness of the implementation of the recommendations in the 2002 review of neurology services and a report is expected next year.

ME Provision at Belfast City Hospital

Mr McCarthy asked the Minister of Health, Social Services and Public Safety if he will guarantee that the M.E. provision at Belfast City Hospital, which is the sole Health Service facility, will continue to provide this service. (AQW 263/10)

The Minister of Health, Social Services and Public Safety: The Belfast Trust has advised that the clinic at Belfast City Hospital was being provided on a voluntary basis by a consultant with a special interest in ME. Due to the pressure of competing priorities that consultant is no longer available to provide this service and no new cases have been referred since 2 July 2009.

As you will be aware, the allocation of resources for specific services is a matter for the Health and Social Care Board. I understand that to date the Board has not received a business case for a fully commissioned service for ME.

However, people suffering from this very debilitating condition continue to have access to appropriate care and treatment, ranging from primary and community care to specialist regional neurology services, depending on their assessed individual needs.

I can also advise that I have commissioned the HSC Board to undertake a full and comprehensive evaluation and report of the effectiveness of the implementation of the recommendations in the 2002 review of neurology services and a report is expected next year.

Fertility Treatment

Mrs Long asked the Minister of Health, Social Services and Public Safety what action he will take to ensure that Belfast Health and Social Care Trust will adhere to NICE guidelines which stipulate that people should receive three courses of fertility treatment. (AQW 264/10)

The Minister of Health, Social Services and Public Safety: Northern Ireland aspires to provide the full three cycles of fertility treatment as recommended by NICE however financial constraints currently make this unachievable. The current provision of one publicly funded cycle of treatment is comparable to many other areas of the United Kingdom.

I have recently announced an additional £1.5m recurrent funding for fertility services. This, in addition to an investment of £800k in a waiting list initiative, means that no patient will now wait more than 12 months for treatment from being placed on a waiting list. It is hoped that it will also be possible to introduce a cycle of Frozen Embryo Transfer in addition to the currently funded stimulated cycle of treatment where this is appropriate.

Transport Entitlements

Mr Gallagher asked the Minister of Health, Social Services and Public Safety why, in the case of transport entitlements, for people with learning disabilities, the Western Health and Social Care Trust makes distinctions between adults who are in foster care and adults who are adopted; and if such distinctions are part of his Department's policies. (AQW 282/10)

The Minister of Health, Social Services and Public Safety: Access to Trust transport services is provided on the basis of assessed need where an individual is assessed as requiring a Social Care service, using the eligibility criteria established in A Transport Strategy for Health & Social Care Services in Northern Ireland 2007.

The Western Health & Social Care Trust makes no distinction between adults, who were formerly in foster care placements, or adults who were subject to adoption. The needs for Social Care Services and access to transport to facilitate attendance are assessed on an individual case basis, and those needs met within available resources.

The Trust has no responsibility for transport to activities other than those provided directly, or contracted out, by the Trust.

Cosmetic Surgery: Prisoners

Mr Burns asked the Minister of Health, Social Services and Public Safety how many serving prisoners have had cosmetic surgery funded by the Health Service in each of the last 5 years. (AQW 290/10)

The Minister of Health, Social Services and Public Safety: This information is not available as the hospital Patient Administration System does not record if patients attending for any type of procedure are serving prisoners for reasons of patient confidentiality.

Cardiac Surgery

Mr McLaughlin asked the Minister of Health, Social Services and Public Safety (i) how many inpatients are currently awaiting urgent cardiac surgery and (ii) what is the acceptable waiting time for these patients once they have been accepted by a cardiac surgeon. (AQW 304/10)

The Minister of Health, Social Services and Public Safety:

- (i) On 14th September 26 patients who had been accepted for cardiac surgery were waiting in hospital. In addition a further 6 patients who had been referred to cardiac surgery were waiting for a decision to treat. All patients who remain in hospital whilst waiting for cardiac surgery can be deemed as urgent.
- (ii) A Clinical Advisory Group has agreed regional guidelines and standards for Trusts including a target that all patients who have been accepted for cardiac surgery and are required to stay in hospital until that surgery is complete should have a date for surgery within 28 days of the decision to treat.

Social Care Trust Staff

Mr Durkan asked the Minister of Health, Social Services and Public Safety (i) how many Health and Social Care Trust staff are currently employed on fixed term contracts; (ii) how many employees have been transferred from fixed term to permanent contracts since April 2009; and (iii) to outline the criteria which apply to such changes in contractual terms. (AQW 322/10)

The Minister of Health, Social Services and Public Safety: The information is not available in the format requested. The type of employment contract is a matter for the HSC organisations and my Department could only establish this information at a disproportionate cost.

Primary Carers

Mr O'Dowd asked the Minister of Health, Social Services and Public Safety (i) how many carers are registered; (ii) how many school age children does the Department know, or estimate, to be the primary carer in a household; and (iii) how many people over 60 does the Department know or estimate to be the primary carer in a household in the Banbridge and Craigavon Council areas. (AQW 342/10)

The Minister of Health, Social Services and Public Safety: It is assumed that this question relates to informal carers. The information is not available in the format requested.

Cardiac Rehabilitation

Mr K Robinson asked the Minister of Health, Social Services and Public Safety what provision is made by (i) his Department; (ii) the Regional Health and Social Care Board; and (iii) by each Health and Social Care Trust to facilitate cardiac rehabilitation. (AQW 350/10)

The Minister of Health, Social Services and Public Safety:

- (i) In June this year, I launched the Service Framework for Cardiovascular Health and Wellbeing, which sets a standard that "all patients identified as requiring cardiac rehabilitation, in line with regional guidelines, should be offered this service". A baseline audit to establish current levels of access to these services will be carried out by March 2010.
- (ii) A Clinical Advisory Group has agreed regional guidelines and standards for Trusts, which the HSC Board will use to monitor performance against the Cardiovascular Service Framework.
- (iii) Cardiac rehabilitation programmes are currently provided in 16 centres province-wide. Each of the Trusts currently offer cardiac rehabilitation at three different centres, apart from the Northern Trust, which offers the service at four centres.

Cardiovascular Health and Wellbeing Service Framework

Mr K Robinson asked the Minister of Health, Social Services and Public Safety, following the publication of the Cardiovascular Health and Wellbeing Service Framework, if his Department will (i) set targets for its delivery; and (ii) invest in cardiac rehabilitation services. (AQW 352/10)

The Minister of Health, Social Services and Public Safety:

- (i) Target performance levels for these standards will be determined when all baselines have been established by March 2010. Where there is already a data source in place, the standards are to be fully implemented by March 2010. For the remaining standards, data sources and baselines are to be established by March 2010. The HSC Board will monitor and report to the Department on the achievement of all targets on a six-monthly basis.
- (ii) The current budget for 2008/09 to 2010/11 includes £12million for cardiovascular services, £14million for stroke services, £11million for renal capacity, and a non-recurrent bridging supplement to support the delivery of the Framework, including cardiac rehabilitation.

Dementia

Mr P J Bradley asked the Minister of Health, Social Services and Public Safety if Health and Social Care Trusts are obliged to obtain all facts pertaining to people diagnosed with dementia; and if they are further obliged to inform those who prescribe and care for those people diagnosed with dementia of all the facts. (AQW 360/10)

The Minister of Health, Social Services and Public Safety: Every person diagnosed with dementia receives an individual, multi-disciplinary assessment of their needs. This will be conducted by a range of professionals who will consider the service user's physical, psychological and social functioning.

This information is recorded, collated and distributed to authorised persons involved in the ongoing treatment and care of the patient, when appropriate and necessary.

Freedom of Information

Mr P J Bradley asked the Minister of Health, Social Services and Public Safety if Health and Social Care Trusts are obliged, under the Freedom of Information Act 2000, to supply information in answer to enquiries within twenty working days, or alternatively advise within twenty working days if the requested information is not known. (AQW 361/10)

The Minister of Health, Social Services and Public Safety: Health and Social Care Trusts are compelled by the Freedom of Information Act 2000 to inform any person making a request for information, whether it holds the information and if it does, to provide that information, subject to consideration of exemptions afforded to all public authorities by Part 2 of the Act. They must comply promptly and not later than twenty working days after receipt of the request.

Health Service: Employees

Mrs O'Neill asked the Minister of Health, Social Services and Public Safety how the numbers of Health Service employees working in laboratories delivering pathology services have changed in the past five years. (AQW 362/10)

The Minister of Health, Social Services and Public Safety: Please see information requested in the table below

| Year | Belfast Trust | | Northern Trust | | South Eastern Trust | | Southern Trust | | Western Trust | | Northern Ireland Blood Transfusion Service | |
|------|---------------|-------|----------------|-------|---------------------|------|----------------|------|---------------|-------|--|------|
| | H/C | WTE | H/C | WTE | H/C | WTE | H/C | WTE | H/C | WTE | H/C | WTE |
| 2004 | n.av | 534.2 | 205 | 176.3 | 62 | 53.7 | 47 | 46 | n.av | n.av | 24 | 23.5 |
| 2005 | n.av | 539.8 | 209 | 183.5 | 64 | 55.4 | 50 | 48 | n.av | n.av | 24 | 23.5 |
| 2006 | n.av | 555.4 | 226 | 194.9 | 68 | 59.7 | 46 | 46 | n.av | n.av | 24 | 23.5 |
| 2007 | n.av | 531.6 | 224 | 206.6 | 68 | 60.1 | 54 | 51.8 | 207 | 152.8 | 25 | 24.5 |
| 2008 | 551 | 510.8 | 206 | 188.7 | 69 | 61.1 | 81 | 74.8 | 223 | 180.2 | 25 | 24.5 |

Notes:

- 1 The Northern Trust advises that the drop in numbers for 2007 to 2008 is due to the relocation of the Infection Control Team from Laboratory to Clinical Governance.
- 2 The Belfast Trust can only identify Headcount for 2008 and the decrease in the WTE figures for 2007 – 2008 has been attributed to the amalgamation of the 6 Trusts to the Belfast Trust with the efficiency savings, the MORE project and the Comprehensive Spending Review leading to reprofiling.
- 3 The Western Trust can only provide figures for 2007 and 2008.
- 4 H/C = Headcount, WTE = whole-time equivalent. WTE is calculated by aggregating the total number of hours that staff in a grade are contracted to work, and dividing by the standard hours for that grade.
- 5 n,av = not available.

Health Service: Hospital Laboratories

Mrs O'Neill asked the Minister of Health, Social Services and Public Safety how many personnel are employed in Health Service hospital laboratories delivering (i) clinical chemistry; (ii) immunology; (iii) haematology; (iv) coagulation; and (v) blood transfusion services. (AQW 363/10)

The Minister of Health, Social Services and Public Safety: Please see information requested in the table below.

| Laboratory | Clinical Chemistry | | Immunology ⁴ | | Haematology/ Coagulation/ Blood Transfusion ¹ | |
|---------------------------------|--------------------|------------------|-------------------------|------|--|-------|
| | HC ³ | WTE ³ | HC | WTE | HC | WTE |
| Belfast HSC Trust | 103 | 95.5 | 19 | 18.8 | 108 | 102.6 |
| Northern HSC Trust | 39 | 27.5 | n/a | n/a | 37 | 33.6 |
| South Eastern HSC Trust | 26 | 24.2 | n/a | n/a | 26 | 22.3 |
| Southern HSC Trust ² | 27 | 26.8 | n/a | n/a | 28 | 25.5 |
| Western HSC Trust | 30 | 29.1 | 17 | 15.7 | 27 | 25.6 |
| NI Blood Transfusion Services | n/a | n/a | n/a | n/a | 74 | 69.1 |

Source: Health & Social Care Trusts

Notes:

- 1 Southern Trust figures for this category relate to haematology and coagulation services. NI Blood Transfusion figures relate to all laboratory staff. All other Trust figures relate to all services mentioned in this category and cannot be separately identified.
- 2 Southern Trust are unable to assign their administrative staff to the requested services, therefore not included in this table are a further 29 (24.99 WTE) administrative staff who provide support to all laboratories.
- 3 HC = headcount, WTE = whole-time equivalent. WTE is calculated by aggregating the total number of hours that staff in a grade are contracted to work, and dividing by the standard hours for that grade.
- 4 n/a = not applicable. The Northern, South Eastern, Southern Trusts and NI Blood Transfusion Service do not provide immunology services.

Health Service: Hospital Laboratories

Mrs O'Neill asked the Minister of Health, Social Services and Public Safety how the numbers of employees within Health Service hospital laboratories delivering (i) clinical chemistry; (ii) immunology; (iii) haematology; (iv) coagulation; and (v) blood transfusion services have changed in the past five years. (AQW 364/10)

The Minister of Health, Social Services and Public Safety: The information requested is provided in the tables below.

FINANCIAL YEAR 2004/05

| Trusts | Clinical Chemistry | | Immunology | | Haematology/ Coagulation/ Blood Transfusion Services | |
|----------------------------|--------------------|------|------------|------|--|-------|
| | H/C | WTE | H/C | WTE | H/C | WTE |
| Belfast | n.av | 93.1 | n.av | 19.5 | n.av | 114.9 |
| Northern | 52 | 47.1 | n/a | n/a | 44 | 38.2 |
| South Eastern | 27 | 20.0 | n/a | n/a | 23 | 15.2 |
| Southern | 25 | 24.0 | n/a | n/a | 25 | 24.0 |
| Western | n.av | n.av | n.av | n.av | n.av | n.av |
| Blood Transfusion Services | n/a | n/a | n/a | n/a | 71 | 66.3 |

FINANCIAL YEAR 2005/06

| Trusts | Clinical Chemistry | | Immunology | | Haematology/ Coagulation/ Blood Transfusion Services | |
|----------------------------|--------------------|------|------------|------|--|-------|
| | H/C | WTE | H/C | WTE | H/C | WTE |
| Belfast | n.av | 97.1 | n.av | 19.5 | n.av | 109.4 |
| Northern | 53 | 45.4 | n/a | n/a | 46 | 40.7 |
| South Eastern | 27 | 15.6 | n/a | n/a | 23 | 18.2 |
| Southern | 24 | 24.0 | n/a | n/a | 22 | 22.0 |
| Western | n.av | 30.6 | n.av | 17.6 | n.av | 22.7 |
| Blood Transfusion Services | n/a | n/a | n/a | n/a | 68 | 63.4 |

FINANCIAL YEAR 2006/07

| Trusts | Clinical Chemistry | | Immunology | | Haematology/ Coagulation/ Blood Transfusion Services | |
|----------------------------|--------------------|------|------------|------|--|-------|
| | H/C | WTE | H/C | WTE | H/C | WTE |
| Belfast | n.av | 99.6 | n.av | 20.5 | n.av | 110.7 |
| Northern | 52 | 50.6 | n/a | n/a | 46 | 43.8 |
| South Eastern | 29 | 15.6 | n/a | n/a | 24 | 18.7 |
| Southern | 28 | 27.2 | n/a | n/a | 26 | 24.5 |
| Western | n.av | 27.6 | n.av | 15.9 | n.av | 22.6 |
| Blood Transfusion Services | n/a | n/a | n/a | n/a | 67 | 63.0 |

FINANCIAL YEAR 2007/08

| Trusts | Clinical Chemistry | | Immunology | | Haematology/ Coagulation/ Blood Transfusion Services | |
|---------------|--------------------|-------|------------|------|--|-------|
| | H/C | WTE | H/C | WTE | H/C | WTE |
| Belfast | n.av | 101.8 | n.av | 20.2 | n.av | 109.8 |
| Northern | 50 | 47.6 | n/a | n/a | 47 | 42.0 |
| South Eastern | 29 | 20.4 | n/a | n/a | 26 | 19.0 |

| Trusts | Clinical Chemistry | | Immunology | | Haematology/ Coagulation/ Blood Transfusion Services | |
|----------------------------|--------------------|------|------------|------|--|------|
| | H/C | WTE | H/C | WTE | H/C | WTE |
| Southern | 27 | 26.2 | n/a | n/a | 25 | 23.5 |
| Western | n.av | 26.5 | n.av | 15.7 | n.av | 25.2 |
| Blood Transfusion Services | n/a | n/a | n/a | n/a | 69 | 64.6 |

FINANCIAL YEAR 2008/09

| Trusts | Clinical Chemistry | | Immunology | | Haematology/ Coagulation/ Blood Transfusion Services | |
|----------------------------|--------------------|------|------------|------|--|-------|
| | H/C | WTE | H/C | WTE | H/C | WTE |
| Belfast | 103 | 95.5 | 19 | 18.8 | 108 | 102.6 |
| Northern | 39 | 27.5 | n/a | n/a | 37 | 33.6 |
| South Eastern | 26 | 24.2 | n/a | n/a | 26 | 22.3 |
| Southern | 27 | 26.8 | n/a | n/a | 28 | 25.5 |
| Western | 30 | 29.1 | 17 | 15.7 | 27 | 25.6 |
| Blood Transfusion Services | n/a | n/a | n/a | n/a | 74 | 69.1 |

Notes

1. The Western Trust is unable to provide any figures for 2004/05 and only WTE information is available prior to 2008/09.
2. Haematology, Coagulation figures and Blood Transfusion Services are merged for the Trusts as they cannot be separately identified.
3. Southern Trust figures do not include administrative staff.
4. The Northern Trust advises that the drop in numbers from 2007/08 to 2008/09 is due to the relocation of the Infection Control Team from Laboratory to Clinical Governance.
5. H/C = Headcount, WTE = Whole – Time Equivalent. WTE is calculated by aggregating the total number of hours that staff in a grade are contracted to work and dividing by the standard hours for that grade.
6. n/a = not applicable. n.av = not available.

Health Service: Contractual Costs

Mrs O'Neill asked the Minister of Health, Social Services and Public Safety what the anticipated contractual cost was for (i) clinical chemistry; (ii) immunology; (iii) haematology; and (iv) coagulation pathology services in (a) 2006; (b) 2007; and (c) 2008. (AQW 365/10)

The Minister of Health, Social Services and Public Safety: The anticipated contractual cost for (i) clinical chemistry; (ii) immunology; (iii) haematology; and (iv) coagulation pathology services across Northern Ireland for the three years 2006/07 to 2008/09 is as follows.

| | Year | Clinical Chemistry | Immunology | Haematology | Coagulation Pathology Services |
|----------|---------|--------------------|------------|-------------|--------------------------------|
| NI Total | 2006/07 | £11,501,345 | £1,339,447 | £12,659,009 | £206,699 |
| | 2007/08 | £12,415,498 | £1,497,568 | £14,046,236 | £210,813 |
| | 2008/09 | £13,962,100 | £1,787,323 | £15,316,684 | £208,316 |

Health Service: Contractual Spend

Mrs O'Neill asked the Minister of Health, Social Services and Public Safety what the actual contractual spend was for (i) clinical chemistry; (ii) immunology; (iii) haematology; and (iv) coagulation pathology services in (a) 2006; (b) 2007; and (c) 2008. (AQW 366/10)

The Minister of Health, Social Services and Public Safety: The actual contractual spend for (i) clinical chemistry; (ii) immunology; (iii) haematology; and (iv) coagulation pathology services across Northern Ireland for the three years 2006/07 to 2008/09 is as follows.

| | Year | Clinical Chemistry | Immunology | Haematology | Coagulation Pathology Services |
|----------|---------|--------------------|------------|-------------|--------------------------------|
| NI Total | 2006/07 | £11,468,016 | £1,490,386 | £14,397,631 | £230,281 |
| | 2007/08 | £12,922,530 | £1,713,324 | £14,285,877 | £225,004 |
| | 2008/09 | £14,983,954 | £1,879,825 | £15,820,293 | £217,927 |

Heroin Addiction

Lord Morrow asked the Minister of Health, Social Services and Public Safety how many people are currently being treated for heroin addiction, broken down by Health and Social Care Trust area. (AQW 367/10)

The Minister of Health, Social Services and Public Safety: The table below shows the number of people in contact with substitute prescribing treatment services at 31 March 2009, by Health and Social Care Trust, where heroin is reported as the main problem drug. Eligibility for substitute prescribing treatment is based on the presence of opiate dependency.

| Health and Social Care Trust | Numbers in treatment at 31 March 09 |
|------------------------------|-------------------------------------|
| Belfast | 97 |
| Northern | 164 |
| South Eastern | 33 |
| Southern | 25 |
| Western | 35 |
| Total | 354 |

Charitable Donations to Hospitals

Lord Morrow asked the Minister of Health, Social Services and Public Safety how much was paid to hospitals in charitable donations over the last three years, broken down by hospital. (AQW 368/10)

The Minister of Health, Social Services and Public Safety: The information is only held by Trust level and not by hospital. The table below shows the amount of voluntary income each Trust has received over the last three years. (The figures for 2008-09 are not yet available).

| HSS Trust | 2005-06 | 2006-07 | HSC Trust | 2007-08 |
|------------------------|---------|---------|----------------|---------|
| | £'000 | £'000 | | £'000 |
| Belfast City Hospital | 1,125 | 810 | Belfast | 2329 |
| Royal General Hospital | 2,106 | 1,796 | | |
| South & East Belfast | 16 | 43 | | |
| North & West Belfast | 25 | 103 | | |

| HSS Trust | 2005-06 | 2006-07 | HSC Trust | 2007-08 |
|----------------------------|----------------|----------------|----------------------|----------------|
| | £'000 | £'000 | | £'000 |
| Mater Hospital | 43 | 24 | | |
| Green Park | 46 | 72 | | |
| Subtotal | 3,361 | 2,848 | | 2,329 |
| | | | | |
| Ulster Community Hospitals | 247 | 303 | South Eastern | 366 |
| Down Lisburn | 133 | 79 | | |
| Subtotal | 380 | 382 | | 366 |
| | | | | |
| Craigavon & Banbridge | 22 | 25 | Southern | 943 |
| Craigavon Area | 410 | 424 | | |
| Armagh & Dungannon | 36 | 37 | | |
| Newry & Mourne | 163 | 132 | | |
| Subtotal | 631 | 618 | | 943 |
| | | | | |
| Causeway | 565 | 147 | Northern | 626 |
| Homefirst | 58 | 78 | | |
| United Hospitals | 545 | 472 | | |
| Subtotal | 1168 | 697 | | 626 |
| | | | | |
| Foyle | 37 | 22 | Western | 446 |
| Sperrin Lakeland | 182 | 166 | | |
| Altnagelvin | 190 | 276 | | |
| Subtotal | 409 | 464 | | 446 |
| | | | | |
| Totals | 5,949 | 5,009 | | 4,710 |

Source: Charitable Trust Fund accounts for HSC Trusts

Mental Health Issues

Lord Browne asked the Minister of Health, Social Services and Public Safety how many programmes, established to address mental health issues, are operating in the Greater Belfast area receive funding from his Department. (AQW 385/10)

The Minister of Health, Social Services and Public Safety: My Department funds the Health and Social Care Board which commissions from Belfast Trust a broad range of mental health promotion, primary care, community and inpatient services and programmes to address mental health issues in the Greater Belfast area.

Mental Health Issues

Lord Browne asked the Minister of Health, Social Services and Public Safety to provide a breakdown of programmes established to address mental health issues within the Greater Belfast area, broken down by Health and Social Care Trust. (AQW 386/10)

The Minister of Health, Social Services and Public Safety: It is not possible to give a detailed breakdown of programmes established to address mental health issues within the Greater Belfast area. This could only be provided at disproportionate cost.

The Belfast Health and Social Care Trust is responsible for delivering a broad range of mental health services and programmes in Greater Belfast. These cover mental health promotion, primary care, community mental health provision and inpatient facilities. The Trust also commissions additional support services from the independent sector.

Mental Health Issues

Lord Browne asked the Minister of Health, Social Services and Public Safety who regulates the work, care and/or treatment of programmes established within the Greater Belfast area to address mental health issues.

(AQW 387/10)

The Minister of Health, Social Services and Public Safety: A dedicated team within the Regulation and Quality Improvement Authority is responsible for inspecting and reviewing mental health services across Northern Ireland. Its remit covers:

- Conducting reviews into monitoring and improvement arrangements;
- Carrying out investigations and inspections;
- Recommending actions for improvement; and
- Reporting unacceptable, poor quality or insignificant failings to the Department.

Individual mental health professionals are regulated by their respective professional bodies.

Contact Youth

Mr Durkan asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 3888/09, (i) what partnerships between Contact Youth and other counselling providers to deliver services in the Foyle constituency were extended after 31 March 2009; (ii) whether any other counselling providers had the opportunity to add their services to the Contact Youth folio at that time; (iii) how many clients have been assisted by Contact Youth since its contract commenced; and (iv) how much public monies have been drawn down as part of that contract to date.

(AQW 394/10)

The Minister of Health, Social Services and Public Safety: In delivering the “Lifeline” service, 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 area. With regard to the specific information requested, I can confirm that:-

- (i) Information on partnerships is not held by parliamentary constituency, but is available at Health and Social Care Trust level. Lifeline service provision contracts with Contact Youth were extended after 31 March 2009 with the following organizations in the Western HSC Trust area:- Aisling Centre; Zest; CALMS, Northwest Counselling; Cunamh.
- (ii) Contact Youth held information days for tendering for Lifeline contracted services in February 2008 and June 2008. Information about the tendering process was advertised in the Belfast Telegraph, and placed on the Contact Youth and Northern Ireland Council for Voluntary Action websites. Contact Youth also addresses gaps in service provision by approaching community based organisations located in areas where there is low support service provision. These approaches are made through the local suicide prevention networks. Two organisations in the Western HSC Trust area expressed an interest in tendering to offer counselling services and were provided with the necessary information to submit a tender. One of these organisations has tendered and a contract will be signed shortly.
- (iii) Lifeline came into operation at the end of January 2008. By the end of August 2009, the service has dealt with 119,208 calls from people seeking help. Over this period, 3,275 callers have been referred to the various support services - 17% of these referrals have been within the Western HSC Trust Area.
- (iv) The draw down of funding for the Regional Crisis Helpline Service is as follows:- £456,000 (2007/08); £3,500,000 (2008/09); £1,867,000 (to date for 2009/10).

Mental Health Issues

Lord Browne asked the Minister of Health, Social Services and Public Safety what standards of clinical excellence are applied to programmes established within the Greater Belfast area to address mental health issues. (AQW 395/10)

The Minister of Health, Social Services and Public Safety: The Belfast Trust, which is responsible for the provision of healthcare in the Greater Belfast area, delivers mental health assessment, treatment and care programmes in accordance with a range of quality standards laid down by my Department, professional bodies, employers, the Trust itself, legislation and the National Council for Clinical Excellence.

Mental Health Issues

Lord Browne asked the Minister of Health, Social Services and Public Safety what method of assessment has been applied to programmes established to address mental health issues within the Greater Belfast area to evaluate their effectiveness and lasting benefit to the patients. (AQW 396/10)

The Minister of Health, Social Services and Public Safety: Programmes which the Belfast Health and Social Care Trust directly provides to address mental health issues within the Greater Belfast area are subject to clinical governance arrangements, including internal audit, to independent review and inspection by the Regulation and Quality Improvement Authority and to review and inspection by my Department.

Child Sexual Abuse

Mr Simpson asked the Minister of Health, Social Services and Public Safety, pursuant to AQO 6/10 to detail all (i) correspondence; and (ii) meetings he has had since assuming office with (a) the Children's Commissioner; and (b) with the NIO, in relation to child sexual abuse. (AQW 407/10)

The Minister of Health, Social Services and Public Safety: Since assuming office, I have met and corresponded with the Children's Commissioner and the Northern Ireland Office on a number of occasions regarding a wide range of children's issues. Some will have involved direct discussion about policy matters relating to the protection of children including child sexual abuse.

In addition, there continues to be co-operation at official level in both Departments on existing and developing safeguarding policy and at service delivery level particularly between Trusts and the PSNI.

Dates of meetings and correspondence relating to safeguarding issues which have been identified are as follows:

| Children's Commissioner Meetings | |
|--|--|
| 28 June 2007 | General Issues regarding children and Young People |
| 19 May 2008 | O'Neill Inquiry |
| Children's Commissioner Correspondence | |
| June 2007 | Follow up letter relating to meeting on 28 June 2007 |
| 28 August 2009 | Participation Policy Statement of Intent |
| NIO Meetings | |
| 17 September 2007 | Domestic Violence and Sexual Assault Referral Centre |
| 17 September 2007 | Vetting and Barring Arrangements |
| 12 June 2008 | Sexual Violence Strategy |
| NIO Correspondence | |
| 6 July 2007 | Remission for Sex Offenders |
| 19 November 2007 | Access Northern Ireland |
| 21 November 2007 | Sexual Offences Order |

| NIO Correspondence | |
|--------------------|---|
| 28 November 2007 | Access Northern Ireland |
| 17 June 2008 | Rehabilitation of Offenders |
| 24 June 2008 | Sexual Assault Referral Centre |
| 29 September 2008 | Access Northern Ireland |
| 13 October 2008 | Public Protection Arrangements Northern Ireland |
| 17 December 2008 | Sexual Offences Order |
| 28 November 2008 | Domestic Violence |
| 17 December 2008 | Access Northern Ireland |
| 17 December 2008 | Sexual Assault Referral Centre |
| 22 July 2009 | Rehabilitation of Offenders |
| 24 August 2009 | Vetting and Barring |
| 3 September 2009 | Rehabilitation of Offenders |

Child Sexual Abuse

Mr Simpson asked the Minister of Health, Social Services and Public Safety, pursuant to AQO 6/10, if he will contact the Secretary of State for Northern Ireland requesting that an investigation into child sexual abuse in environments of trust or care facilities organised or overseen by (i) the Roman Catholic church; (ii) other religious denominations or organisations; and (iii) the state. (AQW 409/10)

The Minister of Health, Social Services and Public Safety: The statutory framework in Northern Ireland requires that where allegations of child abuse come to light these must be reported immediately to PSNI and Social Services for investigation. If such allegations are reported to PSNI then I would expect that a full and thorough investigation will be undertaken.

If anyone has any information regarding any allegations of child abuse they should report these immediately to the statutory authorities for investigation so that perpetrators can be brought before the courts where this is appropriate.

Hoax Phone Calls: Ambulance Depots

Mr Storey asked the Minister of Health, Social Services and Public Safety how many hoax phone calls were responded to by each ambulance depot in each of the last five years. (AQW 410/10)

The Minister of Health, Social Services and Public Safety: The information requested is contained in the following table:

| Station or Deployment Point (DP) | 2004/05 | 2005/06 | 2006/07 | 2007/08 | 2008/09 | Total |
|----------------------------------|---------|---------|---------|---------|---------|-------|
| Altnagelvin | 98 | 129 | 103 | 112 | 63 | 505 |
| Antrim | 33 | 37 | 30 | 26 | 37 | 163 |
| Ardoyne | 201 | 185 | 195 | 224 | 160 | 965 |
| Armagh | 38 | 55 | 37 | 61 | 44 | 235 |
| Ballycastle | 14 | 12 | 11 | 17 | 19 | 73 |
| Ballygawley DP | 1 | | | 2 | 15 | 18 |
| Ballymena | 55 | 53 | 41 | 43 | 47 | 239 |
| Ballymoney | 22 | 14 | 36 | 27 | 29 | 128 |

| Station or Deployment Point (DP) | 2004/05 | 2005/06 | 2006/07 | 2007/08 | 2008/09 | Total |
|----------------------------------|---------|---------|---------|---------|---------|-------|
| Ballynahinch | | | | | 1 | 1 |
| Banbridge | 8 | 13 | 30 | 24 | 33 | 108 |
| Bangor | 76 | 92 | 88 | 52 | 53 | 361 |
| Broadway | 334 | 276 | 243 | 170 | 173 | 1,196 |
| Carrickfergus | 32 | 19 | 14 | 27 | 17 | 109 |
| Castleberg | 7 | 3 | 5 | 8 | 5 | 28 |
| Coalisland DP | | | | | 4 | 4 |
| Coleraine | 40 | 38 | 60 | 43 | 44 | 225 |
| Comber DP | | | | | 5 | 5 |
| Cookstown | 19 | 28 | 26 | 18 | 20 | 111 |
| Craigavon | 112 | 95 | 104 | 95 | 74 | 480 |
| Derriaghy | | | | 36 | 48 | 84 |
| Downpatrick | 36 | 34 | 38 | 53 | 40 | 201 |
| Dromore DP | | | | 3 | 3 | 6 |
| Dungannon | 67 | 54 | 64 | 45 | 26 | 256 |
| Enniskillen | 35 | 41 | 50 | 30 | 28 | 184 |
| Forster Green DP | | | | 7 | 76 | 83 |
| Glengormley DP | | | | 1 | 11 | 12 |
| Kilkeel | 21 | 14 | 12 | 18 | 16 | 81 |
| Larne | 51 | 32 | 35 | 34 | 27 | 179 |
| Limavady | 19 | 23 | 27 | 16 | 18 | 103 |
| Lisburn | 81 | 94 | 119 | 90 | 51 | 435 |
| Lisnaskea DP | | | | 1 | 20 | 21 |
| Lurgan DP | | | 1 | 2 | 18 | 21 |
| Magherafelt | 29 | 12 | 32 | 27 | 27 | 127 |
| Mourne Country DP | | | | 1 | 23 | 24 |
| Newcastle | 22 | 19 | 23 | 19 | 15 | 98 |
| Newry | 121 | 100 | 113 | 94 | 73 | 501 |
| Newtownards | 70 | 61 | 74 | 61 | 66 | 332 |
| NIAS Headquarters | | 2 | | 3 | 2 | 7 |
| Northland Road DP | | | 26 | 43 | 44 | 113 |
| Omagh | 30 | 47 | 54 | 52 | 46 | 229 |
| Portrush DP | | | | | 2 | 2 |
| Purdysburn | 70 | 61 | 49 | 46 | 44 | 270 |
| Shantallow DP | | | | | 11 | 11 |
| Strabane | 27 | 24 | 27 | 34 | 28 | 140 |
| Bridge, Belfast | 99 | 106 | 155 | 200 | 109 | 669 |
| Ulster Hospital DP | | | | | 11 | 11 |
| Warrenpoint DP | | | | 1 | | 1 |

| Station or Deployment Point (DP) | 2004/05 | 2005/06 | 2006/07 | 2007/08 | 2008/09 | Total |
|----------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Whiteabbey | 46 | 51 | 29 | 37 | 37 | 200 |
| Total | 1,914 | 1,824 | 1,951 | 1,903 | 1,763 | 9,355 |

N.B. The Northern Ireland Ambulance Service records hoax calls under four separate data headings: hoax caller; no case at scene; nothing found at scene; and patient absconded.

Hoax Phone Calls: Fire Stations

Mr Storey asked the Minister of Health, Social Services and Public Safety how many hoax phone calls were responded to by each fire station in each of the last five years. (AQW 414/10)

The Minister of Health, Social Services and Public Safety: The information requested is shown in the table, which indicates that, over the past five years, the Northern Ireland Fire and Rescue Service has reduced the number of hoax call mobilisations by 36%.

| Station | 2004/05 | 2005/06 | 2006/07 | 2007/08 | 2008/09 | Total |
|---------------|---------|---------|---------|---------|---------|-------|
| Knock | 76 | 66 | 58 | 71 | 79 | 350 |
| Central | 105 | 86 | 90 | 61 | 54 | 396 |
| Cadogan | 125 | 113 | 99 | 92 | 63 | 492 |
| Whitla | 35 | 29 | 21 | 18 | 27 | 130 |
| Westland | 95 | 74 | 76 | 97 | 86 | 428 |
| Springfield | 110 | 107 | 75 | 106 | 116 | 514 |
| Ballymena | 52 | 32 | 38 | 29 | 29 | 180 |
| Kilrea | 2 | 1 | 3 | 3 | 0 | 9 |
| Cushendall | 3 | 1 | 0 | 1 | 4 | 9 |
| Carnlough | 3 | 0 | 4 | 0 | 0 | 7 |
| Larne | 34 | 21 | 11 | 11 | 11 | 88 |
| Coleraine | 64 | 38 | 44 | 18 | 31 | 195 |
| Portstewart | 4 | 2 | 10 | 3 | 6 | 25 |
| Portrush | 23 | 15 | 5 | 7 | 16 | 66 |
| Ballymoney | 9 | 4 | 19 | 4 | 9 | 45 |
| Ballycastle | 3 | 6 | 8 | 9 | 5 | 31 |
| Glengormley | 65 | 56 | 41 | 31 | 33 | 226 |
| Antrim | 31 | 30 | 16 | 21 | 28 | 126 |
| Ballyclare | 12 | 5 | 9 | 8 | 3 | 37 |
| Carrickfergus | 15 | 7 | 9 | 9 | 9 | 49 |
| Whitehead | 2 | 1 | 1 | 1 | 0 | 5 |
| Lisburn | 24 | 27 | 33 | 11 | 20 | 115 |
| Crumlin | 5 | 2 | 4 | 3 | 4 | 18 |
| Portadown | 39 | 30 | 15 | 9 | 13 | 106 |
| Armagh | 24 | 22 | 15 | 29 | 12 | 102 |
| Banbridge | 8 | 5 | 14 | 16 | 11 | 54 |
| Lurgan | 34 | 27 | 36 | 34 | 35 | 166 |

| Station | 2004/05 | 2005/06 | 2006/07 | 2007/08 | 2008/09 | Total |
|-----------------|---------|---------|---------|---------|---------|-------|
| Keady | 17 | 12 | 12 | 3 | 8 | 52 |
| Dromore (D) | 1 | 2 | 0 | 1 | 1 | 5 |
| Bangor | 51 | 55 | 25 | 34 | 27 | 192 |
| Comber | 7 | 5 | 2 | 2 | 4 | 20 |
| Donaghadee | 6 | 5 | 3 | 6 | 5 | 25 |
| Ballywalter | 6 | 2 | 2 | 3 | 0 | 13 |
| Holywood | 8 | 2 | 9 | 9 | 2 | 30 |
| Newtownards | 36 | 21 | 30 | 17 | 16 | 120 |
| Portaferry | 2 | 2 | 3 | 3 | 0 | 10 |
| Newry | 92 | 55 | 48 | 57 | 50 | 302 |
| Crossmaglen | 3 | 0 | 1 | 2 | 2 | 8 |
| Rathfriland | 0 | 2 | 2 | 1 | 2 | 7 |
| Warrenpoint | 26 | 15 | 16 | 12 | 11 | 80 |
| Newtownhamilton | 14 | 5 | 6 | 2 | 4 | 31 |
| Downpatrick | 77 | 60 | 43 | 41 | 26 | 247 |
| Kilkeel | 11 | 17 | 20 | 23 | 13 | 84 |
| Carryduff | 8 | 0 | 10 | 2 | 1 | 21 |
| Newcastle | 24 | 16 | 8 | 7 | 16 | 71 |
| Ballynahinch | 10 | 4 | 4 | 8 | 11 | 37 |
| Crescent Link | 53 | 33 | 34 | 32 | 30 | 182 |
| Northland | 99 | 91 | 85 | 73 | 64 | 412 |
| Strabane | 21 | 37 | 22 | 49 | 15 | 144 |
| Limavady | 14 | 13 | 9 | 12 | 11 | 59 |
| Dungiven | 1 | 1 | 1 | 5 | 0 | 8 |
| Omagh | 31 | 29 | 20 | 21 | 5 | 106 |
| Dromore (T) | 1 | 5 | 4 | 0 | 1 | 11 |
| Castleberg | 3 | 2 | 6 | 3 | 2 | 16 |
| Fintona | 3 | 4 | 1 | 1 | 2 | 11 |
| Newtownstewart | 4 | 6 | 2 | 0 | 0 | 12 |
| Cookstown | 7 | 18 | 15 | 14 | 6 | 60 |
| Pomeroy | 0 | 1 | 0 | 2 | 0 | 3 |
| Maghera | 2 | 3 | 1 | 6 | 4 | 16 |
| Dungannon | 20 | 28 | 45 | 23 | 29 | 145 |
| Magherafelt | 10 | 7 | 9 | 2 | 9 | 37 |
| Enniskillen | 37 | 19 | 19 | 16 | 10 | 101 |
| Irvinestown | 2 | 4 | 4 | 3 | 3 | 16 |
| Lisnaskea | 3 | 6 | 3 | 3 | 1 | 16 |
| Clogher | 2 | 0 | 1 | 2 | 3 | 8 |
| Other | 0 | 0 | 0 | 2 | 1 | 3 |

| Station | 2004/05 | 2005/06 | 2006/07 | 2007/08 | 2008/09 | Total |
|---------|---------|---------|---------|---------|---------|-------|
| Total | 1714 | 1394 | 1279 | 1204 | 1099 | 6690 |

Swine Flu

Mr Easton asked the Minister of Health, Social Services and Public Safety how much money has been identified out of the existing health budget to help pay for Swine Flu treatment costs. (AQW 417/10)

The Minister of Health, Social Services and Public Safety: It estimated that Swine Flu will cost the Department between £65m and £96m this financial year. The current best estimate predicts costs of £78m.

The Department has put in place, with considerable difficulty given the budgetary pressures it faces, plans to meet £27m of these costs.

Child Sexual Abuse

Mr Simpson asked the Minister of Health, Social Services and Public Safety what assessment his Department has made of the need for an investigation into child sexual abuse in environments of trust or care facilities organised or overseen by (i) the Roman Catholic church; (ii) other religious denominations or organisations; and (iii) the state. (AQW 419/10)

The Minister of Health, Social Services and Public Safety: The statutory framework in Northern Ireland requires that where allegations of child abuse come to light these must be reported immediately to PSNI and Social Services for investigation. Anyone who has any information regarding any allegations of child abuse should report these immediately to the statutory authorities for investigation so that perpetrators can be brought before the courts where this is appropriate.

Alcohol Addiction

Mr Ross asked the Minister of Health, Social Services and Public Safety how many people are currently receiving treatment for alcohol addiction in each Health and Social Care Trust area. (AQW 442/10)

The Minister of Health, Social Services and Public Safety: The information requested is not available.

Carers

Lord Morrow asked the Minister of Health, Social Services and Public Safety how many children are currently registered as carers for parents or siblings. (AQW 452/10)

The Minister of Health, Social Services and Public Safety: It is assumed that this question relates to the number of children who are informal carers for parents or siblings.

The information is not available in the format requested.

Joint Protocol Investigations

Lord Morrow asked the Minister of Health, Social Services and Public Safety how many Joint Protocol Investigations Social Services have undertaken with the PSNI on suspected cases of child abuse, cruelty and/or neglect in the last twelve months. (AQW 454/10)

The Minister of Health, Social Services and Public Safety: Information on how many Joint Protocol Investigations Social Services have undertaken with the PSNI on suspected cases of child abuse, cruelty and/or neglect in the last 12 months is not available.

GP Surgeries: Premium Cost Phone System

Mr Shannon asked the Minister of Health, Social Services and Public Safety what steps he is taking to change the present premium cost phone system for contact with GP surgeries as many people with mobile phones cannot afford to ring their doctor. (AQW 460/10)

The Minister of Health, Social Services and Public Safety: My department has previously taken steps to ban the use of premium rate numbers beginning 087, 090 and 091 within the Health Service. Officials will investigate the recent announcement by the Dept of Health that calls to 084 numbers should cost no more than a standard call with a view to taking forward these changes in Northern Ireland.

North Antrim Constituency: DHSSPS Projects

Mr McKay asked the Minister of Health, Social Services and Public Safety to detail (i) what projects his Department has funded; and (ii) the amount of money provided by his Department, in the North Antrim constituency, since May 2007. (AQW 465/10)

The Minister of Health, Social Services and Public Safety: The information requested is not held centrally by my Department and could only be obtained at disproportionate cost.

Swine Flu

Mr Weir asked the Minister of Health, Social Services and Public Safety how many cases of swine flu have been recorded in North Down. (AQW 468/10)

The Minister of Health, Social Services and Public Safety: The information requested is not available.

Drug Addiction

Mr Ross asked the Minister of Health, Social Services and Public Safety how many people are currently receiving treatment for drug addiction in each Health and Social Care Trust area. (AQW 474/10)

The Minister of Health, Social Services and Public Safety: Information on individuals presenting to treatment services with problem drug use is held on the Northern Ireland Drug Misuse Database (DMD).

The table below shows the number of individuals in treatment for problem drug use between 1st April 2007 and 31st March 2008 by Health and Social Services Board area – the current Health and Social Care Trusts were not in existence until 1st April 2008.

| HSSB | Numbers in treatment |
|--------------|----------------------|
| Eastern | 1,286 |
| Northern | 227 |
| Southern | 102 |
| Western | 221 |
| Prison | 148 |
| Total | 1,984 |

The DMD collects information on problem drug users presenting to treatment services for the first time, or for the first time in six months or more. A problem drug user is defined as a person who experiences social, psychological, physical or legal problems (related to intoxication and/or regular excessive consumption and/or dependence) as a consequence of their own use of drugs or chemical substances. It is important to note that being in treatment for problem drug use does not necessarily constitute addiction.

Mental Health Issues

Mr Ross asked the Minister of Health, Social Services and Public Safety what programmes on mental health issues have been funded in the East Antrim constituency in each of the last three years. (AQW 475/10)

The Minister of Health, Social Services and Public Safety: It is not possible to specify these programmes, as the information is not collected on constituency basis and could only be obtained at disproportionate cost.

Alcohol Awareness Issues

Mr Ross asked the Minister of Health, Social Services and Public Safety what programmes on alcohol awareness issues have been funded in the East Antrim constituency in each of the last three years. (AQW 476/10)

The Minister of Health, Social Services and Public Safety: Through funding made available via the New Strategic Direction for Alcohol and Drugs, the former Northern Board commissioned and funded a number of specialist Board wide and locality based substance misuse services in support of Northern Drug and Alcohol Co-ordination Teams 's Action Plan in the three year period 2006/07, 2007/08 and 2008/09.

These services and programmes address both alcohol and drug awareness, reflecting the strategic approach to tackling substance misuse and best practice in regard to alcohol, illicit drugs, prescribed drugs and other substances. Northern Board wide services/programmes were available to residents of East Antrim.

The services available to those in the East Antrim area are set out in the table below:

| Type of service/programme | Provider | Locality/Area | Contract period Year of Small Grants Scheme (SGS) |
|--|--|----------------------------|---|
| Tier 2/3 counselling, support and mentoring service for 17 years and under | Dunlewey Substance Advice Centre | Former Northern Board wide | 1 October '06 – 31 March '09 |
| Community and family support services | Ballymena Family & Addicts Support Group | Former Northern Board wide | 1 October '06 – 31 March '09 |
| Cross-sectoral training and awareness programme | Coleraine Rural & Urban Network | Former Northern Board wide | 1 October '06 – 31 March '09 |
| Alternative criminal justice options (education and prevention) | Northern Health & Social Care Trust (NHSCT) | Former Northern Board wide | 1 October '06 – 31 March '09 |
| Supported and direct access accommodation | Living Rivers Trust | Former Northern Board wide | 1 October '06 – 31 March '09 |
| Tier 4 specialist in-patient services | NHSCT | Former Northern Board wide | 1 October '06 – 31 March '09 |
| How to drug proof your kids | Carrickfergus Community Drug & Alcohol Advisory Group (CCDAAG) | East Antrim | 2006/07 |
| Health education and training – drugs and alcohol | ACET (NI) Ltd | Former Northern Board wide | 2006/07 |
| Targeted education and prevention programmes with young people | ACET (NI) Ltd | East Antrim | 1 May '07 – 31 March '09 |
| Targeted education and prevention programmes with adults | Dunlewey Substance Advice Centre | East Antrim | 1 May '07 – 31 March '09 |
| Drug awareness (Monkstown) | Monkstown Community Association | East Antrim | 2007/08 |
| Drugs and alcohol awareness 4 Mossley | Monday Night Madness | East Antrim | 2007/08 |

| Type of service/programme | Provider | Locality/Area | Contract period Year of Small Grants Scheme (SGS) |
|---------------------------------------|----------------------------------|----------------------------|---|
| Counting the cost of alcohol | Community Direct | Former Northern Board wide | 2007/08 |
| Drugs and alcohol awareness 4 Mossley | Monday Night Madness | East Antrim | 2008/09 |
| Motiv8 | CCDAAG | East Antrim | 2008/09 |
| Diversionary activities | Dunlewey Substance Advice Centre | Former Northern Board wide | 2008/09 |
| Pilot Project | CCDAAG | East Antrim | 2007/08 |
| Project Co-ordinator | CCDAAG | East Antrim | 2008/09 |

The former Northern Board also commissioned a comprehensive Addictions Treatment service throughout this period within secondary care (community and in-patient) which was open and accessible to all residents within the Northern Board area including East Antrim - whilst this is a specialist treatment service, alcohol and drug awareness would also be addressed with clients/patients and their families/carers where relevant.

Generic primary/secondary care services in the Northern Board area would also have addressed alcohol and drug awareness with clients/patients and their families/carers where relevant.

Drug Awareness Issues

Mr Ross asked the Minister of Health, Social Services and Public Safety what programmes on drug awareness issues have been funded in the East Antrim constituency in each of the last three years (AQW 477/10)

The Minister of Health, Social Services and Public Safety: Through funding made available via the New Strategic Direction for Alcohol and Drugs, the former Northern Board commissioned and funded a number of specialist Board wide and locality based substance misuse services in support of Northern Drug and Alcohol Co-ordination Teams 's Action Plan in the three year period 2006/07, 2007/08 and 2008/09.

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| Drugs and alcohol awareness 4 Mossley | Monday Night Madness | East Antrim | 2008/09 |
| Motiv8 | CCDAAG | East Antrim | 2008/09 |
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Generic primary/secondary care services in the Northern Board area would also have addressed alcohol and drug awareness with clients/patients and their families/carers where relevant.

Swine Flu

Mr Easton asked the Minister of Health, Social Services and Public Safety what the spending by the Health Service is on swine flu since the start of the outbreak. (AQW 482/10)

The Minister of Health, Social Services and Public Safety: £29.7m has been incurred/ committed in dealing with Swine Flu since the start of the outbreak. The majority of costs, £27.5m, are the result of nationally driven initiatives that ensure a level of protection that is consistent across the whole of the UK. This includes the procurement of antiviral drugs, vaccines, antibiotics, consumable stock and Personal Protection Equipment.

It is to be expected, as the situation develops, that costs will continue to increase throughout the health service.

Diabetes UK

Mr Shannon asked the Minister of Health, Social Services and Public Safety if he has had any discussions with Diabetes UK around the issue of people diagnosed with type 2 diabetes being more susceptible to hearing problems and hearing loss; and possible measures to counter these problems or help these people. (AQW 525/10)

The Minister of Health, Social Services and Public Safety: I have met with representatives from Diabetes UK (NI) on a number of occasions and I can confirm that these issues have not been raised in any of these discussions.

Swine Flu

Mr Shannon asked the Minister of Health, Social Services and Public Safety if he will give an assurance that the swine flu vaccination does not pose a threat of any danger to young children. (AQW 527/10)

The Minister of Health, Social Services and Public Safety: At present the swine flu vaccination is awaiting a license from the European Commission and will not be available for use until a license has been granted. Similar types of flu vaccine have already been tested using the H5N1 avian flu strain. The swine flu vaccine simply substitutes the H1N1 strain. Based on years of experience of seasonal flu vaccine the insertion of a new strain should not substantially affect the safety or level of protection offered.

Swine Flu

Mr Shannon asked the Minister of Health, Social Services and Public Safety to outline the current availability of the swine flu vaccine; and how it is being dispensed. (AQW 529/10)

The Minister of Health, Social Services and Public Safety: The swine flu vaccine will not be available for use until it is licensed. The vaccine manufacturers expect to receive a license from the European Medicines Agency in October.

Once the vaccine has received a licence a vaccination programme will be delivered by GPs and supported by Trust staff for the high risk clinical groups. Occupational Health Services will vaccinate frontline health and social care workers.

Histiocytosis

Mr Shannon asked the Minister of Health, Social Services and Public Safety (i) how many children have been diagnosed with Histiocytosis; and (ii) what is the expected life span for patients who receive immunosuppressive drugs and chemotherapy as opposed to patients who do not. (AQW 530/10)

The Minister of Health, Social Services and Public Safety: Histiocytosis is the name for a range of disorders caused by an excess of white blood cells called histiocytes which attack various parts of the body.

It is not known how many children have been diagnosed with the disease; however there have been 65 admissions to hospitals, by 15 individuals, during the last five years.

It is not possible to make comparisons between expected life spans depending on the treatment given, as treatment options vary depending on the location and severity of the disease; however, it should be noted that most patients will survive histiocytosis.

Legislation: DHSSPS

Mr Savage asked the Minister of Health, Social Services and Public Safety to outline any legislation his Department intends to bring to the Assembly before 31 December 2009. (AQW 531/10)

The Minister of Health, Social Services and Public Safety: No legislation is planned to be introduced before 31 December 2009.

Employment Levels

Mr McNarry asked the Minister of Health, Social Services and Public Safety what plans he has to change employment levels within his Department in the next twelve months; and how many of these changes are planned to be made through redundancies. (AQW 548/10)

The Minister of Health, Social Services and Public Safety: Under CSR 2007 my Department is required to make savings of 5% per annum from 2008/09 to 2010/11. Efficiency targets are being delivered from a number of sources and staffing levels are being considered but have not been quantified. It is therefore not possible to predict what the change in employment levels will be in the next twelve months.

I can confirm that redundancy is not being considered.

Occupational Therapy Services

Mr Weir asked the Minister of Health, Social Services and Public Safety what consideration has been given to increasing the level of funding for occupational therapy services and aids in the North Down area. (AQW 554/10)

The Minister of Health, Social Services and Public Safety: The Health and Social Care Board has agreed additional investment of £178k for occupational therapy services within the South Eastern Health and Social Care Trust, commencing 2009/10. This additional investment will benefit service users throughout the Trust area including those of North Down. Funding requirements for Occupational Therapy aids remain subject to consideration through local commissioning arrangements.

Naltrexone: Low Dose

Mr McGlone asked the Minister of Health, Social Services and Public Safety what investigations and research have taken place on the Low Dose Naltrexone drug; and what plans there are for clinical trials. (AQW 573/10)

The Minister of Health, Social Services and Public Safety: Naltrexone is licensed only for the prevention of relapse in patients who were formerly dependant on opioids. No conclusive study has been completed for low dose naltrexone in the treatment or maintenance of any other medical condition.

Details regarding research or clinical trials on specific drug therapies are not held by my Department.

Public Health Agency

Mrs O'Neill asked the Minister of Health, Social Services and Public Safety to detail how the newly established Public Health Agency plans to reduce inequalities in health outcomes. (AQW 586/10)

The Minister of Health, Social Services and Public Safety: Reducing health inequalities is a particular challenge requiring long term co-ordinated effort across government and all sectors. This issue will be a key priority for the new Public Health Agency which will contribute through -

- Strengthening partnership relationships, including for example with local and central government, to focus collective efforts on areas of inequality
- Promoting better co-ordination and integration of services at local level, and enhancing opportunities to share and spread good practice across Northern Ireland
- Joint working with the Regional Health and Social Care Board and its Local Commissioning Groups to embed inequalities and health and well being improvement within the commissioning of health and social services
- Prioritising and targeting resources to interventions and actions with greatest impact to those in greatest need

The new Public Health Agency is currently developing a comprehensive plan to address inequalities at both regional and local levels.

Care Providers from Outside of Northern Ireland

Mr G Robinson asked the Minister of Health, Social Services and Public Safety if he can give an assurance that value for money criteria and continuing patient care can be met by employing care providers from outside of Northern Ireland. (AQW 587/10)

The Minister of Health, Social Services and Public Safety: The Health and Social Care Board negotiates and manages contracts with the Independent Sector on behalf of the five Trusts in Northern Ireland. Contracts for the procurement of assessment and/or treatment services are negotiated through a competitive tendering process aimed at ensuring best value for money.

Transfers to the Independent Sector generally cover the immediate assessment and/or treatment of the patient, together with any immediate post operative care, after which patients are transferred back to the care of their GP or local Trust as appropriate.

Northwest Independent Clinic

Mr G Robinson asked the Minister of Health, Social Services and Public Safety (i) to outline the reasons for the Western Health and Social Care Trust withdrawing patients from pre-planned treatment at the Northwest Independent Clinic as from 29 June 2009; (ii) what arrangements were made to compensate the clinic for the cost of issuing cancellation notifications; and (iii) if these patients have been seen at Altnagelvin or Western Health and Social Care Trust facilities within departmental targets. (AQW 588/10)

The Minister of Health, Social Services and Public Safety: I am advised that the Western Trust is committed to significantly reducing expenditure in 2009/10 and, in that context, is reducing the level of referrals for treatment to the independent sector across a range of specialties.

Issues in relation to specific contracts with independent sector organisations are a matter for the Trust concerned and the Health and Social Care Board.

There has been no change to the waiting times targets for outpatient, inpatient or daycase care which the Trust is required to meet.

Autism Services

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety for a breakdown of the costing of the independent review into autism services, led by Ken Maginness. (AQW 589/10)

The Minister of Health, Social Services and Public Safety: The total cost of the Independent Review of Autism Services led by Lord Maginnis of Drumglass was £16,583.25. This comprised of £12,039.77 for Independent Review Members expenses and £4,543.48 on administrative costs.

Ophthalmology Services

Mr G Robinson asked the Minister of Health, Social Services and Public Safety (i) if he can give an assurance that all providers of ophthalmology treatment on the Western Health and Social Care Trust list of approved service providers were given the opportunity to submit tenders for ophthalmology services now being provided by a private company within the Trust area; (ii) what ophthalmology services have been contracted out to private sector providers; (iii) in what locations treatment is taking place; and (iv) if there is a continuing care package in place for the patients seen by the current care provider. (AQW 590/10)

The Minister of Health, Social Services and Public Safety: Issues in relation to specific contracts with independent sector organisations are a matter for the relevant Trust. I am advised that:

- (i) There is no Western Health and Social Care Trust list of approved independent sector service providers. There is a Select List of approved Independent Sector providers for Northern Ireland and Trusts wishing to initiate new contracts for services must seek tender submissions from a minimum of three providers on the Select List before awarding a contract. Where existing contracts for service are in place with more than one provider each Trust has discretion to transfer patients as operational requirements dictate.
- (ii) The following ophthalmology services have been contracted out to independent sector providers: new outpatient referrals; the treatment consequences of the outpatient consultation; and review consultations required as follow up.
- (iii) Treatment is taking place at Tyrone County Hospital, Roe Valley Hospital and the North West Independent Hospital.
- (iv) The Western Trust has existing contracts for the provision of ophthalmology services with a number of independent sector providers including the North West Independent Hospital and Medinet. The individual contracts will specify the arrangements for consultation, treatment and review.

Front Line Care

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety for his definition of front line care; and if he has signed off on any efficiency saving proposals which will result in a cut in front line services. (AQW 791/10)

The Minister of Health, Social Services and Public Safety: I define frontline care as the health and social care services provided directly to patients and clients.

I have signed off on efficiency proposals based on assurances from the Trusts that the quality of services for patients and clients will be maintained or improved, that Priority for Action targets and commitments will be delivered and that the implications for staff affected can be managed without recourse to compulsory redundancy. In addition, each Trust has also been asked to ensure that it has the right number and skill levels of doctors, nurses, social workers and other professionals in place at the right time to provide the right service to all those who require health and social services.

All Departments must achieve challenging efficiency savings targets of 3% per annum translating to £700m in the case of DHSSPS and in that, the Executive gave no dispensation to the DHSSPS. That is why I asked the Assembly to exempt the Service from efficiency savings, which it did not do.

Contingency plans containing proposals by Trusts to recover deficits have been submitted to my Department but these are still being considered.

Autism

Ms Anderson asked the Minister of Health, Social Services and Public Safety, given that Autistic Spectrum Disorder teams in Health and Social Care Trusts have targets of thirteen weeks in which to assess and diagnose children who may have autism, (i) can he explain why the Western Health and Social Care Trust have a waiting list averaging fourteen months; and (ii) when he expects a reduction in this waiting time. (AQW 818/10)

The Minister of Health, Social Services and Public Safety: The Western Health & Social Care Trust has inherited large waiting lists from the legacy Trusts. It has however already reduced waiting times from 4.5 years in 2007.

The Priorities for Action 2009/10 target for autism services states that “By March 2010, ensure that all children wait no longer than 13 weeks for assessment following referral”. The Western Health and Social Care Trust is working towards the 13 week target on waiting times and has provided a waiting list reduction plan that shows that it will be 13 week compliant by Sept 2010.

Belfast Health and Social Care Trust: Executive Management Team

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety for the names of those who sit on Belfast Health and Social Care Trust’s Executive Management Team. (AQW 820/10)

The Minister of Health, Social Services and Public Safety: This information is contained in the Belfast Health and Social Care Trust’s Annual Report a copy of which is available on the Trust’s web site.

Belfast Health and Social Care Trust: Executive Management Team

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety (i) if the Belfast Health and Social Care Trust Executive Management Team viewed the proposals concerning cuts of beds; (ii) if so, on what date did this meeting take place; (iii) who was in attendance; (iv) did the proposal go to a vote, and what was the outcome; and (v) when he, or his officials, were made aware of this proposal. (AQW 845/10)

The Minister of Health, Social Services and Public Safety: My understanding from the Trust is that:

- (i) and (ii) a number of proposals to be included in the contingency plan were discussed by the Trust Executive team on 16 September 2009.
- (iii) William McKee, Chief Executive, Wendy Galbraith, Director of Finance, Dr Tony Stevens, Medical Director, Valerie Jackson, Director of Older People, Medicine and Surgery, Nikki Patterson, Acting Director

of Nursing, Jennifer Welsh, Director of Specialist Services, Marie Mallon, Director of Human Resources, Brendan Mullen, Director of Mental Health and Learning Disability, Patricia Donnelly, Director of Clinical Services, Denise Stockman, Director of Planning and Development, Catherine McNicholl, Acting Director of Performance and Planning, Ian Jamison, Head of Patient and Client Support Services, June Champion, Co-director, Risk and Governance.

- (iv) the proposals did not go to a vote- that is not how the executive team works. No decision was taken. The contents of the plan remain proposals and require Departmental approval.
- (v) The Department received the Trust's contingency plan detailing its proposals on 17th September 2009.

Health and Social Care Trusts: Efficiency Savings

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety what instructions he has given to officials and Health and Social Care Trusts to ensure that efficiency savings do not result in cuts to front-line care. (AQW 893/10)

The Minister of Health, Social Services and Public Safety: Approval of all CSR efficiency proposals was conditional on assurances from Trusts that the quality of services for patients and clients would be maintained or improved, that Priority for Action targets and commitments would be delivered and that the implications for staff affected could be managed without recourse to compulsory redundancy. Trusts were also advised that they should ensure that they have the right number and skill levels of doctors, nurses, social workers, paramedics and other professionals in place at the right time to provide the right service to all those who require health and social services.

The DHSSPS guidance on contingency plans to address deficits emphasises that proposals with implications for front line care should be avoided where at all possible. My Department has received contingency proposals from the Belfast Trust and these are currently being considered. No decisions have been made and the proposals are still just proposals.

Hospital Beds

Mr McGlone asked the Minister of Health, Social Services and Public Safety (i) what action he is taking to address the lack of availability of beds in the Causeway Hospital and Antrim Area Hospital; and (ii) to explain why four patients in the mid-Ulster Hospital were left on trolleys on 28 September 2009. (AQW 1019/10)

The Minister of Health, Social Services and Public Safety: I am advised by the Northern Trust that there are no general bed pressures within either Antrim or Causeway hospitals. There are, however, days where activity can be higher than normal and this can cause some delays.

The Trust has advised that Monday 28 September was an extremely busy day in the 4 A&E Departments in its area. The Trust has also confirmed that, in light of this increased activity, four patients at the Mid Ulster Hospital were appropriately cared for on trolleys whilst awaiting admission. The four patients were subsequently admitted within 1-4 hours of a request for a bed.

DEPARTMENT FOR REGIONAL DEVELOPMENT

NI Railways: Londonderry Line Timetable

Mr G Robinson asked the Minister for Regional Development when NI Railways will publish a new timetable for the Londonderry line. (AQW 314/10)

The Minister for Regional Development (Mr Murphy): The new timetable was published on the Translink website on 22 September 2009.

Translink have advised me that the new timetable was issued to stations during the week commencing Monday 21 September and became operational on Sunday 27 September.

Castlerock Railway Station

Mr G Robinson asked the Minister for Regional Development if the completion of repairs to platform 2 at Castlerock railway station is an integral part of the Coleraine to Londonderry track relay scheme planned for 2010. (AQW 315/10)

The Minister for Regional Development: Translink has informed me that it plans to undertake necessary works to platform 2 at Castlerock railway station as an integral part of the Coleraine to Derry track relay. The scheme is planned to run from 2011 to 2013/14, subject to the necessary approvals and funding being available.

Passing Loop

Mr G Robinson asked the Minister for Regional Development if he will give an assurance that a passing loop will be an integral part of the Coleraine to Londonderry track relay scheme planned for 2010. (AQW 317/10)

The Minister for Regional Development: Translink is currently in the planning stage of the track relay between Coleraine and Derry. The relay work is scheduled to begin in 2011 with an estimated completion date of 2013/14. A passing loop is an integral part of the project and options will be developed further when the economic appraisal is being prepared.

NI Water: Travel Costs

Mr Savage asked the Minister for Regional Development, pursuant to AQW 7298/09, to detail the £1.3 million travel costs of Northern Ireland Water, including (i) the mode of transport used; (ii) whether economy, first class or business class; (iii) the destination; and (iv) the reason for the journey. (AQW 343/10)

The Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that the £1.3 million travel costs for 2007/2008 covers a wide range of journeys and destinations and the information requested could only be provided at disproportionate cost. However, the overall travel cost is summarised in the table below:

| Area of Travel | £000s |
|------------------|--------------|
| Within the North | 1,265 |
| To Britain | 66 |
| Total | 1,331 |

The mode of transport within the North is mostly private vehicles used by staff undertaking the normal day-to-day duties associated with operating a widely dispersed network of water and sewerage installations. The mode of transport for travel to the mainland is mostly air for staff attending meetings and other events.

NIW does not pay for first class or business class so all travel is at economy or equivalent.

Roads Service Schemes

Mr Easton asked the Minister for Regional Development what Roads Service schemes are planned for the Victoria area of Donaghadee over the next five years. (AQW 345/10)

The Minister for Regional Development: My Department's Roads Service has advised that there are currently no schemes planned for the Victoria area of Donaghadee over the next five years.

Roads Service Schemes

Mr Easton asked the Minister for Regional Development what Roads Service schemes are planned for the Cypress area of Donaghadee over the next five years. (AQW 346/10)

The Minister for Regional Development: My Department's Roads Service has advised that some of the street lighting columns may be replaced in the Cypress area of Donaghadee over the next five years. Roads Service has no other schemes planned for this area.

Business Service Unit in Downpatrick

Mr P J Bradley asked the Minister for Regional Development to explain his decision to centralise jobs from the Business Service Unit in Downpatrick to Belfast; and to detail any discussions he or his Department held with Trade Unions or others prior to the centralisation being agreed. (AQW 351/10)

The Minister for Regional Development: As you will be aware, Account NI, a reform project centralising all Government Departments' financial processing units, is a NICS-wide reform project, and all decisions in relation to the location of the Shared Service centre were considered and implemented by Department of Finance and Personnel. The Account NI contract for services was signed in 2006.

On 6 July 2009, transaction processing activities within my Department's Roads Service transferred to Account NI as part of the reform programme. These activities were previously undertaken by a team of fifteen staff based in Downpatrick.

A random selection exercise was undertaken to identify staff to fill posts at AO grade in the Downpatrick area. This resulted in eleven staff at AO grade being selected for existing posts and a further five staff at AO grade were identified as surplus. The Department is actively pursuing alternative posts for these staff, within reasonable travelling distance from their homes.

In addition to staff at AO grade, there was also one surplus post at SO grade. A suitable post has now been found which the member of staff has agreed to transfer to.

This process has been carried out in accordance with the general principles of redeployment, as set out in the staff handbook, and TUS have been kept informed at each stage of the process.

Traffic Congestion

Mr Dallat asked the Minister for Regional Development what action he has taken to reduce traffic congestion on the approach roads to Ballykelly, particularly during rush hour and weekends. (AQW 380/10)

The Minister for Regional Development: My Department's Roads Service has advised that it has readjusted the timings on the traffic signals at the junction of Main Street, Ballykelly with Glenhead Road and Duke's Lane. The time previously allowed for traffic exiting the Ministry of Defence facility has now been allocated to through traffic and as a result, congestion on the approach roads to Ballykelly has been reduced.

In the longer term, the Investment Delivery Plan for Roads contains a scheme for the section of the A2 between the City of Derry Airport and Limavady, this being, a dual carriageway bypass of Ballykelly, of approximately 6 km in length. The construction of a bypass would remove strategic traffic from the village, thereby improving journey times, reducing congestion at peak periods, and improving both safety and the environment in Ballykelly. Roads Service would anticipate completion of this scheme towards the end of the Delivery Plan period.

Coach Car Park Contract

Mr Savage asked the Minister for Regional Development, in relation to the coach car park contract between Roads Service and Banbridge District Council, to detail (i) the length of the contract; (ii) if the performance of Banbridge District Council is to be reviewed; and (iii) the cost of this contract to Roads Service per annum since the inception of the contract. (AQW 406/10)

The Minister for Regional Development: In replying to your question I have made two assumptions. Firstly, that your reference to the coach car park is the public car park at Church Square, Banbridge, known by some as The Coach car park, because of its proximity to "The Coach" nightclub. The second assumption is that the contract between Roads Service and Banbridge District Council, to which you refer, is in relation to the cleaning of this car park.

I should explain that Church Square car park is, like other non-charged car parks in Banbridge District Council area, cleaned by the District Council on behalf of Roads Service.

Roads Service has advised that the agreement between it and Banbridge District Council, to clean the non-charged car parks within Banbridge District, is made annually. Similarly, the performance of this agreement is also reviewed on an annual basis.

The arrangement, which is for the cleaning of all non-charged car parks within the Banbridge District, has been in place since November 1988. Roads Service's costs since the inception of this arrangement are detailed below.

COST TO ROADS SERVICE FOR CLEANING ALL NON CHARGED CAR PARKS PER ANNUM IN BANBRIDGE DISTRICT COUNCIL AREA

| Financial year | Cost |
|----------------|-----------|
| 1988/89 | £2,100.00 |
| 1989/90 | £5,616.00 |
| 1990/91 | £6,160.87 |
| 1991/92 | £6,561.42 |
| 1992/93 | £6,856.68 |
| 1993/94 | £6,993.82 |
| 1994/95 | £7,273.56 |
| 1995/96 | £7,419.03 |
| 1996/97 | £7,641.60 |
| 1997/98 | £7,870.00 |
| 1998/99 | £7,870.00 |
| 1999/00 | £7,870.00 |
| 2000/01 | £7,870.00 |
| 2001/02 | £7,870.00 |
| 2002/03 | £7,870.00 |
| 2003/04 | £8,077.00 |
| 2004/05 | £8,360.00 |
| 2005/06 | £8,560.00 |
| 2006/07 | £8,834.00 |
| 2007/08 | £9,213.00 |
| 2008/09 | £9,489.00 |

NI Water: Consultancy Spend

Mr Savage asked the Minister for Regional Development how much NI Water has spent on consultancy, in respect of construction and otherwise; and to list all the consultancy companies and individuals and how much they received in payment, in each of the last three years. (AQW 408/10)

The Minister for Regional Development: I have been advised by Northern Ireland Water that the associated fees and other payments to consultancy firms employed by Northern Ireland Water from 1 April 2007 to 31 August 2009 are as detailed below. The costs are exclusive of VAT.

| Capital Consultancy | Year Ending 31 March 2008 £ | Year Ending 31 March 2009 £ | 5 Months Ending 31 August 2009 £ |
|--|--|--|---|
| Adjust Procurement Solutions Ltd | 6,250 | - | - |
| Aecom | - | - | 462,887 |
| Aj Mccann Consultants Ltd | 5,166 | 8,748 | - |
| Alaris Consulting Ltd | - | 25,850 | 40,933 |
| Alexander Hr Ltd | 7,971 | 6,397 | - |
| Appliance Technology Limited | - | 21,178 | 5,600 |
| Archaeological Development Services Ltd | 5,826 | 733 | 1,999 |
| Arco Industrial Supply | 64 | - | - |
| Asidua Limited | - | 373,432 | 53,269 |
| Atkins Limited | 58,152 | 1,200,281 | 320,437 |
| Bdo Stoy Hayward | - | 26,050 | 7,500 |
| Belfast Harbour Commissioners | 374 | - | - |
| Bespoke Performance Management Limited | 11,504 | 130,198 | 11,855 |
| Bhb Fire And Specialist Training Consultants | 255 | - | - |
| Bic Systems Ltd | | 695 | |
| Biwater Graham Joint Venture | 178,718 | 347,707 | - |
| Biwater Treatment Ltd | 222,914 | 5,706 | - |
| Biznet Solutions | - | 3,000 | |
| Black & Veatch Ltd | 284,127 | 102,826 | - |
| Blue Print Appointments | 31,601 | - | - |
| Bravosolution Uk Limited | - | - | 27,846 |
| British Telecommunications Plc. | 2,295 | 14,367 | - |
| Bsg Civil Engineering Limited | 351,959 | 84,331 | - |
| Bt Plc | - | 545 | - |
| Bt Training Solutions | - | 4,803 | - |
| Btw Shiells | - | - | 850 |
| Building Design Partnership Limited | 209,624 | 268,894 | 88,950 |
| Burdens | - | 5,204 | 907 |
| Business & Scientific Services Ltd | - | 89,984 | 23,051 |
| Campbell / Quinn J V Ltd | - | 25,564 | - |
| Capita Symonds Ltd | 669,143 | 931,741 | 567,413 |
| Ccs Surveying | - | 7,789 | 10,709 |
| Ceco Flooring Ltd | - | 644 | - |
| Chandler Kbs | 31,742 | 32,465 | 21,668 |
| Changing Chains Limited | - | 12,697 | - |
| Chubb Fire Limited | - | 18,153 | - |
| Construction Consultancy Services | 496,411 | 898,180 | 293,775 |
| Construction Supervisory Services Limited | 83,139 | 100,414 | 36,103 |
| Contractauditline | 1,397 | - | - |

| Capital Consultancy | Year Ending 31 March 2008 £ | Year Ending 31 March 2009 £ | 5 Months Ending 31 August 2009 £ |
|-------------------------------------|--|--|---|
| Cssp | - | 37,571 | 12,904 |
| Damien Mckay Ltd | - | - | 1,500 |
| Dawson-Wam Ltd | 116,916 | 69,306 | 2,959 |
| Deloitte Mcs Limited | - | - | 7,708 |
| Dla Piper Rudnick Gray Cary Uk Llp | 31,358 | - | - |
| Doran Consultant | 409,113 | 167,067 | 15,601 |
| Earth Tech Engineering Ltd | 197,668 | 205,731 | 86,288 |
| Ec Harris & Partners | 11,403 | - | - |
| Ec Harris Llp | 38,000 | 31,875 | 16,087 |
| Entec | 11,223 | 22,920 | 24,500 |
| Ewan Group Plc | 83,440 | 1,490 | - |
| Excite Exhibition & Display | 928 | 1,142 | 1,142 |
| Faber Maunsell Ltd | 465,430 | 1,769,877 | 312,461 |
| Fujitsu Services Ltd | - | 50,647 | 167,398 |
| Geda Construction Co Ltd | - | 141,986 | 149,700 |
| Glen Contracts | - | - | 141,578 |
| Glover Site Investigation | 2,444 | 13,914 | 8,899 |
| Grontmij Ltd | - | 28,756 | 7,286 |
| Halcrow Management Sciences Limited | 81,856 | - | - |
| Halcrow Water Services | 403,095 | 201,701 | - |
| Himsley Meter Revenue Services Ltd | - | 7,935 | 7,785 |
| Holemasters (Ni) Ltd | - | 1,800 | |
| Hyder Consulting Limited | 324,420 | 727,557 | 356,265 |
| I B M United Kingdom Ltd | 1,200 | 8,269 | - |
| Ian M Parker | - | - | 3,925 |
| Ics Consulting Ltd | - | 29,831 | |
| Intapeople Ltd | 5,880 | - | - |
| Intra Consulting | 15,540 | 18,750 | 4,100 |
| It Project Recovery Limited | 14,615 | 125,031 | - |
| Itconsult (Mcr) Ltd | - | 286 | 379 |
| Jacobs Engineering Uk Ltd | - | 751,620 | 661,408 |
| Jacobs Uk Ltd | 654,684 | 35,678 | - |
| Jet Pr | - | 7,887 | |
| John Graham (Dromore) Ltd | 36,091 | - | - |
| Magdalene Ltd | - | - | 21,625 |
| Mcadam Design | 2,116,078 | 2,440,041 | 1,209,375 |
| Mcauley & Browne | 17,000 | 28,738 | - |
| Mckibbin Commercial | - | - | 1,000 |
| Menicholas Construction Co Ltd | 10,448 | - | 2,673 |

| Capital Consultancy | Year Ending 31 March 2008 £ | Year Ending 31 March 2009 £ | 5 Months Ending 31 August 2009 £ |
|---|--|--|---|
| Mmc Associates | 6,150 | 9,470 | 13,321 |
| Morrow Contracts Ltd | - | 40,285 | 1,817 |
| Mouchel Limited | 44,739 | 568,188 | 330,752 |
| Mouchel Parkman Services Limited | 210,654 | - | - |
| Mulholland & Doherty | 1,337,925 | 373,857 | 4,541 |
| Mwh Uk Ltd | 1,017,419 | 1,539,904 | 1,209,930 |
| Nicholas O Dwyer & Partners | 315,814 | 439,006 | 216,142 |
| Nie Plc | 1,265 | 66,654 | - |
| Northern Archaeological Consultancy Ltd | - | 7,464 | - |
| Northgate Info Solutions | - | - | 53,400 |
| Novosco | - | 15,150 | - |
| Ollave Ltd | 33,375 | 19,575 | - |
| Oracle Corporation Uk Ltd | - | 31,042 | - |
| Orion Engineering Services Limited | 30,852 | 26,315 | 9,510 |
| Pentagon Solutions Ltd | - | 147,725 | - |
| Perceptive Insight Market Research Ltd | - | 32,320 | - |
| Peter J Graham Consultancy Ltd | 14,813 | - | - |
| Pipeline Services | - | 802 | - |
| Pipeline Simulation Ltd | 480 | 2,725 | - |
| Pricewaterhouse Coopers Llp | 954,345 | 287,231 | 112,701 |
| Purac Brand | 252,607 | 297,351 | 481,288 |
| Queens University Of Belfast | - | - | 3,038 |
| R Robinson And Sons | 319,931 | 282,663 | 204,524 |
| Rps Consulting Engineers | - | 21,518 | - |
| Rps Kirk McClure & Morton (Rps Kmm) | 1,769,642 | 1,240,149 | 500,797 |
| Rps Water Services Ltd | 70,403 | 99,243 | - |
| Safety Advice Centre | 4,645 | - | - |
| Scott Wilson | 578,696 | 597,652 | 100,205 |
| Scott Wilson Ltd | - | - | 157,924 |
| Scotts Electrical Services Limited | 820 | 1,350 | - |
| Serck Controls Ltd | - | 2,142 | - |
| Service & System Solutions (Sx3) Ltd | 6,000 | - | - |
| Seven Technologies (Uk) | - | 4,164 | - |
| Shearwater Consortium | - | 35,000 | - |
| Sonet Communications Ltd | - | 2,650 | - |
| Stratex | - | 2,644 | - |
| Sureskills | - | 7,620 | - |
| T Oconnell & Sons | - | 12,208 | - |
| Tes (Ni) Ltd | - | 21,939 | - |

| Capital Consultancy | Year Ending 31 March 2008 £ | Year Ending 31 March 2009 £ | 5 Months Ending 31 August 2009 £ |
|-------------------------------|--|--|---|
| The Dp Group | - | 6,750 | |
| The Event-Ful Consultancy Ltd | 300 | - | - |
| The Sanzar Partnership | - | 20,000 | 9,500 |
| Vector Resourcing Ltd | - | 181,791 | 61,000 |
| Veolia Water Outsourcing Ltd | - | - | 29,897 |
| Vista Photographic | 4,038 | 5,478 | 2,159 |
| Waterpeople Limited | 4,575 | 11,700 | - |
| Wdr & Rt Taggart | 366,379 | 404,243 | 252,500 |
| White Young Green | 698,354 | 843,623 | 382,837 |
| Williams Ind Services Ltd | 84,146 | 35,315 | 23,459 |
| Wj Mcdowell&Partners | 304,731 | 293,902 | 46,946 |
| Woodside Distribution Ltd | - | 329 | - |
| Wrc Plc | 34,422 | 111,501 | 13,833 |
| Ws Atkins Consultants Ltd | 3,265,198 | 3,609,744 | 1,436,797 |
| Total | 19,440,176 | 23,436,364 | 10,859,112 |

| Other Consultancy | Year Ending 31 March 2008 £ | Year Ending 31 March 2009 £ | 5 Months Ending 31 August 2009 £ |
|--|--|--|---|
| Achievers | - | 495.00 | - |
| Adjust Procurement Solutions Ltd | 4,671.79 | - | - |
| Air Energy | 960.00 | - | - |
| Aj Mccann Consultants Ltd | 4,043.62 | - | - |
| Alexander Hr Ltd | 372.00 | 32,258.10 | - |
| Alvarez & Marsal Europe Limited | 10,934.20 | 70,642.35 | - |
| Andrew J McGuinness | 600.00 | - | - |
| Anna Shiels | - | 7,057.77 | 1,417.97 |
| Asm Horwath | - | 9,760.00 | - |
| Atkins Limited | 28,641.79 | - | - |
| Austin Hunter | 800.00 | - | - |
| Av Browne - Advertising Ltd | - | 3,780.00 | - |
| Being Communication Limited | 50,000.00 | - | - |
| Bespoke Performance Management Limited | 24,070.82 | - | - |
| Best Property Services | - | 250.00 | - |
| Bill Mccrum Consulting | - | - | 10,500.00 |
| Bill Morrison | 600.00 | - | - |
| Black & Veatch Ltd | 22,383.26 | 35,097.42 | - |
| British Telecommunications Plc. | 895.00 | 675.00 | - |
| Bt Training Solutions | 695.00 | - | - |
| Btw Shiells | 8,500.00 | 15,700.00 | - |

| Other Consultancy | Year Ending 31 March 2008 £ | Year Ending 31 March 2009 £ | 5 Months Ending 31 August 2009 £ |
|--|--------------------------------|--------------------------------|-------------------------------------|
| Business & Scientific Services Ltd | - | 499.00 | 3,250.00 |
| Business Publication Company (N.I.) Ltd | 56,705.50 | 1,855.00 | - |
| Capita | 13,194.50 | 9,847.00 | - |
| Changing Chains Limited | - | 50,114.12 | - |
| Cjim Partnership | - | 130,455.04 | 7,250.00 |
| Cln Solutions Ltd | - | 167,611.56 | 68,324.31 |
| Consult Nbl Limited | 14,850.00 | - | - |
| Contracting Out Llp | 222,598.91 | 182,463.88 | 155,114.63 |
| Deloitte & Touche | - | - | 37,735.71 |
| Dla Piper Rudnick Gray Cary Uk Llp | 195.00 | - | - |
| Dundas & Wilson Cs Llp | 407,719.57 | 90,746.92 | 85,062.10 |
| E McMullan Ltd | 1,400.00 | - | - |
| Ec Harris Llp | - | 41,111.85 | 97,591.71 |
| Eim | - | 49,618.20 | - |
| Eleven Thirty Design | - | 990.00 | - |
| Emap Communications | - | 359.00 | - |
| Empathy Rating Syndicated Research - Uk Water Industry | 4,200.00 | 7,120.00 | - |
| Ernst & Young Llp | 79,838.00 | 29,976.50 | 76,746.25 |
| Frontier Economics Ltd | 66,753.10 | 98,353.84 | 71,909.00 |
| Gardiner & Theobald Llp | - | - | 19,374.00 |
| Glen Water | 33,320.00 | - | - |
| Halcrow Management Sciences Limited | 148,762.41 | - | - |
| Hcl Communications | 1,390.00 | - | - |
| Himsley Meter Revenue Services Ltd | 760.00 | 7,024.96 | 11,029.07 |
| Hippo The Water Saver | 11,860.00 | - | - |
| Independent Occupational Health Limited | 54,215.80 | 28,415.65 | - |
| Insidedge | 45,000.00 | - | - |
| Interim Management Assignments (Ni) Ltd | 166,050.65 | 25,000.00 | - |
| It Project Recovery Limited | 39,706.95 | 41,983.95 | 73,818.66 |
| Jack Mccann & Son | - | 250.00 | - |
| Jacobs Engineering Uk Ltd | - | 75,416.94 | 3,187.10 |
| Jacobs Uk Ltd | 12,977.61 | - | - |
| John Fawell | 122.13 | - | - |
| John W Smith | 23,758.61 | 19,531.44 | 2,875.00 |
| Johnston Publishing | 2,400.00 | - | - |
| Katalis Limited | - | - | 30,000.00 |
| Kirkwood Management Consultants Ltd | 47,250.00 | 19,000.00 | - |
| Love Pr | 4,270.00 | - | - |

| Other Consultancy | Year Ending 31 March 2008 £ | Year Ending 31 March 2009 £ | 5 Months Ending 31 August 2009 £ |
|---|--------------------------------|--------------------------------|-------------------------------------|
| Macmillan Media | 1,300.00 | - | - |
| Martin Cowley Media | - | 26,320.00 | - |
| Martin Walsh | 1,045.00 | - | - |
| Maura O'Brien | - | - | 1,345.00 |
| Mcadam Design | 333,777.99 | 214,559.24 | 58,056.92 |
| Mcg Services (Ni) Ltd | - | 31,500.00 | - |
| Media Watch Ltd | 1,309.50 | - | - |
| Mercer Human Resource Consulting | 88,268.10 | 35,399.00 | 11,161.00 |
| Misco | - | 79.77 | - |
| Mott Macdonald Group | 1,183,802.02 | 1,391,048.83 | 134,293.54 |
| Mott Macdonald Ltd | - | - | 95,456.91 |
| Mwh Uk Ltd | - | 297,728.89 | 100,398.30 |
| Neopost Limited | - | 4,000.00 | - |
| Neueda | 77,572.80 | 51,398.52 | - |
| Nick Owen Associates Ltd | 1,921.55 | - | - |
| Nimms | 232.00 | - | - |
| North Time & Data Limited | 17,500.00 | - | - |
| Northern Ireland Computing Ltd | - | 5,513.60 | - |
| Northern Ireland Statistics & Research Agency | 18,043.29 | - | - |
| Ntuition Ltd | 65,656.31 | 46,800.00 | - |
| Ollave Ltd | - | 4,218.75 | 24,660.00 |
| Pathway Resourcing Ltd | - | 32,584.94 | - |
| Peter J Graham Consultancy Ltd | 5,400.00 | - | - |
| Pierce | - | 11,702.19 | - |
| Practical Planning Limited | 71,240.00 | 8,320.00 | - |
| Pricewaterhouse Coopers Llp | 5,250,604.03 | 3,063,699.82 | 1,824,303.00 |
| Prime Transformation Ltd | - | 4,500.00 | - |
| Ricoh Uk Limited | 284.66 | - | - |
| Rms Enterprises Ltd | - | 16,400.00 | - |
| Road Safety Contracts Ltd | 148.94 | - | - |
| Rospa Enterprises Limited | 17,025.00 | 19,580.00 | - |
| Sacker & Partners | 28,918.50 | 3,412.00 | - |
| Scott Electromech Ltd | 277.46 | - | - |
| Somerwood Consultancy Services | - | - | 1,693.93 |
| Stakeholder Communications Ltd | 690.00 | 35,785.00 | 6,587.50 |
| Strategic Planning | 8,000.00 | 3,600.00 | - |
| Supplies Team Northern Ireland | 687.54 | - | - |
| The Event-Ful Consultancy Ltd | 11,143.10 | 24,529.23 | 7,324.00 |
| University Of Ulster | - | - | 2,640.00 |

| Other Consultancy | Year Ending 31 March 2008 £ | Year Ending 31 March 2009 £ | 5 Months Ending 31 August 2009 £ |
|---------------------|--------------------------------|--------------------------------|-------------------------------------|
| W Martin | - | 210.00 | - |
| W R Jenkinson & Co | - | 400.00 | - |
| Water Uk | 798.01 | - | - |
| Waterpeople Limited | 9,000.00 | 2,700.00 | - |
| Weber Shandwick | 52,770.00 | - | - |
| Yorkshire Water | 161.88 | - | - |
| Total | 8,897,279 | 6,589,450 | 3,023,106 |

Roads Service Schemes: Millisle

Mr Easton asked the Minister for Regional Development what Roads Service schemes are planned for the Churchill area of Millisle over the next five years. (AQW 411/10)

The Minister for Regional Development: My Department's Roads Service has advised that at present, it has no schemes planned for the Churchill area of Millisle over the next five years.

However, the works programme is constantly kept under review and if schemes are identified, they are implemented on a scheme priority basis.

I would remind the Member that information on the completed and proposed roads schemes can be found in Roads Services' Spring and Autumn Reports to Councils. These reports can be accessed from the Roads Service internet site at the following web address:

www.roadsni.gov.uk/index/publications/publications-council_reports.htm

Roads Service is currently compiling their Autumn Reports to Councils

Roads Service Schemes: Groomsport

Mr Easton asked the Minister for Regional Development what Roads Service schemes are planned for the Groomsport area over the next five years. (AQW 412/10)

The Minister for Regional Development: My Department's Roads Service has advised that at present, it has no schemes planned for the Groomsport area over the next five years.

However, the works programme is constantly kept under review and if schemes are identified, they are implemented on a scheme priority basis.

I would remind the Member that information on the completed and proposed roads schemes can be found in Roads Services' Spring and Autumn Reports to Councils. These reports can be accessed from the Roads Service internet site at the following web address:

www.roadsni.gov.uk/index/publications/publications-council_reports.htm

Roads Service is currently compiling their Autumn Reports to Councils

Roads Service Schemes: Cotton

Mr Easton asked the Minister for Regional Development what Roads Service schemes are planned for the Cotton area over the next five years. (AQW 413/10)

The Minister for Regional Development: My Department's Roads Service has advised that at present, it has no schemes planned for the Cotton area over the next five years.

However, the works programme is constantly kept under review and if schemes are identified, they are implemented on a scheme priority basis.

I would remind the Member that information on the completed and proposed roads schemes can be found in Roads Services' Spring and Autumn Reports to Councils. These reports can be accessed from the Roads Service internet site at the following web address:

www.roadsni.gov.uk/index/publications/publications-council_reports.htm

Roads Service is currently compiling their Autumn Reports to Councils

Roads Service Schemes: Holywood

Mr Weir asked the Minister for Regional Development what Roads Service schemes are planned for Holywood over the next three years. (AQW 424/10)

The Minister for Regional Development: My Department's Roads Service has advised that the following schemes are planned for the Holywood area over the next three years:

Footway Resurfacing

- Rannoch Road, Holywood
- Lochinver Avenue, Holywood
- Torgrange, Holywood

Carriageway Resurfacing

- Seapark Road, Holywood
- Dunlady Road, Holywood
- Ballymenoch Park, Holywood

This programme may be subject to change, as the resurfacing works programme is constantly kept under review, and implemented on a scheme priority basis. Commencement of the works will be dependant upon the availability of finance and other competing priorities.

I would remind the Member that information on the completed and proposed roads schemes can be found in Roads Services' Spring and Autumn Reports to Councils. These reports can be accessed from the Roads Service internet site at the following web address:

www.roadsni.gov.uk/index/publications/publications-council_reports.htm

Roads Service is currently compiling their Autumn Reports to Councils

Roads Service Schemes: Bangor

Mr Weir asked the Minister for Regional Development what Roads Service schemes are planned for Bangor over the next three years. (AQW 425/10)

The Minister for Regional Development: My Department's Roads Service has advised that the following schemes are planned for the Bangor area over the next three years:

Footway Resurfacing

- Newtownards Road, Bangor
- Henderson Road, Bangor
- Cranley Road, Bangor

Carriageway Resurfacing

- Downshire Road, Bangor
- Beverley Hills, Bangor
- Beverley Drive, Bangor
- Ashley Drive, Bangor

This programme may be subject to change, as the resurfacing works programme is constantly kept under review, and implemented on a scheme priority basis. Commencement of the works will be dependant upon the availability of finance and other competing priorities.

I would remind the Member that information on the completed and proposed roads schemes can be found in Roads Services' Spring and Autumn Reports to Councils. These reports can be accessed from the Roads Service internet site at the following web address:

www.roadsni.gov.uk/index/publications/publications-council_reports.htm

Roads Service is currently compiling their Autumn Reports to Councils

Sewage Pumping Station in Saintfield

Mrs I Robinson asked the Minister for Regional Development on how many occasions the sewerage pumping station in Saintfield has failed or required maintenance in the last year. (AQW 427/10)

The Minister for Regional Development: I have been advised by Northern Ireland Water that the wastewater pumping station in Saintfield required maintenance work on 12 occasions during the past year. This was as a result of equipment failure or for operational maintenance.

'Long Meadow' at Comber Road, Killyleagh

Mr Shannon asked the Minister for Regional Development, in light of the serious road accidents taking place at the area known locally as the 'Long Meadow' at Comber Road, Killyleagh, what steps he is taking to improve road safety at this location as a matter of urgency. (AQW 436/10)

The Minister for Regional Development: My Department's Roads Service has advised that full details of the recent tragic accident at this location have not yet been received, and it would, therefore, be premature to indicate what measures, if any, may be provided at this location.

When the full details have been received from the PSNI, Roads Service will carry out an assessment. I have asked Roads Service to forward the results of this assessment to you, when they are available.

Kerbstones, Road Signs and Street lights: Defacing

Mr Dallat asked the Minister for Regional Development what discussions he has held with the PSNI in relation to the prosecution of individuals or groups involved in defacing kerbstones, road signs, street lights and other property belonging to his Department or agencies. (AQW 447/10)

The Minister for Regional Development: Issues associated with graffiti are operational matters and are dealt with by my Department's Roads Service officials. I have had no personal involvement in discussions with the PSNI.

Kerbstones, Road Signs and Street Lights: Graffiti

Mr Dallat asked the Minister for Regional Development to outline his policies in relation to the removal of sectarian graffiti on kerbstones, road signs, street lights and other public property owned by his Department and agencies; and how these policies have been applied in Garvagh and Articlave, County Derry. (AQW 448/10)

The Minister for Regional Development: My Department's Roads Service has advised that they will remove sectarian graffiti from its property if it is considered to be offensive or compromise public safety. However, experience has shown that sectarian graffiti removal is often counter productive unless there is over whelming local support. Without this support, repainting generally occurs very quickly and is often more extensive than the original graffiti.

Following a £300,000 refurbishment and reconstruction scheme on Main Street, Garvagh in 2004, extensive painting was carried out during July 2005. Roads Service removed the painting at the request of community representatives, however, painting of kerbs and other Departmental property reoccurs each year. It is considered that any further intervention at this stage would be counter productive.

Kerbstones throughout Articlave village are also painted each July and any attempt to remove the paint would not have the support of the local community and would be counter productive.

Translink: Budgets

Mr Dallat asked the Minister for Regional Development to detail (i) the total budget expended by Translink for the promotion of rail travel; and (ii) the budget specifically targeted at the Belfast to Derry inter-city service, in each of the last three years. (AQW 449/10)

The Minister for Regional Development: The table below shows the amount spent by Translink NI Railways to promote local and cross border rail travel respectively for the relevant periods. The table also details spend which is specific to the Belfast to Derry inter-city service. Most marketing spend is on general local rail services. However due to the introduction of new services from Ballymena and Coleraine in 2007/08 and the upgrade work and line closure in 2009/10, the Derry line has benefited from specific advertising campaigns. Thus specific marketing activity for the Belfast to Derry rail service has been greater than that of the other local lines.

NI RAILWAYS LOCAL RAIL MARKETING SPEND

| 2007/08 | 2008/09 | 2009/10 to date |
|----------|---------|-----------------|
| £202,232 | £98,386 | £81,540 |

NI RAILWAYS DERRY LINE SPECIFIC MARKETING SPEND

| 2007/08 | 2008/09 | 2009/10 to date |
|---------|---------|-----------------|
| £29,415 | £0.00 | £15,000 |

The figures above do not include marketing spend for cross border services as set out below.

NI RAILWAYS CROSS-BORDER MARKETING SPEND

| 2007/08 | 2008/09 | 2009/10 to date |
|---------|---------|-----------------|
| £90,500 | £68,663 | £36,390 |

Roads Maintenance: Compensation

Mr Dallat asked the Minister for Regional Development, in relation to compensation paid due to poor road maintenance, to detail (i) the number of claims; (ii) the total amount paid; and (iii) the number of claims still outstanding, in each of the last five years. (AQW 450/10)

The Minister for Regional Development: The number of public liability, personal injury and vehicle damage compensation claims made against the Department for Regional Development arising from defects in the roadways and footways in each of the last five financial years is shown below. The amount of compensation paid to date and the number of claims still outstanding are also listed against each figure below –

| | | Number of Public Liability New Personal Injury & Vehicle Damage Claims Received | Total Public Liability compensation paid so far for the Personal Injury & Vehicle Damage Claims Received | Public Liability Personal Injury and Vehicle Damage Claims that are still outstanding |
|---------|--------------|--|---|---|
| 2008/09 | Footway | 429 | £97,999.61 | 50 |
| | Roadway | 1,844 | £162,569.97 | 125 |
| | Total | 2,273 | £260,569.58 | 175 |
| 2007/08 | Footway | 494 | £257,857.38 | 52 |
| | Roadway | 1,627 | £308,939.73 | 36 |
| | Total | 2,121 | £566,797.11 | 88 |

| | | Number of Public Liability New Personal Injury & Vehicle Damage Claims Received | Total Public Liability compensation paid so far for the Personal Injury & Vehicle Damage Claims Received | Public Liability Personal Injury and Vehicle Damage Claims that are still outstanding |
|---------|--------------|--|---|---|
| 2006/07 | Footway | 501 | £349,443.04 | 71 |
| | Roadway | 1,594 | £320,610.91 | 32 |
| | Total | 2,095 | £670,053.95 | 103 |
| 2005/06 | Footway | 571 | £409,104.50 | 45 |
| | Roadway | 1,308 | £323,365.13 | 29 |
| | Total | 1,879 | £732,469.63 | 74 |
| 2004/05 | Footway | 586 | £851,636.56 | 32 |
| | Roadway | 1,012 | £407,451.59 | 20 |
| | Total | 1,598 | £1,259,088.15 | 52 |

North Antrim Constituency: DRD Projects

Mr McKay asked the Minister for Regional Development to detail (i) what projects his Department has funded; and (ii) the amount of money provided by his Department, in the North Antrim constituency, since May 2007. (AQW 459/10)

The Minister for Regional Development: My Department's Roads Service does not hold information on schemes on a constituency basis. However, information on schemes completed and proposed schemes can be found in Roads Service's Spring and Autumn Reports to Councils. These reports can be accessed from the Roads Service internet site at the following web address:

www.roadsni.gov.uk/index/publications/publications-council_reports.htm

Roads Service is currently compiling their Autumn Reports to Councils.

My Department's Ports and Public Transport Division have funded the following projects within the North Antrim Constituency since May 2007:

| Project | Total |
|---|-------------|
| Bulk storage tank - Ballymena | £80,000 |
| Ballymena to Belfast infrastructure capacity study | £62,000 |
| Ballymoney Station Roof replacement | £198,000 |
| Track remedial works Ballymena to Derry | £10,733,000 |
| User Worked Crossing telephones Ballymena to Coleraine | £3,000 |
| Bridge refurbishment Antrim to Coleraine | £200,000 |
| Bridge waterproofing Ballymena to Coleraine | £124,000 |
| Disability Discrimination Act and New Rail Vision compliance rail | £1,222,000 |
| Fuel tank Ballycastle | £41,000 |
| Trackside fencing | £277,000 |
| Ballymena Permanent Way store | £72,000 |
| Underline bridges Ballymena to Coleraine | £49,000 |
| McWhirter's crossing | £99,000 |
| Ballymoney Footbridge | £11,000 |

| Project | Total |
|--|--------------------|
| Bridge replacement - Coleraine to Antrim | £621,000 |
| Bridge refurbishment - Coleraine to Antrim | £78,000 |
| Total | £13,870,000 |

I have been advised by Northern Ireland Water (NIW) that it has invested over £48 million in water and sewerage projects in the North Antrim Constituency since May 2007. Details of these projects are provided in the table below:

| Project | Total |
|--|------------|
| Tardree Zone Watermain Improvements | £300,000 |
| Old Ballybracken Road, Barnish Road, Kells - Replacement Watermain | £242,000 |
| Ballymena North Zone Watermain Improvements | £10,000 |
| Cashelton Zone Watermain Improvements | £1,718,000 |
| Cargan Zone Watermain Improvements | £2,235,000 |
| Reservoir Rehabilitation Northern Area Phase 1 | £502,000 |
| Northern Key Transport Corridor, Ballymena Watermain Scheme | £1,017,000 |
| Main Street - Broughshane - Watermain Replacement | £155,000 |
| Gortgole Road, Portglenone - Watermain Extension | £16,000 |
| Knockanully Road, Martinstow - Watermain Extension | £7,000 |
| Old Ballymoney Road, Ballymena - Replacement Watermain | £25,000 |
| Kildowney Hill, Glarryford - Replacement Watermain | £58,000 |
| Reservoir Rehabilitation Northern Area - Phase 2 | £111,000 |
| Dungonnell Command Service Reservoir Extension | £50,000 |
| Carnlough Road, Broughshane - Watermain Replacement | £231,000 |
| Frys Road, Ballymena - New Watermain | £253,000 |
| Loan Command Service Reservoir - Inlet Watermain | £45,000 |
| Aughnahoy Road, Portglenone - Watermain Extension | £9,000 |
| Old Portglenone Road, Portglenone - Watermain Trunk | £210,000 |
| Tullaghans Service Reservoir, Dunloy - New Reservoir | £50,000 |
| Altnahinch Zone Watermain Improvements | £2,092,000 |
| Altnahinch and Seagahan Water Treatment Works Residual Sludge Disposal | £3,175,000 |
| Tullaghans Rd. Rasharkin – Replacement Watermain | £10,000 |
| Portballintrae Zone Watermain Improvements | £5,470,000 |
| Ballycastle Zone Watermain Improvements | £1,750,000 |
| Ballynahone Zone Watermain Improvements | £4,270,000 |
| Loughguile Zone Watermain Improvements | £2,817,000 |
| Rasharkin Zone Watermain Improvements | £1,303,000 |
| Toberkeagh Road Bushmills - Watermain Extension | £3,000 |
| Ballinlea Road, Stranocum - Replacement Watermain | £139,000 |
| Lisheegan Road, Rasharkin - Watermain Extension | £23,000 |

| Project | Total |
|---|------------|
| Newbridge Road, Ballymoney - Replacement Watermain | £26,000 |
| Newbridge Road, Ballymoney - Watermain Extension | £48,000 |
| Lisboy Road Dunloy - Watermain Extension | £2,000 |
| Gortahar Road, Rasharkin - Watermain Extension | £3,000 |
| Glenlough Service Reservoir, Ballymoney - New Service Reservoir | £55,000 |
| Altnahinch Water Treatment Works, Ballymoney - New Clear Water Basin | £50,000 |
| Ballynarry Road, Derrykeighan - Watermain Extension | £21,000 |
| Cushendall Road, Ballycastle - Watermain Extension | £12,000 |
| Reservoir Rehabilitation Programme Phase 3 | £90,000 |
| Service Reservoirs Enhanced Security | £3,055,000 |
| Reservoir Rehabilitation South East Area Phase 2 | £50,000 |
| Reservoir Rehabilitation South East Area Phase 2 | £35,000 |
| Small Wastewater Treatment Works Priority Upgrades | £8,170,000 |
| Portglenone Wastewater Treatment Works Part 2 | £40,000 |
| Tullagharley Wastewater Treatment Works Phase 2 | £68,000 |
| Ballymacvea Wastewater Treatment Works Rationalisation | £14,000 |
| Cargan Wastewater Treatment Works | £40,000 |
| Ballymena Area Sewers | £2,000 |
| Ballymena Sewage Pumping Station Replacement, Tullygarley | £35,000 |
| Old Portglenone Road Ahoghill - Foul Sewer Extension | £9,000 |
| Caherty Road, Broughshane - Watermain, foul and storm sewer extension | £166,000 |
| Broughshane Road, Ballymena - Foul Sewer Extension | £15,000 |
| Ballycastle Sewerage Scheme | £640,000 |
| Ballybrakes & Glenstall Wastewater Treatment Works | £2,128,000 |
| Loughguille Wastewater Treatment Works | £367,000 |
| Ballybogey Wastewater Treatment Works | £520,000 |
| Ballymoney Sewerage Improvements | £105,000 |
| Bushmills & Portballintrae Wastewater Treatment Works | £3,100,000 |
| Rasharkin Flood Alleviation and Sewer Extension | £895,000 |
| Ballymoney/Coleraine Sewers | £21,000 |
| Anticur Rd/Carrowadoon Road, Dunloy Sewerage Scheme | £13,000 |
| Castlecatt Road, Dervock - Storm Sewer extension to serve new development | £78,000 |
| Froces Road, Ballymoney - Foul Sewer | £52,000 |
| Church Road, Rasharkin - Storm Sewer Extension | £208,000 |
| Station Road, Dervock - Foul Sewer | £46,000 |
| Knock Road, Ballymoney - Foul & Storm Sewer Extension | £18,000 |
| Bravallan Road, Ballymoney - Storm Sewer | £42,000 |
| Mounthamilton, Cloughmills - Sewage Pumping Station Replacement | £68,000 |

| Project | Total |
|---|--------------------|
| McClelland Park, Dunloy - Flood Alleviation | £47,000 |
| Middlepark Road, Cushendall - Relief Sewer | £70,000 |
| Drumavoley Park, Ballycastle - Foul Sewer. | £16,000 |
| Total | £48,736,000 |

Sewerage Treatment and Disposal Scheme

Mr Beggs asked the Minister for Regional Development to outline the difference between the sewerage treatment and disposal scheme referred to in AQW 1049/09 and the scheme modelled by NI Water and presented to NI Environment Agency in July 2009. (AQW 484/10)

The Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that the proposal presented to the Northern Ireland Environment Agency (NIEA) in July 2009 differs from that outlined in AQW 1049/09 in that the existing treatment facility at Ballycarry will be retained and its residual effluent will be combined with screened effluent from Ballystrudder and Whitehead. The effluent will be discharged to sea via a marine outfall which has now been extended from 350 metres to 500 metres.

This new proposal is acceptable to the NIEA and the modelling has been independently verified by the Water Research Council.

Roads Service Schemes: East Antrim

Mr Ross asked the Minister for Regional Development what Roads Service schemes are planned in the East Antrim constituency over the next 12 months. (AQW 490/10)

The Minister for Regional Development: My Department's Roads Service does not hold information on schemes on a constituency basis. However, information on completed and proposed schemes can be found in the Roads Service's Spring and Autumn Reports to Councils. These reports can be accessed from the Roads Service internet site at the following web address:

http://www.roadsni.gov.uk/index/publications/publications-council_reports.htm

Road and Footpath Schemes: Bangor

Mr Easton asked the Minister for Regional Development what road and footpath schemes are planned for the Whitehill Estate, Bangor, over the next five years. (AQW 491/10)

The Minister for Regional Development: My Department's Roads Service has advised that, at present, it has no schemes planned for the Whitehill Estate, Bangor, over the next five years.

However, the works programme is constantly kept under review and if schemes are identified, they are implemented on a scheme priority basis.

I would remind the Member that information on the completed and proposed roads schemes can be found in Roads Services' Spring and Autumn Reports to Councils. These reports can be accessed from the Roads Service internet site at the following web address:

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Roads Service is currently compiling their Autumn Reports to Councils

NI Railways: Taxi Hire

Mr G Robinson asked the Minister for Regional Development to detail the cost of taxis paid for by NI Railway in the last year (i) for each NI Railway station; and (ii) including the reason for the taxi hire. (AQW 506/10)

The Minister for Regional Development: The tables below detail the cost of taxis paid for by Northern Ireland Railways in the last financial year by railway station, for taxi hire (staff and passenger).

2008/2009 TAXIS COSTS BY LOCATION

| Location | Value £ |
|------------------|------------------|
| Ballymena | 718.44 |
| Bangor | 1348.14 |
| Belfast Stations | 53,607.11 |
| Carrickfergus | 821.90 |
| Coleraine | 4,142.86 |
| Larne | 15.00 |
| Lisburn | 568.00 |
| Londonderry | 1,533.00 |
| Lurgan | 191.50 |
| Newry | 415.50 |
| NIR HQ | 4,891.66 |
| Portadown | 6,640.00 |
| Total: | 74,893.11 |

Taxi costs, relate to fares for security alerts, line closures, train failures, train cancellations and accidents and passenger transfers. This includes providing disabled passenger assistance. Employee taxi hire costs are also included as taxis are sometimes required to move crews between depots (inter depot working). Inter-Depot working allows for major depots to cover smaller country depots without the requirement for localised overtime.

Employee taxi hire arises on some occasions when train crews are required to be transferred from one location to another. Some staff may not drive or have access to a car. Likewise, there may not be appropriate public transport links to where they need to go at the time of day they require to travel, i.e. early starts/late finishes. Some depots/sign-on points are not located on main arterial bus routes, such as Larne Harbour.

Translink: Seating Capacity

Mr G Robinson asked the Minister for Regional Development if Translink will increase seating capacity on the 16.08, 16.55 and 17.23 services on the Belfast Central to Londonderry line to prevent passengers having to stand for extended periods of time. (AQW 507/10)

The Minister for Regional Development: Translink normally operates 3-car trains on these services and the only way to increase individual train capacity is to increase 3-car to 6-car by joining 2 trains together. However, all suitable 3-car trains are already in service across the network.

A revised rail timetable took effect from 27 September which increased commuter capacity by 25% by rescheduling 5 trains to depart Belfast Central at 16:10, 16:40, 17:10, 17:40 and 18:10 hours in place of the present 4 trains which currently depart at 16:10, 16:57, 17:25 and 18:05 hours.

The additional peak time service has been achieved by compressing an off peak service into the peak commuter period i.e. the present 15:30 ex Belfast moves to 16:10 ex Belfast. There is no overall change in the number of services over the course of the week day.

Translink expect to be in a position to operate additional trains and/or larger trains from 2012 after delivery of the next batch of new trains during 2011/2012.

Legislation: DRD

Mr Savage asked the Minister for Regional Development to outline any legislation his Department intends to bring before the Assembly before 31 December 2009. (AQW 516/10)

The Minister for Regional Development: The legislation which my Department intends to bring before the Assembly before 31 December 2009 is as follows:

1. Water and Sewerage Services (Amendment) Bill (introduced 21 September 2009)
2. Draft Lissue Level Crossing Order (Negative Resolution)
3. Train Driver Licensing and Certification draft Regulations (Negative Resolution)
4. Draft River Bann Navigation Order (Affirmative Resolution)

All legislation is subject to consultation with the Regional Development Committee and agreement by the Executive, where appropriate.

Water Rates: Bills

Mr Armstrong asked the Minister for Regional Development how many errors in customer bills for water rates have been recorded, as a result of incorrect information being passed to NI Water by the Land and Property Services in 2009. (AQW 528/10)

The Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that, from April 2009, over 16,500 unmeasured bills have been issued to customers based on a Net Annual Value provided by Land and Property Services.

NIW does not keep records that identify amended water bills resulting from incorrect data supplied by Land and Property Services, and is therefore unable to provide the details sought.

Road and Footpath Schemes: Strand Area, Holywood

Mr Easton asked the Minister for Regional Development what road and footpath schemes are planned for the Strand area of Holywood over the next five years. (AQW 543/10)

The Minister for Regional Development: My Department's Roads Service has advised that at present, it has no schemes planned for the Strand area of Holywood, over the next five years.

However, the works programme is constantly kept under review and if schemes are identified, they are implemented on a scheme priority basis.

I would remind the Member that information on completed and proposed roads schemes can be found in Roads Service's Spring and Autumn Reports to Councils. These reports can be accessed from the Roads Service internet site at the following web address:

www.roadsni.gov.uk/index/publications/publications-council_reports.htm

Roads Service is currently compiling their Autumn Reports to Councils.

Road and Footpath Schemes: Redburn Area, Holywood

Mr Easton asked the Minister for Regional Development what road and footpath schemes are planned for the Redburn area of Holywood over the next five years. (AQW 544/10)

The Minister for Regional Development: My Department's Roads Service has advised that at present, it has no schemes planned for the Redburn area of Holywood, over the next five years.

However, the works programme is constantly kept under review and if schemes are identified, they are implemented on a scheme priority basis.

I would remind the Member that information on completed and proposed roads schemes can be found in Roads Service's Spring and Autumn Reports to Councils. These reports can be accessed from the Roads Service internet site at the following web address:

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Roads Service is currently compiling their Autumn Reports to Councils.

Employment Levels

Mr McNarry asked the Minister for Regional Development what plans he has to change employment levels within his Department in the next 12 months; and how many of these changes are planned to be made through redundancies. (AQW 564/10)

The Minister for Regional Development: Within the next 12 months, employment levels in DRD will be reduced by 44 full time equivalent posts as a result of ongoing Northern Ireland Civil Service reform initiatives. The Department aims to achieve these efficiencies without the use of redundancies and will seek to redeploy any surplus staff in accordance with the agreed procedures.

In addition to these specific plans, my Department has to deliver cash releasing efficiencies of £3.1m in 2009/10 and £5.4m in 2010/11. In realising these efficiencies consideration will be given to staffing levels across my Department. Again it is expected that any further reduction in staffing levels will be achieved without the use of redundancies.

Roads Service/NI Water: South Antrim

Mr Burns asked the Minister for Regional Development what work is planned to be carried out by Roads Service and NI Water, in the South Antrim constituency, in September 2009. (AQW 569/10)

The Minister for Regional Development: My Department's Roads Service has advised that the following work will be undertaken in the South Antrim Constituency during September 2009:

- **Motorway Maintenance:** grass cutting, weed control treatments, sweeping, emergency telephone and communications cabinet cleaning, and safety fence replacement on the M2 and M22.
- **Street Lighting Replacement:** Templepatrick Road / Mill Road, Ballyclare; and Manse Walk, Rise, Court, New Mossley.
- **Carriageway Resurfacing:** Dublin Road, Antrim, Church Road, Randalstown, Kilbegs Road, Antrim, and Admiralty Estate, Antrim.
- **Traffic calming:** Rathenraw Estate Antrim; and Toome village.
- **Footway provision:** Barnish Road, Randalstown.

The works programme is constantly kept under review and implemented on a scheme priority basis; all of the above work is therefore subject to the availability of financial resource.

I would remind the Member that information on completed and proposed roads schemes can be found in Roads Service's Spring and Autumn Reports to Councils. These reports can be accessed from the Roads Service internet site at the following web address:

www.roadsni.gov.uk/index/publications/publications-council_reports.htm

Roads Service is currently compiling their Autumn Reports to Councils.

NI Water has advised it plans to carry out the following capital works in the South Antrim Constituency during September 2009:

- Bellahill, Ballycarry: Replacement of watermain.
- A2, Shore Road: Upgrading of existing watermain, sewers and pumping main.
- Whiteabbey Lower: Replacement of watermain.
- Moyra Road, Brookfield, Doagh: Foul sewer extension.
- Victoria Road, Ballyclare: Maintenance and replacement of small sewers.

- Joymount Drainage Area Plan: Replacement of existing shaftesbury pumping station with combined storage pump. New and upgraded storm pipework and desilting work.
 - Newtownabbey, Manse Road, Camross Park: Combined Sewer Overflow cleaning and repairs to storm system.
 - Various Locations: Upgrading of small Wastewater Treatment Works.
- This work is in addition to the day-to-day maintenance and repair required to the water and sewerage network.

Road and Footpath Schemes: Craignantlet Hills

Mr Easton asked the Minister for Regional Development what road and footpath schemes are planned for the Craignantlet Hills area of North Down over the next five years. (AQW 595/10)

The Minister for Regional Development: I can confirm that my Department's Roads Service has prioritised the resurfacing of the carriageway at Dunlady Road, Holywood, which is programmed to be carried out within the next three years.

The resurfacing programme is kept under review and implemented on a scheme priority basis, subject to the availability of financial resource.

I would remind the Member that information on completed and proposed roads schemes can be found in Roads Service's Spring and Autumn Reports to Councils. These reports can be accessed from the Roads Service internet site at the following web address:

www.roadsni.gov.uk/index/publications/publications-council_reports.htm

Roads Service is currently compiling their Autumn Reports to Councils.

Road and Footpath Schemes: Breezemount Estate

Mr Easton asked the Minister for Regional Development what road and footpath schemes are planned for the Breezemount estate area of Bangor over the next five years. (AQW 597/10)

The Minister for Regional Development: I can confirm that my Department's Roads Service has no schemes planned for the Breezemount Estate area of North Down over the next five years.

Whilst there are no plans to carry out any footway or carriageway reconstruction or resurfacing schemes in this area, the works programme is kept under review and implemented on a scheme priority basis, subject to the availability of financial resource.

I would remind the Member that information on completed and proposed roads schemes can be found in Roads Service's Spring and Autumn Reports to Councils. These reports can be accessed from the Roads Service internet site at the following web address:

www.roadsni.gov.uk/index/publications/publications-council_reports.htm

Roads Service is currently compiling their Autumn Reports to Councils.

Road and Footpath Schemes: Loughview Area, Holywood

Mr Easton asked the Minister for Regional Development what road and footpath schemes are planned for the Loughview area of Holywood over the next five years. (AQW 598/10)

The Minister for Regional Development: I can confirm that my Department's Roads Service has no schemes planned for the Loughview area of Holywood over the next five years.

Whilst there are no plans to carry out any footway or carriageway reconstruction or resurfacing schemes in this area, the works programme is kept under review and implemented on a scheme priority basis, subject to the availability of financial resource.

I would remind the Member that information on completed and proposed roads schemes can be found in Roads Service's Spring and Autumn Reports to Councils. These reports can be accessed from the Roads Service internet site at the following web address:

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Roads Service is currently compiling their Autumn Reports to Councils.

Level Crossing Road/Rail Junctions

Mr Gardiner asked the Minister for Regional Development to detail each level crossing road / rail junction in each constituency and the number of times per day each is closed. (AQW 625/10)

The Minister for Regional Development: Please see attached table provided by Translink.

| Border to Belfast | | | | | | |
|-------------------|---------------|----------------|-------|----------|--------|--------------|
| Milepost | Location | Constituency | Daily | Saturday | Sunday | Weekly total |
| 63.00 | Meigh | Newry & Armagh | 12 | 12 | 8 | 80 |
| 77.00 | Poyntzpass | Newry & Armagh | 18 | 18 | 10 | 118 |
| 92.50 | Lurgan | Upper Bann | 90 | 78 | 36 | 564 |
| 93.00 | Lake Street | Upper Bann | 90 | 78 | 36 | 564 |
| 93.25 | Bell's Row | Upper Bann | 90 | 78 | 36 | 564 |
| 97.25 | Drumbane | Lagan Valley | 90 | 78 | 36 | 564 |
| 98.00 | Moirá | Lagan Valley | 90 | 78 | 36 | 564 |
| 98.75 | Trummery | Lagan Valley | 90 | 78 | 36 | 564 |
| 100.00 | Damhead South | Lagan Valley | 90 | 78 | 36 | 564 |
| 102.50 | Maze | Lagan Valley | 90 | 78 | 36 | 564 |
| 102.75 | Lissue | Lagan Valley | 90 | 78 | 36 | 564 |
| 108.50 | Dunmurry | Lagan Valley | 118 | 78 | 36 | 704 |

| Belfast Central to Larne Harbour | | | | | | |
|----------------------------------|--------------|--------------|-------|----------|--------|--------------|
| Milepost | Location | Constituency | Daily | Saturday | Sunday | Weekly total |
| 5.25 | Jordanstown | East Antrim | 74 | 60 | 20 | 450 |
| 8.00 | Trooperslane | East Antrim | 74 | 60 | 20 | 450 |

| Bleach Green Junction to Coleraine | | | | | | |
|------------------------------------|-------------------|--------------|-------|----------|--------|--------------|
| Milepost | Location | Constituency | Daily | Saturday | Sunday | Weekly total |
| 11.25 | Kingsmoss East | South Antrim | 28 | 18 | 10 | 168 |
| 11.50 | Kingsmoss West | South Antrim | 28 | 18 | 10 | 168 |
| 11.75 | Kingsbog Crossing | South Antrim | 28 | 18 | 10 | 168 |
| 15.25 | Ballymartin | South Antrim | 28 | 18 | 10 | 168 |
| 17.25 | Kilmakee | South Antrim | 28 | 18 | 10 | 168 |
| 21.75 | Antrim | South Antrim | 28 | 18 | 10 | 168 |
| 22.50 | Springfarm | South Antrim | 28 | 18 | 10 | 168 |
| 23.00 | Niblock | South Antrim | 28 | 18 | 10 | 168 |
| 23.75 | Carngranny | South Antrim | 28 | 18 | 10 | 168 |
| 25.00 | Drumsough | South Antrim | 28 | 18 | 10 | 168 |
| 26.75 | Aughalish | South Antrim | 28 | 18 | 10 | 168 |

| Bleach Green Junction to Coleraine | | | | | | |
|------------------------------------|---------------------|------------------|-------|----------|--------|--------------|
| Milepost | Location | Constituency | Daily | Saturday | Sunday | Weekly total |
| 27.75 | Magherabeg | South Antrim | 28 | 18 | 10 | 168 |
| 28.75 | Kellswater South | North Antrim | 28 | 18 | 10 | 168 |
| 29.25 | Kellswater North | North Antrim | 28 | 18 | 10 | 168 |
| 31.25 | Slaght | North Antrim | 28 | 18 | 10 | 168 |
| 35.00 | Galgorm | North Antrim | 22 | 18 | 10 | 138 |
| 36.00 | Cullybackey South | North Antrim | 22 | 18 | 10 | 138 |
| 36.25 | Cullybackey North | North Antrim | 22 | 18 | 10 | 138 |
| 36.50 | Cullybackey Station | North Antrim | 22 | 18 | 10 | 138 |
| 37.50 | Broughdone | North Antrim | 22 | 18 | 10 | 138 |
| 41.25 | Glarryford | North Antrim | 22 | 18 | 10 | 138 |
| 43.50 | Killagan | North Antrim | 22 | 18 | 10 | 138 |
| 46.25 | Dunloy | North Antrim | 22 | 18 | 10 | 138 |
| 47.00 | Galdanagh | North Antrim | 22 | 18 | 10 | 138 |
| 50.50 | Ballyboyland | North Antrim | 22 | 18 | 10 | 138 |
| 54.50 | Coldagh | North Antrim | 22 | 18 | 10 | 138 |
| 55.50 | Balnamore | North Antrim | 22 | 18 | 10 | 138 |
| 57.00 | Macfin | North Antrim | 22 | 18 | 10 | 138 |
| 58.75 | Damhead North | East Londonderry | 22 | 18 | 10 | 138 |
| 61.75 | Coleraine | East Londonderry | 58 | 48 | 34 | 372 |

| Coleraine to Portrush | | | | | | |
|-----------------------|----------------|------------------|-------|----------|--------|--------------|
| Milepost | Location | Constituency | Daily | Saturday | Sunday | Weekly total |
| 62.00 | Artillery Road | East Londonderry | 40 | 32 | 24 | 256 |
| 67.25 | Dhu Varren | East Londonderry | 40 | 32 | 24 | 256 |

| Coleraine to Londonderry | | | | | | |
|--------------------------|--------------|------------------|-------|----------|--------|--------------|
| Milepost | Location | Constituency | Daily | Saturday | Sunday | Weekly total |
| 66.50 | Barmouth | East Londonderry | 18 | 16 | 10 | 116 |
| 67.50 | Castlerock | East Londonderry | 18 | 16 | 10 | 116 |
| 69.00 | Downhill | East Londonderry | 18 | 16 | 10 | 116 |
| 70.25 | Umbra | East Londonderry | 18 | 16 | 10 | 116 |
| 72.00 | Magilligan | East Londonderry | 18 | 16 | 10 | 116 |
| 73.00 | Clooney | East Londonderry | 18 | 16 | 10 | 116 |
| 73.50 | Duncrun East | East Londonderry | 18 | 16 | 10 | 116 |
| 73.75 | Duncrun West | East Londonderry | 18 | 16 | 10 | 116 |
| 75.00 | Bellarena | East Londonderry | 18 | 16 | 10 | 116 |
| 76.00 | Carrowreagh | East Londonderry | 18 | 16 | 10 | 116 |

| Coleraine to Londonderry | | | | | | |
|--------------------------|------------|------------------|-------|----------|--------|--------------|
| Milepost | Location | Constituency | Daily | Saturday | Sunday | Weekly total |
| 79.00 | Myroe | East Londonderry | 18 | 16 | 10 | 116 |
| 81.75 | Ballykelly | East Londonderry | 18 | 16 | 10 | 116 |
| 87.75 | Eglinton | Foyle | 18 | 16 | 10 | 116 |
| 89.00 | Lock | Foyle | 18 | 16 | 10 | 116 |
| 90.00 | DuPont | Foyle | 18 | 16 | 10 | 116 |

Road Damage Repairs

Mr Gardiner asked the Minister for Regional Development how many pothole and road damage repairs have been carried out by his Department since 2007; and the cost of these repairs, for each constituency. (AQW 627/10)

The Minister for Regional Development: My Department's Roads Service does not maintain a central register of the information that you have requested on a constituency basis. However, I am able to provide you with the total number of defects repaired, which includes potholes, at Roads Service Divisional level, and the total expenditure incurred on repairing all defects in the last two financial years.

TABLE 1

| Roads Service | 2007 – 2008 | | 2008 – 2009 | |
|-------------------|---|-----------------------------|---|-----------------------------|
| | Number of defects repaired ¹ | Expenditure ² £k | Number of defects repaired ¹ | Expenditure ² £k |
| Northern Division | 46332 | 4731 | 44848 | 4756 |
| Southern Division | 50623 | 5021 | 62146 | 5466 |
| Eastern Division | 60281 | 5650 | 62636 | 6166 |
| Western Division | 48295 | 5309 | 58180 | 6013 |

1. Total number of recorded defect repairs (including potholes) in relation to carriageway and footway surfaces.
2. Recorded patching expenditure in relation to carriageway and footway surfaces.

Footpath from Ballymena to Cullybackey

Mr McKay asked the Minister for Regional Development for an update on the completion of the footpath from Ballymena to Cullybackey; and whether it will be completed by 2010. (AQW 654/10)

The Minister for Regional Development: Further to my response to the Member's Assembly Question, AQW 5411/09, Roads Service has advised that detailed design of the remaining 0.8 kilometres of footway, required to connect to the existing footway network in Cullybackey, is still ongoing.

The provision of the remaining footway link, which may have to be carried out in two stages, is currently included in the draft works programme for the 2010/11 financial year. However, delivery of this link will be subject to the successful acquisition of land and the availability of funding at that time.

Half Fare SmartPass Scheme

Mr G Robinson asked the Minister for Regional Development when the return fares scheme for Half Fare SmartPass holders on NI Railways will commence. (AQW 688/10)

The Minister for Regional Development: Half Fare SmartPass holders have been able to purchase two single tickets on NI Railways services since 30 March 2009.

Half Fare SmartPass Scheme

Mr G Robinson asked the Minister for Regional Development if he will undertake an Equality Impact Assessment on the expanded Half Fare SmartPass Scheme, given that it now includes the purchase of return fares. (AQW 689/10)

The Minister for Regional Development: I can confirm that the Department's policy of permitting the purchase of two single tickets on train journeys by Half Fare SmartPass holders has undergone an equality screening analysis. This screening concluded that there was no negative impact on any of the section 75 groups and that a full Equality Impact Assessment is not required.

Travel Times: Ballymena to Derry

Mr Dallat asked the Minister for Regional Development to detail the number of trains each day and the average travel times (i) from Ballymena to Derry; and (ii) from Derry to Ballymena. (AQW 733/10)

The Minister for Regional Development: The NIR timetable indicates the following number of trains between Ballymena and Derry with associated average travel times.

| | Number of trains from Ballymena to Derry | Average Travel Times | Number of trains from Derry to Ballymena | Average Travel Times |
|-----------|---|----------------------|---|----------------------|
| Week days | 9 | 1 hr 28 min | 9 | 1 hr 26 min |
| Saturday | 7* | 1 hr 23 min | 8 | 1 hr 23 min |
| Sunday | 5 | 1 hr 22 min | 5 | 1 hr 20 min |

* includes direct through trains only

Rail Travel Time: Derry to Belfast

Mr Dallat asked the Minister for Regional Development what steps he is taking to reduce the travel time for rail passengers between Derry and Belfast (i) in the short term; and (b) in the longer term. (AQW 734/10)

The Minister for Regional Development: The track renewal/track life extension project between Ballymena and Coleraine, which is nearing completion, has permitted a return to full line speed of 70mph over that section of track. New timetables introduced in September 2009 have seen the majority of services in both directions operating with reduced running times of between 3 and 15 minutes. Some journeys now operate from Derry to Belfast Central in two hours.

In the medium-term future the Department has earmarked £75m to fund a project to completely re-lay and re-signal the track between Coleraine and Derry including the construction of a new passing loop. This work is scheduled to commence in 2011 and complete in 2013/14. Completion will coincide with the arrival of a second fleet of new trains which will enable 2 additional trains to be brought into service on the Derry line. Both measures will permit more regular train services, reduce existing journey times between Coleraine and Derry and most importantly will allow trains to operate into Derry before 08:00 and 09:00am.

In the longer term, there are proposals to further improve frequency, however further infrastructure development is required, i.e. additional passing loops to support hourly frequency services between Belfast and Derry.

Belfast to Derry Train

Mr Dallat asked the Minister for Regional Development, in relation to the Belfast to Derry train, to detail (i) the journey time for the first week-day train; (ii) the average speed in miles per hour; and (iii) how the current timetable compares to the previous one. (AQW 735/10)

The Minister for Regional Development: The following table presents, for the first week day train from Belfast to Derry, the current and previous timetables, journey times and average speeds.

| | Current Timetable | Journey Time Between Each Journey Stage | Average Speed Between Each Journey Stage | Previous Timetable | Journey Time Between Each Journey Stage | Average Speed Between Each Journey Stage |
|--------------------|----------------------|---|--|-----------------------|---|--|
| Belfast Central | 6.20 | - | | 6.55 | - | |
| Ballymena | 7.06 | 46 min | 42.4 mph | 7.31 | 36 min | 54.2 mph |
| Coleraine (arrive) | 8.00 | 54 min | 31.4 mph | 8.19 | 48 min | 35.3 mph |
| Coleraine (depart) | 8.15 | - | - | 8.20 | - | - |
| Derry | 9.00 | 45 min | 44.7 mph | 9.10 | 50 min | 40.2 mph |

Parking in Older Housing Estates

Mr Irwin asked the Minister for Regional Development if he has plans to improve parking in older housing estates where green space exists additional to that required for amenity space, which could be utilised to provide extra parking, in turn alleviating the congestion of access routes and improving safety for pedestrians. (AQW 797/10)

The Minister for Regional Development: My Department's Roads Service is currently reviewing the policy for providing parking in housing estates.

Roads Service has previously contributed towards the cost of improved parking provision within some housing estates. However, such contributions have been restricted to routes where traffic was experiencing significant progression problems, or where road safety was compromised. In all other cases, the provision of additional parking facilities is the responsibility of the landowner.

Roads Service expenditure decisions are directed by the Sub-Regional Transport Plan (SRTP), the Belfast Metropolitan Transport Plan (BMTP) and current policy. Neither the SRTP nor the BMTP address the provision of car parking in housing estates. Therefore, until the current review of the policy has been completed and agreed, Roads Service will not be making any decisions in relation to funding to improve parking in older housing estates.

Rail Travel: Commuters

Mr Dallat asked the Minister for Regional Development if he has plans to reopen or construct new halts to accommodate the increasing numbers of commuters opting for rail travel. (AQW 798/10)

The Minister for Regional Development: Whilst I have aspirations to provide further halts, this is not likely in the near future unless additional funding or developers' contributions can be secured. There are no definitive plans to reopen or construct new halts within Translink's current Corporate Plan. However, as part of the introduction of 20 New Trains between 2011 and 2013 and in order to increase passenger capacity, NIR are planning to lengthen 50 platforms to allow 6 car train sets to stop at selected stations and halts. The expected completion date is Summer 2012.

I have asked Translink, in liaison with my department, to develop 10 year and 25 year capital plans which can be considered as part of future Investment Strategies through the Executive subject to budget availability.

Fofanny Water Treatment Works

Mr W Clarke asked the Minister for Regional Development how many discharges there has been from the Fofanny Water Treatment Works in the last three years. (AQW 827/10)

The Minister for Regional Development: I have been advised by Northern Ireland Water that the only discharges from Fofanny Water Treatment Works during the past three years were intermittent discharges on 19 and 20 September 2009, which related to operational issues within the Works.

Belfast to Londonderry Railway Line

Mr Ford asked the Minister for Regional Development why the first train each morning on the Belfast-Londonderry railway line now takes 2 hours 40 minutes to reach Derry, rather than 2 hours 15 minutes on the previous timetable which was changed at his request. (AQW 828/10)

The Minister for Regional Development: To make the most of the benefits of the investment in the track between Coleraine and Ballymena, Translink proposed timetable changes to reduce passenger journey time where feasible. As you indicate my intervention should result in the first train now arriving in Derry at 9.00 am. This is 10 minutes earlier than the old timetable and 30 minutes earlier than in the revised timetabled initially proposed by NIR. However the main benefit of the timetable change should be to reduce journey times on the journey between Derry and Belfast.

To ensure the first train arrives in Derry at 9.00am the first week day train to Derry from Belfast currently departs at 6.20 am rather than the previous 6.55 am. As you indicate the overall journey time has increased from 2 hours 15 minutes to 2 hours 40 minutes for this individual train. Clearly this is not an ideal solution.

Based on information provided by Translink this appears to be unavoidable in the short term and is caused by train stops which are necessary to allow trains travelling in the opposite direction to pass.

Current infrastructure, with lengthy sections of single track and limited opportunities for passing, mean that some difficult choices are required. As you are aware in the longer term capital investment is planned to address this issue.

In respect of the current Belfast to Derry 6.20am train, I understand that Translink will continue to review timetables on the Derry line in the context of the whole network and will seek to deliver further improvements in running times, where feasible, in the near future.

Portaferry to Strangford Ferry Service

Mr Shannon asked the Minister for Regional Development to outline the outcome of the question and answer survey carried out in relation to the Portaferry-Strangford ferry service. (AQW 832/10)

The Minister for Regional Development: The Northern Ireland Statistics and Research Agency (NISRA) carried out a customer satisfaction survey on the Strangford Lough Ferry Service, on behalf of my Department's Roads Service, during the week 14–20 September 2009.

NISRA is currently analysing the survey sheets at present. However, I have asked John Humphreys, Acting Head of Roads Service Consultancy, to provide you with the main findings of the survey, once the outcomes have been considered by Roads Service.

NI Railways: Londonderry Line

Mr G Robinson asked the Minister for Regional Development if he will undertake an immediate and second intervention with NI Railway, to protect the passengers on the Londonderry line from timetable changes which impact adversely on their travelling times. (AQW 865/10)

The Minister for Regional Development: You raised the issue of the time of the first train arriving in Derry in AQW 196/10.

I replied that my intervention resulted in the first train now arriving in Derry at 9.00 am. This is 10 minutes earlier than the old timetable and 30 minutes earlier than in the revised timetabled initially proposed by NIR.

The new timetable also allows for a reduced journey time for passengers travelling from Derry and Coleraine to Belfast (of between 10 and 15 minutes).

Any further changes to the timetable are problematic in the short term and could bring us back to the original revised NIR timetable and back to the problems with the time of arrival of the first train to Derry. Translink have argued that, because of operational and infrastructure constraints, not every journey can gain immediately from the reduced times. This is despite recent track investment between Coleraine and Ballymena.

Specifically to ensure the first train arrives in Derry at 9.00am the first week day train to Derry from Belfast currently departs at 6.20 am rather than the previous 6.55 am. The overall journey time has increased from 2 hours 15 minutes to 2 hours 40 minutes for this individual train. Clearly this is not an ideal solution.

Based on information provided by Translink this appears to be unavoidable in the short term and is caused by train stops which are necessary to allow trains travelling in the opposite direction to pass.

My understanding is that for the vast majority of travellers on the Derry line travel times have reduced as a result of the recent investment in track between Coleraine and Ballymena, but continued infrastructure issues with lengthy sections of single track and limited opportunities for passing, mean that some difficult choices are required. As you are aware in the longer term capital investment is planned to address this issue.

For these reasons I do not believe that there is any value in an immediate and second intervention, but in respect of the current Belfast to Derry 6.20am train I understand that Translink will continue to review timetables on the Derry line in the context of the whole network and will seek to deliver further improvements in running times where feasible.

NI Railways: Londonderry Line

Mr G Robinson asked the Minister for Regional Development for his assessment of the increase of 25 minutes travelling time in the first morning NI Railway service from Belfast to Londonderry, considering the investment into the rail network. (AQW 866/10)

The Minister for Regional Development: To make the most of the benefits of the investment in the track between Coleraine and Ballymena Translink proposed timetable changes.

My intervention resulted in the first train now arriving in Derry at 9.00am. This is 10 minutes earlier than the old timetable and 30 minutes earlier than in the revised timetabled initially proposed by NIR.

Specifically to ensure the first train arrives in Derry at 9.00am the first week day train to Derry from Belfast currently departs at 6.20am rather than the previous 6.55am. As you indicate the overall journey time has increased by 25 minutes from 2 hours 15 minutes to 2 hours 40 minutes for this individual train. Clearly this is not an ideal solution but needs to be considered in the context of all journeys undertaken on the line.

My understanding is that for the vast majority of travellers on the Derry line travel times have reduced as a result of the recent investment in track between Coleraine and Ballymena.

In respect of the current Belfast to Derry 6.20am train, I understand that Translink will continue to review timetables on the Derry line in the context of the whole network and will seek to deliver further improvements in running times, where feasible, in the near future.

Water Pipes in Main Street, Greyabbey

Mr Shannon asked the Minister for Regional Development when NI Water will install the water pipes in Main Street, Greyabbey; and if his Department will then carry out urgent total resurfacing work rather than patchwork repairs. (AQW 889/10)

The Minister for Regional Development: I have been advised by Northern Ireland Water that it has no plans to lay water pipes in Main Street, Greyabbey, but is proposing to commence construction work in Autumn 2010 to lay new sewers. The arrangements for road reinstatement will be agreed with Roads Service nearer the commencement of the scheme.

DEPARTMENT FOR SOCIAL DEVELOPMENT

Egan Internal Audit Report

Mr B Wilson asked the Minister for Social Development, given that the Egan Internal Audit Report of October 2007 stated that only 37 percent of call outs were due to misunderstanding or misuse, to outline why call outs for maintenance under the Egan contract have doubled. (AQW 257/10)

The Minister for Social Development (Ms Ritchie): Since 2001/02, the first year of response maintenance under the major Egan heating contracts, some 25,300 heating systems have been replaced with more energy efficient gas and oil heating systems within Housing Executive dwellings systems as part of their programme of Improvement schemes. The greater complexity of these systems necessitates more regular servicing and this is reflected in the increase of repair jobs from some 26,300 to 51,000 during the period referred to in the report.

Housing Executive: Egan Contract

Mr B Wilson asked the Minister for Social Development why the cost of maintenance response increased from £1.46 million in 2002/03 to £3.5 million in 2005/06 in the Housing Executive Egan contract for maintenance. (AQW 258/10)

The Minister for Social Development: The expenditure in 2002/03 was £1.46m for some 26,300 jobs at a unit cost of £55.54. This had risen in 2005/06 to £3.43m for some 51,000 jobs at a unit cost of £67.15. The contracts have increased in value by some 21% to reflect the increase in cost of materials and labour.

The costs of heating maintenance have increased every year as the Housing Executive has installed more energy efficient gas and oil heating systems as part of their programme of Improvement schemes. However due to their complexity these schemes are more expensive to maintain than their solid fuel room heaters predecessors.

IT Systems: DSD

Mr Hamilton asked the Minister for Social Development to detail (i) all new IT systems that were installed in her Department; (ii) the initial budget; (iii) the actual cost; (iv) the estimated start date; and (v) the actual start date, in the last five years. (AQW 260/10)

The Minister for Social Development: The information requested is set out in the tables below, along with a brief description of the purpose of each system. In addition to the systems listed, a number of projects were run from within the Department of Finance and Personnel during this period to implement systems in all NICS Departments, namely: for accounting (Account NI); personnel (HR Connect); records management (Records NI); and wide-area networking (Network NI).

TABLE 1: IT SYSTEMS INSTALLED IN THE SOCIAL SECURITY AGENCY WITHIN THE LAST 5 YEARS AS PART OF THE MODERNISATION

PROGRAMME.

| Name of IT System | Purpose of IT System | Initial budget | Actual Cost | Estimated start date | Actual start date |
|--------------------------|---|----------------|-------------|----------------------|-------------------|
| Local Payment Services | Production of cheque payments which would have been issued clerically and allow direct payments to be made into a bank, building society or post office card account. | £0.843m | £0.395m | July 05 | Nov 05 |
| Customer Case Management | A system to provide detailed supporting guidance for Disability & Carers Service Decision Makers | £0.249m | £0.217m | Sept 06 | Sept 06 |

| Name of IT System | Purpose of IT System | Initial budget | Actual Cost | Estimated start date | Actual start date |
|--|--|----------------|-------------|----------------------|-------------------|
| Compensation Recovery Unit/ Digital Office Infrastructure | Administers refunds from insurance companies of benefit paid in specific circumstances | £0.729m | £0.466m | Jan 07 | Jan 07 |
| Customer Information System | Consolidates all customers' personal and benefit data in a single data repository | £1.508m | £0.423m | Mar 05 | Mar 05 |
| Debt Management System | Administers the recovery of benefit overpayments. | £5.298m | £2.270m | Oct 06 | Nov 06 |
| Employment and Support Allowance | Benefit administration and payment system for Employment Support Allowance | £12.320m | £5.477m | Oct 08 | Oct 08 |
| Pensions Customer Account Management | Customer account management and workflow for State Pensions and State Pensions Credit | £27.21m | £25.19m | May 08 | May 08 |
| Cheque Reconciliation | Cheque reconciliation system which compares cheque issues against encashments and identifies discrepancies | £0.519m | £0.537m | July 08 | Oct 08 |

TABLE 2: NON-MODERNISATION PROGRAMME IT SYSTEMS INSTALLED IN THE DEPARTMENT & SOCIAL SECURITY AGENCY WITHIN THE LAST 5 YEARS.

| Name of IT System | Description of IT System | Initial budget | Actual Cost | Estimated start date | Actual start date |
|---|---|----------------|-------------|----------------------|-------------------|
| Government Funding Database | Provides a system for coordinating and tracking the allocation of public sector funds to the voluntary and community sector | £0.275m | £0.274m | April 04 | Sept 04 |
| Case Management System | Computerised case management system in The Appeals Service | £0.310m | £0.522m | March 06 | Jan 08 |
| Learning Assessment Tool | Dynamic Examination Tool to establish the % knowledge gained from Training Events | £0.033m | £0.032m | Sept 08 | Sept 08 |
| Quality Checking Database | Release of Makerfield Accuracy Database to record checks on Income Support and Job Seekers Allowance. | £0.005m | £0.006m | Sept 08 | Sept 08 |
| Error Recording & Reporting System | The system records and reports on checks and errors carried out in local offices and central benefit branches | £0.022m | £0.024m | Apr 09 | Apr 09 |
| Doctors Database | The system records cases that have been referred to doctors for medical reasons | £0.018m | £0.033m | Apr 04 | Nov 04 |
| Web STAR | The purpose of the system is to control the movement of case papers within an office and throughout Districts. | £0.039m | £0.048m | May 05 | May 07 |
| IT Services Configuration Management Database | Designed to support the business by registering all Digital Office Infrastructure equipment in one location, so that it can be monitored, reported upon and located easily. | £0.010m | £0.010m | Feb 09 | Apr 09 |
| Medical Admin Information Database – Employment Support Allowance | A web-based database system to track the various medical forms associated with the Work Capability Assessment process of Employment and Support Allowance (ESA). | £0.026m | £0.028m | Oct 08 | Oct 08 |

| Name of IT System | Description of IT System | Initial budget | Actual Cost | Estimated start date | Actual start date |
|--|---|----------------|-------------|----------------------|-------------------|
| Computer Support Officer Activity Database | The system records the activity of Computer Support Officers and produces management information. | £0.010m | £0.008m | Sept 09 | Sept 09 |
| Incapacity Benefits Branch STAR | The purpose of the system is to control the movement of case papers within Incapacity Benefits Branch. | £0.005m | £0.005m | Sept 05 | Sept 05 |
| Decision Making and Appeals Case Recorder | Computer release on the Employment Support Allowance application to record decision making and appeals. | £0.002m | £0.002m | Sept 2009 | Sept 2009 |

NI Housing Executive Homes: Fermanagh and South Tyrone

Lord Morrow asked the Minister for Social Development how many NI Housing Executive homes in Fermanagh and South Tyrone are awaiting renovation or modernisation before being allocated to tenants.

(AQW 272/10)

The Minister for Social Development: There are currently 12 Housing Executive properties in the Fermanagh and South Tyrone Districts which are awaiting renovation or modernisation before being allocated to tenants.

Housing Executive Tenants

Lord Morrow asked the Minister for Social Development how many NI Housing Executive tenants were evicted from their homes for anti-social behaviour in each of the last three years.

(AQW 274/10)

The Minister for Social Development: The table below details the number of properties recovered by the Housing Executive by District Office administrative area on the grounds of anti social behaviour for the last three years.

| District Office | 2006/07 | 2007/08 | 2008/09 |
|------------------|---------|---------|---------|
| Belfast West | 2 | 1 | 3 |
| Belfast East | 0 | 1 | 0 |
| Belfast North | 3 | 1 | 1 |
| Belfast South | 1 | 0 | 0 |
| Belfast Shankill | 0 | 0 | 0 |
| Bangor | 0 | 1 | 2 |
| Newtownards | 1 | 1 | 0 |
| Castlereagh | 0 | 0 | 1 |
| Lisburn 1 | 3 | 3 | 7 |
| Lisburn 3 | 0 | 0 | 0 |
| Downpatrick | 0 | 0 | 4 |
| Banbridge | 0 | 0 | 0 |
| Newry | 1 | 0 | 3 |
| Armagh | 1 | 0 | 1 |
| Lurgan/Brownlow | 0 | 2 | 2 |
| Portadown | 1 | 1 | 0 |
| Dungannon | 2 | 3 | 0 |

| District Office | 2006/07 | 2007/08 | 2008/09 |
|-----------------|-----------|-----------|-----------|
| Fermanagh | 2 | 5 | 1 |
| Ballymena | 0 | 2 | 1 |
| Antrim | 0 | 0 | 0 |
| Newtownabbey 1 | 0 | 0 | 1 |
| Newtownabbey 2 | 0 | 0 | 2 |
| Carrickfergus | 0 | 0 | 1 |
| Larne | 0 | 0 | 1 |
| Ballycastle | 0 | 0 | 0 |
| Ballymoney | 0 | 0 | 0 |
| Coleraine | 0 | 2 | 0 |
| Waterloo | 0 | 0 | 0 |
| Waterside | 0 | 0 | 2 |
| Collon | 0 | 3 | 1 |
| Limavady | 0 | 0 | 2 |
| Magherafelt | 0 | 0 | 2 |
| Strabane | 0 | 0 | 0 |
| Omagh | 0 | 5 | 2 |
| Cookstown | 0 | 2 | 3 |
| Total | 17 | 33 | 43 |

Housing Executive Schemes: Victoria Area, Donaghadee

Mr Easton asked the Minister for Social Development what Housing Executive schemes are planned for the Victoria area of Donaghadee over the next five years. (AQW 338/10)

The Minister for Social Development: The Housing Executive is unable to confirm details of its programmes of activity beyond the current financial year and cannot therefore advise when individual schemes are likely to go on site in subsequent years.

The Housing Executive will review its programmes when budgets have been confirmed as the delivery of these programmes is dependent on the availability of finance in any given year.

Details of the Housing Executive's programmes of activity are included in their District Housing Plans which are reviewed annually and presented to local councils. The Ards District Housing Plan is available at www.nihe.gov.uk.

Housing Executive Schemes: Cypress Area, Donaghadee

Mr Easton asked the Minister for Social Development what Housing Executive schemes are planned for the Cypress area of Donaghadee over the next five years. (AQW 339/10)

The Minister for Social Development: The Housing Executive is unable to confirm details of its programmes of activity beyond the current financial year and cannot therefore advise when individual schemes are likely to go onsite in subsequent years.

The Housing Executive will review its programmes when budgets have been confirmed as the delivery of these programmes is dependent on the availability of finance in any given year.

Details of the Housing Executive's programmes of activity are included in their District Housing Plans which are reviewed annually and presented to local councils. The Ards District Housing Plan is available at www.nihe.gov.uk

Housing Executive Schemes: Cottown Area

Mr Easton asked the Minister for Social Development what Housing Executive schemes are planned for the Cottown area over the next five years. (AQW 340/10)

The Minister for Social Development: The Housing Executive is unable to confirm details of its programmes of activity beyond the current financial year and cannot therefore advise when individual schemes are likely to go onsite in subsequent years.

The Housing Executive will review its programmes when budgets have been confirmed as the delivery of these programmes is dependent on the availability of finance in any given year.

Details of the Housing Executive's programmes of activity are included in their District Housing Plans which are reviewed annually and presented to local councils. The Ards District Housing Plan is available at www.nihe.gov.uk

Repair and Maintenance of Houses: Village Area

Mr B Wilson asked the Minister for Social Development how much money has been spent by the NI Housing Executive on repair and maintenance of houses in the Village redevelopment area in the past 10 years. (AQW 384/10)

The Minister for Social Development: The total figure for Housing Executive spend on repair and maintenance on houses in the Village redevelopment area in the past 10 years is £1,332,129.

This can be broken down as follows:

| Planned Maintenance-Housing Executive homes | Response Maintenance-Housing Executive homes | Home Improvement grants- Private Homes |
|---|--|--|
| £331,000 | £483,516 | £517,613 |

House Sale in the Newtownards Area: Cost to Process

Mr Shannon asked the Minister for Social Development, pursuant to AQW 8905/09, how much it cost to process the sale of the one house sold in the Newtownards area in 2008/09; and how this compared to other council areas. (AQW 398/10)

The Minister for Social Development: The information is not available in the format requested because the Housing Executive cannot disaggregate the costs for each house sale application received. However, the Housing Executive estimates that for the financial year 2008/09, for each house sale application received it incurred an average processing cost of £174. This figure refers to the total costs incurred through the processing of 919 house sales applications received by the Housing Executive in 2008/09 financial year across Northern Ireland only 54 of which proceeded to completion stage.

Home Improvement Schemes: Groomsport

Mr Easton asked the Minister for Social Development what Housing Executive home improvement schemes are earmarked for the Groomsport area over the next five years. (AQW 418/10)

The Minister for Social Development: The Housing Executive is unable to confirm details of its programmes of activity beyond the current financial year and cannot therefore advise when individual schemes are likely to go onsite in subsequent years.

The Housing Executive will review its programmes when budgets have been confirmed as the delivery of these programmes is dependent on the availability of finance in any given year.

Details of the Housing Executive's programmes of activity are included in their District Housing Plans which are reviewed annually and presented to local councils. The North Down District Housing Plan is available at www.nihe.gov.uk.

Home Improvement Grants: Fermanagh and South Tyrone

Lord Morrow asked the Minister for Social Development how many home improvement grants in Fermanagh and South Tyrone are currently suspended. (AQW 428/10)

The Minister for Social Development: Since 1 April 2009, 1030 applications in Fermanagh, and 390 applications in Dungannon have been cancelled or refused because of the budget restrictions.

Community and Voluntary Groups

Mr Ross asked the Minister for Social Development to detail all funding given to community and voluntary groups by her Department in the East Antrim constituency in each of the last three years. (AQW 439/10)

The Minister for Social Development: The Department for Social Development has provided funding to voluntary and community groups within East Antrim through a range of funding programmes in each of the last three years as listed below.

| | 2006/2007 | 2007/2008 | 2008/2009 |
|-----------------------------|--------------------|--------------------|--------------------|
| Areas at Risk | 1,839.78 | 121,459.71 | 119,514.96 |
| Community Investment Fund | | 115,479.27 | 122,359.42 |
| Community Support Programme | 231,191.00 | 333,780.00 | 340,081.00 |
| Local Community Fund | 74,972.47 | 88,505.69 | 65,611.26 |
| Modernisation Fund | 6,048.00 | 72,876.00 | |
| Volunteer Bureau Initiative | 155,126.00 | 149,828.00 | 154,119.00 |
| Neighbourhood Renewal | 114,192.00 | 92,445.00 | 56,497.00 |
| Totals | £583,369.25 | £974,373.67 | £858,182.64 |

North Antrim Constituency: DSD Projects

Mr McKay asked the Minister for Social Development to detail (i) what projects her Department has funded; and (ii) the amount of money provided by her Department, in the North Antrim constituency, since May 2007. (AQW 463/10)

The Minister for Social Development: I have listed below all projects within the North Antrim Constituency under the Areas At Risk and Neighbourhood Renewal programmes that have been funded since May 2007. With regard to Town Centre Regeneration we do not hold this information in a way that would allow us to answer your question but we have included a list of projects that were approved since May 2007 but some of the funding may not all have been spent in some cases:

| Project Name | Amount |
|---|-------------|
| Areas at Risk - Dunclug & Doury Road | |
| Dunvale Environmental Improvement Scheme | £333,804.87 |
| Residents' Association W5 Day Trip | £382.48 |

| Project Name | Amount |
|--|-------------|
| PAKT Corrymeela Residential | £6,029.76 |
| Northend United Football Club 2007/08 Football Season | £2,396.47 |
| Dunclug Partnership Media Skills | £21,000.00 |
| Dunclug Partnership Analysis of Minority Ethnic Communities Report | £12,617.19 |
| Dunclug Partnership Shared Future Concert II | £2,166.88 |
| Northend United FC Easter Tournament to Preston | £5,000.00 |
| Dunclug College/St Patrick's Booster Clinic | £11,373.54 |
| Dunclug Drugs Awareness Events | £1,407.25 |
| PAKT/Youth Service Corrymeela Programme | £15,384.12 |
| Residents Association Fire Service LIFE project | £2,600.00 |
| Dunclug Park/Gardens Upgrade of Street Lighting/Footpath Repairs | £818,000.00 |
| Residents Association Cross Community Christmas Event | £811.00 |
| Community Centre Refurbishment | £138,000.00 |
| Doury Road Street Lighting Upgrade | £80,320.00 |
| Northend United FC Scotland Cup International Festival | £7,590.00 |
| Dunclug Schools Sports Programme | £22,998.71 |
| NEELB/Dunclug Youth Summer Programme | £19,113.00 |
| Dunclug Citizenship & Employability Project | £54,789.00 |
| Dunclug Play Park | £112,128.00 |
| Ballymena Neighbourhood Renewal Area | |
| B.E.A.T NI Ltd | £13,378.92 |
| Ballykeel Community Development Officer | £5,686.24 |
| Youth Service | £16,685.09 |
| BRAID ABC | £1,641.36 |
| Traffic Calming Ballykeel | £26,000 |
| E.I Ballykeel P.S | £10,260 |
| Ballee After Schools | £6,787.80 |
| Ballee Pre Schools | £5,965.52 |
| Getting IT Together | £3,722.04 |
| BB Community Transport | £5,850 |
| Ocean Youth | £1,426.28 |
| Community Sport Programme | £12,952.20 |
| C.H.I.P.S 2 | £29,870.96 |
| B.E.A.T.NI Ltd | £166,539.01 |
| Ballykeel Community Development Officer | £87,688.38 |
| BRAID ABC | £32,243.46 |
| E.I. @ Skye Park | £44,652 |
| Ballykeel Playing Fields | £21,740.50 |
| Ballee Childcare Facility | £205,831.50 |

| Project Name | Amount |
|---|-------------|
| Ballee After Schools | £124,036.93 |
| Ballee Pre Schools | £163,363.01 |
| School of Music | £7,456 |
| Handrails @ Lanntara | £32,084 |
| Technical Assistance | £5,169.68 |
| Community Learning Chest | £4,583.33 |
| Getting IT Together | £18,064.20 |
| Community Sports Programme | £89,878.68 |
| Adopt A School (BHS) | £6,000.00 |
| P.7's Into Business 2008 | £2,250.00 |
| Challenging Anti Social Behaviour | £1,000.00 |
| Improving English and Maths | £5,337.00 |
| Lanntara Hand Rails Ph2 | £12,000.00 |
| Security Fence Kincora | £16,000.00 |
| CHIPS Feasibility Study | £5,000.00 |
| Be Safe At Home | £2,000.00 |
| Rock Challenge (BHS) | £2,500 |
| Grass Roots Football | £58,860.50 |
| Ballee Learning Support | £3,480.00 |
| Ballee Visual Art | £1,606.00 |
| Ballykeel Mature Adults Luncheon Club | £17,000.00 |
| Ballee Entrance Features | £56,318.88 |
| Town Centre Regeneration | |
| Projects Approved Since May 2007* | |
| Technical Services Consultancy Assignment IRO St Patrick Barracks, Ballymena | £13,000.00 |
| Consultancy assignment to produce a detailed masterplan for Ballymena town centre | £51,086.25 |
| Consultancy assignment to produce a detailed masterplan for Ballymena town centre | £10,000.00 |
| Transport Assessment for Ballymena | £50,000.00 |
| Ballymena Town Hall Environmental Improvement Scheme | £238,006.45 |
| Project Officer - Ballycastle | £94,752.00 |
| Ballymoney Town Centre EI Scheme | £381,259.06 |

* Funding may not all have been spent to date

Housing Executive Schemes: Conlig

Mr Easton asked the Minister for Social Development to outline what Housing Executive schemes are planned for the Conlig village area of North Down over the next five years. (AQW 479/10)

The Minister for Social Development: The Housing Executive is unable to confirm details of its programmes of activity beyond the current financial year and cannot therefore advise when individual schemes are likely to go onsite in subsequent years.

The Housing Executive will review its programmes when budgets have been confirmed as the delivery of these programmes is dependent on the availability of finance in any given year.

Details of the Housing Executive's programmes of activity are included in their District Housing Plans which are reviewed annually and presented to local councils. The North Down District Housing Plan is available at www.nihe.gov.uk.

Housing Executive Schemes: Whitehill Estate

Mr Easton asked the Minister for Social Development to outline what Housing Executive schemes are planned for the Whitehill Estate, Bangor over the next five years. (AQW 480/10)

The Minister for Social Development: The Housing Executive is unable to confirm details of its programmes of activity beyond the current financial year and cannot therefore advise when individual schemes are likely to go onsite in subsequent years.

The Housing Executive will review its programmes when budgets have been confirmed as the delivery of these programmes is dependent on the availability of finance in any given year.

Details of the Housing Executive's programmes of activity are included in their District Housing Plans which are reviewed annually and presented to local councils. The North Down District Housing Plan is available at www.nihe.gov.uk.

Town Centre Regeneration

Mr McGlone asked the Minister for Social Development to provide details of the review of her Department's policy on the provision of funding for town centre regeneration, including all existing and potential delivery mechanisms. (AQW 483/10)

The Minister for Social Development: My Department's policy on town centre regeneration is currently being reviewed as part of a wider review of urban regeneration policy and within the context of proposals for the Reform of Public Administration, which will see responsibility for delivery of urban regeneration transferring to local councils. This review process, which is at an early stage, will be informed by the Social Development Committee's ongoing review of town centre regeneration, and will consider all existing and potential delivery mechanisms.

Hostels in South Belfast: Sex Offenders

Mrs Hanna asked the Minister for Social Development to detail (i) the number of hostels in south Belfast that house sex offenders; (ii) the number of sex offenders in each hostel; and (iii) a breakdown, by category, of the sex offenders in each hostel. (AQW 497/10)

The Minister for Social Development: I am unable to answer this question as this information falls under Policing and Criminal Justice which is a reserved matter and can only be dealt with by the Northern Ireland Office

Projected Income: DSD

Mr Gardiner asked the Minister for Social Development to detail (i) the projected income for her Department for the previous twelve months, and the actual income received; and (ii) the total amount of projected income for her Department over the period of the CSR, and the actual income to date. (AQW 500/10)

The Minister for Social Development: The Department's primary source of income is from house and land sales, for which the information requested, broken down by financial year, is set out in the table below.

| | 2008-09 £m Budget Actual | | 2009-10 £m Budget To Date | | 2010-11 £m Budget |
|---------------------------------|-----------------------------|------|------------------------------|-----|----------------------|
| Departmental House & Land sales | 82.3 | 10.3 | 71.9 | 7.8 | 197.4 |

The Member will note that projected income levels are not fixed and the position is monitored continuously and adjustments reflected during the in-year monitoring round process. For example, various interventions were necessary to cope with the drastic fall in receipts in 2008-09. Year to date receipt levels for 2009-10 reflect the position at 31 August 2009.

NI Housing Executive: Renovation

Mr Kennedy asked the Minister for Social Development to outline the criteria used to define “special circumstances” in determining applications for NI Housing Executive renovation, repair, replacement and disabled facilities grants. (AQW 502/10)

The Minister for Social Development: Disabled Facilities Grant applications supported by an Occupational Therapist’s recommendation are mandatory. When a discretionary renovation, repair or replacement grant applicant has submitted all the documentation necessary to comply with Article 36 of the Housing (N.I.) Order 2003 (documents complete stage), the Housing Executive Grants Manager will review the application under the following criteria:

- Is the application for a discretionary grant (Renovation or Home Repairs Assistance) being processed simultaneously with an application for a Disabled Facilities Grant and are the works under the Renovation/ Home Repairs application necessary to enable the adaptation works to proceed?
- Is there an imminent and significant health and safety risk?
- Is there a serious risk from the structural stability of the property?
- Any there any other circumstances which the Grants Manager considers to be exceptional?

Where the Grants Manager considers that exceptional circumstances might exist, the application will be referred to the Assistant Director, Private Sector Improvement Services, with a recommendation listing the grounds upon which the decision is based. A committee, consisting of the Assistant Director, senior officers and senior technical officers, assesses the referred cases and decides if grant aid may be approved.

The committee meets regularly to consider referred cases as quickly as possible. Where it agrees that exceptional circumstances exist, the committee may decide to allow only those work items that address the specific circumstance. Any decision made by the committee is reported to the Grants Manager immediately with an appropriate recommendation.

Customer First Programme

Mr Savage asked Minister for Social Development (i) when the decision was taken to stand down the central tenet of the Customer First programme and the Customer Access Phones initiative; (ii) why these decisions were taken; and (iii) if she approved the decision. (AQW 512/10)

The Minister for Social Development: No decision has been made to stand down any of the central tenets of the Customer First Programme. It has however been decided jointly by the Social Security Agency and the Department for Employment and Learning Project to stand down the Customer Access Phones (CAPS). This decision was taken for two reasons, firstly given then current economic downturn, the space required to house CAPS was not available and the Public Consultation process highlighted limited support for people queuing in local offices to access a telephone service. I had previously indicated that I would also find this unacceptable, however the matter was for the CAPS project and my approval was not required.

Decontamination Project

Mr Durkan asked the Minister for Social Development for an update on the decontamination project for parts of the Fort George site in Derry. (AQW 519/10)

The Minister for Social Development: It is believed that there may be significant contamination present on the Fort George site dating back to its previous uses as shipyard, port, timber treatment yard and military base. It is estimated that the costs of remediation work could be up to £9 million. In acquiring the site in 2005, the Department for Social Development took care to ensure that previous owners, including the Londonderry Port & Harbour Commission and the MOD, provided indemnities in respect of the costs of such remediation works.

The Department and ILEX are seeking to ascertain the full nature and extent of the contamination and to resolve the complex legal issues arising from the question of who is responsible for the contamination and therefore liable to pay for remediation.

Ilex will meet MoD representatives next month to review the issues relating to contamination.

Housing Executive Schemes: Strand Area, Holywood

Mr Easton asked the Minister for Social Development to outline what Housing Executive schemes are planned for the Strand area of Holywood over the next five years. (AQW 522/10)

The Minister for Social Development: The Housing Executive is unable to confirm details of its programmes of activity beyond the current financial year and cannot therefore advise when individual schemes are likely to go onsite in subsequent years.

The Housing Executive will review its programmes when budgets have been confirmed as the delivery of these programmes is dependent on the availability of finance in any given year.

Details of the Housing Executive's programmes of activity are included in their District Housing Plans which are reviewed annually and presented to local councils. The North Down District Housing Plan is available at www.nihe.gov.uk.

Housing Executive Schemes: Redburn Area, Holywood

Mr Easton asked the Minister for Social Development to outline what Housing Executive schemes are planned for the Redburn area of Holywood over the next five years. (AQW 523/10)

The Minister for Social Development: The Housing Executive is unable to confirm details of its programmes of activity beyond the current financial year and cannot therefore advise when individual schemes are likely to go onsite in subsequent years.

The Housing Executive will review its programmes when budgets have been confirmed as the delivery of these programmes is dependent on the availability of finance in any given year.

Details of the Housing Executive's programmes of activity are included in their District Housing Plans which are reviewed annually and presented to local councils. The North Down District Housing Plan is available at www.nihe.gov.uk.

Business and Resource Centre in Rathenraw

Mr Burns asked the Minister for Social Development, pursuant to AQW 592/09, AQW 3640/09 and AQW 6966/09, to provide an update on the project to build a Business and Resource Centre in Rathenraw, Antrim. (AQW 555/10)

The Minister for Social Development: Construction of the new family and resource centre has progressed well since the appointment of a new contractor in January 2009. I anticipate that the project will be completed during October 2009.

Living Over the Shops Scheme

Mr McGlone asked the Minister for Social Development to outline what steps her Department is taking to fulfil the five year commitment given in 2006 to Cookstown District Council, to ensure that Cookstown

remains a successful Living Over the Shops scheme, and meets the demands of property owners and tenants to convert existing town centre property into affordable, high quality housing stock. (AQW 563/10)

The Minister for Social Development: The Living over the Shops initiative is an important regeneration tool which breathes new life and vitality into town centres by converting under used retail space into housing. Since 2006 approval has been given for 25 properties under the Living Over the Shops scheme in the Cookstown area. The continuation of this scheme will provide much needed additional housing in areas of high housing need.

I am pleased to confirm that the additional £500k I have allocated to this initiative will allow the Housing Executive to continue this work within the 23 Town Centre Living Initiative Areas already designated, including Cookstown.

Town Centre Regeneration

Mr McGlone asked the Minister for Social Development to detail the criteria her Department uses to support and assist Town Centre Regeneration in towns and cities; and if this criteria is equitable and effective in addressing the needs and requirements of town centres that are struggling to survive. (AQW 568/10)

The Minister for Social Development: I have published my criteria for prioritising regeneration projects in Vital and Viable, DSD's good practice guide for breathing new life into cities and towns, and I have placed a copy of this in the Assembly library. My Department works towards the creation of prosperous, sustainable towns and cities via the detailed criteria, which I am content are effective and equitable.

With the reorganisation of the Local Councils post 2011, local structures will have greater responsibility for development in their respective areas, enabling regeneration plans to further promote the unique character of our towns and cities.

Town Centre Regeneration Projects

Mr McGlone asked the Minister for Social Development, given the decline in footfall and increasing retail vacancy levels, to outline how her Department is supporting key towns with a high proportion of locally owned independent retailers, which are not located in Neighbourhood Renewal Areas. (AQW 570/10)

The Minister for Social Development: I have published my criteria for town centre regeneration projects in Vital and Viable, DSD's good practice guide for breathing new life into cities and towns, and I have placed a copy of this in the Assembly library. My Department works towards the creation of prosperous, sustainable towns and cities via these published criteria, which identify the retail offering as one of the key priorities for successful regeneration.

Social Housing Development Programme: Ring-Fencing

Ms Ní Chuilín asked the Minister for Social Development to explain the decision to remove ring fencing for north and west Belfast, and the north west region, given that the Equality Impact assessment of the strategic guidelines has yet to be completed. (AQW 576/10)

The Minister for Social Development: The mechanics for distributing the Social Housing Development Programme must be responsive to the places and people where housing need is greatest. More especially when more public housing is needed to meet growing levels of housing need; and there is such a significant shortfall in the housing budget.

In 2008 in the light of the inexorable growth in housing need, coupled with the collapse in housing capital receipts, the Housing Executive approved the immediate application of new Strategic Guidelines. These included the removal of ring fencing from all areas and the distribution of the Social Housing Development Programme on the basis of an area's proportionate share of total housing stress. Importantly, this distribution is also weighted to reflect the length of time applicants wait before being rehoused.

A preliminary Equality Impact Assessment showed that these new guidelines were robust, fair and equitable. This will be finalised in the coming months and if necessary the policy adjusted to take into account any adverse impacts identified in the final Equality Impact Assessment.

Housing Benefit Claims

Mr Butler asked the Minister for Social Development, in relation to the Northern Ireland Housing Executive, to detail (i) the length of time it takes to process housing benefit claims; (ii) what steps her Department has taken to address long delays in processing claims; and (iii) if delays in processing claims are a result of the reorganisation within the Housing Executive under the Modernising Services programme. (AQW 579/10)

The Minister for Social Development: The Housing Executive currently has a target of processing 90% of all new Housing Benefit claims within 14 days of all necessary information being supplied by the claimant. The current performance is detailed in the table.

| Service Centre | % |
|-------------------------|------|
| Belfast Private HB Unit | 100% |
| Belfast Public HB Unit | 97% |
| South East | 90% |
| South | 92% |
| North East | 89% |
| West (Derry) | 94% |
| West (Omagh) | 96% |
| NIHE Overall | 94% |

Following reorganisation, under the Modernising Services programme, Housing Benefit claims are now processed at seven Service Centres across Northern Ireland. The Housing Executive considers that this offers a more efficient delivery of service. However, due to the current economic situation there have been significantly higher numbers of Housing Benefit transactions including new claims and higher numbers of changes in circumstances. In view of this increase in demand, the Housing Executive increased Housing Benefit staffing resources. This has resulted in a significant improvement in the overall service over recent months despite the continuing increase in demand.

Housing Need

Mr McCartney asked the Minister for Social Development which area has the greatest housing need. (AQW 580/10)

The Minister for Social Development: The table below details the number of applicants on the waiting list by Housing Executive geographical area, as at 30 June 2009.

| NIHE Area | Housing Applicants | Housing Stress |
|------------|--------------------|----------------|
| West | 4889 | 2312 |
| Belfast | 9953 | 5774 |
| North East | 7765 | 3761 |
| South | 6819 | 3315 |
| South East | 8810 | 4881 |

Social Housing: Derry City

Mr McCartney asked the Minister for Social Development how many people are on the list for social housing in Derry City. (AQW 581/10)

The Minister for Social Development: At the 30 June 2009 there were 2425 applicants on the waiting list in the Derry City Council area.

Social Housing: Derry City

Mr McCartney asked the Minister for Social Development how many people are on the list for urgent social housing in Derry City. (AQW 582/10)

The Minister for Social Development: At the 30 June 2009 there were 2425 applicants on the waiting list in the Derry City Council area of which 1411 were in housing stress.

Social Housing: Derry City

Mr McCartney asked the Minister for Social Development how many social houses will be started in Derry City by year ending March 2010. (AQW 584/10)

The Minister for Social Development: There are currently 4 schemes and 240 units programmed to start in Derry city by year ending March 2010.

Housing Executive Schemes: Craigantlet Hills

Mr Easton asked the Minister for Social Development to outline what Housing Executive schemes are planned for the Craigantlet Hills area of North Down over the next five years. (AQW 591/10)

The Minister for Social Development: The Housing Executive is unable to confirm details of its programmes of activity beyond the current financial year and cannot therefore advise when individual schemes are likely to go onsite in subsequent years.

The Housing Executive will review its programmes when budgets have been confirmed as the delivery of these programmes is dependent on the availability of finance in any given year.

Details of the Housing Executive's programmes of activity are included in their District Housing Plans which are reviewed annually and presented to local councils. The North Down District Housing Plan is available at www.nihe.gov.uk.

Employment Levels

Mr McNarry asked the Minister for Social Development what plans she has to change employment levels within her Department in the next 12 months; and how many of these changes are planned to be made through redundancies. (AQW 596/10)

The Minister for Social Development: There are no plans to change employment levels within the Department for Social Development for the financial year 2009/10. Within the Department, the Child Maintenance and Enforcement Division is funded for work carried out on behalf of the Great Britain Child Support Agency. Staffing levels are dependent on the level of funding provided. As funding levels have reduced for 2009/10, fewer staff will be allocated to this work, with the reduction handled through vacancy management.

As budgets have not yet been finally agreed for 2010/11 the Department is not in a position to comment on employment levels from April 2010.

There are, at this stage, no planned redundancies.

Disability Living Allowance Appeal Tribunals

Mr Shannon asked the Minister for Social Development what steps she is taking to prevent the deferral of Disability Living Allowance appeal tribunals due to non-availability of GP records. (AQW 611/10)

The Minister for Social Development: For every Disability Living Allowance appeal received The Appeals Service ask the appellant for permission to obtain their General Practitioner records. Where consent is given, a letter is issued to the doctor's surgery three weeks before the hearing to request the records.

If the records have not been received one week before the hearing date a letter is issued to the appellant advising them of the non receipt and suggesting they contact their doctor to ensure the records are available for the Tribunal hearing.

If the surgery refuses to release the records a letter is issued to the appellant advising them of the refusal and suggesting they contact their doctor to make alternative arrangements to ensure the records are available for the Tribunal hearing.

On the day of the hearing the Tribunal is advised of the steps taken by The Appeals Service to obtain the records.

Any subsequent decision to adjourn due to the non availability of records is an independent judicial decision over which The Appeals Service has no influence.

Hunger Strike Memorial

Mr Hamilton asked the Minister for Social Development what action she intends to take to remove the hunger strike memorial erected illegally on Housing Executive land in Newtownbutler. (AQW 614/10)

The Minister for Social Development: It is understood that a memorial was erected on Housing Executive land within the Galloon Gardens area of Newtownbutler without the agreement, involvement or knowledge of the Housing Executive. The Housing Executive is currently consulting with a range of local representatives with a view to resolving this issue.

Child Maintenance Payments

Mr Hamilton asked the Minister for Social Development (i) to detail how much has been outstanding in child maintenance payments in each of the last 5 years from individuals resident in the Irish Republic; and (ii) to outline the measures in place with authorities in the Irish Republic to assist in recovering these payments. (AQW 616/10)

The Minister for Social Development:

- (i) It is important to note that the Child Maintenance and Enforcement Division has no jurisdiction either to:
- make a new determination of child maintenance liability, or
 - continue with an existing child maintenance liability

where the Non Resident Parent is deemed to be habitually resident outside Northern Ireland or Great Britain.

Individual cases do exist in which Non Resident Parents failed to pay child maintenance liabilities when they were habitually resident in Northern Ireland but payment cannot be enforced as those Non Resident Parents are now habitually resident in the Republic of Ireland.

Cases where maintenance payments are outstanding in these circumstances are not counted separately. However this debt is not “written off”: the Division suspends recovery action until such times as the individual’s circumstances change and it will continue to make strenuous efforts to recoup this outstanding maintenance of behalf of Parents with Care.

- (ii) Reciprocal agreements are not in place, either with the Republic of Ireland or any other jurisdiction outside Northern Ireland and Great Britain, to recover arrears of payments arising from non payment of child maintenance liabilities calculated by the Child Maintenance and Enforcement Division.

The Republic of Ireland is, however, a signatory to the Reciprocal Enforcement of Maintenance Orders which is an international convention. Maintenance orders made by the courts on behalf of Great Britain and Northern Ireland residents can be registered and enforced by courts or other authorities in other countries against people resident there.

A resident of Great Britain or Northern Ireland who wishes to apply to obtain Child maintenance from a person outside the jurisdiction should approach:

- Their local magistrates court if they have an existing court order for maintenance,
- Their local magistrates court if there is no existing court order.

Employment and Support Allowance Centre: Backlog

Mr Savage asked the Minister for Social Development to give details of any backlog within the Employment and Support Allowance Branch, including the reasons for this backlog. (AQW 626/10)

The Minister for Social Development: There are no backlogs in the benefit processing teams within the Employment and Support Allowance Branch, the outstanding work is well within acceptable levels. There are currently 627 appeals outstanding and this is more than the acceptable number. The backlog is due to more people than expected being disallowed Employment and Support Allowance because they are found not to have a limited capability for work following the Work Capability Assessment.

Employment and Support Allowance Centre

Mr Savage asked the Minister for Social Development how many (i) desktop computers; (ii) laptop computers; (iii) fax machines; and (iv) telephones are utilised within each section of the Employment and Support Allowance Branch. (AQW 629/10)

The Minister for Social Development: The information requested is provided in the table below.

| Section | Desktop Computers | Laptop Computers | Fax Machines | Telephones |
|---------------------------|-------------------|------------------|--------------|------------|
| Accuracy & Medical | 32 | 0 | 0 | 33 |
| Decision Making & Appeals | 37 | 0 | 0 | 37 |
| Processing | 76 | 0 | 1 | 77 |
| Operational Support | 37 | 2 | 1 | 42 |
| Telephony | 71 | 0 | 1 | 73 |
| Total | 253 | 2 | 3 | 262 |

North East Quarter Masterplan

Mr Spratt asked the Minister for Social Development, (i) for an update on the current status of the North East Quarter Masterplan for Belfast city centre; (ii) what stage the process is currently at; (iii) to outline any steps still to be taken; and (iv) the time-scale for completion. (AQW 632/10)

The Minister for Social Development: My Department's adopted masterplan for the North East Quarter of Belfast city centre was published in August 2005. A development brief for the area was subsequently issued and in March 2006 the North East Quarter was selected as the next area for a major retail-led regeneration scheme in the city centre, on the basis of proposals submitted by Leaside Developments Limited for the Royal Exchange scheme.

My Department is currently finalising the Development Agreement for the scheme which provides the legal contract for the statutory planning, commercial and funding requirements for the scheme. The Development Agreement will set out the timetable for the scheme and I will make an announcement about this as soon as the Agreement has been finalised with the developer.

Benefit Fraud

Mr Hamilton asked the Minister for Social Development (i) to outline her Department's policy on the naming and shaming of those found guilty in the courts of benefit fraud; and (ii) if the names of people guilty of benefit fraud have ever been published by her Department or the Social Security Agency. (AQW 635/10)

The Minister for Social Development: I am fully committed to minimising social security fraud. My Department has a robust counter fraud strategy but does not have a policy on "naming and shaming." Until recently personal details of individuals convicted of benefit fraud were included in the regular bulletins published on the Department's website. Whilst publication of personal details was viewed as a potential deterrent to those individuals who might commit benefit fraud, it was not considered to be a 'naming and shaming' exercise.

The content of the Department's website is continually reviewed and updated. Increasingly the website is focusing on the strategic messages that I wish to communicate about the work of my Department. Although the personal details of individuals convicted of benefit fraud will no longer be published on the website, details will still be issued to the local media by way of press releases. In addition, the regular bulletins on the website about the Department's success in tackling social security benefit fraud will continue.

Housing Maintenance

Mr Hamilton asked the Minister for Social Development how much of the £20 million promised to be released immediately for housing maintenance in the June monitoring round has been released to date.

(AQW 636/10)

The Minister for Social Development: The £20 million to be released to EGAN contractors in the June Monitoring Round was not a promise made by me but a unilateral condition the Executive placed on the £20 million capital funding allocation for Private Sector Grants (£15 million) and Disabled Adaptations (£5 million). The funding for the EGAN contracts was to be found from within the existing revenue resources already allocated to my Department.

However Housing was facing a £100 million shortfall before the June Monitoring Round and the £20 million allocation, while welcome, was needed to meet the existing commitment in relation to Private Sector Grants. To release funding to the EGAN contractors the Housing Executive will have to postpone other maintenance and related works, including suspending asbestos removal and change of tenancy repairs which will affect hundreds of smaller contractors.

The Housing Executive is continuing to investigate the possible options and ramifications of releasing the required funding.

Since June 2009 the Housing Executive has released £8 million to Egan contractors.

Social Housing: Tenants

Mr O'Loan asked the Minister for Social Development if she has given consideration to the fact that many tenants in social housing have no contents insurance; and to state what plans she has to address this matter.

(AQW 637/10)

The Minister for Social Development: I am aware that many people, both in social and private housing, have no contents insurance. This is a matter for the individuals themselves, the Government cannot compel tenants to have this insurance. However, Supporting Communities Northern Ireland, an independent province wide voluntary organisation, have arranged a contents insurance scheme with Royal and Sun Alliance Plc, which offers a weekly payment scheme for Housing Executive Tenants. The scheme does not operate on a post code basis which means that all Housing Executive tenants can avail of the same rates. In addition replacement of glass, which many other insurers will not accept for tenants, is available through the scheme.

I have asked the Housing Executive and Housing Associations to continue to advise their tenants of the benefits of being adequately insured.

Vandalism on Housing Executive Property

Mr Ross asked the Minister for Social Development how much has been spent by her Department cleaning or repairing acts of vandalism on Housing Executive property in each of the last five years.

(AQW 642/10)

The Minister for Social Development: The table below details the Housing Executive's expenditure through remedial works associated with damage caused by vandalism for the period requested.

| Financial Year | Expenditure £k |
|----------------|----------------|
| 2004/05 | 703 |
| 2005/06 | 733 |

| Financial Year | Expenditure £k |
|----------------|----------------|
| 2006/07 | 716 |
| 2007/08 | 376 |
| 2008/09 | 415 |
| Total | 2,943 |

Employment and Support Allowance Centre

Mr Savage asked the Minister for Social Development, within the Employment and Support Allowance Branch (ESAB), how many cases have been delayed due to the loss of documents received by ESAB.

(AQW 657/10)

The Minister for Social Development: The information requested is not available. The Employment and Support Allowance (ESA) Centre receives around 3000 medical certificates and 4500 envelopes containing other documentation every week. In view of the large volumes involved it is almost inevitable that some documents may, on occasion, be mislaid. Every effort is made to obtain the right documentation to ensure that benefit payments are not delayed.

Employment and Support Allowance Centre

Mr Savage asked the Minister for Social Development (i) for her assessment of the effectiveness of the Employment and Support and Allowance Branch (ESAB); (ii) whether ESAB is fit for purpose; and (iii) how often it has attained its Key Performance Indicators targets.

(AQW 658/10)

The Minister for Social Development: The information requested is set out below.

(i) & (ii) Employment and Support Allowance (ESA) has been the most significant change in the benefit system in years and the transition has been a very positive one. The introduction of the new benefit would have been challenging at any time but with the current economic downturn the task was made more difficult. Not only is ESA a new benefit, but it introduced new working practices for staff including taking claims by telephone and for the first time, the ability to process a signatureless claim. There has been a marked improvement in the performance of the ESA Centre in recent months, due to the hard work and commitment of staff and management, thus demonstrating its effectiveness and supporting the view that it is fit for purpose.

(iii) While there is no official target for processing ESA claims, the average actual clearance time for an ESA claim has improved from 23.4 days in May to 17.5 days in August. The number of outstanding claims is well within acceptable levels and telephony performance has been excellent over recent months.

Employment and Support Allowance Centre

Mr Savage asked the Minister for Social Development if her Department has any plans to transfer more staff into the Employment and Support Allowance Branch.

(AQW 659/10)

The Minister for Social Development: Staffing levels in the Employment and Support Allowance (ESA) Centre are monitored on an ongoing basis and when necessary, reviewed, to ensure they reflect variations in workloads. At present there are 8 vacancies in the Centre and new recruits are being identified to fill these posts.

Employment and Support Allowance Centre

Mr Savage asked the Minister for Social Development if her Department has any plans to expand the role and remit of the Employment and Support Allowance Branch.

(AQW 660/10)

The Minister for Social Development: The Employment and Support Allowance (ESA) Centre is responsible for processing, maintaining and paying claims for all ESA clients. There are currently no plans to change this.

Employment and Support Allowance Centre

Mr Savage asked the Minister for Social Development for a breakdown of the annual budget of the Employment and Support Allowance Branch. (AQW 661/10)

The Minister for Social Development: The allocated budget for the ESA Centre for 2009/10 is currently £4,107,000. A breakdown of this allocation is provided in the table below.

| Business Area | Budget |
|------------------------------------|-------------------|
| Wages and Salaries | £4,016,000 |
| General Administrative Expenditure | £91,000 |
| Total | £4,107,000 |

Mullacreevie Site: Development

Mr Boylan asked the Minister for Social Development, pursuant to AQW 3166/09, (i) for an update on the development of the Mullacreevie site, including zoning and open space provision; (ii) if a planning application has been submitted in relation to the 22 houses in the Mullacreevie Phase 1 development in Armagh city. (AQW 662/10)

The Minister for Social Development: Fold Housing Association has been nominated to develop the Mullacreevie Phase 1 scheme. They have carried out a feasibility study and are working towards submitting an application for planning approval which will include details of the open space provision as well as the number of homes they hope to build.

Housing Executive Homes: North Down

Mr Weir asked the Minister for Social Development how many NI Housing Executive homes in North Down are awaiting renovation or modernisation before being allocated to tenants. (AQW 666/10)

The Minister for Social Development: There are 43 properties in North Down awaiting renovation, which will subsequently be allocated.

Social Housing: Targets

Mr McLaughlin asked the Minister for Social Development to detail the specified targets for social housing in (i) Crumlin; (ii) Randalstown; (iii) Toome; and (iv) Antrim, for the next twelve months. (AQW 681/10)

The Minister for Social Development: The table below details the planned social housing starts within Antrim Borough Council area for 2009/10. There are schemes planned for Crumlin (5 units), Randalstown (25 units), and Antrim (18 units). Currently there are no schemes planned to start during 2009/10 in Toome.

| Scheme | No. of units | Client Group |
|--------------------------------|--------------|---------------|
| Neilsbrook Phase 1 Randalstown | 25 | General Needs |
| Cunningham Way, Antrim | 12 | General Needs |
| 51 Main Street, Crumlin | 5 | General Needs |
| Castle Park, Antrim | 6 | General Needs |

Employment and Support Allowance Centre

Mr Savage asked the Minister for Social Development, since its inception, how many complaints have been received by the Employment and Support Allowance Branch from (i) individual claimants; (ii) Citizens Advice Bureau staff; (iii) solicitors; and (iv) elected representatives such as councillors, MLAs or MPs. (AQW 698/10)

The Minister for Social Development: The information requested is set out in the table below.

| Origin of complaint | Number of complaints |
|------------------------------|----------------------|
| Individual claimants | 220 |
| Citizens Advice Bureau staff | 7 |
| Solicitors | 3 |
| Elected Representatives | 94 |

Employment and Support Allowance Centre

Mr Savage asked the Minister for Social Development if there is a dedicated call handling section in the Employment and Support Allowance Branch. (AQW 699/10)

The Minister for Social Development: The Employment and Support Allowance (ESA) Centre has a dedicated call handling section. The section has two dedicated telephone lines: the freephone claim line handles calls from customers who want to make a claim to ESA or want information about the benefit; the enquiry line handles calls from customers (or their representatives) with an existing claim who want to report a change of circumstances or have a general enquiry about a claim.

Employment and Support Allowance Centre

Mr Savage asked the Minister for Social Development if staff with responsibility for processing in the Employment and Support Allowance Branch are also manning telephones whilst engaged in day to day duties. (AQW 700/10)

The Minister for Social Development: Telephone duties are carried out by processing staff as they regularly have to contact customers and other operational business areas to progress claims.

Employment and Support Allowance Centre

Mr Savage asked the Minister for Social Development how many staff within the Employment and Support Allowance Branch are tasked on a daily basis with tackling benefit fraud. (AQW 701/10)

The Minister for Social Development: The Employment and Support Allowance Centre has two trained Fraud Liaison Officers. Fraud awareness training has been delivered to operational staff in the Centre. A continuous awareness programme is in place throughout the year. All staff are aware of their responsibility to report any suspected cases of fraud to the Fraud Liaison Officers.

Disability Living Allowance: Administrative Staff

Mr Savage asked the Minister for Social Development how many staff are employed in the Disability Living Allowance Branch. (AQW 702/10)

The Minister for Social Development: There are 229.52* staff employed administering Disability Living Allowance.

This number is based on whole time equivalents and will include a number of part time staff.

Housing Executive Bungalows: Millburn, Coleraine

Mr G Robinson asked the Minister for Social Development what the starting date is for the renovation and repair of the NI Housing Executive bungalows for pensioners and disabled people at Millburn, Coleraine. (AQW 712/10)

The Minister for Social Development: A Housing Executive Multi Element Improvement scheme for the bungalows in the Millburn estate was initially scheduled to start during the 2008/09 financial year. However due to the current budgetary constraints this start date was deferred. Currently the Housing Executive is unable to confirm when this scheme will start.

Examining Medical Practitioners: Complaints

Mr Shannon asked the Minister for Social Development to detail the number of complaints lodged against Examining Medical Practitioners regulated through the medical support services, about claims for (i) Disability Living Allowance; and (ii) Attendance Allowance, in each of the last three years. (AQW 720/10)

The Minister for Social Development: The total number of complaints received following a domiciliary visit by an Examining Medical Practitioner for Disability Living Allowance (DLA) and Attendance Allowance (AA) are provided in the table below.

| Year | Domiciliary Visits | No of DLA Complaints | No of AA Complaints |
|-------------------------|--------------------|----------------------|---------------------|
| April 2006 – March 2007 | 9813 | 93 | NIL |
| April 2007 – March 2008 | 9713 | 85 | NIL |
| April 2008 – March 2009 | 9640 | 71 | NIL |

Disability Living Allowance: Staff Numbers

Mr Savage asked the Minister for Social Development to list (i) the sections within the Disability Living Allowance Branch; and (ii) the number of staff in each section. (AQW 765/10)

The Minister for Social Development: The information requested is set out in the table below.

Staff employed within Disability Living Allowance Branch by Section.

| Section | Number of Staff |
|--|-----------------|
| Operational Support | 13.81 |
| Contact Centre & Customer Maintenance Team | 70.58 |
| Document Handling Centre | 27.74 |
| Disability Appeals | 44.76 |
| Decision Making Team | 72.63 |
| Total | 229.52 * |

*These numbers are based on whole time equivalents and will include a number of part time staff

Disability Living Allowance: IT Equipment

Mr Savage asked the Minister for Social Development how many (i) desktop computers; (ii) laptop computers; (iii) fax machines; and (iv) telephones are utilised within each section of the Disability Living Allowance Branch. (AQW 766/10)

The Minister for Social Development: The information requested is provided in the table below.

| DLA Section | Desktop Computers | Laptop Computers | Fax Machines | Telephones |
|--|-------------------|------------------|--------------|------------|
| Operational Support | 14 | 1 | 1 | 12 |
| Contact Centre & Customer Maintenance Team | 71 | 0 | 0 | 70 |
| Document Handling Centre | 28 | 0 | 0 | 10 |
| Disability Appeals | 45 | 0 | 0 | 30 |
| Decision Making Team | 73 | 0 | 0 | 63 |
| Totals | 231 | 1 | 1 | 185 |

Disability Living Allowance: Active Cases

Mr Savage asked the Minister for Social Development how many active cases are currently being dealt with by the Disability Living Allowance Branch. (AQW 767/10)

The Minister for Social Development: Disability Living Allowance Branch is currently dealing with 180,451 active cases, figures correct at 5 September 2009.

Disability Living Allowance: Backlog

Mr Savage asked the Minister for Social Development to give details of any backlog within the Disability Living Allowance Branch, including the reasons for this backlog. (AQW 769/10)

The Minister for Social Development: There are no backlogs of work within Disability Living Allowance Branch; the outstanding work is well within acceptable levels.

Co-ownership Scheme

Mr Weir asked the Minister for Social Development how many applications for the Co-ownership Scheme have been received from people in the North Down constituency in each of the last three years; and how many have been accepted. (AQW 801/10)

The Minister for Social Development: Co-Ownership Housing has advised me that it records statistics according to local council area, rather than by constituency. The table below details the information requested in both the North Down and Ards Council areas which are situated, at least in part, in the North Down Constituency.

| Year | Applications made | Accepted |
|----------------------|-------------------|----------|
| 2006/07 | 131 | 89 |
| 2007/08 | 305 | 180 |
| 2008/09 ¹ | 42 | 43 |
| 2009/10 ² | 99 | 28 |

1. The number of applications for the 2008/09 financial year was affected by the suspension of new applications to the scheme between April and November 2008.
2. The number of applications received during 2009/10 are currently being processed. Therefore, the number of successful applications may increase.

Housing Division: Staff Relocation

Mr Armstrong asked the Minister for Social Development to outline the rationale behind transferring Housing Section staff from James House to the Lighthouse Building. (AQW 819/10)

The Minister for Social Development: Housing Division staff were relocated from James House to the Lighthouse Building for business efficiency reasons. To assist in delivering against my priority of investing in housing and addressing the housing crisis I consider it is essential for me to have ready access to the management and staff who work in the Housing Division of my Department, which has been facilitated by this move.

Housing Executive: Tenant Financial Data

Mr Shannon asked the Minister for Social Development if she can explain why the Housing Executive cannot receive data from banks and building societies on tenants who have accumulated arrears in their accounts, given that they share this information with other organisations. (AQW 823/10)

The Minister for Social Development: All matters relevant to data protection and data sharing are the subject of a submission by the Department of Finance and Personnel to the Public Accounts Committee following its recent hearing on “The Management of Social Housing Rent Collection and Arrears”. This will be made widely available in due course.

Housing Executive: Strangford/Ards

Mr Shannon asked the Minister for Social Development how many houses have been allocated by the NI Housing Executive in (i) Strangford; and (ii) Ards, in each of the last three years. (AQW 826/10)

The Minister for Social Development: The information is not available in the format requested as the Housing Executive does not record allocations by parliamentary constituency.

The table below details the total annual housing allocations for the Housing Executive’s Newtownards, Downpatrick and Castlereagh District Office areas, which contain the areas within the Strangford constituency boundary.

| | 2007 | 2008 | 2009 |
|----------------------|------|------|------|
| Ards District | 290 | 335 | 286 |
| Down District | 177 | 184 | 219 |
| Castlereagh District | 259 | 259 | 316 |

Motability Vehicles

Mr Irwin asked the Minister for Social Development to list the approved accident repair companies tasked by her Department to repair Motability vehicles damaged in accidents. (AQW 840/10)

The Minister for Social Development: Motability is an independent voluntary organisation and is responsible for the administration of the Motability contract hire scheme. Whilst my Department facilitates the operation of the scheme by diverting payments of disability living allowance to meet contract hire payments, it is not directly involved in the administration of the scheme. Further information about the scheme can be obtained directly from Motability.

Disability Living Allowance: Process Time

Mr Savage asked the Minister for Social Development what the average time is to process a Disability Living Allowance claim. (AQW 876/10)

The Minister for Social Development: Against a Public Service Agreement target of 41 days the average clearance time for a claim to Disability Living Allowance is 39.2 days. These figures relate to August 2009, the last month for which there are full figures available

Disability Living Allowance: Branch Role/Remit

Mr Savage asked the Minister for Social Development if her Department has any plans to expand the role and remit of the Disability Living Allowance Branch. (AQW 880/10)

The Minister for Social Development: Disability Living Allowance Branch is responsible for processing, maintaining and paying claims for all Disability Living Allowance customers. There are currently no plans to change this.

Revised Written Answers

This section contains the revised written answers to questions tabled by Members.
The content of the responses is as received at the time from the relevant Minister or representative of the Assembly Commission, and it has not been subject to the official reporting (Hansard) process or changed.

CULTURE, ARTS AND LEISURE

Maze Stadium Project

In Bound Volume 43, page WA 77, replace the answer to question (AQW 248/10) asked by Mr McNarry with:

Last year, 2008/09, £10m was allocated under the Multi Sports Stadium budget line. The full amount was declared as an easement in the Monitoring Round process.

This year, 2009/10, £28.92m was allocated. £1.979m was declared as an easement in the June Monitoring round and £1.1m is being declared as an easement in September Monitoring. As permitted under the acceleration and slippage arrangements in the Investment Strategy for Northern Ireland (ISNI), it is proposed at this point in the year to reallocate the remaining £25.841m as detailed in the attached table. This proposed reallocation will be regularly reviewed throughout the year and adjustments made where necessary.

This proposed reallocation is subject to the September Monitoring process which is scheduled to be considered at the Executive meeting on 24th September.

PROPOSED INTERNAL RE-ALLOCATION OF MULTI SPORTS STADIUM BUDGET 09/10

| Project Title | 2009/2010 |
|--------------------------------|-----------|
| House of Sport | 1,000 |
| North Belfast Learning | 21 |
| 2012 Sports Facilities/Elite | 7,907 |
| SCNI Capital | 101 |
| 50 Metre Pool | 654 |
| Soccer Strategy | 2,367 |
| Tollymore | 2,592 |
| Sports Strategy Implementation | 11,199 |
| Multi Sports Stadium | (25,841) |

Athletes: SNI Funding

In Bound Volume 43, page WA 78, replace the answer to question (AQW 253/10) asked by Mr McNarry with:

Sport Northern Ireland (SNI) is responsible for the development of sport in Northern Ireland including the distribution of funding. The attached list provides an overview of the number of athletes who have received funding from SNI over the last three financial years broken down by sport and representation/team.

2007/2008

| Sport | Representation/Team | | | | |
|--------------------------|---------------------|---------------|---------|---------|-----------|
| | Northern Ireland | Great Britain | GB & NI | Ireland | Elsewhere |
| Badminton | 0 | 0 | 0 | 1 | 0 |
| Boxing | 0 | 0 | 0 | 1 | 0 |
| Canoeing | 1 | 0 | 0 | 0 | 0 |
| Cycling | 0 | 0 | 0 | 3 | 0 |
| Equestrian - Showjumping | 0 | 0 | 0 | 1 | 0 |
| Golf | 1 | 0 | 0 | 0 | 0 |
| Gymnastics | 0 | 0 | 0 | 1 | 0 |

| Sport | Representation/Team | | | | |
|-----------------|---------------------|---------------|----------|-----------|-----------|
| | Northern Ireland | Great Britain | GB & NI | Ireland | Elsewhere |
| Ice Skating | 0 | 1 | 0 | 0 | 0 |
| Judo | 0 | 0 | 0 | 1 | 0 |
| Karate | 1 | 0 | 0 | 0 | 0 |
| Karting | 1 | 0 | 0 | 0 | 0 |
| Motorcycling | 3 | 0 | 0 | 0 | 0 |
| Rowing | 0 | 0 | 0 | 2 | 0 |
| Sailing | 0 | 0 | 0 | 7 | 0 |
| Shooting | 3 | 0 | 0 | 0 | 0 |
| Surfing | 0 | 0 | 0 | 1 | 0 |
| Swimming | 0 | 1 | 0 | 3 | 0 |
| Table Tennis | 3 | 0 | 0 | 2 | 0 |
| Ten Pin Bowling | 0 | 0 | 0 | 0 | 0 |
| Waterskiing | 0 | 0 | 0 | 1 | 0 |
| Total | 13 | 2 | 0 | 24 | 0 |

2008/2009

| Sport | Representation/Team | | | | |
|------------------------|---------------------|---------------|---------|---------|-----------|
| | Northern Ireland | Great Britain | GB & NI | Ireland | Elsewhere |
| Athletics | 0 | 0 | 0 | 8 | 0 |
| Badminton | 0 | 0 | 0 | 5 | 0 |
| Bowls (Men's & Ladies) | 0 | 0 | 0 | 19 | 0 |
| Boxing | 0 | 0 | 0 | 1 | 0 |
| Canoeing | 0 | 0 | 0 | 1 | 0 |
| Cricket | 0 | 0 | 0 | 7 | 0 |
| Cycling | 0 | 0 | 0 | 5 | 0 |
| Equestrian - Eventing | 0 | 0 | 0 | 1 | 0 |
| Fencing | 0 | 0 | 0 | 1 | 0 |
| Ice Skating | 0 | 3 | 0 | 0 | 0 |
| Motorcycling | 3 | 0 | 0 | 0 | 0 |
| Netball | 0 | 0 | 0 | 0 | 0 |
| Rowing | 0 | 1 | 1 | 0 | 0 |
| Sailing | 0 | 2 | 0 | 4 | 0 |
| Shooting | 5 | 1 | 0 | 0 | 0 |
| Snow Skiing | 0 | 1 | 0 | 0 | 0 |
| Squash | 0 | 0 | 0 | 1 | 0 |
| Swimming | 0 | 0 | 0 | 9 | 0 |
| Table Tennis | 0 | 0 | 0 | 2 | 0 |
| Tennis | 3 | 0 | 0 | 2 | 0 |

| Sport | Representation/Team | | | | |
|------------------------------------|---------------------|---------------|----------|-----------|-----------|
| | Northern Ireland | Great Britain | GB & NI | Ireland | Elsewhere |
| Triathlon | 0 | 0 | 0 | 2 | 0 |
| Waterskiing | 0 | 1 | 0 | 2 | 0 |
| 2008 Commonwealth Youth Games Team | 12 | 0 | 0 | 0 | 0 |
| Total | 23 | 9 | 1 | 70 | 0 |

2009/2010

| Sport | Representation/Team | | | | |
|-------------------------|---------------------|---------------|---------|---------|-----------|
| | Northern Ireland | Great Britain | GB & NI | Ireland | Elsewhere |
| Archery | 1 | 1 | 0 | 0 | 0 |
| Association Football | 22 | 0 | 0 | 0 | 0 |
| Athletics | 0 | 0 | 0 | 6 | 0 |
| Badminton | 0 | 0 | 0 | 5 | 0 |
| Basketball (Wheelchair) | 0 | 2 | 0 | 0 | 0 |
| Bowls | 1 | 0 | 0 | 20 | 0 |
| Boxing | 0 | 0 | 0 | 9 | 0 |
| Canoeing | 7 | 0 | 0 | 1 | 0 |
| Car Clubs | 5 | 0 | 0 | 0 | 0 |
| Cricket | 0 | 0 | 0 | 9 | 0 |
| Cycling | 0 | 0 | 0 | 11 | 0 |
| Fencing | 0 | 0 | 0 | 1 | 0 |
| Golf | 1 | 0 | 0 | 12 | 0 |
| Gymnastics | 0 | 2 | 0 | 2 | 0 |
| Hockey | 0 | 2 | 0 | 11 | 0 |
| Ice Skating | 0 | 2 | 1 | 0 | 0 |
| Judo | 0 | 1 | 0 | 2 | 0 |
| Karting | 1 | 0 | 0 | 0 | 0 |
| Motorcycling | 9 | 0 | 0 | 0 | 0 |
| Netball | 16 | 0 | 0 | 0 | 0 |
| Rowing | 0 | 0 | 0 | 1 | 0 |
| Sailing | 0 | 2 | 0 | 7 | 0 |
| Shooting | 6 | 2 | 0 | 0 | 0 |
| Snow Skiing | 0 | 1 | 0 | 0 | 0 |
| Squash | 0 | 0 | 0 | 1 | 0 |
| Surfing | 0 | 0 | 0 | 1 | 0 |
| Swimming | 0 | 1 | 0 | 13 | 0 |
| Table Tennis | 0 | 0 | 0 | 2 | 0 |
| Tennis | 0 | 0 | 0 | 1 | 0 |

| | | | | | |
|-----------------|-----------|-----------|----------|------------|----------|
| Ten Pin Bowling | 1 | 0 | 0 | 0 | 0 |
| Triathlon | 0 | 0 | 0 | 3 | 0 |
| Waterskiing | 0 | 1 | 0 | 2 | 0 |
| Wrestling | 1 | 0 | 0 | 0 | 0 |
| Total | 71 | 17 | 1 | 120 | 0 |

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